

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2265

Wednesday, July 11, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, July 9, 2001 at 2:45 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of June 20, 2001, Meeting No. 2277

On **MOTION** of **HILL**, the TMAPC voted 6-0-0 (Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the minutes of the meeting of June 20, 2001, Meeting No. 2277.

REPORTS:

Chairman's Reports:

Mr. Westervelt reported that the preliminary plat for Wenmoor – PUD-646 has been withdrawn and would not be heard today.

Mr. Westervelt explained TMAPC's policies regarding time limits for applicants and interested parties. He further explained the type of information that is helpful to the TMAPC in order to better make their decisions and requested that interested parties not repeat information from previous speakers.

* * * * *

Committee Reports:

Rules and Regulations Committee

Mr. Westervelt continued the response to City Councils' letter concerning spacing requirements to July 18, 2001.

* * * * *

Director's Report:

Mr. Stump reported that there are several items on the City Council agenda for Thursday, July 12, 2001.

* * * * *

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19240 - Michelle Cole

(PD-6) (CD-9)

Location: 4807 South Zunis

Staff Recommendation:

The applicant has applied to split a small triangle off the north of Tract 2 and tie it to Tract 1, making the common boundary line horizontal. Both tracts meet all zoning requirements; however, the proposed configuration will continue to result with Tract 1 having more than three side-lot lines. Therefore, 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.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19240 as recommended by staff.

* * * * *

L-19245 - Matt Thompson

(PD-15) (County)

Location: 12228 North Memorial

Staff Recommendation:

The applicant has applied to split a 1320' X 330' ten-acre parcel into two tracts. Both tracts meet all the AG bulk and area requirements; however, the required right-of-way has not been given.

North Memorial is designated as a secondary arterial, requiring 100' of right-of-way. Tulsa County Engineering has requested the full 50' right-of-way, which would be an additional 33.5' to the existing 16'5' statutory easement. The applicant has requested a waiver of the Subdivision Regulations that require any additional right-of-way along Memorial.

Staff considers this lot-split to qualify for reduced dedication of right-of-way, considering Section 6.5.3.(c)(3) of the Subdivision Regulations. Where land to be split contains, within its boundaries, areas designated for street right-of-way on the Tulsa City-County Major Street and Highway Plan, the split shall not be approved where street rights-of-way fail to conform to said plan except upon a finding that development made possible by the split itself will not measurably increase the burden of traffic on an adjacent street to such an extent that it would adversely affect the health, safety, and welfare of the public.

Given the development of the area, staff would recommend **APPROVAL** of the waiver of Subdivision Regulations for 20' of required right-of-way, and of the lot-split, with the condition that 30' right-of-way from the center of the road be given to Tulsa County along Memorial.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19245, subject to the condition that 30' right-of-way from the center of the road be given to Tulsa County along Memorial as recommended by staff.

* * * * *

L-19252 - Larry Wayne Rudluff
Location: 5120 West 27th Place

(PD-9) (County)

Staff Recommendation:

The applicant has applied to split a 10' X 60' strip off Tract 2 and tie it to Tract 1, to make the common boundary line follow the existing fence. Both tracts meet all zoning requirements; however the proposed configuration will result with both tracts having more than three side-lot lines. Therefore, 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.

There were no interested parties wishing to speak.

Applicant was not present.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19252 as recommended by staff.

* * * * *

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19230 – Debbie McCalister (2484) (PD-19) (County)
18115 East 101st Street

L-19232 – Mark & Linda Vestal (413) (PD-12) (County)
11908 North Oswego

L-19234 – Mary R. Junk (1293) (PD-5) (CD-5)
8338 East 12th Street

L-19235 – D.L.H. Engineering, Inc. (1613) (PD-12) (County)
North and west of northwest corner 96th Street North and US-75

L-19241 – Amy Raciti (1312) (PD-12) (County)
9402 East 106th Street North

L-19244 – Jack English (1824) (PD-14) (County)
10912 East 158th Street North

L-19246 – Rosemary Davis (PD-23) (County)
4802 South 65th West Avenue

L-19247 – Sack & Associates, Inc. (3294) (PD-18) (CD-5)
5925 South 118th East Avenue

L-19248 – Norman & Patti Pruitt (1263)

(PD-20) (County)

19433 South Memorial

L-19249 – City of Tulsa (684)

(PD-18) (CD-8)

10107 East 71st Street

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

* * * * *

PRELIMINARY PLAT:

Rockford Village - (3093)

(PD-6) (CD-9)

Location: East 41st Street South & South Rockford Avenue

Staff Recommendation:

This plat consists of 46 lots in one block and one reserve on 4.5 acres. It will be developed for townhouse residential dwellings on 22' wide lots. There is an underlying plat called "Forty-First Addition" that contains a public street.

The following were discussed **June 21, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

Staff: The property is zoned RM-2 (Residential Multifamily Medium Density). Townhouse use is allowed by right in RM-2. The proposed lots are in accordance with the Zoning Code standards for minimum lot size but there is a concern with setback and/or yard requirements on several of them. On Lots 22 and 23, the required setback from the centerline of 41st Street is 85 feet. This would leave only 16 feet on which to build on those two lots. On Lot 46, there is a side yard requirement of 10 feet. This leaves only 17.8 feet of buildable width. Building lines should be shown on these three lots to put the public on notice of these requirements. Variances should not be granted in the future based on the lots being too narrow because the hardship would be self-imposed.

It is a matter of interpretation whether Chapter 10 of the Zoning Code would require a five-foot perimeter landscape strip. The applicant should satisfy himself about this requirement and provide for it if needed.

2. Streets/access:

Staff: The proposal is for private streets with 22' wide paving in 24' wide right-of-way for drive areas along the east and west sides and 32' wide with 34' wide right-of-way along Rockford Avenue. Construction will be in accordance with City specs for minor residential streets.

Public Works Traffic & Transportation: Rockford Avenue should be labeled "Private"; Existing road easement at the northeast corner should be vacated; Need limits of no access (LNA) at the stub end of 41st Place on the west side of the property; Limits of No Access language needs to be in the covenants; ingress and egress at 41st is tight, particularly for service vehicles. The corner radii should be greater in this area; a crash gate will likely be required by the Fire Department at the south end connection with Rockford.

Applicant: Will study the maneuverability within the site and will meet with Traffic to discuss; Rockford is closed to the south and there is no access proposed or desired.

3. Sewer:

Staff: No comments.

Public Works Waste Water: Extend sewer main to serve Lot 22; need 15' sanitary sewer easements; take landscape easements out of utility easements.

Applicant: Consent

4. Water:

Staff: No comments.

Public Works Water: Need easement for six-inch waterline.

Applicant: Consent

5. Storm Drainage:

Staff: No comments.

Public Works Stormwater: Provide compensatory storage in the reserve with a maximum depth of 18 inches; elevate all buildings one foot above the floodplain; pipe all drainage from this site and provide easements and include in covenants; show finished floor elevations for each lot on the plat.

Applicant: Consent

6. Utilities:

Staff: No comments.

PSO: Wants to see water and sanitary sewer plans. This is a very tight development and there may not be enough room for transformers.

7. Other:

No other comments.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Show building setback lines on Lots 22, 23, and 46 and any others where the required yard would reduce the width of the lot to less than 20 feet.
2. Provide Limits of No Access at East 41st Place and along the entire street frontage of South Rockford Place and East 42nd Street. Provide emergency vehicle crash gates. Include standard LNA language in covenants.
3. Increase the corner radii to expand maneuverability around the entrance to the project from 41st Street.
4. Extend sanitary sewer main and provide easements as required.
5. Add easement for six-inch waterline.
6. Meet all requirements of Public Works, Stormwater Design.

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 City 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 therefore 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 therefore 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.

TMAPC Comments:

Mr. Westervelt asked Mr. Beach if there would be an accompanying PUD with this preliminary plat. In response, Mr. Beach stated that there is no PUD and private streets are permitted in a townhouse development.

Applicant's Comments:

Ted Sack, 111 South Elgin Avenue, Tulsa Oklahoma 74120, stated that he has met with the Fire Marshall and have eliminated some of the concerns regarding accessibility to the subject property. He explained that he has agreed to have additional crash gates to allow for more convenience to the rear of the units.

Mr. Sack stated he is in agreement with staff's recommendation and he is currently working out the details with Public Works and the private utility companies.

TMAPC Comments:

Mr. Westervelt asked if the crash gates would be located at East 42nd Street South at the rear of the project where it abuts the residential neighborhood. In response, Mr. Sack stated that he has always concurred that there would be a crash gate at the 42nd Street location; additionally, there would be crash gates at 41st Street that would line up with the rear drive to allow the Fire Department access to the rear of the subject property.

Interested Parties Comments:

Nancy Apgar, president of Brookside Neighborhood Association, 3914 South Norfolk, Tulsa, Oklahoma 74105-3125, stated that the association and neighbors agreed to close 41st Street because originally there was going to be a retirement and assisted living homes. She indicated that there was a lot contingent closing the street, but after voting, it was decided to close it. Now she fears that there would be a lot of discord because the neighborhood doesn't know about this preliminary plat for townhouses.

Ms. Apgar indicated that she talked with Mr. Kallay and he does good work. The townhouses would benefit the adjoining houses and the businesses in Brookside.

Ms. Apgar asked about the underlying plat called the 41st Addition, which contains the public street. She asked if the neighbors do not agree with keeping Rockford closed at 42nd Street it can be protested. She stated that she is interested in protecting the neighborhood. She explained that she understood that on the east and west sides there would be a green space of 38 feet landscaped and maybe a fence. She would like to protect the neighbors on the east, west and south sides so that they have a nice landscaped area and the townhouses are not built right up to their houses. The existing homes are all one-story homes and townhouses are two stories, which would look over the houses in the neighborhood.

Ms. Apgar reminded the Planning Commission that there has been flooding in the subject area in the past and she would like the City of Tulsa to protect the neighbors regarding drainage issues. She requested that the space on the east, west and south sides be addressed as to whether it would be 38 feet or 24 feet wide with the closing of the street.

