

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2308

Wednesday, May 1, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Carnes	Beach	Romig, Legal
Dick	Midget	Dunlap	
Harmon		Fernandez	
Hill		Huntsinger	
Horner		Matthews	
Jackson		Stump	
Ledford			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 29, 2002 at 9:03 a.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 Harmon called the meeting to order at 1:30 p.m.

### REPORTS:

#### Chairman's Report:

Mr. Harmon reported that he received correspondence from Mr. James Mautino concerning an event from the April 24<sup>th</sup> TMAPC meeting. He commented that it was a very nice letter and he is sharing it with the other Commission members.

#### Director's Report:

Mr. Stump reported that there are no items on the City Council agenda. He indicated that the Mayor would be proposing his budget to the City Council at 4:00 today and staff doesn't know the details on the proposal for the TMAPC budget.

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## **SUBDIVISIONS:**

### **Lot-Splits for Waiver of Subdivision Regulations:**

**L-19371 – Charles R. Holladay (2993)**

(PD-6) (CD-9)

**Location:** 4655 South Columbia

### **Staff Recommendation:**

Apparently the owner of Tract 2 thought the existing fence between the tracts reflected the common boundary line, and built a number of items to the fence line. However, these improvements encroach upon Tract 1. An application has been filed to split off a portion of Tract 1 and tie it to Tract 2 that would keep these items on Tract 2, giving a clear title to both tracts.

The City Board of Adjustment approved the needed variances for Tract 2; however, both tracts will have more than three side lot lines, requiring a waiver of the Subdivision Regulations. For this, the applicant is seeking a waiver of Subdivision Regulations.

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.

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

### **Interested Parties Comments:**

**Mike Joyce**, Jones-Givens, 3800 First Place Tower, Tulsa, Oklahoma 74103, stated that he is in favor of this lot-split and requests that it be approved.

### **TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-1 (Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Bayles "abstaining"; Carnes, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19371 as recommended by staff.

\* \* \* \* \*

**ITEMS TO BE CONTINUED:**

**South Springs South – PUD-405-K (2383) (Preliminary Plat) (PD-18) (CD-8)**

**Location:** East of 93<sup>rd</sup> Street and South 76<sup>th</sup> East Avenue

**Staff Recommendation:**

Staff is striking this item from the agenda. This preliminary plat is awaiting a revision and new notice will be given.

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**APPLICATION NO.: Z-6858/PUD-660**

**AG to CS/PUD**

**Applicant:** Jeffrey Levinson

**(PD-8) (CD-2)**

**Location:** East of southeast corner of West 71<sup>st</sup> Street and South Elwood

**Staff Recommendation:**

The applicant has requested a continuance to May 15, 2002.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Bayles, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **CONTINUE** Z-6858/PUD-660 to May 15, 2002 at 1:30 p.m.

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**APPLICATION NO.: PUD-661**

**IL to IL/PUD**

**Applicant:** Jeffrey Levinson

**(PD-17) (CD-5)**

**Location:** South and west of southwest corner of East 41<sup>st</sup> Street and South Memorial

**Staff Recommendation:**

The applicant has requested a continuance to May 15, 2002.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Bayles, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **CONTINUE** PUD-661 to May 15, 2002 at 1:30 p.m.

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

<b><u>L-19206 – Brown J. Akin III (1292)</u></b>	(PD-6) (CD-2)
1824 South Detroit	
<b><u>L-19363 – White Surveying Company (1092)</u></b>	(PD-9) (County)
2959 West 21 <sup>st</sup> Street	
<b><u>L-19365 – Rich Assets, Inc. (2193)</u></b>	(PD-6) (CD-7)
3904 East 32 <sup>nd</sup> Street	
<b><u>L-19367 – Charles Norman (1894)</u></b>	(PD-17) (CD-5)
11102 East 21 <sup>st</sup> Street	
<b><u>L-19369 – Kurt Harris (3574)</u></b>	(PD-20) (County)
16822 East 176 <sup>th</sup> Street	
<b><u>L-19370 – Troy Burnett (404)</u></b>	(PD-15) (County)
6539 North 137 <sup>th</sup> East Avenue	
<b><u>L-19374 – Eugene Harrison (2092)</u></b>	(PD-9) (County)
3605 South 65 <sup>th</sup> West Avenue	
<b><u>L-19376 – Esther Harger (1091)</u></b>	(PD-23) (County)
515 Loop Drive	
<b><u>L-19379 – Stephen A. Schuller (3503)</u></b>	(PD-16) (CD-3)
519 North Sheridan	
<b><u>L-19382 – City of Tulsa (2703)</u></b>	(PD-16) (CD-3)
2213 North Darlington	

**Staff Recommendation:**

Mrs. Fernandez stated that these are lot-splits that have been ratified by staff and they meet the requirements of the Subdivision Regulations and Zoning Code; therefore, staff recommends **APPROVAL**.

