

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2402

Wednesday, February 2, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles		Alberty	Ackermann, Legal
Carnes		Chronister	Boulden, Legal
Dick		Fernandez	Romig, Legal
Harmon		Huntsinger	
Hill		Matthews	
Horner			
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, January 28, 2005 at 2:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Westervelt requested that Mr. Horner bring his committee together for dialogue regarding new officers.

Mr. Westervelt recognized that Planning Commissioner Brandon Jackson is back with the Planning Commission. Mr. Westervelt stated that he doesn't know anyone who is as strong and tough as Mr. Jackson.

Mr. Westervelt reported that there will be some continuances and Item 21, Z-6958-SP-1 has been withdrawn. He further reported that items 9, 14 and 18 have requests for continuances.

Worksession Report:

Mr. Westervelt reported that there will be a worksession immediately following today's meeting.

Director's Report:

Mr. Alberty reported on the TMAPC receipts for the month of December 2004. He indicated that the receipts are still less than at the same time in 2003. The total share for December was down \$4,953.00 for the year to date (FY); the receipts are below last year's receipts by \$28,000.00.

Mr. Alberty reported that there are several items on the City Council agenda for February 3, 2005.

Items with a request to continue:

Consider amending the Zoning Code regarding modular homes and mobile homes.

Staff has requested a continuance to February 16, 2005.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** consideration amending the Zoning Code regarding modular homes and mobile homes.

Application No.: PUD-574-3

MINOR AMENDMENT

Applicant: Sisemore, Weisz & Associates (PD-18) (CD-8)

Location: North of northeast corner of East 81st Street and South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting a continuance to February 16, 2005.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HILL**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the minor amendment for PUD-574-3 to February 16, 2003.

Application No.: Z-6977/PUD-708-A

RS-3/PUD/HP to RS-3/PUD

Applicant: Charles Norman

(PD-6) (CD-4)

Location: Southeast corner of East 15th Street and South Utica

STAFF RECOMMENDATION:

Staff received a letter from the Tulsa Preservation Commission (TPC) requesting that this item be continued in order to allow the TPC process to go forward.

Mr. Westervelt stated that this is a reasonable request.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-1 (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; none "absent") to **CONTINUE** Z-6977/PUD-708-A to February 16, 2005 per TPC request.

COMPREHENSIVE PLAN PUBLIC HEARING:

Consider amendment to Major Street and Highway Plan to realign 65th West Avenue, north of Pine/Young to follow along the 73rd West Avenue section line.

STAFF RECOMMENDATION:

Mr. Armer stated that this is part of a number of amendments that Osage County is making to their Major Street and Highway Plan. Currently, 65th West Avenue north of Pine Street veers off to the east. There are a number of developments in the subject area (The American Statue, the Botanical Gardens and Post Oak Lodge area). In conjunction with the City of Tulsa, Osage County and these various developments are proposing realigning 65th West Avenue to follow the

73rd West Avenue alignment. The designation will remain as a secondary arterial.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the amendment to the Major Street and Highway Plan to realign 65th West Avenue, north of Pine/Young to follow along the 73rd West Avenue section line per staff recommendation.

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Application No.: PUD-132-1

MINOR AMENDMENT

Applicant: Bill Haynes

(PD-6) (CD-9)

Location: 3131 South Columbia Circle

STAFF RECOMMENDATION:

This application is for a minor amendment to permit a lot-split (three lots from one), a portion of one of the split lots to become part of a private roadway, and to increase the maximum number of dwelling units from 20 to 21. Underlying zoning is RS-1, and all but the one lot that is to become part of the private roadway would still have adequate frontage to meet the RS-1 standard (100'). Staff can support the requested PUD-132-1, finding that the resulting lots would not substantially alter the character of the existing neighborhood nor detrimentally affect surrounding development. Staff recommends **APPROVAL** of PUD-132-1.

APPLICANT'S COMMENTS:

Bill Haynes, 3119 East 87th, Tulsa, Oklahoma, stated that he is in agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-132-1 per staff recommendation.

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SUBDIVISIONS:

Application No.: L-19789

(PD-11) (CD-1)

Applicant: Bill Haynes

Location: 3131 South Columbia Circle

STAFF RECOMMENDATION:

The proposal is to split Lot 1 into two residential tracts (Tracts 2 and 3) and one substandard lot that will be deeded to the home owners' association for entryway / gate purposes. A PUD minor amendment was approved on January 26, 2005, to allow the lot-split and to create the substandard tract. The applicant is requesting a waiver of the Subdivision Regulations because Tract 2 will have more than three side lot lines.

Public Works is requiring the sanitary sewer main line be extended to service Tract 2. The applicant has agreed to this requirement.

The Technical Advisory Committee had no other concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition that the sanitary sewer main line be extended to meet Public Works' requirements and that Tract 1 be deeded to the home owners' association.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the lot-split for L-19789 and approval of the waiver of Subdivision Regulations; subject to condition that the sanitary sewer main line be extended to meet Public Works' requirements and that Tract 1 be deeded to the home owners' association per staff recommendation.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19776 – Rick Brown

(PD-21) (County)

12227 South Elwood

L-19778 – Brian Cox

(PD-23) (County)

South of southeast corner of Weaver Road and 149th
West Avenue

L-19787 – Jeffrey Levinson

(PD-6) (CD-9)

3123 East 44th Place

L-19788 – Mike Marrara

(PD-18) (CD-5)

4501 South 86th East Avenue

STAFF RECOMMENDATION:

Staff finds these lot-splits to be in order and recommend **APPROVAL**.