TMAPC Comments:

Mr. Westervelt reminded Ms. Apgar that the Planning Commission does not deal with stormwater issues, but her concerns are on record. He assured her that the Public Works Department would do a good job reviewing this development and addressing these issues.

Mr. Westervelt explained that today the preliminary plat is the only issue before the Planning Commission.

Applicant's Rebuttal:

Mr. Sack stated that the street was vacated and closed through District Court and there was no stipulation as to the use of the property. The architect is working on the units and currently he plans to have a drive in the back of the units. There would be a small landscaped area with bushes adjacent to the property line, then the drive and units. He indicated that there would probably be 24 feet adjacent to the property. He explained that he is not changing the zoning, and with an RM-2 zoning, two-story apartments are allowed within ten feet of the property line. He

stated that this proposal would be exceeding the requirements regarding the setbacks that are allowed.

Mr. Stump stated that the Planning Commission may need to go on record as having an additional special condition that would have Limits of No Access except for emergency vehicles on 42nd and 41st Place in order to accomplish something like this.

TMAPC Action; 6 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **6-0-0** (Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Rockford Village, subject to special conditions and standard conditions, subject to the additional special condition of no access to East 42nd Street South and East 41st Place South as recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as strikeout; language added or substituted by TMAPC is underlined.)

* * * * *

MODIFICATION OF SUBDIVISION REGULATIONS:

Academy Sports and Outdoors – (Z-5537-SP-3) (784) (PD 18) (CD 8)

Location: Northeast of East 81st Street and South U.S. Highway 169

Staff Recommendation:

The applicant is requesting a modification of the Subdivision Regulations that require sidewalks on both sides of collector streets. They wish to build sidewalks on only the west side of South 107th East Avenue and on the north side of East 79th Place South.

This plat consists of one lot in one block on 26.07 acres. It will be developed as a retail recreation and sporting goods store with 67,522 SF of floor area. The property is irregular in shape and wraps around a five-acre square that contains a PSO substation.

The TMAPC approved the preliminary and final plats recently and the item is scheduled for hearing by the City Council Thursday July 12, 2001. The applicant made this request by letter in May but staff failed to include the request with any of the plat approvals.

The collector streets abut the substation and sidewalks on the substation sides would serve no useful purpose. Sidewalks are being provided in locations where they will properly serve the development and provide for continuation in the future.

Staff recommends **APPROVAL** of modification of Subdivision Regulations.

There were no interested parties wishing to speak.

No applicant present.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the modification of Subdivision Regulations for Academy Sports and Outdoors as recommended by staff.

* * * * *

PLAT WAIVER:

PUD 193-A (292) (PD 10) (CD 4)

Location: West side of Tisdale Parkway, approximately 250 feet south of West Edison Street

Staff Recommendation:

This PUD major amendment was processed recently to allow the antenna and tower. This triggered the platting requirement.

It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities.

Staff administratively waived formal TAC review and recommends **APPROVAL** of the plat waiver.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the plat waiver for PUD-193-A as recommended by staff.

* * * * *

AMENDMENT TO CERTIFICATE OF DEDICATION:

Lot 2, Block 1, Mayfair Courts (a.k.a. Spicewood)

(PD 18) (CD 8)

East 77th Street South, east side of South Memorial Drive

Staff Recommendation:

Spicewood final plat was approved June 20, 2001. Final City Council approval and recording is imminent. It is a replat of Lot 2, Block 1, Mayfair Courts. This document seeks to amend the PUD development standards contained in this part of the underlying Mayfair plat. The applicant requests the Planning Commission to approve and endorse the attached amendment.

Staff reviewed the submitted document and finds it in order; therefore, staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

No applicant present.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the amendment to certificate of dedication for Lot 2, Block 1, Mayfair Courts (a.k.a. Spicewood) as recommended by staff.

* * * * *

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: CZ-282

AG TO RE

Applicant: Whit Mauzy

(PD-21) (County)

Location: North and west of northwest corner of West 211th Street and Highway 75 South

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-568 January 2000: PUD-568 was originally approved in 1997 with CS underlying zoning, allowing for a mixed-use development including mobile home sales. The request to abandon the PUD was subsequently filed in December, 1999 and was approved. The property is located east of the northeast corner of the subject tract and fronts on Highway 75 South.

CBOA-1612 November 1998: The Board of Adjustment approved, per conditions, a request for a use variance to allow a warehouse and pecan bagging business as a home occupation on property zoned AG and located west of Highway 75 and West 181st Street South.

CZ-245 September 1998: A request to rezone a fifteen-acre tract located west of Highway 75 South and on the south side of West 181st Street from AG to IL for warehousing and bagging pecans was denied.

CBOA-1507 May 1997: The Board of Adjustment denied a request to amend the conditions of a special exception, which would have allowed additional mobile homes for sale on the property located north of the northwest corner of West 211th Street and Highway 75 South and east of the subject tract.

CBOA-1499 April 1997: The Board of Adjustment approved a special exception, with conditions, to allow the sales of manufactured homes on property located north of the northwest corner of West 211th Street and Highway 75 South and east of the subject property. The imposed conditions stated that only eight units would be allowed on the property at any time and that parking of all merchandise for sale be on a hard surface, dust-free lot.

CZ-40 February 1982: All concurred in approval of a request to rezone a ten-acre tract that is abutting the subject tract on the northeast from AG to CS, for a truck customizing business.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 100 acres in size and is located north and west of the northwest corner of West 211th Street South and Highway 75 South. The property is sloping, non-wooded, vacant and zoned AG.

STREETS:

The subject property has no frontage on a public street.

UTILITIES: Water service is provided by Rural Water District 6 from Okmulgee and sewer will be by septic systems.

SURROUNDING AREA: The subject tract is abutted on the north, west and south by vacant land, zoned AG; to the southeast by a single-family dwelling, zoned AG; and to the northeast by a single-family dwelling and manufactured home sales, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment.

STAFF RECOMMENDATION:

Based on the lack of existing development of similar-intensity development in the surrounding area and the relative lack of infrastructure, staff cannot support the requested RE zoning. Staff recommends **DENIAL** of RE zoning and **APPROVAL** of AG-R zoning on the subject property.

NOTE: This case was continued from May 16, 2001 for the applicant to submit a PUD. To date (July 11, 2001) no PUD has been submitted and staff stands by the previous recommendation.

There were no interested parties wishing to speak.

No applicant present.

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **6-0-0** (Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to recommend **DENIAL** of RE zoning and **APPROVAL** of AG-R zoning for CZ-282 as recommended by staff.

* * * * *

APPLICATION NO.: Z-6814/PUD-650

OM/OL TO CS/OM/PUD

Applicant: Charles Norman

(PD-18-B) (CD-7)

Location: Southeast side of I-44 (Skelly Drive), east and north of East 46th Street

Staff Recommendation for Z-6814:

RELEVANT ZONING HISTORY:

Z-6382 December 1992: All concurred in approval of a request to rezone a one-acre tract located west of the southwest corner of East 46th Street South and South Fulton Avenue and south of the subject tract, from RM-1 to OM.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 25.5 ± acres in size and is located on the south side of I-44, (Skelly Drive), north and east of East 46th Street South. The property is sloping; non-wooded; contains medical clinics, offices and a hospital; and is zoned OL and OM. It was most recently the site of the Children's Medical Center and prior to that was the corporate offices of the Sinclair Oil Company.

STREETS:

Exist Access	MSHP R/W	Exist. No. Lanes	SURFACE
Skelly Drive	Varies	4 lanes	Paved
East 46 th Street South	N/A	2 lanes	Paved

The Major Street Plan designates Skelly Drive as a freeway and East 46th Street South as a residential street.

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

SURROUNDING AREA: The tract is abutted on the east by single-family homes, zoned RS-3. The Islamic Society of Tulsa, zoned RS-2, is located to the southeast of the subject tract across 46th Street. There are residential, office and church uses to the south of the tract, zoned RM-2, OM, RS-2 and SR. To the northeast of the tract along the service road frontage is an office use zoned SR and two high-rise office buildings zoned CH. To the southwest of the tract along the service road frontage is an office use zoned CG and a high-rise office building zoned OMH. To the northwest of the tract, across Skelly Drive, are single-family homes 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 property as Low Intensity – Residential on the eastern 150' and Medium Intensity – Office on the remainder. According to the Zoning Matrix, the requested CS and OM zonings **are not** in accord with the Plan Map.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and the surrounding land uses, staff recommends **DENIAL** of CS zoning as requested.

RELATED ITEM:

Staff Recommendation for PUD-650:

The PUD proposes commercial uses on 25.51 acres located on the southeasterly side of Skelly Drive between South Yale Avenue and East 41st Street. The subject tract was the former location of the Children's Medical Center. The tract is zoned OM and OL. Rezoning application Z-6814 has been filed requesting the

rezoning to CS of approximately eleven acres of the subject tract that abuts the expressway (see attachment labeled CS zoning district request). The tract is abutted on the east by single-family homes, zoned RS-3. The Islamic Society of Tulsa, zoned RS-2 is located to the southeast of the subject tract across 46th Street. There are residential, office and church uses to the south of the tract, zoned RM-2, OM, RS-2 and SR. To the northeast of the tract along the service road frontage is an office use zoned SR and two high-rise office buildings zoned CH. To the southwest of the tract along the service road frontage is an office use zoned CG and a high rise office building zoned OMH. To the northwest of the tract, across Skelly Drive, are single-family homes zoned RS-3.

The subject tract is abutted on the northwest by a one-way expressway service road and on the south by a residential collector street (46th Street). The PUD proposes a maximum of five access points to the expressway service road.

The District 18 Plan, a part of the Comprehensive Plan, designates the subject tract as Low Intensity-Residential on the east 150 feet and Medium Intensity-Office on the remainder. The requested zoning and PUD are **not in accordance** with the plan map.

Staff finds the uses and intensities of development proposed to not be consistent with the Comprehensive Plan, or in harmony with the existing and expected development of surrounding areas. Along the frontage road are office buildings, which the Comprehensive Plan envisions for the subject tract.