Mr. Stump stated that there may be interested parties on L-19365 who wish to speak. He explained that staff was informed earlier today that they would be present.

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

**TMAPC Comments:**

Mr. Westervelt asked staff why the individual may be concerned with L-19365. In response, Mr. Stump stated that this lot-split had appeared for some variances regarding lot size. The interested party was opposed to the variances.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Bayles, Dick, Harmon, Horner, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**FINAL PLAT:**

**Oxford Park – RS-3 (2694)**

**(PD-17) (CD-6)**

**Location:** West side of South Lynn Lane Road at East 46<sup>th</sup> Street South

**Staff Recommendation:**

This plat consists of 155 lots in nine blocks on 45.6 acres. The property will be used for a residential subdivision.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat with the minor conditions recommended by Development Services. The condition is to include dedication of street right-of-way and add it to Section 8.1 to covenants for the subdivision.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the final plat for Oxford Park, subject to condition as recommended by staff.

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**Stratford Estates, Block 4 – (3092)**

(PD-23) (County)

**Location:** Southeast corner of West 41<sup>st</sup> Street and South 69<sup>th</sup> West Avenue

**Staff Recommendation:**

The zoning is RS and predates the County Zoning Code. The proposal is consistent with the RS standards.

This plat consists of six lots in one block on 4.35 acres. This is the fourth phase of a single-family residential development.

All release letters are in and the plat is in order; therefore, staff recommends **APPROVAL** of the final plat.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the final plat for Stratford Estates, Block 4 as recommended by staff.

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**MINOR SUBDIVISION PLAT:**

**Fellowship Congregational Church – (1793)**

(PD-6) (CD-9)

**Location:** 2900 South Harvard Avenue

**Staff Recommendation:**

This plat consists of one lot in one block and one reserve on 4.26 acres. The property is the site of an existing church that is undergoing expansion.

**This is the first of the new "Minor Subdivision Plats" authorized by the Subdivision Regulations as recently amended.** The process calls for the applicant to submit a plat that is consistent with final plat standards and satisfy any concerns of the TAC members before the TAC meeting. The TAC members then present their release letters at the TAC meeting and the minor plat is forwarded to the TMAPC for approval of the final plat. If all required releases are not given at the TAC meeting, staff has the option of recommending approval of a preliminary plat and the plat will follow the normal plat process from there.

The following were discussed **April 18, 2002** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The property was the subject of a recent Board of Adjustment approval for church use and some variances to facilitate the expansion of the building. This triggered the platting requirement. The nature of the property and the project indicated it was a good candidate for the minor subdivision process.

**2. Streets/access:**

*Staff:* No new streets or access are involved. There is a dedication of 50' of right-of-way to Harvard for 24.21 feet at the southeast corner of the property.

*Public Works Traffic & Transportation:* Dedicate radius at both northeast and southeast corners; plat north 25 feet of 30<sup>th</sup> Place or ask for modification of Subdivision Regulations; prefer to vacate stub at west end of 29<sup>th</sup> Street but not required; clean up street dedication language to dedicate "street rights-of-way" not "streets"; add standard enforcement language to LNA paragraph.

*Applicant:* Doesn't object to street vacation but doesn't want it a condition of plat approval because of unnecessary delay.

**3. Sewer:**

*Staff:* No additional information.

*Public Works Waste Water:* No concerns.

*Applicant:* No comments.

**4. Water:**

*Staff:* No additional information.

*Public Works Water:* No concerns.

*Applicant:* No comments.

## 5. Storm Drainage:

*Staff:* A neighbor has expressed concerns with stormwater drainage from this property and the surrounding area onto his property. He wants to understand how the drainage situation will be improved by this project. He indicated he would attend the TAC meeting to discuss this.

Mr. Brewer, the neighbor, attended and explained his concerns. TAC members listened but were unprepared to offer a solution without study.

*Public Works Stormwater:* Put floodplain in easement using 100-year water surface elevation; Detention required – could be by separate instrument.

*Applicant:* No comments. Applicant agreed to meet with Mr. Brewer after the TAC meeting to discuss his concerns.

## 6. Utilities:

*Staff:* No additional information.

*Franchise Utilities:* No concerns

*Applicant:* No comments.

Because of the deficiencies stated which resulted in release letters withheld, Staff recommends **DENIAL OF THE MINOR SUBDIVISION PLAT AND APPROVAL OF THE PRELIMINARY PLAT** subject to the special and standard conditions below.

### Waivers of Subdivision Regulations:

1. None requested.

### Special Conditions:

1. Dedicate additional right-of-way as required by Traffic Engineering.
2. Include an amount necessary to bring the north up to 25 feet of East 30<sup>th</sup> Place in the plat.
3. Improve street dedication language to dedicate "street rights-of-way" not "streets"; add standard enforcement language to LNA paragraph.
4. Put floodplain in easement using 100-year water surface elevation.

