

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2375

Wednesday, April 21, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Ledford	Alberty	Romig, Legal
Carnes	Miller	Dunlap	
Coutant		Fernandez	
Harmon		Huntsinger	
Hill		Matthews	
Horner			
Jackson			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 15, 2004 at 3:30 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 1:40 p.m.

### REPORTS:

#### Director's Report:

Mr. Alberty reported the TMAPC receipts for the month of March 2004.

Mr. Alberty reported that the worksession on April 28<sup>th</sup> would be reviewing the Sign Advisory Board Recommendations for ordinances changes.

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## **SUBDIVISIONS:**

### **FINAL PLAT:**

**Stonebriar Estates – (8323)**

(PD-26) (CD-8)

North of East 111<sup>th</sup> Street and West of South Yale Avenue

### **STAFF RECOMMENDATION:**

Mrs. Fernandez reported that this plat consists of 45 residential lots in four blocks on 20 acres.

Mrs. Fernandez indicated that all release letters have been received for this final plat. She pointed out that the engineer for the project has certified that there is an oil well in the section, but it is not located on the subject property. Staff recommends **APPROVAL** of the final plat for Stonebriar Estates.

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

**Mr. Midget in at 1:41 p.m.**

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

On **MOTION** of **CARNES** the TMAPC voted 6-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Westervelt "aye"; no "nays"; Midget "abstain"; Bayles, Jackson, Ledford, Miller "absent") to **APPROVE** the final plat for Stonebriar Estates per staff recommendation.

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**Ms. Bayles in at 1:42 p.m.**

### **PRELIMINARY PLAT:**

**Wind River – (8333)**

(PD-26) (CD-8)

West of the northwest corner of East 121<sup>st</sup> Street and Yale Avenue

### **STAFF RECOMMENDATION:**

This plat consists of 262 lots, 15 blocks, on 80.6 acres.

Mrs. Fernandez stated that this application was continued from the April 7<sup>th</sup> meeting due to some concerns of Public Works Department. She cited the history of the plat and the numerous meetings.

The following issues were discussed March 18, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-686. A sketch plat has been reviewed previously for this property. Sidewalks and a pedestrian circulation plan need to be shown. The Cities of Bixby and Jenks had expressed concern about the bridge that is planned to be across the river at 131<sup>st</sup> Street. The bridge is a priority for the City of Bixby and they want it to be noted for this area. The Long Range Transportation Plan and the Major Street and Highway Plan for the Tulsa Metropolitan Area show the bridge generally between 121<sup>st</sup> Street and 131<sup>st</sup> Street over the Arkansas River between Yale Place and Yale Avenue alignments. An aerial of the proposed trail system had been shown and a trail and park would be dedicated by separate instrument. The additional trail right-of-way was requested per the trail and comprehensive plan maps. The applicant had stated that there was a property infringement to the north of 40 feet that needed to be corrected.
2. **Streets:** Put private streets in reserve. There is a possible issue with the easement for Toledo Avenue. Streets D (public) and C (private) have curves with a centerline radius less than the minimum required 125 feet. Reserve C is not indicated. Show LNA along Riverside, 121<sup>st</sup> Street, Toledo Avenue and 118<sup>th</sup> Street and parts of Collectors B and C. Additional right-of-way is required for street. An entry to provide 12 feet of right-of-way behind the curb and a 20:1 minimum transition or delete the small island. A waiver of the additional 25 feet of right-of-way for both Toledo Avenue and 116<sup>th</sup> Street is required and recommended by Traffic Engineering and Public Facilities Maintenance due to anticipated future development. The vacation of the east half of Toledo Avenue is recommended as a part of the future development of the tracts to the east, thus eliminating the unimproved roadway. A waiver of the radius at Toledo and 118<sup>th</sup> Street is required and recommended. Show adjacent east/west streets (116<sup>th</sup> Street) if any north of Lot 10, Block 12. Large islands in private streets F and G may need additional right-of-way to provide for 20-foot minimum right-of-ways per PUD. Designate all private streets as reserves for conveyance to the homeowners' association. Show City street names and all addresses. Increase offset along street C between streets F and H to improve safety. Correct minor dimensions along the south side of Lot 9, Block 13. In the covenants, include revised legal description and provide book and page for all vacations for file. Depict the private streets in Section II.B. as a reserve rather than listing all street names. In Section II.B, the abutting tract with access may be to the north rather than the east. One-way roadways adjacent to private islands shall meet the 20-foot minimum width per the PUD. Recommend two ten-foot approach lanes and an 18-foot minimum entry lane plus a curb transition of 20:1 minimum at street A entry. Redesign street H with a reverse curve to increase the intersection offset. Stripe two approach lanes for street B entry due to moderate volume. Collector street

sidewalks are required as well as other sidewalks determined by the approved Pedestrian Access Plan. License agreements may be necessary for proposed islands.

3. **Sewer:** Clarify block numbering system. The easement in the northeast corner of Lot 6, Block 6, needs to be 17.5 feet instead of 11 feet. Add dimension to easement at the northeast corner of Lot 5, Block 7, and Lots 14 and 15 of Block 14. In the covenants reserves A and B need to add sanitary sewer easement or make the adjacent ten-foot easement a 15-foot easement instead. Reserve A appears to have a proposed manhole in it. On the conceptual plan, show the size of pipe. A 12-inch pipe on the east and a ten-inch pipe on the west will likely be required.
4. **Water:** All water mains should be in a ten-foot waterline easement, street right-of-way or a reserve area. In the covenants add language to allow water mains to cross private streets. On the conceptual, all water mains lay on the east and south side of roadways. All mains must be in a dedicated easement or reserve.
5. **Storm Drainage:** Provide 100-year system to the river. Take "general" out of Section 1A. Review drainage on the east side.
6. **Utilities: PSO:** Language for overhead lines needs to be added. **ONG:** Standard language needs to be included in covenants. **Cox:** Okay.
7. **Other: Fire:** Subject to Fire Marshal review and approval.

**GIS:** No point of beginning is given. There is an incomplete description of POB and requires bearing and distance to section corner references.

The vacation of the roadway along the eastern side of the plat is not resolved. Currently, the proposal is to leave the north/south road to allow access to an existing residence.

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

#### **Waivers of Subdivision Regulations:**

1. Waivers are requested to right-of-way dedications along Toledo Avenue and East 116<sup>th</sup> Street. Corner radius waivers may be necessary.

#### **Special Conditions:**

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

2. Access must be assured to abutting property owners.
3. All PUD conditions must be met. Lot sizes must meet PUD requirements.
4. The pedestrian access and circulation plan must be submitted and approved.