Therefore, staff recommends **DENIAL** of PUD-650.

TMAPC Comments:

Mr. Westervelt asked Mr. Dunlap about the development standards submitted by the applicant. In response, Mr. Dunlap stated that the applicant did submit development standards; however, staff does not feel that the rezoning and PUD would be appropriate, but if TMAPC would find it to be appropriate then staff would submit these conditions as follows:

If the TMAPC finds that commercial uses are appropriate on the entire tract, staff recommends the following standards as submitted by applicant:

DEVELOPMENT STANDARDS

Land Area:

Net	25.51 Acres	1,111,511 SF
-----	-------------	--------------

Permitted Uses:

Uses permitted as a matter of right in the CS District and uses customarily accessory to permitted principal uses, excluding Use Unit 12A, Adult Entertainment Establishments; provided no restaurant drive-through pick-up windows shall be permitted within 300 feet of the east boundary nor any vehicle-related services such as tire installation, lubrication or tune-ups are permitted within the east ~~650'~~ 200' of the east boundary, provided that no service bays would be allowed to face to the east of the PUD.

MINIMUM LOT FRONTAGE:	150 FT
MAXIMUM BUILDING FLOOR AREA:	246,000 SF
MAXIMUM BUILDING HEIGHT:	

One story not exceeding 34 feet in height.

Architectural features and business logos may exceed maximum building height with detail site plan approval.

MINIMUM OFF-STREET PARKING PER LOT:

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

MINIMUM BUILDING SETBACKS:

From the east property line	100 FT
From the centerline of East 46 th Street South	90 FT
From the northwesterly property line (Skelly Drive Service Road)	50 FT

MINIMUM PARKING AREA SETBACKS:

From the east property line	50 FT
From the south property line	20 FT
From other property lines	5 FT

MINIMUM TRASH CONTAINER SETBACKS:

From the east boundary	200 FT
From the south boundary	40 FT

LANDSCAPED AREA:

1. A landscaped area of not less than 50 feet in width shall be located along the east boundary and the existing trees shall be preserved as much as possible. If trees die, they shall be replaced with trees at locations approved by TMAPC.

2. An eight-foot high precast screening wall shall be located along the East 46th Street and South Darlington Avenue boundaries, provided the screening fence shall be a minimum of three feet high along the south side of the stormwater detention area. The TMAPC shall determine the appropriate design and exact location of the wall as part of the detail site plan approval process.
3. A minimum of 10% of the net land area of each lot shall be improved in accord with the Landscape Chapter of the Tulsa Zoning Code as internal landscaped open space, which shall include at least five feet of street frontage landscaped area.
4. The following exhibits B-1, B-2, B-3, and B-4 of the applicant's Outline Development Plan.

MAXIMUM ACCESS POINTS ONTO SKELLY

DRIVE SERVICE ROAD:

Five

No access shall be permitted to East 46th Street and South Darlington Avenue except crash gates as required by the City of Tulsa Fire Department for emergency access to the PUD.

SIGNS:

1. One center and/or major tenant identification ground sign shall be permitted at the principal entrance on the Skelly Drive service road with a maximum of 280 square feet of display surface area and 25 feet in height.
2. One ground sign shall be permitted for each lot which has at least 150 feet of frontage on the Skelly Drive service road, with a maximum of 160 square feet of display surface area and 25 feet in height for each sign, not to exceed a total of six such signs within the PUD.
3. All ground signs shall be located along the Skelly Drive Service Road frontage and at least 150 feet from the east boundary of the PUD.
4. Wall signs shall be permitted not to exceed two square feet of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed 75% of the frontage on the tenant space. No wall signs shall be permitted on the east-facing and south-facing walls if within the east 800 feet of the PUD.

TRUCK LOADING DOCKS:

Truck loading docks within 500 feet of the east boundary or within 200 feet of the south boundary of the PUD shall be enclosed by a masonry screening wall a minimum of ten feet in height. Final design and height of the wall shall be approved by TMAPC during the detail site plan approval process.

Trucks within 300 feet of the east boundary shall not idle engines during waiting periods.

STORMWATER DRAINAGE:

All stormwater from impervious areas shall be drained to the west and north and away from the east boundary of the planned unit development.

HOURS OF OPERATION:

No use permitted within the planned unit development shall be open to the public except between the hours of 7:00 a.m. and 11:00 p.m. provided:

1. Patrons who arrive at a restaurant prior to 11:00 p.m. may complete their meals after 11:00 p.m.;
2. Automatic teller and similar automated machines may be operational between the hours of 11:00 p.m. and 7:00 a.m.;
3. Unmanned card operated automobile fueling stations more than 300 feet from the east boundary of the PUD may be operational between 11:00 p.m. and 7:00 a.m.; and
4. Restaurants located within the westerly 450 feet of the planned unit development may be open to the public between the hours of 11:00 p.m. and 7:00 a.m.

The limitations on the hours that permitted uses may be open to the public shall not apply to janitorial services, merchandise stocking and maintenance conducted between the hours of 11:00 p.m. and 7:00 a.m.

TRAFFIC CIRCULATION RESTRICTIONS:

Subject to the approval of the City of Tulsa, curbing and signage shall be installed at the intersection of the Skelly Drive service road and South Hudson Place to prohibit right turns from the service road onto South Hudson Place. The developer of the property within the planned unit development or any part thereof shall deposit with the City of Tulsa the cost of such curbing and signage prior to the issuance of any building permit.

Subject to the approval of the City of Tulsa and availability of funding, two traffic circles or restrictors shall be installed on East 46th Street east of the southeast corner of the planned unit development in order that traffic on East 46th Street shall be slowed or the use of East 46th Street by through traffic shall be discouraged. The developer of the property within the planned unit development or any part thereof shall deposit with the City of Tulsa 50% of the cost of such traffic circles or restrictors prior to

the issuance of any building permit.

- A. 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 screening walls and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- B. 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.
- C. 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.
- D. 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.
- E. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in adjacent residential areas or public street right-of-way. Light standards within 150 feet of the east boundary shall not exceed 25 feet in height and shall not exceed 35 feet within the remainder of the property. All lights shall be hooded and directed downward and away from the boundaries of the property. Building-mounted lights shall not exceed 12 feet in height and shall be hooded and the light directed downward. No outdoor lighting shall be permitted within the east 45 feet of the property.
- F. 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.

- G. 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.
- H. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
- I. 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.
- J. There shall be no outside storage of recyclable material, trash or similar material, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
- K. There shall be no outside storage, sales or display of merchandise permitted.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing United Commercial Development of Dallas and on behalf of the owners, Hillcrest Healthcare System, stated that Hillcrest has operated the subject property as Children's Medical Center until approximately year and half ago. He explained that there has been a national effort to find an appropriate owner and this application has been prepared by a team of people, including Ted Sack, Traffic Engineering and staff.

Mr. Norman explained that the subject application has been continued from May to today in order to have discussions with neighborhood organizations about the appropriate use and development standards for the subject property. He indicated that there have been four different meetings with the neighborhood organizations and he has developed amended development standards that were submitted to the staff.

Mr. Norman submitted and described photographs of the subject property and the surrounding neighborhoods (Exhibit A-3). Mr. Norman cited the history of the subject site and its past uses. Mr. Norman further cited the zonings of several sites in the subject area and their uses. Mr. Norman stated that the subject buildings are obsolete and they would be removed. He indicated that looking on the east part of the subject property, the expressway is elevated and persons on the properties to the north of Skelly Drive cannot see the east part of the subject property. He stated that the existing mature trees within the site would be

preserved and are within 50 feet of the east boundary. There is a green area on the south side, which is currently 32 feet, and it would be increased to 50 feet. Mr. Norman cited the views from different directions of the subject site.

Mr. Norman stated that the subject property was developed in the late 1950's and would fit directly within the definitions of an Infill project. The subject site was platted more than 25 years ago and contains the original structure that is no longer usable or viable, nor complies with the existing building code.

Mr. Norman explained that he is requesting an approval for a development plan that would permit the conceptual illustration (Exhibit A-4). He indicated that the screening and landscaping are along the east, south and all the way around to a point that is acceptable for a sight line and visibility at the intersection. He stated that after the negotiations, he has developed a significant amount of support from abutting property owners.

Mr. Norman stated that the zoning request is for 11 acres along the service road, which would accommodate the proposed PUD. He commented that staff has indicated that the existing Comprehensive Plan does not support this application, but does support medium and light office use on the subject property. He further commented that the Comprehensive Plan is outdated and deserves a fresh look. An element that was added to the Development Guidelines several years ago, which recognizes linear development areas, and the following is the support he has found for the subject application: "identifiable part of the metropolitan area which do not meet the criteria for designation as a node, corridor or special district, but are influenced by existing land uses within nearby special districts or corridors, or are influenced by existing linear zoning patterns to the extent that sub-district development limitations are not appropriate. These parts of the metropolitan area may be designated within the district comprehensive plan as 'linear development areas' within which certain modifications of intensity and change in zoning may be permitted" (Exhibit A-5). He explained that on the north side of 51st Street there are medium intensity uses, including RM-2, CS, Corridor, etc. Mr. Norman cited the different zonings and uses in the subject area that would support a linear development pattern.

Mr. Norman stated that the subject property is an appropriate use for commercial purposes. The OM zoning would permit, through a PUD or BOA exception, multifamily use and the staff has indicated that they would be supportive of multifamily uses, which he could support. He explained that based on medium intensity, multifamily, the 25 acres could accommodate at least 400 or possibly 500 multifamily units. It could also accommodate using the 25 acres in a more typical floor area ratio for offices (35%) that would be three times as many square feet of office as there are presently on the subject property. Either one of these changes would result in significant issues for the neighborhood that abuts on the east, and any of the probable uses would result in additional traffic in the subject area. He indicated that his client is accustomed to building adjacent to

expressways that require getting off of the expressway to use a service road to get to the shopping area.