5. Provide detention in easement and include standard detention language in covenants.

**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 topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans 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 if by denying the minor subdivision plat it then is returned to preliminary plat status. In response, Mr. Beach answered affirmatively. Mr. Beach indicated that the applicant was aware that this was a possibility.

Mr. Ledford explained that when the Subdivision Regulations were being amended, staff and the Planning Commission did not want to encourage a lot of minor subdivision plats coming forward unless they met the minor subdivision regulations. In order to keep this process moving, it was designed that the applicant wouldn't have to go back to submitting a preliminary plat, but rather the failed minor subdivision plat would have preliminary plat status and would be brought forward in order to save time on the process.

**Applicant's Comments:**

**Darin Akerman**, Sisemore Weisz & Association, Inc., 6111 East 32<sup>nd</sup> Place, Tulsa, Oklahoma 74135, stated that there was an additional road dedication area onto the church property, which would be 25' from the centerline of the existing road and the existing platted street to the south of the subdivision. He indicated that it would be an additional 12.5 feet of street dedication that the church would be willing to dedicate.

Mr. Akerman stated that he is in agreement with all of the conditions for the preliminary plat.

**Interested Parties Comments:**

**George Brewer**, 2879 South Gary Avenue, Tulsa, Oklahoma 74119, submitted a protest article (Exhibit A-1) and expressed his concerns regarding stormwater runoff.

**TMAPC Comments:**

Mr. Harmon explained to Mr. Brewer that the Planning Commission doesn't consider stormwater issues, but land use issues only. He informed Mr. Brewer that he needed to contact the Public Works Department.

Mr. Ledford explained to Mr. Brewer that during the platting process the stormwater and drainage issues would be addressed.

After a lengthy discussion regarding the stormwater runoff and poor drainage, Mr. Romig agreed to meet with Mr. Brewer and give him information regarding Public Works and how to address stormwater issues.

**Interested Parties Comments:**

**Dr. James Derby**, Chairman of the Board of Trustees, Fellowship Congregational Church, 4047 East 43<sup>rd</sup> Street, Tulsa, Oklahoma 74135, stated that he has looked at the issues brought forward by Mr. Brewer. He indicated that among his professional credentials is that he is a hydro-geologist and stormwater does fall into that category. He explained that all of the runoff from the church's lot is channeled by the topography of the ground to a central location that is above a storm drain. He indicated that all of the runoff goes into the stormwater drain and then into the main storm drain.

Mr. Derby explained that Mr. Brewer's property is not adjacent to the church, but rather at the far southwest corner of the adjacent apartment properties. He commented that Mr. Brewer is affected by the runoff from the apartment and office complex immediately adjacent to him. Mr. Derby stated that he only wanted to add these comments for the record and is well aware that he would have to deal with the Public Works Department regarding drainage and stormwater.

**TMAPC Comments:**

Mr. Horner asked Mr. Derby to point out where Mr. Brewer's property is located on the case map. In response, Mr. Derby indicated that Mr. Brewer's property is 100-plus feet southwest of the church property. Mr. Brewer explained that the church's property slopes eastward and there is a concrete wall along the south boundary until the low point where the storm drain is located.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Pace "absent") to **APPROVE** the preliminary plat for Fellowship Congregational Church, subject to the special conditions and the standard conditions, subject to the protest document and any pictures submitted forwarded to Public Works.

\* \* \* \* \*

**ZONING PUBLIC HEARING**

**APPLICATION NO.: CZ-305**

**AG to RS**

**Applicant:** Stuart Arnold

(PD-9) (County)

**Location:** Southeast corner of West 43<sup>rd</sup> Street and South 61<sup>st</sup> West.

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CZ-291 October 2001:** All concurred in approval of a request to rezone a 9.8-acre tract located in the northeast corner of West 51<sup>st</sup> Street South and South Gilcrease Expressway from RS to IL for light industrial development.

**CBOA-1766 September 2000:** The County Board of Adjustment approved a request for a variance of the required 30' frontage on a public street to 0', finding that the property has a platted 23.5' access easement, platted under the North Taneha Addition. The subject property also has an additional 40' easement for access. The property is located approximately ¼ mile south of the subject property.

**PUD-566 November 1997:** A request to rezone a 10.1-acre tract from AG to RS-3/RM-2/OL and CS with a PUD overlay for a mixed use development was approved. The property is located in the northwest corner of West 41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 14.7 acres in size and is located south of the southeast corner of West 43<sup>rd</sup> Street South and South 61<sup>st</sup> West Avenue. The property is flat, partially wooded, contains a single-family dwelling, and is zoned AG in the County.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP ROW</b>	<b>Exist. # Lanes</b>
South 61 <sup>st</sup> West Avenue	50'	50'	2 lanes

**UTILITIES:** The subject property has water service from a rural water supplier and sewer is by septic or lagoon systems.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 9 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject tract Low Intensity – No Specific Land Use.