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

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**TMAPC COMMENTS:**

Mr. Harmon asked Mrs. Fernandez to clarify the dedication of right-of-way on Toledo. In response, Mrs. Fernandez stated there is an existing 25 feet of right-of-way, which was dedicated from the owner to the east, the property owner of the subject subdivision does not want to make that street wider and dedicate an additional 25 feet to the west of the existing street. Mrs. Fernandez explained that Public Works Department and the developer feel that the internal street system would take care of the access and Toledo is not needed in the 50-foot form at this time. There is a separate process through Public Works Department and the City Council eventually to vacate part of Toledo. Today there would be a 25-foot existing roadway dedication for Toledo Avenue only. There are access points for the east to Yale Avenue off of the existing right-of-way. Mrs. Fernandez stated that typically the subdivision would dedicate an additional 25 feet of right-of-way along Toledo. At this time Toledo is only a 25-foot easement and the developer is requesting that part of Toledo be vacated.

Mr. Harmon stated that he didn't see how there could be a two-lane road on 25 feet of easement. In response, Mrs. Fernandez stated that the developer doesn't intend Toledo to be a part of their street system.

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

Mr. Westervelt asked if the TMAPC would see the pedestrian plan during a detail site plan review. In response, Mrs. Fernandez stated that staff would review this and it would be reviewed during the detail site plan process.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing the developer, stated that Toledo was dedicated by separate instrument. It is a graveled street and has been used by the property owners to the north.

Mr. Norman stated that his client revised his plat to eliminate an access point to 119<sup>th</sup> Street and discussed it with everyone involved. The idea is that Toledo would never be opened and improved to a full residential street capacity. The existing 25 feet of right-of-way is dedicated from the property to the east, and upon it being vacated, it would go back to the property owner. Traffic engineering has concurred with this concept. The most recent issue has been the design and the right-of-way along the extension of Delaware. As a result the other property owners are satisfied to the north and east with 119<sup>th</sup> Street being the primary access from Yale to the subject area, which is isolated from the

property to the north by the existing development pattern. The current layout does not provide any access to 119<sup>th</sup> Street on the assumption that Traffic Engineering supported this concept last November. As a result from conversations with Public Works Department, including the Traffic Engineering agreement, his client has agreed to submit a revised preliminary plat dedicating the full 75 feet of right-of-way for Delaware as a parkway and in a couple of areas the dedication has been increased to 91 feet in order to allow the radius to be shortened and the parkway planned for higher speeds around the curve. There is support for the revised preliminary plat by Public Works Department and Traffic Engineering. Public Works Department is no longer requesting further right-of-way be dedicated to create two-sided or backup lots to a street. Mr. Norman stated that at this point his client is in agreement with the recommendations of TAC, Public Works Department and Transportation.

Mr. Norman indicated that there were concerns about the location of the trail and the extension of the trail. The design plans indicated that the trail system would be on the Riverside portion of the subject property and the property across from Delaware is not owned by this developer. Toledo is not intended to remain as a residential street connecting the properties to the north and for this reason no right-of-way is being requested from this developer.

#### **TMAPC COMMENTS:**

Mr. Harmon asked Mr. Norman what would happen to Toledo if the City didn't vacate it. In response, Mr. Norman stated that it would remain as it is now, which is a narrow lane and it is not needed for the long range access. Mr. Norman further stated that the City wouldn't vacate Toledo unless someone requests it. Mr. Norman explained that his client cannot request the vacation because the dedication came from the property to the east. Mr. Norman commented that other property owners in the subject area are in agreement with Toledo not being improved as a residential access street from 121<sup>st</sup> Street. The City accepted the 25-foot of right-of-way when they accepted half of the dedication. It was never a long-range plan to have Toledo opened as a public street.

Mr. Horner asked Mr. Norman if the adjacent property owners were in agreement. In response, Mr. Norman stated that there are some interested parties present today and he believes that they are in agreement.

#### **INTERESTED PARTIES:**

**Ray Biery**, 9709 South Maplewood, Tulsa, Oklahoma 74137, stated that he owns property north of 118<sup>th</sup> Place and East of Toledo. Mr. Biery cited the history of the subject area and how Toledo became a 25-foot easement, which is dedicated to the City of Tulsa as a public road.

Mr. Biery stated that when the subject developer came into the subject area he didn't have any objections, except concerns regarding access points and traffic flow. The developer agreed to back all of his lots up to Toledo. Toledo is the



legal access, which has been used since 1966, for the owners to the surrounding properties. He objects to Toledo being vacated in any way, shape or form. Toledo is a public access and is utilized by several property owners. Toledo is an essential access for emergencies and everyday use. There are 45 acres in the subject area that could potentially develop into single-family with two houses per acre, which would be 90 homes utilizing Toledo.

Mr. Biery stated that he has no objection to Wind River developing their property as presented by Mr. Norman and no objection to having only 25 feet of right-of-way on Toledo. He doesn't intend to try to force the developer to dedicate an additional 25 feet south of 118<sup>th</sup> Place to 121<sup>st</sup> Street. Mr. Biery commented that when he comes in to develop his property, he would hope the Planning Commission remembers that the subject developer does not have to dedicate the additional 25 feet of right-of-way and he should receive the same treatment.

Mr. Biery concluded by stating that he is in agreement with the Wind River development as presented by Mr. Norman. He stated that he was assured by the developer that they would not try to vacate any of 118<sup>th</sup> Street abutting Mr. Latimer, nor Toledo abutting the Biery property.

#### **TMAPC COMMENTS:**

Mr. Horner asked Mr. Biery to give the perimeters of his property. In response, Mr. Biery stated that his property begins at Yale; the southern boundary is at 118<sup>th</sup> Place, and Toledo (660 feet x 1320 feet). Mr. Biery indicated that Toledo is the public access point for his property and he does not want a private road.

Mr. Carnes asked Mr. Biery if he agrees that the subject developer does not have to dedicate the additional right-of-way of 25 feet. In response, Mr. Biery stated that this is not his decision. He explained that when he purchased his property Toledo was 25 feet with partial asphalt and partial gravel. There is not a great amount of traffic on Toledo and it is access to 121<sup>st</sup> Street. He can live with the 25 feet on Toledo and does not want it vacated.

#### **INTERESTED PARTIES:**

**Bob Latimer**, 4309 East 118<sup>th</sup> Street, Tulsa, Oklahoma 74137, stated that he owns five acres at the northeast corner of the subject property. He concurred with Mr. Biery that Toledo should not be closed because it is a good alternative access for the surrounding properties.

Mr. Latimer stated that he has lived on his property 20 years without City water or sewer and expected Wind River to bring a descent road into the area. He further stated that he expected to have access to City water, which will not be happening. He requested a fire hydrant, metered water and for Toledo not to be closed.

**TMAPC COMMENTS:**

Mr. Westervelt stated that he doesn't believe the Planning Commission has the authority to provide a hydrant and waterline extension. In response, Mr. Latimer stated that normally when a developer comes into the subject area he is friendlier to the adjacent property owners. The developer could make water available to the surrounding properties and the property owners would pay for meters. He commented that the Public Works Department is not in favor of doing this at this time.

Mr. Westervelt asked Mr. Latimer if he has discussed the water issues with Public Works. In response, Mr. Latimer stated that he hasn't because he had some problems with Public Works during two previous developments above him. He understands that Public Works is not in favor of him having water or a fire hydrant.