Mr. Norman explained that after several neighborhood meetings, his client has filed the amended development standards and increased the height of the screening wall to eight feet, entirely around the subject property, no drainage to the east, prohibited access to 46th Street or Darlington, no operation of 24-hour retail uses, hours of operation 7:00 a.m. to 11:00 p.m. except for restaurant uses, an ATM facility and a non-manned fuel center. Mr. Norman submitted a petition signed by the owners of neighborhood homes and the multifamily condominium in support of the application (Exhibit A-1).

Mr. Norman indicated that he now has specific approval of 15 lots that back up to the subject property, people most affected on the south side and development standards that are acceptable, with comments to three of those standards. The first is stormwater drainage, and he has agreed to the stormwater drainage being drained to the west and requests that the staff recommendation be modified to strike the word impervious. The second comment regards the architectural elements and logo standards included in the PUD standards, because these could be higher than the maximum of 34 feet, and he would like the opportunity to submit this to the Planning Commission when the application comes back for final approval. He requested that the permitted uses be amended to allow vehicle-related services within the east 250', provided that no service bays face to the east of the PUD. He explained that noise has never been an issue on the subject project because there are 80,000 to 90,000 cars and trucks per day passing the subject site on the expressway.

TMAPC Comments:

Mr. Westervelt asked Mr. Norman if his only concerns regarding the staff recommendation were the privilege of having the architectural details submitted during detail site plan review, striking the word "impervious", no auto repair within 200 feet of the east boundary and the bays facing away from the east.

Mr. Ledford asked Mr. Norman if there would be any outside storage or outside sales. In response, Mr. Norman stated that there is a standard condition in the staff recommendation. In response, Mr. Stump stated that the recommendation is not a staff recommendation, but was submitted by Mr. Norman. Mr. Stump indicated that under "J", the outside storage is addressed. Mr. Ledford stated that he is concerned about nursery stock being stored outside, outside display area for building products, etc. In response, Mr. Stump stated that the applicant has not proposed a restriction on that type of activity. Mr. Norman stated that without knowing who the tenants would be, he could not state whether there would be any outside sales. Mr. Westervelt asked Mr. Norman if her would have a problem with the Planning Commission determining any restrictions regarding outside sales during detail site plan review. In response, Mr. Norman stated he had no problem with outside sales being determined at detail site plan review.

Mr. Norman stated that the neighborhood is concerned about traffic in the neighborhood today. Mr. Norman proposed restricting Hudson Place to outbound direction only and constructing a widening with appropriate signage stating, "do not enter" at Hudson Place and the frontage road. This would eliminate traffic going to the northeast out of the project turning right and wandering through the neighborhood. He indicated that he has agreed with the neighbors, subject to approval by the City of Tulsa, that his client would pay the entire cost of the widening and signage at Hudson Place and the frontage road. On 46th Street, his client has agreed to pay one-half of the cost for traffic restrictors to the east of the subject property to South Sheridan Road. These two issues, together with the wall and the elimination of any access to 46th Street or South Darlington, were designed and negotiated to assure that there would be no traffic from the subject project entering the neighborhood to the south and east.

Mr. Norman stated that the developer has advised him that the provision for outside storage or sales is not necessary.

Mr. Norman requested that interested parties in support of this application, but not wishing to speak, be recognized in the audience. Mr. Westervelt asked the interested parties who are not wishing to speak, but are in support of this application, to raise their hands or stand. Several people indicated their show of support for this application.

Interested Parties In Support of Z-6814/PUD-650:

Windham Hill, 4502 South Hudson Place, Tulsa, Oklahoma 74135; **Charles Beach**, 4512 South Hudson Place, 74135; **Walter E. Murphy**, 4618 South Granite, Tulsa, Oklahoma 74135; **Jim Hickerson**, 5530 East 46th, Tulsa, Oklahoma 74135; **Paul & Greta Newsome**, 5532 East 46th, Tulsa, Oklahoma 74135; **Donna Fitzpatrick**, 5514 East 46th, Tulsa, Oklahoma 74135; **Joann Banfield**, 5506-D East 46th, Tulsa, Oklahoma 74135; **Ruth Jones**, 4620 South Granite, Tulsa, Oklahoma 74135; **Charlotte Erwin**, 5548 East 46th, Tulsa, Oklahoma 74135; **Roberta Colwell**, 4518 South Hudson Place, Tulsa, Oklahoma 74135; **David L. Webster**, 4615 South Granite, Tulsa, Oklahoma 74135; **Larry R. Harmon**, 4414 South Hudson Place, Tulsa, Oklahoma 74135;

Mr. Harmon in at 3:05 p.m.

Interested Parties In Support of Z-6814/PUD-650 Comments:

This application should be used as an example of what can be accomplished when a developer and the homeowners sit down to discuss concerns and arrive at solutions; adjacent property owners are in agreement with the application after discussing and negotiating the issues; major retailer has chosen Tulsa for his project and new jobs will be brought to Tulsa, as well as tax revenue; Tulsa needs new businesses and this is a positive thing for Tulsa; the subject proposal will be an inconvenience, but the developer is willing to work with the neighbors to address issues that would help alleviate several concerns;

Interested Parties Opposing Z-6814/PUD-650:

Leo Framel, 4607 South Norwood, Tulsa, Oklahoma 74135; **Don & Paula Hubbs**, 4323 South Irvington, Tulsa, Oklahoma 74135; **Gary Kruse**, President of Stevenson Homeowners' Association, 4501 South Kingston, Tulsa, Oklahoma 74135; **David Siebert**, 4723 South Joplin, Tulsa, Oklahoma 74135; **Tom Padalino**, President of the Max Campbell Homeowners' Association, 4242 South Darlington, Tulsa, Oklahoma 74135; **Joyce Martin**, submitted a petition with 94 names (Exhibit A-2), 4651 South Lakewood, Tulsa, Oklahoma 74135; **Kay Campbell**, 4771 South Irvington Avenue, Tulsa, Oklahoma 74135; **Jess Daniel**, 4016 East 43rd Street, Tulsa, Oklahoma 74135; **Les Wildman**, 6105 East 46th, Tulsa, Oklahoma 74135.

Interested Parties in Opposition Comments:

Traffic concerns; cut-through traffic into the neighborhood; 83% of Stevenson Homeowners Association members voted against the subject proposal; 46th Street is the only east/west street between 41st and 51st that intersects with the service road; most vehicles using 46th are using it to cut through the neighborhoods and using it as an arterial street, which it was not developed for; if the developer has any way to solve the concerns of the majority of the people who are opposed to this application, then they would be willing to listen; concerned about the neighborhood children's safety; vehicles would have to go through the neighborhood to access the subject property; on May 16th, 94% were opposed to the rezoning, Board approved continuing negotiations with the developer; the Board approved a 11-1 vote to support the revised application; on June 19th the members voted 73% opposed the subject application and 26 ½% voted to approve it; Stevenson Homeowners' Association has 230 members and the majority requested denial of the subject property; there are only two streets in the neighborhood that directly open onto 51st Street; the Max Campbell Association voted unanimously to oppose the subject application; traffic and noise concerns particularly on Darlington; concerns about gridlock on their neighborhood streets; unable to exit their neighborhood due to Promenade Mall traffic; no sidewalks for pedestrians; additional traffic from the new school developed by the Islamic Society of Tulsa, which used to be the Stevenson School; do not want commercial development and the traffic it would generate; drainage and flooding concerns; increased burglary concerns.

TMAPC Comments:

Mr. Midget asked Mr. Kruse how many members were present during the voting. In response, Mr. Kruse stated that the total votes were 47 nays, 17 ayes.

Mr. Midget asked Ms. Martin if there was anyone who was in favor of the project while canvassing the neighborhood with the petition. In response, Ms. Martin stated that she did not encounter anyone happy about this application. Ms. Martin stated that her petition represents the Stevenson Neighborhood and some names are not members of the association and were unable to vote at the meeting Mr. Kruse spoke of.

Mr. Westervelt reminded the interested parties that the Planning Commission does not regulate stormwater or drainage issues. He stated that the Public Works Department would handle these types of issues during the platting process and they do a very good job. He encouraged the interested parties to express their concerns for the record, but reminded them that it would be an issue for Public Works.

Applicant's Rebuttal:

Mr. Norman stated that all of the drainage from the subject property will drain to the west and north, crossing Yale and then into the Joe Creek drainage basin. He assured that none of the drainage would go to the east into the Irvington Neighborhood area.

Mr. Norman indicated that Mr. Wildman is one of the eleven members of the Board of Directors of the Stevenson Homeowners' Association and he voted in favor of the project, and he was directing his concerns toward the drainage.

Mr. Norman stated that the traffic issues have been the primary concern since the beginning of the project. After negotiations, his client has eliminated the possibility of cars leaving the shopping area and getting back into the current neighborhood and exacerbating the problems already existing. He commented that the problems that currently exist would exist, regardless of the future use of the subject property. He stated that by eliminating access to 46th Street, building the screening wall and restricting right turns, his client has addressed the concern that would naturally occur of increased traffic through the neighborhood. He explained that his client couldn't do anything about the traffic generated by the Islamic School or to and from Sheridan because they are public streets.

Mr. Norman stated that in regard to the Max Campbell Addition on the north, the neighbors have many complaints and deservedly so after reading about their treatment in the Sunday World Newspaper. He explained that during the meeting with this neighborhood, he suggested and supported to cul-de-sac 44th Street to avoid the cut-through traffic from Bishop Kelly, but his client is unable to make this happen. He commented that he advised the neighborhood to contact Traffic Engineering to address these issues. Mr. Norman stated that there are several ways to help this neighborhood with their current traffic problems; however, his client can't do this for the neighborhood because it would have to be done by the City of Tulsa.

Mr. Norman commented that there have been no objections expressed to the screening or design of the eight-foot masonry precast wall, the landscaping and preserving more than 25 existing trees. There have been no objections to the height restrictions on the lights, restriction on the wall signs, or the landscaped strip that would be 20 feet wide along 46th Street. He stated that no one has objected to these proposals, and generally, he did not hear any objections to commercial use of the subject property.