According to the Zoning Matrix, the requested RS designation is in accordance with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and existing development in the area, staff recommends **APPROVAL** of RS zoning for CZ-305.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the RS zoning for CZ-305.

**Legal Description for CZ-305:**

**Tract A1:** The North 200' of the South 526' of the West 450' of the SE/4, NW/4, Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, **less and except** the North 6' of the East 14.22' thereof, and **Tract A2:** A tract of land in the SE/4, NW/4, of Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, commencing at a point 800' South of the Northeast corner and on the East line of the SE/4, NW/4; thence Westerly parallel to the North line of said SE/4, NW/4 a distance of 869.78' to the Point of Beginning; thence N 6'; thence West 14.22'; thence South 6'; thence East 14.22' to the Point of Beginning, and **Tract C:** 3 tracts of land in the SE/4, NW/4, Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government

survey thereof, being more particularly described as follows, to-wit: beginning at a point 66' North of the Southeast corner of said SE/4, NW/4; thence North a distance of 454' to a point; thence due West a distance of 884'; thence due North a distance of 300'; thence due West a distance of 435.78' to a point on the West line of said SE/4, NW/4; thence due South along the West line of said SE/4, NW/4 a distance of 754' to a point 66' North of the Southwest corner of said SE/4, NW/4; thence East and parallel to the South line of said SE/4, NW/4 to a point and place of beginning, **and** Beginning at a point 800' South of the Northeast corner and on the East line of said SE/4, NW/4; thence Westerly parallel to the North line of said SE/4, NW/4 a distance of 884.00' to a point; thence Northerly parallel to the East line of said SE/4, NW/4 a distance of 100.00' to a point; thence Easterly parallel to the North line of said SE/4, NW/4 a distance of 884.00' to a point; thence Southerly along the East line of said SE/4, NW/4 a distance of 100.00' to the Point of Beginning, **and** Commencing at the Northeast corner of said SE/4, NW/4; thence South along the East line a distance of 500' to a point; thence West on a line parallel to the North line of said SE/4, NW/4 a distance of 884' to the Point of Beginning; thence continuing along said line a distance of 437.61'; thence North on a line parallel to the East line of said SE/4, NW/4 a distance of 100'; thence East and parallel to the North line of said SE/4, NW/4 a distance of 437.61'; thence South a distance of 100' to the point of Beginning, **less and except** the East 1,291.61' of the North 100.0' of the South 615.0' of the North 1,015.0' thereof, less and except the North 200' of the South 526' of the West 450' of the SE/4, NW/4, **and less and except** the North 200' of the South 266' of the West 450' of the SE/4, NW/4 of Section 29, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located South of the southeast corner of West 43<sup>rd</sup> Street South and South 61<sup>st</sup> West Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To RS (Residential Single-family District).**

\* \* \* \* \*

**Ms. Hill announced that she would be abstaining from the following application:**

**APPLICATION NO.: PUD-433-B**

**MAJOR AMENDMENT**

**Applicant:** Bob Logan

**(PD-17) (CD-6)**

**Location:** Northwest corner of East 11<sup>th</sup> Street and South 131<sup>st</sup> East Avenue

**Staff Recommendation:**

PUD-433 encompasses approximately five acres (gross) located at the northwest corner of East 11<sup>th</sup> Street South and South 131<sup>st</sup> East Avenue. The PUD consists of four development areas and has been approved for commercial uses, automotive uses and the storage of recreational vehicles, motor homes, boats and similar vehicles. Development Areas 1 and 3 were approved for commercial and automotive uses. Development Area 2 was approved for commercial uses.

Development Area 4 was approved for storage of recreational vehicles, motor homes, boats and similar vehicles. The hours of operation for Development Area 4 were limited to Monday through Saturday, from 7:00 a.m. to 7:00 p.m. and Sunday from noon to 6:00 p.m. One of the conditions of approval was a maximum building height within the PUD of one-story or 26 feet.

A major amendment (PUD-433-A) was filed that proposed the following:

1. Modify development areas.
2. Expand area allowing some Use Unit 17 Uses (Automotive and Allied Activities).
3. Add some Use Unit 15 uses (Other Trades and Services).
4. Add Use Unit 16 uses (Mini-Storage).
5. Increase maximum building height.
6. Increase signage.
7. Increase maximum building floor area.

Staff recommended modified approval of the request and TMAPC recommended approval per staff recommendation with additional conditions. There were meetings with a City Councilor, the applicant, potential buyers of the subject tract and staff prior to this item being placed on the City Council agenda. The City Council referred the major amendment (PUD-433-A) back to TMAPC. The applicant has made significant changes to the request and has submitted a new major amendment (PUD-433-B).