Mr. Westervelt asked Mrs. Fernandez if she had any information regarding the five acres with no water service. In response, Mrs. Fernandez stated that she doesn't; however, there are two representatives from Public Works in the audience.

**Harold Talene**, Public Works Department, City of Tulsa, stated that to his knowledge he has not received a request to extend the waterlines to the five acres. The developer is not normally asked to extend waterlines to the abutting properties. He indicated that Public Works is willing to consider any waterline extension that comes from an owner and they would have to bear the cost of the extension main to their property and responsible for the service connection.

Mr. Carnes stated that a fire hydrant is definitely needed for safety issues. Mr. Carnes stated that it is not unusual for the developer to extend the water main across his property to be extended farther.

Mr. Talene stated that he would discuss the fire hydrant issue with the Fire Marshal.

**Applicant's Rebuttal:**

Mr. Norman stated that the same type of discussion has taken place at the TAC meetings. He indicated that the developer has told Mr. Latimer that they would be willing to run a line from one of the lots up to his property, which is in the corner. The City has a longstanding policy that one can't run a service line through one lot to serve another property because there has to be a main. The main has to be extended to the next property, which his client is willing to do along one of the lot lines that would get to Mr. Latimer's property, but the City also has a policy that there can't be a stubbed water main (going to a dead-end). Mr. Latimer would have to extend the water main onto his own property and arrange for his own meter.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Norman if his client would be willing to allow an easement for Mr. Latimer in order to have the City approve a main extension when the appropriate time is there. In response, Mr. Norman answered affirmatively.

**Ricky Jones**, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, Oklahoma 74105, stated that a 20-foot restrictive waterline easement is required for a public line, which has not been decided on at this time. He explained the City of Tulsa's policies regarding waterlines and service lines. He indicated that he is trying to work out a solution with Public Works Department.

Mr. Westervelt asked Mr. Jones why he couldn't dedicate an easement in the appropriate location, resolve the issue and know that another line will come in somewhere else to provide the loop or when development occurs. In response, Mr. Jones stated that if he dedicates the easement, it still does not get water to Mr. Latimer. In response, Mr. Westervelt stated that it would be Mr. Latimer's responsibility to put the line in to his property. In response, Mr. Jones stated that he would check with the developer to see if he would agree to dedicate the 20-foot restrictive water line easement for the abutting property owner to come connect into the water line.

Mr. Carnes asked Mr. Jones if there is any way to get a fire hydrant into the subject area. In response, Mr. Jones stated that the City requires that if a stub is along a public line, then a blow-off valve or some kind of hydrant is required in order to flush the line.

Mr. Westervelt stated that it appears that all of the issues have been settled except the water line issues. He further stated that he is surprised that TAC didn't find a solution for this on the second review.

**Applicant's Rebuttal:**

Mr. Norman stated that some confusion has arisen about vacating streets. There were rights-of-way that were dedicated in the past and are being vacated in order to create an unencumbered parcel of this size for platting. The property owners in the subject area did not want the traffic from this subdivision coming through their property. The entire subdivision was redesigned to have lots that would back up to Toledo in order to prevent having double-frontage lots.

**TMAPC COMMENTS:**

Mr. Carnes stated that a fire hydrant is needed in the subject area because it is a safety issue. In response, Mr. Norman stated that once the easements are available, it is a matter of who pays for the costs of extending the water lines. There will not be any access or water lines provided to the north because those properties are already served from a different direction. Mr. Norman concluded

that his client would do everything possible to accommodate or provide a way for water to reach Mr. Latimer's property.

Mr. Westervelt asked Mr. Norman why the Planning Commission is trying to figure out a way to get water to the adjacent property after this has been to TAC twice. In response, Mr. Norman stated that TAC has not required this because of the reason for the design. Mr. Norman informed the Planning Commission that he did not attend the TAC meetings and couldn't give the background. The major issues addressed were from Public Works Department. Typically providing an easement for a water line to be extended is what would be required of the developer.

Mr. Westervelt asked staff if they could clarify why the Planning Commission is looking at the water line issues today. In response, Mr. Alberty stated that he doesn't have any idea why it came up today, other than the fact that it had been continued and it gave an opportunity for the abutting property owners to come in and state their positions. Typically, these things are worked out between the property owners and TAC doesn't get involved in it unless there is a City requirement. Mr. Alberty further stated that, to his knowledge, the City would not require the developer to extend a mainline water line to an adjacent property at their expense. It appears that the developer has tried to provide a solution, but the solution is against City policy with regards to extensions. Mr. Alberty commented that what has been done today, based on the history available, staff can recommend approval of the preliminary plat with the stated conditions.

Mr. Harmon stated that the Planning Commission as planners have to do some subjective prophesying and if the property to the east were to develop into multiple homes sites, then Toledo would need to be a 50-foot roadway. He further stated that one of the speakers have stated that if this right-of-way waiver were granted, then he would expect the same treatment when he develops his property. He commented that this could be precedent-setting and he is not comfortable with a 25-foot right-of-way.

Mr. Horner stated that he can't imagine Toledo being vacated after hearing the interested parties' concerns. In response, Mr. Westervelt stated that this isn't an issue for Wind River if Public Works Department doesn't have an issue with it.

Mr. Romig stated that vacating a street is a two-step process and the first step is that has to be done is that someone has to make the request that the right-of-way be closed. A right-of-way can't be closed as long as it is being used by the public. The interested parties stated that Toledo is being used by the public. The second step is the vacation after the right-of-way has been closed and this would be done by District Court. However, the first step could not be accomplished on the subject right-of-way because it is a legal public access for the surrounding property owners and it is being utilized.

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, TMAPC voted 5-4-0 (Coutant, Hill, Jackson, Midget, Westervelt "aye"; Bayles, Carnes, Harmon, Horner "nays"; none "abstaining"; Ledford, Miller) "absent") to **APPROVE** the preliminary plat for Wind River as recommended by staff, subject to a trails plan being submitted at a later date, PUD conditions being met, access being worked out with Public Works and the surrounding property owners, access for a water line main to Mr. Latimer's property, and waiving the 25-foot right-of-way on Toledo all subject to Public Works' satisfaction.

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**Mr. Midget out at 2:35 p.m.**

**COMPREHENSIVE PLAN PUBLIC HEARING:**

Consider amendments to the District One Plan Map and Text, A part of the Comprehensive Plan for the Tulsa Metropolitan Area to incorporate the proposed location of the Grand Central Library in the area of East 11<sup>th</sup> Street and South Denver Avenue. **Resolution No.: 2375:861**

**STAFF RECOMMENDATION:**

Ms. Matthews stated that the Grand Central Library has been looking for a new location. The Tulsa City/County Library has settled on a location, which would be in the 11<sup>th</sup> and Denver area.

Ms. Matthews stated that the Tulsa City/County Library has requested the Planning Commission to amend the District 1 Plan to indicate the location. The proposal is in accord with the policies of the Plan presently, but staff does recommend that the District One Plan Map be amended by showing the location designated.