Mr. Norman stated that if the subject property were developed as offices it would require over 1300 parking spaces for office use. Any change of use or development of a 25-acre resource would result in increase of traffic. The real issue is the use of the property and whether it can be accomplished under the existing zoning or recognizing the linear corridor that is provided for in the Development Guidelines. That has been recognized in many areas of the community and implemented by the existing zoning pattern from Utica, and beyond 31st Street intersection of Memorial Drive. He commented that after going through the exercises that he has to prove to the Planning Commission and the many people who have spoken in favor of this. This process has worked well and productively. He indicated that the protest letter that INCOG received in April would have approximately half of them in favor today. This is a positive way to work with an infill development and approach the problems that areas associated with higher intensity development and that also come from the adjacency to the interstate highway system.

Mr. Norman concluded by requesting the Planning Commission to approve the requested zoning and PUD with the development standards.

TMAPC Comments:

Mr. Harmon asked if the people in support of this application are homeowners or renters who would be there for a short period of time. In response, Mr. Norman stated that there are 18 single-family lots that abut the east boundary of the proposal. Mr. Norman indicated that 15 of the 18 homeowners signed a petition in favor of this project. Mr. Norman stated that one lot was for sale and vacant, and two lot owners could not be reached. Mr. Norman further stated that the Plaza Hills and Kendall Wood Condominiums are directly south of the subject property and their Board of Directors supported this proposal. Mr. Norman explained that the Stevenson Homeowners' Association had a meeting of the Board of Directors and they voted 11-1 to recommend approval of the project. Mr. Norman further explained that the second meeting, where Councilor Bird appeared and spoke in opposition to the plan, resulted in a vote of opposition. Mr. Norman stated that there are 230 members of the Stevenson Homeowners' Association and there were approximately 67 or 68 members present and voting at the second meeting. Mr. Norman stated that he attended a meeting in May and there were probably three times as many people present than there are today, and he agrees that there were probably 93% or more in opposition to the project. Mr. Norman commented that the proposal today has probably the highest number of individuals supporting a project that he has had the pleasure of hearing in his experience. Mr. Norman stated that he is proud of what was accomplished by the developers and Mr. Sack.

Mr. Ledford stated that he is concerned about the trip generations. Mr. Ledford asked what type of trip counts would there be versus the proposal if the subject property were developed today utilizing the zoning that is in place. In response, Mr. Norman stated that apartments develop eight to ten trips per day, per unit.

Mr. Stump stated that apartments usually generate 6 ½ trips per day, per unit. Mr. Norman stated that from a traffic generation standpoint commercial traffic peaks are at different times from apartments or residential. Mr. Norman explained that commercial stores and shops generally do not open until 9:00 a.m. or 10:00 a.m. and remain open later than the homebound traffic peaks.

Mr. Stump stated that it would be fair to say that one cannot predict the amount of traffic that would be generated either by the commercial use or whatever type of office would be developed. He commented that any of the scenarios would have a major increase on the site. Commercial use would more than likely have tractor-trailer traffic associated with it and would continue into the evening, and could have deliveries early in the morning or late evening. Traditionally, offices have been constrained to traffic peaks in the morning and 5:00 p.m. when there is little or no activity in the area. Therefore, it becomes more compatible with the adjacent residential areas.

Mr. Midget stated that this is a difficult application that the Planning Commission has had to deal with in the past few years, particularly when trying to redevelop developed areas of the City and trying to find something that is compatible with the surrounding neighborhoods. One of the difficulties is that the subject property will develop and it would be something other than single-family residences, which would probably be the lowest trip generator available. The development, as it is proposed, would provide a better development than straight zoning as it is today. With everything said and done, this application offers the neighborhood a better opportunity to direct its own destiny. The major concern seems to be with traffic and the developer has made efforts to stop the traffic coming into the neighborhood on the southern end and has addressed the traffic issues in the subject area. The traffic on the other side of the expressway, near Darlington, is hard to address, and it would be unfair to hold this particular application hostage because of their traffic concerns. Mr. Midget concluded that he would support this application as presented.

Mr. Ledford stated that he is in support of the application. He commented that any development would generate more traffic, and unfortunately, this would affect the neighborhoods. The Planning Commission does not have the knowledge to solve the traffic problem and as redevelopment occurs, it will create a different traffic pattern and increase traffic loads. Regardless if the subject property is zoned OM or OL, or rezoned CS, there would be an impact on the traffic. The developer could develop today as OM or OL and it would generate 1,000 parking spaces and more trip generations. Mr. Ledford concluded that he would support this project, and he urged the applicant to be very careful about outside sales, display for sales, tent sales, and shopping cart storage. If there is any type of outside storage area it should be properly screened.

Mr. Westervelt requested staff to produce a letter to Public Works and the Mayor's office expressing the concern about the neighborhood problems on the north side of I-44. He stated that he would be in favor of this proposal with the conditions and standards discussed.

Mr. Horner stated that Mr. Norman and the developer worked well with the neighborhoods. There would be a traffic issue whether this developer or another develops it. The traffic will never go away and anytime there is growth, there is a traffic problem.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **6-1-0** (Harmon, Horner, Jackson, Ledford, Midget, Westervelt "aye"; Hill "nay"; none "abstaining"; Boyle, Carnes, Pace, Selph "absent") to recommend **APPROVAL** of CS zoning as requested and depicted on the attachment to the rezoning application and recommend **APPROVAL** of PUD-650, subject to architectural design being reviewed at detail site plan, automotive uses being 200 feet from the east boundary with no bay doors facing east and no outside storage, sales or display of merchandise, as presented by the applicant and modified by TMAPC.

Legal Description for Z-6814:

A TRACT OF LAND THAT IS PART OF LOT 1 IN BLOCK 1 OF "SINCLAIR RESEARCH LABORATORY ADDITION", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO RECORDED PLAT NUMBER 2359 THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE NORTHEAST CORNER OF SAID LOT 1; THENCE S 00°02'45" E ALONG THE EASTERLY LINE OF LOT 1 FOR 396.34'; THENCE S 49°08'53" W AND PARALLEL WITH THE NORTHWESTERLY LINE OF LOT 1 FOR 1517.79' TO A POINT ON THE SOUTHWESTERLY LINE OF LOT 1; THENCE N 42°27'23" W ALONG SAID SOUTHWESTERLY LINE FOR 0.00' TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 1°36'16" AND A RADIUS OF 120.00' FOR 3.36' TO A POINT OF TANGENCY; THENCE N 40°51'07" W ALONG SAID TANGENCY AND ALONG THE SOUTHWESTERLY LINE FOR 296.64' TO THE MOST WESTERLY SOUTHWEST CORNER OF LOT 1; THENCE N 49°08'53" E ALONG THE NORTHWESTERLY LINE OF LOT 1 FOR 1776.85' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND. **From** OL and OM (Office Low Intensity District and Office Medium Intensity) **To** CS (Commercial Shopping Center District).

Legal Description for PUD-650:

Lot 1, Block 1, Sinclair Research Laboratories Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and located on the south side of I-44 (Skelly Drive), east and north of East 46th Street South, Tulsa, Oklahoma, **From** OL and OM (Office Low Intensity District

and Office Medium Intensity) To OL/OM/CS/PUD (Office Low Intensity District/Office Medium Intensity District/Commercial Shopping Center District/Planned Unit Development).

* * * * *

Chair called for a five-minute recess at 4:14 p.m.
Chair called the meeting to order at 4:20 p.m.

APPLICATION NO.: PUD-360-A-8

MINOR AMENDMENT

Applicant: Darin Akerman

(PD-18) (CD-8)

Location: West of northwest corner of East 91st Street and South Memorial Drive

Staff Recommendation:

The applicant is requesting a minor amendment to allow a lot-split and reallocation of floor area in Development Area 2-A-2 in PUD-360.

A minor amendment was approved in August of 2000 to allow restaurant uses within 70 feet of the west boundary of the PUD. The current minor amendment request will reallocate floor area to two new tracts and allow the uses permitted by the approved PUD and the minor amendment.

The maximum floor area permitted in Development Area 2-A-2 is 32,000 square feet. The minor amendment proposes a new Tract A of 3.170 acres with a maximum building floor area of 25,436 square feet, and a new Tract B of .818 acres with a maximum building floor area of 6,564 square feet.

All other Planned Unit Development standards remain as approved for PUD-360, with parking provided being in accordance with the applicable use unit of the Zoning Code.

Staff recommends **APPROVAL** of the minor amendment per the attached proposed development standards with all other PUD standards remaining as approved for PUD-360 as amended.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Comments:

Mr. Ledford stated that he is concerned about the landscaping being in place. In response, Mr. Dunlap stated that he discussed this issue with Neighborhood Inspections, and in their opinion the landscaping requirements had been met. Mr. Stump stated that staff did a field check and the landscaping was in place and met the requirements.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted **7-0-0** (Harmon, Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Pace, Selph "absent") to **APPROVE** the minor amendment for PUD-360-A-8 per the attached proposed development standards with all other PUD standards remaining as approved for PUD-360 as amended and as recommended by staff.

* * * * *

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6825

RS-3 TO PK

Applicant: Ricky Jones

(PD-6) (CD-7)

Location: South of southwest corner of East 31st Street and South Louisville

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-638 October 2000: All concurred in approval of a request for a Planned Unit Development on a 1.9-acre tract located on the southwest corner of East 32nd Place and South Jamestown from RM-1 and RM-2 to PUD for a two-story medical office development.

BOA-17502 September 1996: The Board of Adjustment approved a special exception to allow a public library, Use Unit 2, on property located east of the northeast corner of East 32nd Place and South Harvard and a variance of the required frontage on a non-arterial street from 50' to 22' to permit a lot-split.

BOA-16586 February 1994: The Board of Adjustment approved a special exception to allow a drive-through facility in an OL-zoned district and for an existing bank. The property is located on the northeast corner of East 31st Street South and South Louisville Avenue and northeast of the subject property.

Z-6393 March 1993: All concurred in approval of a request to rezone a lot located east of the northeast corner of East 31st Street and South Louisville Avenue from RS-3 to OL.