The following discussion pertains to how PUD-433 and this major amendment differ. This major amendment proposes that the boundaries of Areas 1, 2 and 3 remain the same. Additional restrictions would be placed on the permitted uses in Area 1 and garage door repair service and sign establishment only as included within Use Unit 15 would be added as a permitted use. Selective automotive uses would be added to Area 2. Additional restrictions would be placed on the permitted uses in Area 3. The maximum building height in Areas 1, 2 and 3 would be changed from one story or 26 feet to two stories not to exceed 35 feet. Area 4 would be divided into two Development Areas. The existing permitted uses in Area 4 (storage of recreational vehicles, motor homes, boats and similar vehicles) would be deleted. A portion of Area 4 would be used for office or single-family uses and the majority of Area 4 would permit single-family uses with RS-2 standards.

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-433-B 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-433-B 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:

#### AREA 1

Land Area (Net):                      38,440 SF                                      .88 Acres

#### Permitted Uses:

Those uses permitted by right in a CS district (excluding Use Unit 12A uses and dance halls); and Garage Door Repair Service and Sign Establishment as included within Use Unit 15.

#### Maximum Building Height:

~~Two stories, not to exceed 35 feet.~~ One Story, not to exceed 26 feet.

Maximum Building Floor Area:                      7,500 SF

#### Off-Street Parking:

As required by the Tulsa Zoning Code in accordance with the applicable Use Unit designation.

#### Minimum Building Setbacks:

From the centerline of East 11 <sup>th</sup> Street	100 FT
From the north boundary of the Development Area	30 FT*
From the east boundary of the Development Area	-0- FT

From the west boundary of the Development Area -0- FT  
Minimum Lot Frontage on 11<sup>th</sup> Street 124 FT

Signs:

Signs accessory to the principal use shall comply with the restrictions of the PUD Chapter.

\* Plus two feet of setback for each one-foot building height exceeding 15 feet.

AREA 2

Land Area (Net): 20,460 SF .47 Acres

Permitted Use:

Those uses permitted by right in a CS district (excluding Use Unit 12A uses and dancehall); and Automobile and Light Truck Repair as included within Use Unit 17 (excluding paint and body work).

Hours of Operation:

7:00 a.m. to 7:00 p.m. Before 7:00 a.m. and after 7:00 p.m. there shall be no outside storage or outside parking of vehicles waiting for repair.

Maximum Building Height:

~~Two stories, not to exceed 35 feet.~~ One Story, not to exceed 26 feet.

Maximum Building Floor Area: 6,500 SF

Off-Street Parking:

As required by the Tulsa Zoning Code in accordance with the applicable Use Unit designation.

Minimum Building Setbacks:

From the centerline of East 11<sup>th</sup> Street 100 FT  
From the north boundary of the Development Area 10 FT\*  
From the boundary of Development Area 4-B 30 FT\*

Form the east boundary of Development Area 1	-0- FT
From the west boundary of Development Area 3	-0- FT
Minimum Lot Frontage on 11 <sup>th</sup> Street	66 FT

Signs:

Signs accessory to the principal use shall comply with the restrictions of the PUD Chapter.

\*Plus two feet of setback for each one-foot building height exceeding 15 feet.

AREA 3

Land Area (Net):        17,027 SF                                .39 Acres

Permitted Uses:

Those uses permitted by right in a CS district (excluding Use Unit 12A uses and dancehall); and automobile and light truck sales, (new and used) as included within Use Unit 17. No inoperative or unlicensed automobiles or light trucks shall be offered for sale, parked or stored within the Development Area.

Maximum Building Height:

~~Two stories, not to exceed 35 feet.~~ One Story, not to exceed 26 feet.

Maximum Building Floor Area:                                4,000 SF

Off-Street Parking:

As required by the Tulsa Zoning Code in accordance with the applicable Use Unit designation.

Minimum Building Setbacks:

From the centerline of East 11 <sup>th</sup> Street	100 FT
From the centerline of South 131 <sup>st</sup> East Avenue	50 FT
From the north boundary of the Development Area	10 FT*
From the west boundary of the Development Area	0 FT

Minimum Lot Frontage

11<sup>th</sup> Street 125 FT

131<sup>st</sup> Street 135 FT

Signs:

Signs accessory to the principal use shall comply with the restrictions of the PUD Chapter.

\*Plus two feet of setback for each one-foot building height exceeding 15 feet.

AREA 4-A

Land Area (Net): 21,784.8 SF .5 Acres

Permitted Uses:

Those uses included within Use Unit 11 and Use Unit 6.

~~Maximum Building Height: Two stories, not to exceed 35 feet.~~

~~Other Bulk and Area Requirements:~~

Use Unit 11 uses shall be developed to OL standards.

Use Unit 6 uses shall be developed to RS-2 standards.

AREA 4-B

Land Area (Net): 94,560 SF 2.17 Acres

Permitted Uses: Those uses included within Use Unit 6.

Bulk and Area Requirements:

Use Unit 6 uses shall be developed to RS-2 standards.