**TMAPC COMMENTS:**

Mr. Westervelt stated that this proposal was discussed in a previous worksession.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing the Tulsa City/County Library System, stated that Linda Saferite, Executive Director, and Charles Shannon, Deputy Director, are present. Mr. Norman cited the process the library system conducted to recognize the need for a new location.

**TMAPC COMMENTS:**

Mr. Harmon stated that he has visited the site and it is an excellent location.

Mr. Norman stated that the voters of Tulsa County will have a chance later this year to vote for the funding proposal and improvements to the branch libraries throughout the county.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Miller) "absent") to recommend **APPROVAL** of the amendments to District 1 Plan Map and Text per staff recommendation.

**Related Item:**

**RESOLUTION NO.: 2375:861**

**A RESOLUTION AMENDING  
THE DISTRICT ONE PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 10th day of October, 1980 this Commission, by Resolution No. 1332:524, did adopt the District One Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of the County Commissioners of Tulsa County, and

WHEREAS, a Public Hearing was held on the 21st day of April, 2004, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District One Plan Map by adding and/or amending the Plan map as follows.

Add to the plan map the new location for the proposed Grand Central Library at and near the intersection of East 11<sup>th</sup> Street and Denver Avenue and remove the existing designation as Development Opportunity Site 3.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District One Plan Map, as above set out, be and are hereby adopted as part of the District One Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Mr. Westervelt out at 2:36 p.m.**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Ledford, Midget, Miller, Westervelt) "absent") to recommend **APPROVAL** of Resolution No. 2375:861 per staff recommendation.

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## **ZONING PUBLIC HEARING**

**Application No.: PUD-631-A**

**MAJOR AMENDMENT**

**Applicant:** Stephen Mendenhall

(PD-18) (CD-8)

**Location:** East of southeast corner of East 91<sup>st</sup> Street and South Harvard Avenue

### **STAFF RECOMMENDATION:**

The applicant is requesting a major amendment to add approximately 0.229 (gross) acres to an existing PUD. It is also requested that the minimum building setbacks from east and south boundaries of the PUD be reduced from 17.5 feet to eleven feet.

PUD-631 was approved by the City Council on June 1, 2000. The zoning (Z-6768) was changed from AG to OL on the same date. The PUD allowed those uses permitted by right in an OL district on 1.94 acres located on the south side of East 91<sup>st</sup> Street between South Harvard and South Yale. A maximum building floor area of 25,000 square feet was approved. The maximum building height is two stories.

The existing PUD is zoned OL and the proposed additional tract is zoned AG. The subject tract is abutted on the west and south by a cemetery zoned AG and on the east by a church zoned AG. A Jenks public school facility zoned AG is located to the north of the tract across 91<sup>st</sup> Street.

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-631-A as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-631-A 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:**

**Gross Land Area:** 2.169 acres

**Permit Uses:**

As permitted by right within an OL district.

**Maximum Building Floor Area:** 25,000 sq. ft.

**Maximum Building Floor Area Ratio Per Lot:** .35

**Maximum Building Height:**

Two stories not to exceed 45 feet.

**Maximum Number of Lots:** 3

**Minimum Building Setbacks:**

From centerline of East 91<sup>st</sup> Street 100 FT  
South

From west boundary of PUD 17.5 FT

From east boundary of PUD 11 FT



From south boundary of PUD

11 FT

**Minimum Off-Street Parking:**

As required by the applicable Use Unit.

**Minimum Landscaped Area:** 15% of net lot area.

3. Landscaping and Screening:

Landscaping throughout the project shall meet or exceed the requirements of the Landscape Chapter of the Tulsa Zoning Code.

4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
8. 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. 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 or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 25 feet in height.

10. 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.
11. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. 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.
14. 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 and shipping containers shall not be used for storage in the PUD.
15. There shall be no development in the regulatory floodplain.

**TAC Comments from April 4, 2004:**

1. Pedestrian circulation-proximity to school and Creek Turnpike Trail. Add sidewalk on 91<sup>st</sup> Street.
2. LRTP: planned four lanes.

**PUD 631-A, Southern Ridge, 3112 East 91 Street.**

**Water** – Easement must be extended from East 91<sup>st</sup> Street into Block 1, Lot 2 to serve it. There is a 12" water main parallel with East 91<sup>st</sup> Street on the north side.

**Stormwater** – Onsite Detention will be required. Exhibit B "NOTES" that "Stormwater to be handled onsite". Show the location of the stormwater detention facility and its easement. Show the location of the Vensel Creek City of Tulsa Regulatory Floodplain.

**Wastewater** – Sanitary sewer service must be provided to serve all lots.

**Transportation** – Looks like MAE does not extend to southeast bldg; needs to be extended. Concur with Traffic's comments.

**Traffic** – A change of access may be required subject to approval of the Traffic Engineer. Check sight distance due to the severe side slope.

**GIS** – No comments.

**General -**

**Fire:** Hydrant must be no more than 400 ft (600 if sprinkled) from most remote part of building as the way hoses are laid.

**Mr. Westervelt in at 2:39 p.m.**

**Applicant's Comments:**

**Stephen Mendenhall**, 5501 South Lewis Avenue, Tulsa, Oklahoma 74105, expressed concerns regarding the TAC comments included with the staff recommendation.

Mr. Dunlap stated that the TAC comments are platting issues and are not a part of the staff recommendation for the PUD. He explained that Ms. Bayles requested and the Planning Commission agreed to include the TAC comments with the staff recommendations for PUDs. Mr. Dunlap concluded that the TAC comments are informational items only and this puts the applicant on notice that there may be some issues during the platting process.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Miller) "absent") to recommend **APPROVAL** of the major amendment for PUD-631-A per staff recommendation.

**Legal Description for PUD-631-A:**

A tract of land located in the NW/4 of Section 21, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Commencing at the Northeast corner of the NW/4 of said Section 21; thence North 89°49'50" West along the Northerly boundary of said NW/4 a distance of 450.00' to the point of beginning; thence South 00°08'35" West a distance of 50.00' to the Northwest corner of Lot 1, Block 1, ALL SAINTS ANGLICAN CHURCH II, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded Plat thereof, thence continuing South 00°08'35" West along the Westerly line of Lot 1, Block 1, ALL SAINTS ANGLICAN CHURCH II, a distance of 325.00' to the most Westerly Southwest corner of Lot 1, Block 1, ALL SAINTS ANGLICAN CHURCH II; thence continuing South 00°08'35" West a distance of 15.00'; thence South 90°00'00" West a distance of 145.72'; thence North 24°36'22" West a distance of 20.00'; thence North 71°10'17" West a distance of 42.44'; thence North 22°10'22" West a distance of 144.95'; thence North 13°27'04" West a distance of 85.11'; thence North 00°00'00" East a distance of 141.90' to the

Northerly line of the NW/4 of Section 21; thence South 89°49'50" East along the Northerly line of the NW/4 of Section 21 a distance of 269.70' to the Point of Beginning, containing 2.169 acres more or less, and located east of the southeast corner East 91<sup>st</sup> Street South and South Harvard Avenue, Tulsa, Oklahoma, **FROM AG/OL/PUD (Agriculture District/Office Low Intensity District/Planned Unit Development [PUD-631]) TO AG/OL/PUD (Agriculture District/Office Low Intensity District/Planned Unit Development [PUD-631-A])**).