Z-6227 January 1989: All concurred in approval of a request to rezone a 1.3-acre tract located on the southeast corner of East 31st Street South and South Louisville Avenue directly east of the subject tract from RS-3 to OL on the north 150' and PK zoning on the south tract that fronts the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 81.2' x 132.5' in size and is located south of the southwest corner of East 31st Street South and South Louisville Avenue. The property is flat, non-wooded, contains a single-family dwelling and is zoned RS-3.

STREETS:

Exist Access	MSHP PLANNED R/W	Exist. No. Lanes
East 31 st Street South	100'	4
South Louisville Avenue	N/A	2

The Major Street Plan designates East 31st Street South as a secondary arterial street. South Louisville Avenue is a minor street.

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

SURROUNDING AREA: The subject tract is abutted on the north by an office use, zoned CS; to the east by a parking lot and open green space, zoned PK; to the west by a parking lot that provides parking for the office building to the north and that fronts East 31st Street; to the southwest by an apartment complex, zoned RM-1; and to the south by single-family dwellings, zoned RS-3.

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.

According to the terms of the existing Zoning Matrix the requested PK zoning is **not** in accordance with the Plan Map.

STAFF RECOMMENDATION:

The subject tract abuts a parking lot to the west; it fronts a parking lot to the east across South Louisville Avenue and abuts a commercial tract on the north. Although the Comprehensive Plan does not support PK zoning for the subject tract at the present time, based on existing uses of the land, staff can recommend **APPROVAL** of PK zoning for Z-6825.

If PK zoning is approved on this property, the TMAPC should direct staff to prepare appropriate amendments to the District 6 Plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to recommend **APPROVAL** of PK zoning for Z-6825 as recommended by staff.

Legal Description for Z-6825:

The North 81.25' of the South 132.5' of the East Half of Lot 1, Albert Pike 2nd Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located south of the southwest corner of East 31st Street South and South Louisville Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To PK (Parking District).**

* * * * *

APPLICATION NO.: CZ-285

AG TO CS

Applicant: David Charney

(PD-15) (County)

Location: South of southeast corner of East 116th Street North and U.S. Highway 169 North

Staff Recommendation:

RELEVANT ZONING HISTORY:

CBOA-1844 April 2001: The County Board of Adjustment approved a request for a special exception to allow a church daycare center and private school on property located in the northwest corner of East 106th Street North and Highway 169.

CZ-260 January 1999: An application to rezone a 90-acre tract abutting the subject tract on the south, from AG to CS was withdrawn by the application prior to a public hearing.

CBOA-0679 July 1986: All concurred in approval to allow a church use on property located in the northwest corner of U. S. Highway 169 and East 106th Street North.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 14.4 acres in size and is located on the east side of U. S. Highway 169 North and between East 106th Street North and East 116th Street North. The property is gently sloping, non-wooded, vacant, and zoned AG.

STREETS:

The subject property abuts the right-of-way of U. S. Highway 169 North on the north but does not have access to a road or street.

Exist Access

None

MSHP R/W

N/A

Exist. No. Lanes

None

UTILITIES: Washington County Rural Water system provides water in this area. Sewer is by septic systems or lagoons.

SURROUNDING AREA: The subject tract is abutted on the west by U.S. 169, zoned AG; on the north, south, east and farther west across U.S. 169 by vacant land, all zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 15 Plan, a part of the Owasso Comprehensive Plan, designates the subject property as Commercial/Office – High Intensity. Anticipated uses might include large retailers, home improvement stores, office complexes, or shopping malls. These properties should be adjacent to major transportation corridors and intersections, have maximum visibility, and be adequately buffered from lower intensity residential uses and areas that contain municipal sewer service or are projected to have municipal sewer service.

STAFF RECOMMENDATION:

Staff initially recommended denial of CS zoning on this application. However, the applicant was able to supply additional information regarding recent land use plan changes on adjacent properties so that staff can now support **APPROVAL** of CS zoning for CZ-285.

Ms. Matthews stated that initially staff recommendation was for denial; however, staff has received new information from the applicant and the City of Owasso regarding zoning that has taken place but not transmitted to INCOG. The property to the north of the subject property has been rezoned to a medium intensity type use and the parcel on the south. Therefore, staff can support CS zoning for CZ-285.

TMAPC Comments:

Mr. Westervelt stated that it is not uncommon for outlying communities to not transmit proper information for staff to make their recommendation. He indicated that he does have a letter from the City of Owasso and it would be made part of the record (Exhibit B-1).

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Pace, Selph "absent") to recommend **APPROVAL** the CS zoning for CZ-285 as recommended by staff.

Legal Description for CZ-285:

A Tract of land situated in the West Half (W/2) of the East Half (E/2) of Section 9, Township 21 North, Range 14 East, of the I.B. & M., Tulsa County, State of Oklahoma. Being more particularly described as follows; COMMENCING at a point on the North Line of said West Half (W/2) that is 1289.63 feet East of the Northwest Corner thereof; THENCE S 1°15'26" E and along the Easterly Right-of-Way of US Highway 169 a distance of 100.00 feet; THENCE S 88°44'34" W a distance of 340.00 feet; THENCE S 83°58'45" W a distance of 602.08 feet; THENCE S 1°15'26" E a distance of 100.00 feet; THENCE along a curve to the right having a radius of 1507.39 feet a distance of 305.82 feet; THENCE S 10°22'02" W a distance of 513.80 feet; THENCE 3°33'54" W a distance of 263.18 feet to a point on the North Line of the South Half (S/2) of the Northeast Quarter (NE/4), said point being the "POINT OF BEGINNING". THENCE S 3°33'54" W a distance of 212.57 feet; THENCE S 1°17'57" E a distance of 1107.45 feet to a point on the South Line of the Northeast Quarter (NE/4), said point being 174.50 feet East of the Southwest Corner of said Northeast Quarter (NE/4); THENCE S 1°18'07" E a distance of 780.77 feet, THENCE N 88°44'40" E a distance of 300.00 feet; THENCE N 1°18'07" W and parallel with said Highway Right-of-Way a distance of 780.77 feet to a point on the South Line of said Northeast Quarter (NE/4); THENCE N 1°17'57" W and parallel with said Highway Right-of-Way a distance of 1094.93 feet; THENCE N 3°33'54" E and parallel with said Highway Right-of-Way a distance of 225.13 feet to a point on the North Line of said South Half (S/2) of the Northeast Quarter (NE/4); THENCE S 88°44'40" W and along said North Line a distance of 301.07 feet to the "POINT OF BEGINNING". Said Tract containing 14.47 Acres more or less, and located on the east boundary of U. S. Highway 169 right-of-way and south of the southeast corner of East 116th Street North and U. S. Highway 169, Owasso, Oklahoma, **From AG (Agriculture District) To CS (Commercial Shopping Center District).**

APPLICATION NO.: Z-6826

RS-3/OL TO CS

Applicant: Shaun Rankin

(PD-8) (CD-2)

Location: Northwest corner of West 61st Street and South 32nd West Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6750 March 2000: A request to rezone the subject two lots and the adjoining lot to the north, from RS-3 to CS for office and commercial use. All concurred in approval of OL on the south 118' or the southernmost subject lot, and denied the rezoning request on the balance on the property.

BOA-18559 January 2000: The Board of Adjustment denied a request for a variance of the required parking for a bar, on property located on the northeast corner of West 61st Street and South 32nd West Avenue, across South 32nd West Avenue to the east of the subject property.

Z-6298 April 1996: A request was filed to rezone three residential lots located north of the northeast corner of West 61st Street and South 33rd West Avenue from RS-3 to CG. Staff and TMAPC recommended denial of the requested CG zoning and concurred in approval of CS zoning.

Z-6091 February 1986: All concurred in approval of a request to rezone a tract located on the northeast corner of West 61st Street South and South 33rd West Avenue abutting the subject tract on the west, from RS-3 to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .62 acres and is located on the northwest corner of West 61st Street and South 32nd West Avenue. The property is sloping, non-wooded, vacant and zoned RS-3. It is also higher in elevation than the residential properties to the northeast.

STREETS:

Exist Access	MSHP PLANNED R/W	Exist. No. Lanes
West 61 st Street South	100'	2
South 32 nd West Avenue	N/A	2

The Major Street Plan designates West 61st Street South as a secondary arterial street. South 32nd West Avenue is a residential street. The City of Tulsa Traffic Counts 1998 – 1999 indicates 9,000 trips per day on South 33rd West Avenue at the intersection of West 61st Street South.

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

SURROUNDING AREA: The subject tract is abutted on the north by vacant property, zoned RS-3; to the west by a small strip shopping center and south by a larger shopping center and a vacant carwash, zoned CS; to the east by a vacant commercial building (club) and parking lot, zoned CS; and to the northeast by single-family dwellings, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – No Specific Land Use.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map.

STAFF RECOMMENDATION:

Because this site is adjacent to recently-built single-family housing and single-family residential zoning on the north and northeast, staff cannot support the requested CS zoning absent a Planned Unit Development (PUD) application that adequately addresses placement of the carwash on the lot, buffering, screening and lighting to protect the residential uses. Therefore, staff recommends **DENIAL** of CS zoning on the northern lot (Lot 18) and **APPROVAL** of CS zoning on the southern lot (Lot 17) for Z-6826.

Applicant's Comments:

Shaun Rankin, 4144 Lonestar Road, Sapulpa, Oklahoma 74066, stated that he would like to purchase the subject property in order to install a carwash. He explained that on the northern lot he intended to have vacuum bays and the carwash building would be on the southern lot. Mr. Rankin stated that he could have the carwash on Lot 17 and would like to ask if he could have PK on the northern lot to accommodate the radius of the cars turning out and exiting onto 32nd Street. He indicated that he could have ingress/egress off of 61st Street if necessary.

Mr. Rankin stated that the subject area is a growing area and the carwash is a needed in the subject area. He cited the carwash facilities in the subject area. He commented that the carwash would be an improvement to the subject area.

Mr. Rankin indicated that he has tried to purchase the carwash on the subject corner; however, he has not been able to meet with the owner at this time. He stated that the carwash on the corner is currently closed.