3. Internal landscaped open space shall be in accord with the provisions of the PUD and Landscape Chapters of the Tulsa Zoning Code. When Development Area 4-B develops, the developer of Development Area 4-B shall construct a six-foot high screening wall or fence along that portion of the south boundary of Development Area 4-B that is in common with Development Areas 1, 2 and 3. All new walls or fences fronting 11<sup>th</sup> Street must receive detail site plan approval from TMAPC.
4. Access to Development Areas 1, 2 and 3 shall be provided by a maximum of two accesses onto East 11<sup>th</sup> Street and one onto South 131<sup>st</sup> East Avenue. Mutual access easements shall be provided between all lots in Development Areas 1, 2 and 3. There shall be no access between Development Areas 1, 2 and 3 and Development Areas 4-A and 4-B.
5. No zoning clearance permit shall be issued for a lot within Development Areas 1, 2 or 3; or Development Area 4-A (if the lot in Area 4-A is being used for office purposes) 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.
6. A detail landscape plan for each lot within Development Areas 1, 2 or 3; or Development Area 4-A (if the lot in Area 4-A is being used for office purposes) 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.
7. No sign permits shall be issued for erection of a sign on a lot within Development Areas 1, 2 or 3; or Development Area 4-A (if the lot in Area 4-A is being used for office purposes) 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. No bulk trash container shall be within 75 feet of an RS district nor in front of the required building setback line.
8. Within Development Areas 1, 2 and 3; and Development Area 4-A (if the lot in Area 4-A is being used for office purposes) 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.

9. Within Development Areas 1, 2 and 3; and Development Area 4-A (if the lot in Area 4-A is being used for office purposes) lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential area. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in adjacent residential. No light standard nor building-mounted light shall exceed 25 feet in height.
10. 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.
11. In Development Area 4-B and also in Development Area 4-A, if Development Area 4-A is developed for residential uses, a homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
12. All private roadways shall have a minimum right-of-way of 30' and have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
13. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets, or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
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. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.

17. 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.
18. 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. Outside storage of inoperable or unlicensed vehicles shall not be permitted.

Mr. Dunlap informed the Planning Commission that the City Councilor in the subject area has constituents that are concerned with the building height standards being raised. The applicant has no problems with the building height being one story, not exceeding 26 feet in height. This would affect Areas 1, 2, 3, and 4-A.

**TMAPC Comments:**

Mr. Westervelt asked if the buildings in front are going to be restricted to be built lower than the houses abutting the rear property. In response, Mr. Dunlap stated that he is just pointing out this as concerns of the neighborhood and the applicant is aware of this and expressed that he had no problem with keeping the buildings at one story and 26 feet in height.

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

**Interested Parties Comments:**

**James Mautino**, 14628 East 12<sup>th</sup> Street, Tulsa, Oklahoma 74108, representing Tower Heights Neighborhood Association, stated that the neighborhood is happy with the PUD, as it helps the project to beautify 11<sup>th</sup> Street in order to have historical Route 66.

**TMAPC Comments:**

Mr. Jackson stated that he doesn't feel that the 35' residential structure would be an obstruction.

Mr. Westervelt stated that he doesn't disagree with Mr. Jackson, but if there is an applicant satisfied with 26' and it makes everyone happier, then perhaps that is how it should be recommended for approval.

**Applicant's Comments:**

**Kathleen Logan**, 13730 East 26<sup>th</sup> Street, Tulsa, Oklahoma 74108, stated that the only area where she is concerned about having a two-story building is in Area 4. She explained that she is building two homes, one for her and one for her father. Two stories on any other part of the PUD is not a concern.

**TMAPC Comments:**

Mr. Horner expressed gratitude for everyone being agreeable with the proposal and thanked Mr. Mautino for his appearance.

**TMAPC Action; 9 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 8-0-1 (Bayles, Dick, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Hill "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the major amendment for PUD-433-B, per staff recommendation and modified by the Planning Commission regarding building heights. (Words deleted by the TMAPC are shown as ~~strikeout~~; words added or substituted by TMAPC are underlined.)

**Legal Description for PUD-433-B:**

The S/2, W/2, E/2, SW/4, SW/4, Section 4, T-19-N, R-14-E, Tulsa County, State of Oklahoma, and located on the northwest corner of East 11<sup>th</sup> Street South and South 131<sup>st</sup> East Avenue, Tulsa, Oklahoma, **From RS-2/CS/PUD-433 (Residential Single-family Medium Density District/Commercial Shopping Center District/Planned Unit Development [PUD-433]) To RS-2/CS/PUD-433-B (Residential Single-family Medium Density District/Commercial Shopping Center District/Planned Unit Development [PUD-433-B]).**

\* \* \* \* \*

**APPLICATION NO.: CZ-306**

**AG to CS**

**Applicant:** Oscar L. Owens

(PD-15) (County)

**Location:** Northeast corner of East 86<sup>th</sup> Street North and Highway 75 North

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CBOA-1887 July 2001:** The County Board of Adjustment approved a variance to allow two dwelling units on one lot of record on a tract located west of the northwest corner of East 86<sup>th</sup> Street North and U. S. Highway 75 North (3951 East 86<sup>th</sup> Street North).