\* \* \* \* \*

Mr. Midget in at 2:45 p.m.

Application No.: Z-6942

IL to RS-3

Applicant: Robert Nichols

(PD-8) (CD-2)

Location: East of northeast corner of West 81<sup>st</sup> Street and South Elwood

**STAFF RECOMMENDATION:**

**Z-6928 February 2004:** A request to rezone approximately 24.98 acres north of the northeast corner of West 81<sup>st</sup> Street and South Elwood was withdrawn prior to TMAPC public hearing.

**Z-6871 November 2002:** Approval was granted for a request to rezone a 141-acre tract located on the northwest corner of West 81<sup>st</sup> Street South and South Elwood Avenue, west of the subject property, from AG to RS-3 for residential development.

**Z-6858/PUD-660 June 2002:** All concurred in approval of a request to rezone a 2.5-acre tract located east of the southeast corner of West 71<sup>st</sup> Street and South Elwood Avenue from AG to CS/PUD for commercial use.

**Z-6679 March 1999:** All concurred in approval of a request to rezone a 9.8-acre tract located east of the southeast corner of West 81<sup>st</sup> Street and South Elwood Avenue and abutting the subject property on the west, from AG to IL for a proposed auto sales business.

**BOA-18516 September 1999:** The Board of Adjustment unanimously approved a Special Exception to allow use of the subject property for a wedding chapel, receptions and business meetings in an IL-zoned district, excluding hotel-motel use.

**Z-6679 March 1999:** The TMAPC and Council approved rezoning of subject property (part of Sec. 12-18-12) from AG to IL.

**BOA-18111 July 1998:** The Board of Adjustment unanimously approved a Special Exception to permit a private school (pre-kindergarten through 3<sup>rd</sup> grade) in an AG district at 1 West 81<sup>st</sup> Street (a portion of the subject property), with the condition that there be seven parking spaces provided and at least one parking space per staff member.

**Z-6370 October 1992:** A request to rezone a 2.5-acre tract located south of the southeast corner of West 71<sup>st</sup> Street South and South Elwood Avenue from AG to CG or CS to allow a fencing company was denied.

**BOA-14083 July 1986:** The Board of Adjustment approved a Use Variance to permit a health spa in an AG-zoned district on the subject property, and per conditions as submitted by the applicant.

**BOA-11848 March 1982:** Approval was granted by the Board of Adjustment to allow more than one dwelling on one lot of record within an AG-zoned district and on the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 60 acres in size and is located east of the northeast corner of West 81<sup>st</sup> Street South and South Elwood Avenue. The property is flat, non-wooded, contains two single-family dwellings, accessory buildings and vacant land, and is zoned IL. The County levee bisects the property from east to west.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 81 <sup>st</sup> Street	Secondary arterial	100'	2 lanes
South Elwood Avenue	Secondary arterial	100'	2 lanes

**UTILITIES:** The subject tract has municipal water available and sewer is either septic systems or lagoons.

**SURROUNDING AREA:**

The subject property is abutted on the north and east by vacant land, zoned AG; to the west by scattered single-family dwellings, zoned AG; and to the south by Jones Riverside Airport, zoned IL.

### **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-Industrial land use and Development Sensitive in the southern portion. According to the Zoning Matrix, the requested RS-3 zoning is in accord with the Plan.

### **STAFF RECOMMENDATION:**

Although the Zoning Matrix technically sanctions the requested single-family zoning for this property, its proximity to Jones Riverside Airport outweighs that. Residential uses are typically not compatible with airport operations due to noise, vibration and traffic. Similar zoning cases in this area have recently been recommended for denial on this basis. Therefore, staff recommends **DENIAL** of RS-3 zoning for Z-6942.

### **Applicant's Comments:**

**Robert Nichols**, 601 South Boulder, Suite 400, Tulsa, Oklahoma 74119, representing Bill Satterfield, stated that he would like to reserve his comments for rebuttal.

### **INTERESTED PARTIES:**

**Ray McCollum**, 7724 South Canton, Tulsa, Oklahoma 74136, stated that he is a pilot and can see where this application would create problems with the operations of Riverside Airport. The proposed housing would be closer to an airport than the houses near Tulsa International Airport. The builder should be asked to insulate the houses due to the noise factor.

Mr. McCollum stated that Jones Riverside Airport needs to extend the runway to the north to accommodate the business jets. This would be too close to the proposal. He expressed concerns about student pilots flying near the proposed houses. He requested the Planning Commission to deny this application.

**Brent Kitchens**, City of Tulsa Airport Director, stated that he is very concerned about the worst land use next to an airport, which is single-family residential. Single-family residences would be subjected to aircraft noise fly over and safety issues. He reported on the 130 inverse condemnation cases against Tulsa International Airport due to noise complaints from the residents. He explained that Jones Riverside Airport is the busiest airport in the State of Oklahoma and Spartan School of Aeronautics operates their flight school from this airport. Spartan currently has 600 flight students, with plans to grow in the future. To protect the community development and the aerospace industry in Tulsa he requested the Planning Commission to not allow a single-family residential encroachment next to the runway.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Kitchens if jet aircraft uses Jones Riverside Airport. Mr. Kitchens answered affirmatively. Mr. Harmon asked what size jets use the airport. In response, Mr. Kitchens stated that they are the smaller business jets because of the length of the runway. This is a very busy airport with student pilots. Mr. Kitchens stated that noise is measured in noise contours and he receives complaints from residents outside of the noise contours that the FAA has designated as a noise impacted area. The noise contours are not on top of the subject property, but adjacent to it.

**Applicant's Rebuttal:**

Mr. Nichols stated that there are some legitimate concerns that have been addressed by Mr. Kitchens. There are some differences between Riverside Airport and Tulsa International Airport. The Air National Guard is not stationed at Riverside. The large commercial liners, which generate a great deal of noise, are not located there as well. This airport is located in the suburban community of Jenks, near and around it. Mr. Nichols cited the area surrounding the airport and the residential subdivision that is nearby that was zoned and platted at a time when the airport was in place. Mr. Nichols cited other community airports surrounding Tulsa.

Mr. Nichols stated that there are people who would be attracted to these homes because of the nearness of the airport and a hangar facility. The subject property is currently listed under the Comprehensive Plan that the subject application is in accordance with the Plan, which is a guide to landowners like his client as to what an appropriate application before the Planning Commission would be and the prospect of reasonableness of having the application approved. The subject property is under a plan that would allow this single-family use. The airport itself is an amenity, which would attract single-family residents onto the subject property. The balance weighs in favor of rezoning the subject property to residential and those issues of concern that were raised by the Airport Authority are issues that each homeowner will address when deciding whether to purchase a home in the subject area.