Mr. Rankin requested the Planning Commission to approve CS zoning on the southern lot (Lot 17) and indicated that the southern lot would be sufficient for his project.

TMAPC Comments:

Mr. Westervelt asked the applicant if he is requesting for CS zoning on Lot 17. In response, Mr. Rankin stated that he could work with Lot 17 being zoned CS and possibly have PK on Lot 18 to complete his project.

Mr. Stump stated that technically notice is sufficient for considering PK on either lot, but PK zoning would not allow the maneuvering for the carwash and would only allow parking.

Mr. Rankin stated that the carwash could be reduced to a size that would be sufficient to Lot 17.

Mr. Westervelt stated that the TMAPC received a letter requesting that the application be denied (Exhibit C-1).

Interested Parties Comments:

Kaye Price, 5815 South 31st West Avenue, Tulsa, Oklahoma 74107, submitted a petition that was originally submitted one year ago (Exhibit C-1) and stated that the neighbors' arguments against CS zoning have not changed. There is a better argument against CS zoning today because there are 15 new homes built in the subject area. A developer has purchased several lots to build more homes in the subject area.

Ms. Price stated that there are two lots zoned CS on either side of the subject property; however, one is a strip mall and the only access is from 33rd West Avenue, which is a widened major thoroughfare and CS zoning is appropriate. Rezoning of the subject lots is inappropriate because of the new homes in the subject area and the largest new home would be abutting the property under application. To rezone the subject properties would be an insult to the new homeowners and the existing homeowners.

Ms. Price explained that the streets in the neighborhood have never been resurfaced and the neighbors are currently mowing the streets. The streets are less than 18 feet wide and in poor condition and they would not be able to handle the commercial traffic from a CS-zoned lot.

Ms. Price stated that the existing CS-zoned lots were grandfathered in and currently the existing bar has a gravel drive. She explained that the neighbors do not want any more CS zoning on any of the lots under application. She expressed concerns regarding streets being too narrow and not being able to handle the commercial traffic. She commented that she understands why the existing lots were given CS zoning when several of the lots were vacant; however, now there are 15 new homes and more proposed for the subject area, and CS zoning would have a negative impact. She explained that until the subdivision was on the City of Tulsa sewer system, the empty lots could not be developed because they would not perc. She stated that she didn't feel it would be fair to zone the lots under application to CS just because there are CS lots on each side. She commented that the CS lots would not have been allowed had the empty lots been developed at the time CS was granted.

Ms. Price concluded that it is no longer appropriate to grant CS zoning because of the infill development that has occurred in the subject neighborhood. She indicated that the neighborhood was not happy when the subject lot was rezoned to OL, but it was better than CS.

Wesley Harmon out at 4:20 p.m.

Cameron K. Graham, 5947 South 32nd West Avenue, Tulsa, Oklahoma 74107, stated that his home is directly across the street from the north lot under application. He requested that the carwash not be allowed into the neighborhood because of the noise and traffic. The carwash would impact the new development in the subject area.

Mr. Graham stated that the neighborhood has problems with the bar and had to complain to the Mayor's Office. He expressed concerns with noise, traffic and trash being a problem if the carwash is allowed.

Maxine Robison, 5116 West 64th, Tulsa, Oklahoma 74131, stated that she is the owner of the carwash that has closed. She explained that plans to remodel the carwash and then reopen.

Gene Robison, 5116 West 64th, Tulsa, Oklahoma 74131, stated that he is the other owner of the closed carwash. He commented that if Mr. Rankin were allowed to exit and enter off of 61st Street for his proposed carwash, it would cause a traffic problem. He explained that his carwash is expected to be reopened within 90 days and his carwash exits onto 61st Street. He requested the Planning Commission to deny this application.

Shannan McWaters, 5941 South 32nd West Avenue, Tulsa, Oklahoma 74107, stated that his home would be directly across from the subject property. He explained that all of the traffic would go directly in front of his home if the carwash were allowed to exit onto 32nd. He expressed safety issues and traffic problems. He is opposed to this application and requests that the Planning Commission deny this application.

Gary Harp, 3708 West 61st Street, Tulsa, Oklahoma 74107, submitted a letter opposing the subject application (Exhibit C-1) and stated that he is concerned about the narrow streets and traffic issues. He stated that a 24-hour service would bring strangers into the neighborhood and lights spilling into it. He indicated that the existing carwash that is due to reopen has never been a 24-hour service and he fears the proposed carwash would be. He requested the Planning Commission to deny this application.

Ray Morales, 5905 South 32nd West Avenue, Tulsa, Oklahoma 74107, stated that he is opposed to the application because the streets are too narrow and could not handle the generated traffic.

Betty Cartwright, 5909 South 31st West Avenue, Tulsa, Oklahoma 74107, stated that she is opposed to the subject application and requests that the Planning Commission deny this application. She commented that she doesn't understand why the Planning Commission would want to complicate existing problems by allowing more CS zoning in the neighborhood.

Mr. Stump explained that CS does not allow a carwash by right and the applicant would have to go before the Board of Adjustment for a special exception.

TMAPC Comments:

Mr. Westervelt explained that the requested CS zoning, as staff has recommended, would be difficult to deny with CS zoning on both sides of Lot 17.

Applicant's Rebuttal:

Mr. Rankin stated that the City has noticed growth in the subject area and has widened 61st Street and it is four-lane in front of the carwash. He requested CS zoning on Lot 17.

TMAPC Comments:

Mr. Midget stated that he could support staff's recommendation for denial of CS zoning on the northern lot (Lot 18) and recommend approval for CS on the southern lot (Lot 17).

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **6-0-0** (Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to recommend **DENIAL** of the CS zoning on the northern lot (Lot 18) and **APPROVAL** of CS zoning on the southern lot (Lot 17) for Z-6826 as recommended by staff.

Legal Description for Z-6826:

Lot 17 less the South 10', Block 1, Summit Parks Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northwest corner of West 61st Street South and South 32nd West Avenue, Tulsa, Oklahoma, **From RS-3 & OL (Residential Single-family High Density District & Office Low Intensity District) To CS (Commercial Shopping Center District).**

* * * * *

APPLICATION NO.: PUD-599-C

MAJOR AMENDMENT

Applicant: John W. Moody

(PD-18) (CD-8)

Location: Southwest corner of East 61st Street and south 104th East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6819/PUD-599-B May 2001: All concurred in approval of a request to rezone 1.23 acres of the subject Planned Unit Development from OL to IL. A major amendment to allow an automobile collision repair center and an adjoining coffee shop and office was filed in conjunction with the rezoning application but was withdrawn by the applicant prior to the public hearing before the Planning Commission.

PUD-599-A August 1999: All concurred in approval of a major amendment on the subject property to allow a three-story, 49,600 square foot office building and a 61-room, three-story hotel. The final plat on this was heard before the Planning Commission on June 27, 2001.

PUD-599 February 1999: A request for a PUD to allow automobile sales, rentals and detailing on the subject property. All concurred in approval of the request subject to no retail sales and detailing of the automobiles to take place on the south 160' of the PUD. Approval was granted for outdoor advertising to be allowed by minor amendment.

Z-6655 August 1998: A request to rezone the center 143' section of the subject PUD from OL to IL for light industry use was withdrawn by the applicant prior to the public hearing.

Z-6548 September 1996: A request to rezone the west 286' of the subject property from RS-3 to CH. CH zoning was denied and OL zoning was approved.

Z-6547 July 1996: A request to rezone a one-acre tract abutting the subject tract on the south and east from RS-3 to CS or IL. Staff and TMAPC recommended denial of CS and IL and recommended approval of OL zoning for a proposed daycare facility. City Council concurred in approval of OL zoning on the tract.

Z-6484 April 1995: All concurred in approval of a request to rezone a 6.7-acre tract located south of the southeast corner of South 103rd East Avenue and East 63rd Place from RS-3 to CO.

Z-5352 January 1980: All concurred in approval of a request to rezone a tract located west of the northwest corner of East 61st Street and South Mingo Valley Expressway from RS-3 to IL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.5 acres in size and is located in the southwest corner of East 61st Street and South 104th East Avenue. The property is gently sloping; non-wooded; contains an automobile sales and automobile detail business; and is zoned IL/PUD-599-A.

STREETS:

Exist Access	MSHP R/W	Exist. No. Lanes
East 61 st Street South	100'	4 lanes
South 104 th East Avenue	50'	2 lanes

The Major Street Plan designates East 61st Street South as a secondary arterial street and South 104th East Avenue as a residential street.

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

SURROUNDING AREA: There are commercial and industrial uses zoned IL to the north across East 61st Street South. Vacant property zoned OL/PUD-599-A (approved for office uses) abuts the subject tract on the west; farther to the west is the Union 7th Grade Center, zoned RS-3. There is an office use on OL-zoned property abutting the tract on the south and vacant property zoned OL/PUD-599-A (approved for hotel uses) abutting the tract at the southwest corner. The Mingo Valley Expressway right-of-way is to the east of the tract across South 104th East Avenue.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Corridor.

Staff Recommendation for PUD-599-C:

PUD-599-A was approved by the City Council in August 1999. The PUD consists of approximately 4.92 acres and has been approved for office, hotel, automobile sales and rental uses. A draft final plat (Commerce Center – enclosed) is being processed and received approval from TMAPC on June 27, 2001. The plat contains three lots. Hotel uses are permitted on Lot 3, office uses on Lot 2, and automobile sales and rentals, including detailing of automobiles for sale and rental as included within Use Unit 17 are permitted on Lot 1. This major amendment pertains only to Lot 1.

The major amendment would delete the automobile sales and rental uses permitted on Lot 1 and add as permitted uses an automobile body shop as included within Use Unit 17 and a coffee shop as included within Use Unit 12.

As stated above, this major amendment only includes Lot 1, which consist of approximately 1.52 acres. The tract has 227.5 feet of frontage on East 61st Street and 287.73 feet on South 104th East Avenue. The underlying zoning for the tract is IL. There are commercial and industrial uses zoned IL to the north across East 61st Street South. Vacant property zoned OL/PUD-599-A (approved for office uses) abuts the subject tract on the west; farther to the west is the Union 7th Grade Center, zoned RS-3. There is an office use on OL-zoned property abutting the tract on the south and vacant property zoned OL/PUD-599-A (approved for hotel uses) abutting the tract at the southwest corner. The Mingo Valley Expressway right-of-way is to the east of the tract across South 104th East Avenue.