**CZ-214 Dec 1994:** TMAPC and Staff recommended denial of a request to rezone a 3.8-acre tract located on the northwest corner of East 86<sup>th</sup> Street North and North Yale and abutting the subject tract on the southeast corner, from AG to CG but recommended approval of CS in the alternative. The County Commission concurred in approval of CS zoning.

**CBOA-1014 April 1991:** The County Board of Adjustment approved, per conditions, a variance of the maximum 60' height for a transmitting tower to 360' in a CS-zoned district and on property located west of the northwest corner of East 86<sup>th</sup> Street North and U. S. Highway 75.

**CZ-097 December 1983:** A request to rezone a 5.91-acre tract located on the northwest corner of 86<sup>th</sup> Street North and U. S. Highway 75 from AG to CS. Staff recommended denial with TMAPC approving the south 330' of the tract for CS zoning; The County Commission approved CS on the entire 5.91 acres.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 6.6 acres in size and is located in the northeast corner of East 86<sup>th</sup> Street North and U. S. Highway 75 North. The property is sloping, partially wooded, vacant and zoned AG.

**STREETS:**

<b>Exist Access</b>	<b>MSHP Design.</b>	<b>MSHP ROW</b>	<b>Exist. #. Lanes</b>
East 86 <sup>th</sup> Street North	120'	120'	2 lanes
U. S. Highway 75 North	Varies	varies	4 lanes

**UTILITIES:** Rural Water District 3 provides water service to the subject tract and septic systems or lagoons are required for sewer.

**SURROUNDING AREA:** The subject tract is abutted on the north and northeast by scattered large-lot single-family residential uses and vacant land, zoned AG; on the east at the southern end of the property by a single-family residence, zoned CS; on the west and south by U.S. 75, zoned AG, and farther west across U.S. 75 by a commercial use, zoned CS. To the northwest across the highway from the subject property is a large tract of vacant land zoned RMH.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 15 Plan, a part of the North Tulsa County Comprehensive Plan, designates the subject tract as Corridor District.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing development and trends in the area, staff recommends **APPROVAL** of CS zoning for CZ-306 for that portion on the southern end that lines up with the existing CS zoning across the highway (approximately 660' north of the south line of Section 21-21-13) and **DENIAL** of CS zoning on the northern portion.

**Applicant's Comments:**

**Lee Owens**, 4801 East 8<sup>th</sup> Street North, Sperry, Oklahoma 74073, asked what the amount of footage would be denied the CS zoning. Staff indicated on the case map where the property is located that would be allowed CS zoning and which part of the subject property would be denied CS zoning.

Mr. Owens stated that he would not have any problem with the staff recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 9-0-0 (Bayles, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the CS zoning for CZ-306 for that portion on the southern end that lines up with the existing CS zoning across the highway (approximately 660' north of the south line of Section 21-21-13) and recommend **DENIAL** of CS zoning on the northern portion as recommended by staff.

**Legal Description for CZ-306:**

A tract of land being a part of the E/2, SE/4 of Section 21, T-21-N, R-13-E of the IBM, lying East of the present East right-of-way of U. S. Highway 75, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described by metes and bounds as follows: Commencing at the Southwest corner of said E/2, SE/4; thence N 88°37'41" E along the South line of said E/2, SE/4 a distance of 689.94'; thence N 03°33'26" a distance of 110' to the Point of Beginning; thence S 88°37'41" W a distance of 117.65' to a point on the present Easterly right-of-way of said U. S. Highway 75; thence Northwesterly along said right-of-way on a curve to the left with a radius of 901.18', length of 325.85' and chord bearing of N 12°38'30" W; thence N 22°01'38" W along said right-of-way a distance of 359.0'; thence due east a distance of approximately 300' to a point, thence S 03°33'27" E a distance of approximately 640' to the Point of Beginning, and located in the northeast corner of East 86<sup>th</sup> Street North and U. S. Highway 75 North, Sperry, Oklahoma, **From AG (Agriculture District) To CS (Commercial Shopping Center District).**

\* \* \* \* \*

**OTHER BUSINESS:**

**Proposed New Fee Schedule for processing PUD Detail Plans and Alternative Landscape Compliance**

**Staff Recommendation:**

Mr. Stump stated that the following is staff's analysis of how long it takes to do various detail plans that come out of PUD's, site plans, landscape plans, sign plans, etc.

## ANALYSIS OF PUD DETAIL PLAN REVIEWS

During the two-month period of February 14 through April 15, Land Development Services received 12 Site Plan, 7 Landscape Plan and 17 Sign Plan applications.