**TMAPC COMMENTS:**

Mr. Carnes stated that this is quite a large flight school and he agrees with the staff recommendation that the airport is known to be operating in the subject area and should not place residential housing next to the noise and the other activities from the airport. He indicated that he would move for a denial of RS-3 zoning.

Mr. Midget stated that as much as he could appreciate that the airport is an amenity for the neighborhood, he believes that with the problems the City has had with the larger airport he would be hard-pressed to support this application.

Mr. Westervelt agreed with Mr. Carnes and Mr. Midget. He commented that the Comprehensive Plan is an organic document that is used for a guide, and staff

has some criteria that they have reviewed and the staff recommendation correct. This is one of the busiest airports in the country, including the fact that Spartan is located there as well. The future extensions of any runway or any action that may be taken in the future by the FAA or Mr. Kitchen's group have no bearing on the decision to deny the RS-3 and leave the IL in place. That is something in the future and it should not affect the decision made today.

Mr. Horner stated that he solidly supports staff recommendation for denial. There would be another noise mitigation program if residential houses were allowed next to the airport.

Ms. Bayles complimented staff on their recommendation and Mr. Kitchen on his language about the health, safety and welfare of the future residents.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Miller "absent") to recommend **DENIAL** of RS-3 zoning for Z-6942 per staff recommendation.

\* \* \* \* \*

**Application No.: Z-6941**

**RS-3 to CS**

**Applicant:** Lester Shaw

(PD-2) (CD-3)

**Location:** 1325 East Apache

**STAFF RECOMMENDATION:**

**Z-6746 February 2000:** A request to rezone four residential lots approximately 200' x 130' and located west of the southwest corner of East Apache Street and North Peoria Avenue from RS-3 to CH for a commercial dry cleaning business was denied for CH zoning and all concurred in approval for CG zoning.

**Z-6440 May 1994:** All concurred in approval of a request to rezone the Lincoln-Dunbar Neighborhood (a blanket-zoned neighborhood), lying between East Zion Place to the north and East Pine Street on the south; the Union-Pacific Railroad on the west to Peoria on the east, from RM-1 and RM-2 to RS-4.

**BOA-16367 June 1993:** The Board of Adjustment approved a request for a small engine repair service in a CS-zoned district located west of the northwest corner of East Apache Street and North Peoria Avenue.



**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is 100' x 140' in size and is located on the northeast corner of East Apache Street and North Quaker Avenue. The property is flat, non-wooded, contains a single-family dwelling (apparently vacant and undergoing renovation), accessory buildings and is zoned RS-3.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Apache Street	Secondary arterial	100'	4 lanes
North Quaker Avenue	Residential	50'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:**

The subject property is abutted on the north by single-family dwellings, zoned RS-3; farther on the northwest and facing Peoria Avenue by a law office, zoned OL; on the west by a vacant and boarded-up single-family dwelling, zoned RS-3; on the east by a barber/beauty shop, zoned OL; to the south across East Apache Street are single-family dwellings, zoned RS-3. The entire frontage on the north side of Apache Street between the back lot line east of Trenton west to approximately Quincy is a mix of commercial and related uses, zoned CH. Some of the properties in the area fronting North Peoria have been cleared for the widening and improvement of North Peoria.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-No Specific land use and Corridor. According to the Zoning Matrix, the requested CS zoning **is not** in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on existing mixed uses on the north frontage of Apache, existing zoning patterns, existing land uses farther north from the frontage, and the Comprehensive Plan, staff cannot support the requested CS zoning for Z-6941. However, for the same reasons, staff believes it unreasonable to expect that this property will redevelop as single-family residential and therefore could support OL in the alternative. Staff recommends **APPROVAL** of OL zoning for Z-6941 and **DENIAL** of CS zoning.

Ms. Matthews stated that if the applicant wishes to have more than one story with the OL zoning, then he would have to go before the Board of Adjustment for relief.

**TMAPC COMMENTS:**

Mr. Harmon asked what is allowed in CH districts. In response, Ms. Matthews stated that if the Planning Commission were to consider the CH zoning, they should consider that the subject property is adjacent to a single-family residential neighborhood. CH district has no height restrictions, less stringent setbacks, and in the years past, there have been problems when CH zoning was placed next to neighborhoods. It also allows more intense uses, because it was designed to be in the downtown area. The CS district is the lowest of the commercial, which is commercial shopping for convenience-type shopping. CS zoning would have more setbacks, more screening and more parking.

Mr. Harmon asked if staff felt CS was too intense for the subject property. In response, Ms. Matthews stated that the deciding factor was that the applicant could, by right, have more than one story and it would be next to single-family one-story houses to the north and across the street.

**Applicant's Comments:**

**Lester Shaw**, 2238 North Yorktown, Tulsa, Oklahoma 74110, stated that he would be in agreement with the staff recommendation for OL zoning.

**TMAPC COMMENTS:**

Mr. Midget stated that he spoke with Emma Galbreath, 2661 North Quaker Avenue, Tulsa, Oklahoma 74106, and she is satisfied with the staff recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Miller) "absent") to recommend **DENIAL** of CS zoning for Z-6941 and recommend **APPROVAL** for OL zoning for Z-6941 per staff recommendation.

**Legal Description for Z-6941:**

Lots 5 and 6, Block 3, Cliff View Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northeast corner of East Apache Street and North Quaker Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To OL (Office Low Intensity District).**

\* \* \* \* \*

Mr. Midget out at 3:00 p.m.  
Ms. Bayles out at 3:00 p.m.

**Application No.: PUD-705**

**CS to PUD**

**Applicant:** Randall Pickard

(PD-2) (CD-3)

**Location:** Northeast corner of East Reading and North Peoria

**STAFF RECOMMENDATION:**

The PUD proposes commercial and office uses and a dry cleaning/laundry facility on approximately 3 acres located at the northeast corner of East Reading Street and North Peoria Avenue. Three development areas are proposed. Development Area A is located in the southwest corner of the PUD and would permit uses included within Use Unit 12 (Eating Establishments, Other Than Drive-Ins), Use Unit 13 (Convenience Goods and Services) and Use Unit 18 (Drive-In Restaurants). Development Area B is located in the eastern portion of the PUD and would permit uses included within Use Unit 11 (Offices, Studios and Support Services), Use Unit 12 (Eating Establishments, Other Than Drive-Ins), Use Unit 13 (Convenience Goods and Services), and dry cleaning/laundry only as included within Use Unit 15. Development Area C is located in the northeast portion of the PUD and would permit uses included within Use Unit 11, (Offices, Studios and Support Services), Use Unit 12 (Eating Establishments Other Than Drive-Ins), Use Unit 13 (Convenience Goods and Services), Use Unit 14 (Shopping Goods and Services) and Use Unit 18 (Drive-In Restaurants).

The subject tract is zoned CS. There is RS-3 zoned property to the north of the tract across East Seminole Street, RM-1 property to the east across North Quaker Avenue and RS-4 zoned property to the west across North Peoria Avenue. There is an Albertson's Grocery Store and Retail Center zoned CS, to the south of the subject tract across East Reading Street.