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-599-C 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-599-C 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): 66,262 SF

Permitted Uses:

Automobile Body Shop as included within Use Unit 17; and Coffee Shop as included within Use Unit 12.

Maximum Total Building Floor Area: 20,270 SF

Maximum Automobile Body Shop Use Floor Area: 19,160 SF

Maximum Coffee Shop Use Floor Area: 1,110 SF

Maximum Building Height: Two Stories

Maximum Number of Lots: One

Off-Street Parking:

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

Minimum Building Setbacks:

From Centerline of East 61st Street 100 FT

From Right-of-Way of South 104th East Avenue 25 FT

From the West Boundary of The Development Area 42 FT

From the South Boundary of the Development Area 42 FT

Minimum Landscaped Area: 10% of lot area.

3. All body shop operations within PUD-599-C shall be conducted inside a building. All automobiles waiting for repair and/or painting shall be parked behind the six-foot high or higher masonry wall. Access to this area shall be through opaque gates.
4. The architectural style of the buildings in the PUD-599-C shall be similar to that which is described in the applicant's submittal and shall be subject to approval by TMAPC at the time of site plan review.

5. ~~Landscaping and screening: There shall be a landscaped area a minimum of five feet in width along the west and south boundaries of PUD-599-C, except for approved access points on the south boundary. There shall be a six-foot high or higher masonry wall located on the inside of this landscaped strip.~~ There shall be a six-foot high or higher screening wall located along the west and south boundaries of PUD-599-C, except for approved access points on the south boundary. There shall be a landscaped area a minimum of five feet in width on the outside of the screening wall. There shall be a landscaped area a minimum of ten feet in width along the east boundary PUD-599-C. There shall be a landscaped strip adjacent to 61st Street right-of-way, except for approved access points, a minimum of five feet in width. The design of the masonry wall and gates shall be approved by TMAPC at time of site plan review. Parking areas within PUD-599-C shall be screened from 61st Street by screening fences, berms and/or landscaping. All landscaping in the PUD shall be in compliance with the Tulsa Zoning Code.
6. ~~One~~ Two access points are permitted onto East 61st Street South. No access point is permitted from PUD-599-C directly onto 104th East Avenue. All access points shall be approved by Traffic Engineering. PUD-599-C shall have access to all other lots within PUD-599-A through the use of mutual access easements.
7. ~~The existing ground sign shall be removed before any new signs are permitted and before a building permit is issued within PUD-599-C. Once the existing sign is removed,~~ One ground sign (existing) shall be permitted with a maximum of ~~450~~ 420 SF of display surface area and ~~25~~ 40 feet in height. The ground sign shall be located along the east 61st Street frontage. There shall be no other ground signs.

Wall signs are permitted on the north- and east-facing walls of buildings not to exceed one and one-half square feet of display surface area for each lineal foot of building wall to which it is attached. A wall sign shall be permitted on the west-facing wall of the canopy not to exceed one and one-half square feet of display surface per lineal foot of canopy width.

8. 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.

9. 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.
10. 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.
11. 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.
12. Lighting used to illuminate the PUD shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in a residential area or a public street right-of-way. No light standard nor building-mounted light shall exceed 25 feet in height.
13. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
14. 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.
15. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
16. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review.

17. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

Applicant's Comments:

John Moody, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, stated that he is in accord with staff's recommendation with the exception of some critical points.

Mr. Stump stated that staff had recommended limiting the access points to one access point, but in review of the plat, it was found that two access points are acceptable to Traffic Engineering, and staff would change their recommendation to two access points.

Mr. Moody addressed the critical points he disagreed with: 1) Existing 420 SF business sign on the northeast corner of the subject property that was previously approved by the Board of Adjustment in 1995 and staff is recommending it be removed. This is a very critical sign to his client's business. He requested that his client be allowed one ground sign and the existing sign (40' in height and 420 display surface area). He indicated that the display surface area is within the amount allowed by the frontage on the subject property and the 40' in height is permitted because it meets the setback requirements from the expressway. He explained that the subject property is within a freeway corridor and there are numerous outdoor advertising signs along the subject area. He stated that his client's sign is a business sign and has always been a business sign, which is very critical to his client. By allowing the existing sign it would not set a precedent because the BOA has already approved it. The sign is within the Code limitations upon signs in PUDs, therefore his client meets the Code. Mr. Moody submitted letters from abutting property owners in support of the existing sign remaining (Exhibit D-1).

Mr. Moody stated that the 2nd critical point is the five-foot landscape strip along the west and south boundaries and then a six-foot high masonry wall on the inside of the five-foot landscaping strip. Because of the building and the parking, this requirement would impact the project severely. The owner of the subject property, who also owns the remaining land, has consented that he would have the five-foot strip landscaping along the south and west line of the property (the adjoining property to the subject property) and then the masonry wall installed on the property line.

TMAPC Comments:

Mr. Westervelt asked Mr. Moody to clarify his points that he is in disagreement with. In response, Mr. Moody stated that he would like to keep the existing sign and have the landscaping be on the outside of the fence on the adjoining

property. Mr. Moody further stated that his client would have canopies and would like to have a wall sign on the west side of the canopy, which would be limited to the required display surface area of less than 50 SF display surface area.

Mr. Westervelt asked staff if they would be in agreement with the five-foot landscaping being allowed on the adjacent property. In response, Mr. Stump indicated his agreement.

Mr. Westervelt asked staff to explain the reason for removing the existing sign on the subject property. In response, Mr. Stump stated that staff constantly gets barraged by the sign people about any larger sign that is approved anywhere in PUDs. Mr. Stump explained that the subject sign is a great deal larger than is approved in PUDs, and staff would like to stay on record with their typical size sign in PUDs. Mr. Stump stated that the sign would be allowed within the PUD guidelines, if the Planning Commission chooses to allow the existing sign.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to recommend **APPROVAL** of the major amendment for PUD-599-C, subject to the modifications and conditions as recommended 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-599-C:

ALL THAT PART OF LOTS 4 AND 5, BLOCK 1, UNION GARDENS, AN ADDITION IN TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF, PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST BOUNDARY OF SAID LOT 4, 25.11' FROM THE NORTHEAST CORNER THEREOF; THENCE S 01°16'51" E ALONG THE EAST BOUNDARY OF SAID LOT 4 A DISTANCE OF 287.73' TO A POINT 286.08' FROM THE SOUTHEAST CORNER THEREOF; THENCE S 88°43'42" W PARALLEL TO THE SOUTH BOUNDARY(S) OF SAID LOTS 4 AND 5, A DISTANCE OF 193.25'; THENCE S 01°16'51" E PARALLEL TO AND 50.0' FROM THE EAST BOUNDARY OF SAID LOT 5, A DISTANCE OF 27.02'; THENCE S 88°43'42" W A DISTANCE OF 26.88'; THENCE N 01°16'51" W PARALLEL TO AND 76.88' FROM THE EAST BOUNDARY OF SAID LOT 5 A DISTANCE OF 326.35' TO A POINT 13.51' FROM THE NORTH BOUNDARY OF SAID LOT 5; THENCE S 88°15'10" E A DISTANCE OF 220.44' TO THE POINT OF BEGINNING; and located in the southwest corner of East 61st Street South and South 104th East Avenue, Tulsa, Oklahoma, From IL/PUD-599-B (Industrial Light District/Planned Unit Development) To IL/PUD-599-C (Industrial Light District/Planned Unit Development).

APPLICATION NO.: PUD-410-A-4

MINOR AMENDMENT

Applicant: W.O. Wozencraft

(PD-6) (CD-7)

Location: 5120 East 36th Street

Staff Recommendation:

The applicant is requesting an amendment to increase the maximum building floor area for Development Area B from 23,000 SF to 24,218 SF. The existing building contains 22,000 SF and the proposal would allow a 2,218 SF addition.

Staff finds that substantial compliance is maintained with the approved Development Plan and the purposes and standards of the PUD chapter.

Staff recommends **APPROVAL** of PUD-410-A-4 to increase the maximum building floor area from 23,000 SF to 24,218 SF for Development Area B.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the minor amendment for PUD-410-A-4 as recommended by staff.

* * * * *

OTHER BUSINESS:

APPLICATION NO.: PUD-570-A

DETAIL SITE PLAN

Applicant: Ted Sack

(PD-26) (CD-8)

Location: North of northwest corner of East 111th Street and South Memorial Drive

Staff Recommendation:

The applicant is requesting detail site plan approval of a 1406 square foot Sonic Drive-In to be located on Lot 1, Block 1, Southern Crossing Second. The request conforms to the standards of PUD-570-A.

Staff recommends **APPROVAL** of the detail site plan as submitted per the submitted elevations.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the detail site plan for PUD-570-A as recommended by staff.

APPLICATION NO.: PUD-278

Applicant: James Boswell

Location: 5502 South Lewis Avenue

DETAIL SITE PLAN

(PD-18) (CD-9)

Staff Recommendation:

The applicant is requesting detail site plan approval of a 5000 SF office building. The request conforms to the standards of PUD-278.

Staff recommends **APPROVAL** of the site plan as submitted per the submitted elevations.

There were no interested parties wishing to speak.

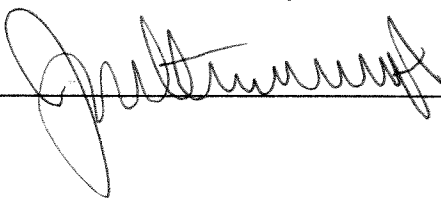
The applicant was not present.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Hill, Horner, Jackson, Midget, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Harmon, Pace, Selph "absent") to **APPROVE** the detail site plan for PUD-278 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 4:55 p.m.

Date Approved: 07/25/01


Chairman

ATTEST: 

Secretary