Of the twelve Site Plan applications received, none were complete and/or in compliance with specific PUD Standards. Several required multiple re-submittals, with one application requiring six separate reviews.

None of the seven Landscape Plan applications submitted were complete and/or in compliance with specific PUD Standards and the Zoning Code. Most required fairly simple revisions, necessitating only one or two re-submittals. Two others, however, are becoming ongoing projects.

Of the seventeen Sign Plan applications received, only four were complete and/or in compliance with specific PUD standards and Zoning Code. These were approved and processed within a few days of receipt.

## PROFESSIONAL REVIEW ACTIVITIES

The following is a breakdown of time allotted to review of these applications:

### Site Plans

Initial Review (relatively complete application)	75 minutes
Initial Review (incomplete/ not in compliance)*	120 minutes
Re-submittal (complete/ in compliance)	15 minutes
Re-submittal (incomplete/ not in compliance)*	45 minutes
Staff Reports and Case Prep (maps, plan reductions)	45 minutes
Stamp, Sign, File, Send to Permits	25 minutes

### Landscape Plans

Initial Review (relatively complete application)	45 minutes
Initial Review (incomplete/ not in compliance)*	60 minutes
Re-submittal (complete/ in compliance)	10 minutes
Re-submittal (incomplete/ not in compliance)*	20 minutes
Stamp, Sign, File, Send to Permits	25 minutes

### Sign Plans

Initial Review (relatively complete application)	15 minutes
Initial Review (incomplete/ not in compliance)*	30 minutes
Re-submittal (complete/ in compliance)	5 minutes
Re-submittal (incomplete/ not in compliance)*	15 minutes
Stamp, Sign, File, Send to Permits	15 minutes

*\*Additional time includes calling applicants and composing, e-mailing, FAX-ing lists of necessary items for review and requesting information regarding issues not adequately addressed or not in compliance with specific PUD standards and the Zoning Code.*

### ADMINISTRATIVE PROCESSING ACTIVITIES

In addition to review of actual plans, a number of administrative tasks are involved. These include providing applicants with the appropriate PUD standards for their projects, taking the application, preparing files and logs to track the plan's review, giving notice to interested parties of proposed site plans, and agenda preparation.

### Estimated Cost

Administrative Staff rate is \$25 per hour. Senior Planning Staff time allocated to Site, Landscape and Sign application review typically includes consideration of two re-submittals. Senior Planner rate is \$40 per hour.

Site Plan Application	(4 hours x \$40) + (2 hour x \$25)	\$210
Landscape Plan Application	(2 hours x \$40) + (1 hour x \$25)	\$105
Sign Plan Application	(1 hour x \$40) + (1.5 hour x \$25)	\$77.50

### Recommended New Fees

PUD Detail Site Plan	\$200
PUD Landscape Plan	\$100
Alternative Landscape Compliance	\$150
PUD Sign Plan	\$100

### TMAPC Comments:

Mr. Horner asked how this proposal compares with what has been done in the last ten or twenty years. In response, Mr. Stump stated that originally, if one wanted to submit all three plans (site plan, landscape plan and sign plan) at once, they would all be reviewed for \$25.00. Then it was changed to each plan review would be \$25.00 and obviously it doesn't come close to covering the costs.

Mr. Ledford asked that site plan be changed to PUD Detail Site Plan. In response, Mr. Stump stated that it could be changed. He explained that staff refers to all of the proposals a site plans and PUD Detail Site Plan would be a type of site plan.

Mr. Stump stated that he has already received a call from an interested party regarding the minor revision to a previously-approved site plan, which is done totally at staff level and would continue to be \$25.00. He explained that typically it is a small item and takes very little time to approve.

Mr. Westervelt asked if staff projected what the increase would be annually. In response, Mr. Stump stated \$16,000, which would be 50% to Tulsa County and 50% to the City of Tulsa.

**TMAPC Action; 9 members present:**

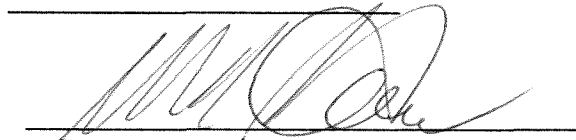
On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the proposed fee schedule for processing PUD detail plans and alternative landscape compliance as recommended by staff.

\*\*\*\*\*

There being no further business, the Chairman declared the meeting adjourned at 2:20 p.m.

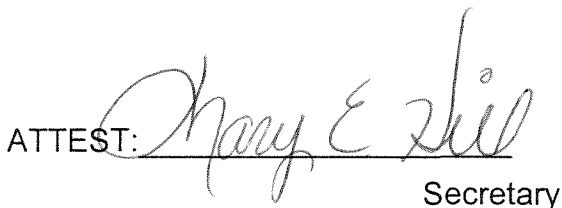
Date Approved:

5-15-02



Chairman

ATTEST:



Secretary