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-705, 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-705 subject to the following conditions:

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

2. **Development Standards:**

**Development Area A**

**Net Lot Area:** 34,847 SF

**Permitted Uses:**

Those uses include within Use Unit 12 (Eating Establishments, Other Than Drive-Ins), Use Unit 13 (Convenience Goods and Services) and Use Unit 18 (Drive-In Restaurants).

**Maximum Building Floor Area:** 17,710 SF

**Maximum Building Height:** 35 SF

**Minimum Building Setbacks:**

From the north, south, east and west boundaries of the Development Area 25 FT

**Other Bulk and Area Requirements:**

As provided within a CS District.

**Minimum Off-Street Parking:**

As required by the applicable use unit.

**Minimum Landscaped Area:** 10% of net lot area.

**Development Area B**

**Net Lot Area:** 77,714 SF

**Permitted Uses:**

Those uses included within Use Unit 11 (Office, Studios and Support Services), Use Unit 12 (Eating Establishments Other Than Drive-Ins), Use Unit 13 (Convenience Goods and Services, Use Unit 14 (Shopping Goods and Services) and Dry Cleaning/Laundry only as included within Use Unit 15.

**Maximum Building Floor Area:** 38,402 SF

**Maximum Building Height:** 35FT

**Minimum Building Setbacks:**

From Abutting Public Street Right-of Way	25 FT
From Development Areas A and C	0 FT

**Other Bulk and Area Requirements:**

As provided within a CS District.

**Minimum Off-Street Parking:**

As required by the applicable use unit.

**Minimum Landscaped Area:** 10% of net lot area

**Development Area C**

**Net Lot Area:** 21,136 SF

**Permitted Uses:**

Those uses included within Use Unit 11 (Office, Studios and Support Services), Use Unit 12 (Eating Establishments Other Than Drive-Ins), Use Unit 13 (Convenience Goods and Services), Use Unit 14 (Shopping Goods and Services), and Use Unit 18 (Drive-In Restaurants).

**Maximum Building Floor Area:** 13,769 SF

**Maximum Building Height:** 35 FT

**Minimum Building Setbacks:**

From north, south, east and west boundaries of the Development Area.	25 FT
--	-------

**Minimum Lot Frontage:** 140 FT

**Other Bulk and Area Requirements:**

As provided within a CS District.

**Minimum Off-Street Parking:**

As required by the applicable use unit.

**Minimum Landscaped Area:**

10% of Net Lot Area.

3. Signs:

There shall be no ground signs along the East Seminole Street frontage or the North Quaker Avenue street frontage. There shall be no north- or east-facing wall signs. All other signs shall comply with Section 1103.B.2 of the Zoning Code.

4. There shall be no vehicular access to East Seminole Street or on the north portion of North Quaker Avenue. All access shall be approved by TMAPC, Public Works Department and the Tulsa Fire Department.

5. Landscaping and Screening

All landscaping and screening shall meet or exceed the requirements of the PUD Chapter and Landscape Chapter of the Zoning Code or an alternative plan may be approved by TMAPC if they determine that, although not meeting the technical requirements of the Landscape Chapter, the plan is equivalent to or better than the requirements of the Landscape Chapter and also meets or exceeds the requirements of the PUD Chapter. Appropriate screening shall be provided between the PUD and the residential districts to the east and north. All landscaping and screening shall be approved by TMAPC.

6. 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 fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

7. 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.

8. 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.

9. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
10. 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.
11. 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 or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or residential street right-of-way. No light standard nor building-mounted light shall exceed ~~45~~ 24 feet in height and there shall be no light standard nor building-mounted light within the north or east 20 feet of the PUD.
12. 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.
13. All private roadways shall 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 which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
14. 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. The developer shall pay all inspection fees required by the City.
15. 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.
16. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

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 and shipping containers shall not be used for storage in the PUD.

**TAC Comments of April 1, 2004:**

**Pedestrian Circulation** – Applicant has provided pedestrian accessway out to Peoria Linear Park. Adequate pedestrian circulation provided.

**LRTP:** Existing four lanes.  
Transit runs Peoria route.

**PUD 705, Paradise Plaza, NE corner of North Peoria and East Reading**

**Water** – Along both Seminole Street and Reading Street exists a six-inch water main on the south side of each street.

**Stormwater** – Page 8 states that “On-site stormwater detention and drainage will be provided...”, and references Exhibit F. Please show the required detention on said exhibit. Also, the existing 15” RCP must be located and cannot pass under the proposed building.

**Wastewater** – Sanitary sewer service must be provided to serve all lots. The owner will not be allowed to build over the existing sanitary sewer line. Before a building permit can be issued, any relocation to be done must be completed and the old line abandoned.

**Transportation** – Concur with Traffic's comments.

**Traffic** – Recommend deleting all access to the residential street (Seminole) and at least the northern access to Quaker due to the indirect access to the arterial via the Peoria Street Road designed into the Peoria project for residential purposes. Recommend additional access onto Reading subject to the approval of the Traffic Engineer. Recommend a 120-150 ft west bound turn lane on the commercial street (Reading). Recommend sidewalks on all three streets as part of PUD Pedestrian Plan due to the residential nature of the area. Delete the proposed parking on right-of-way (Quaker) due to the public need for sidewalk access and landscaping.

**GIS** – No comments.



**General** – Screening fences may be required along the north and east sides of the development, where the adjacent residential areas are located.

**Mr. Westervelt out at 3:01 p.m.**

**Ms. Bayles in at 3:03 p.m.**

**Applicant's Comments:**

**Randall Pickard**, 10051 South Yale, Suite 203, Tulsa, Oklahoma 74137, representing the Paradise Partners One, LLC, stated that this is a group of men who grew up in North Tulsa and have done well and would like to invest back into their community. The tract is zoned CS and bounded by public streets on all four sides. His client is purchasing the subject property from the Tulsa Development Authority, and as part of the purchase there was a condition that the land all be developed at one time. In the negotiation process, TDA agreed that if the applicant filed a PUD and made certain commitments in a PUD fashion, then it could be developed in three development areas.

Mr. Pickard stated that his client concurs with staff's recommendation, including the changes staff has presented. However, there are two items that he doesn't necessarily agree with, but he is not sure that they are major items. Mr. Pickard submitted a revised site plan with landscaping (A-1). Originally the site plan indicated access going out to the north on Seminole and two access points going to the east on North Quaker Avenue. At the TAC meeting the access points were discussed and TAC did not want traffic going out onto Seminole or onto North Quaker. TAC comments were not opposed to the south entrance onto North Quaker going to the east. This would be different from what staff is recommending. For traffic circulation purposes, the engineers recommend the access point and TAC appeared to agree that the one access point be retained.

Mr. Pickard stated that the other recommendation that staff has made, which is not in the original development text, is the light poles' height. Staff has restricted the height to 15 feet and his client would prefer 24 feet. Albertson's across the street have 30 feet-in-height standards. His clients prefer to keep the standard at 24 feet in height and request that the Planning Commission approve this.

Mr. Pickard stated that the only other issue is the landscaping and screening, which he understands will be before the Planning Commission at a later date. He believes that his client's are meeting the equivalent of the landscape chapter.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Pickard to restate what is different from the staff recommendation. In response, Mr. Pickard stated that it would be the access onto north Quaker, increasing light pole height to 24 feet, and flexibility regarding the landscaping, but he wanted to alert the Planning Commission that there are technical requirements from the landscape chapter that his client would not be

compliant with per what is presented today. However, his client would have a design that is the equivalent of the requirements.

Mr. Dunlap stated that staff has no problem with amending the recommendation on No. 4, to allow the access point. The lighting standard has to meet the Kennebunkport requirements. The light element or the light itself cannot get into the residential streets. Staff has written the recommendation by stating what the Code requires. The applicant has done a lot of work on this PUD, the landscaping and screening. Staff doesn't believe the best solution is to install a six-foot screening wall on the east and north boundaries. The standard was written in order to allow the applicant to demonstrate to TMAPC that they are providing the screening in a fashion that meets the requirements of the PUD Chapter.

Mr. Horner stated that the applicant is being given a fair advantage in flexibility for landscaping and the Planning Commission looks upon this as an important issue. Staff has opened up the door for the applicant to come up with an equitable solution.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Ledford, Midget, Miller, Westervelt) "absent") to recommend **APPROVAL** of PUD-705 per staff recommendation as amended by the Planning Commission. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

**Legal Description for PUD-705:**

Commencing at a point, said point being the southwest corner of Lot 10, Block 1, T. Dickson Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, thence N 88°02'00" W a distance of 20.00', thence N 01°10'19" W a distance of 5.00', to the Point of Beginning; N 01°10'19" W a distance of 314.73'; thence N 88°02'00" E a distance of 424.84'; thence S 01°10'19" E, a distance of 314.73'; thence S 88°02'00" W a distance of 424.84', returning to the Point of Beginning, containing 3.06 acres, more or less, and located on the northeast corner of East Reading Street and North Peoria Avenue, Tulsa, Oklahoma, **From CS (Commercial Shopping Center District) To CS/PUD (Commercial Shopping Center District/Planned Unit Development [PUD-705]).**

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**Application No.: PUD-468-6**

**MINOR AMENDMENT**

**Applicant:** Kofi Addo

(PD-18) (CD-7)

**Location:** 6922 South Mingo Road

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to permit wall/canopy signs on a Sam's Club fueling station to be located at 6922 South Mingo Road. TMAPC approved a detail site plan for the facility on March 17, 2004.

PUD-468 was approved by the City Council in 1991. The following wall sign standards were approved:

Wall signs for commercial uses are allowed at a size of two SF/linear foot of wall to which they are affixed. One wall sign per lot is allowed for office uses at a maximum size of 0.2 SF per linear foot of frontage if no ground sign is on the lot. Wall signs are not allowed on the west and north sides of buildings neither on Lot 1 nor on the north side of buildings on Lot 2.

The applicant is proposing a 25.2 SF canopy sign on the east, west, north and south elevations of the Sam's Club fueling station canopy.

Staff finds that the requested modification to approve signage does not substantially alter the standards and is minor in nature. Therefore, staff recommends **APPROVAL** of the request per the submitted plans.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Ledford, Midget, Miller, Westervelt) "absent") to **APPROVE** the minor amendment for PUD-468-6 per staff recommendation.

\* \* \* \* \*

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

**Application No.: PUD-667-1**

**MINOR AMENDMENT**

**Applicant:** Douglas Walker

(PD-26) (CD-8)

**Location:** 3002 East 115<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce the minimum depth of required yard from the street right-of-way from 25 feet to 17.5 feet.

The City Council approved PUD-667 in August 2002. The PUD consists of approximately 46 acres located south of the 11000 block of South Riverside Parkway and has been approved for a maximum of 90 single-family dwellings. The following standards for minimum depth of required yards were approved:

From external boundaries of the PUD	25 FT
From the street right-of-way	25 FT
From interior rear lot lines	25 FT
From interior side lot lines	
One side yard	10 FT
Other side yard	5 FT

The subject tract was platted with a 30-foot building line along the private street right-of-way.

It is staff's opinion that the proposed structure could be situated on the lot to meet the PUD standards. Therefore, staff recommends **DENIAL** of the request.

**TMAPC COMMENTS:**

Mr. Harmon asked if there is a problem if the building is allowed to be 7.5 feet closer to the back lot line. In response, Mr. Dunlap stated that there is one corner of the house that would be over the 25-foot required PUD standard. The applicant proposed the setback at 25 feet and 25 feet is not an excessive setback from a private street right-of-way. The house could be within five feet of the side lot line and staff could not see allowing this minor amendment.

In response to Mr. Jackson, Mr. Dunlap stated that staff believes that there is more than enough room to build the house on the lot and the applicant has 20 feet to maneuver in on the side lot line.

**Applicant's Comments:**

**Douglas Walker**, 5521 East 87<sup>th</sup> Street, Tulsa, Oklahoma 74137, stated that if he has the five-foot setback in the side lot line (applicant identified as the rear yard), then he would be accepting of that and would not need the minor amendment. He indicated that he could slide the house back and not need the 7.5 feet relief for the front.

Mr. Dunlap agreed with applicant's comments.

Mr. Jackson stated that on the plat it shows a 30-foot building line; however, the site plan it is indicated as a 25-foot building line. In response, Mr. Walker stated that when he visited the INCOG offices he was informed that it was approved as a 25-foot setback so he redrew the plat with 25 feet.

Mr. Jackson asked Mr. Walker if his final stamped plat indicates a 25-foot building line setback. In response, Mr. Dunlap stated that it is a 30-foot building line setback. Mr. Dunlap further stated that the applicant has a plat problem and a civil matter. He would be violating his covenants if he goes over the 30-foot building line, but this doesn't have anything to do with the PUD because the PUD does not require it. The applicant platted beyond the requirement of the PUD.

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

**TMAPC Action; 7 members present:**

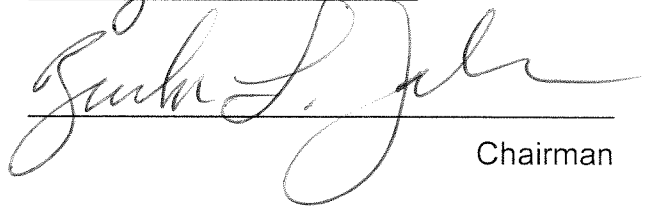
On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Ledford, Midget, Miller, Westervelt) "absent") to **DENY** the minor amendment for PUD-667-1 per staff recommendation.

\* \* \* \* \*

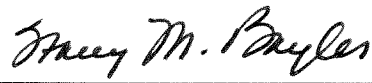
There being no further business, the Chair declared the meeting adjourned at 3:22 p.m.

Date Approved:

May 19, 2004



Chairman

ATTEST:   
Secretary