TMAPC Action; 10-0-0 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "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:

County Club Addition – (0234)

(PD-11) (CD-1)

Country Club Drive and West Haskell Street

STAFF RECOMMENDATION:

This plat consists of 21 lots in two blocks on 4.97 acres.

All release letters have been received for this final plat and staff recommends **APPROVAL**.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the final plat for Country Club Addition per staff recommendation.

Crosstown Church of Christ – (9304)

(PD 3) (CD 4)

3400 East Admiral Place

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 3.4 acres.

All release letters have been received for this final plat and 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; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the final plat for Crosstown Church of Christ per staff recommendation.

PRELIMINARY PLAT:

Stone Creek Farms Village – (9425)

(PD 17) (CD 6)

North of the northwest corner of East 51st Street and
193rd East Avenue

STAFF RECOMMENDATION:

This plat consists of 38 lots, three blocks, on 8.9 acres.

The following issues were discussed January 20, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3. Square footages for each lot must be put on the plat and these must meet the RS-3 zoning district in which they are located. The streets must match up with adjoining additions.
2. **Streets:** Stubbed street in plat to west is East 48th Place South, but continuation on this plat is East 49th Street South. Please resolve with Gerald Buckley. Add standard "Limits of No Access" language. Consider redesigning entrance from 193rd East Avenue (primary arterial). Dedicate full 60 feet arterial right-of-way under ownership. Provide tie dimensions to locate the revised reserve island per the concept design comments. Increase the inbound entry lane layout from 13/26' to 17/22' for in/out bound entry lanes. Lengthen the reverse curve on 49th Street to provide an adequate transition and adjust the modest property line radii 12 feet behind the revised curb. Locate islands and dimension.
3. **Sewer:** Increase the 7.5-foot easement in Lot 11, Block 1, to an 11-foot easement. The easement along the lot line of Lots 7 and 8, Block 3 and Lots 9 and 10, Block 2 must be increased to a 15-foot easement. The back-to-back 17.5-foot easements in Block 3 can be reduced to two 11-foot easements. Include the offsite sewer line that will be serving the property. A dead end lateral system as shown, will not be approved. The proposed side lot sewer line between Lots 7 and 8, Block 3 and Lots 9 and 10, Block 2, must be centered in a 15-foot easement and will be constructed of ductile iron pipe. The County Engineer needs drainage plans for 51st Street detention. Connect sewer to south and get information on capacity of the line.
4. **Water:** Water is available to the site. Design must meet City policy.
5. **Storm Drainage:** Add note to indicate that detention is being provided offsite. Include easement documentation for the storm drain pipe along 193rd East Avenue and the detention site. The ten-foot utility easement in Block 2, Lots 4 and 5 should be labeled as a stormwater sewer easement and be a minimum of 15 feet total width. The actual size of the easement will depend upon size and depth of the pipe based upon criteria in the stormwater management manual. Language needs to be added to address the maintenance of the detention facility. The company name under the Certificate of Survey is different than the name shown on the plat. All the stormwater is being collected by one inlet. During design, ensure that time to reach the inlet and depth of flow in the streets meet the criteria in the Stormwater Management Manual. If not, additional inlets and stormwater sewers will be required.
6. **Utilities: ONG:** A 17.5-foot utility easement is needed along the front of the lots. **PSO:** A layout needs to be approved by PSO engineers.

7. **Other: Fire:** Make the legal match the face of the plat. Correct lot dimensions in Block 1, Lots 1 and 2. Correct basis of bearing. The location map needs to be filled in with subdivisions. Correct typo and degree symbol. Record drawings for Stone Creek Farms II need to be filed since the cul-de-sac was changed to a street. Addresses need to be added. Orient drawing with north being up. Remove "general" in title for Section I A. There is an outstanding change order for the cul-de-sac that needs to be taken care of.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the preliminary plat for Stone Creek Farms Village, subject to special conditions and standard conditions per staff recommendation.

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AUTHORIZATION FOR ACCELERATED RELEASE OF BUILDING PERMIT:

Gilcrease Hills Estates – (0234)

(PD 11) (CD 1)

1143 North 24th West Avenue

STAFF RECOMMENDATION:

This request is for accelerated building permits for an affordable (Hope IV) housing project. This is requested for full building permits and footing permits as detailed on the attached request.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved Preliminary Plat per Section 2.5 of the updated Subdivision Regulations.

The Preliminary Plat for the project was approved by TMAPC on March 3, 2004.

The Technical Advisory Committee did not object to the proposal. The PSO representative requested that the temporary pavers be cleared through PSO. Staff can recommend **APPROVAL** of the authorization for accelerated building permits as requested.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HILL**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the authorization for accelerated release of building permit for Gilcrease Hills Estates per staff recommendation.

Mr. Ledford announced that he would be abstaining from the following item.

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 1, Block 1, Dowell Research Center – (9428) (PD 17) (CD 6)
North of East 51st Street, East of South 129th East Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access along East 51st Street South. The proposal is to add 51st Street and East of 129th East Avenue.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **BAYLES**, TMAPC voted 9-0-1 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; Ledford "abstaining"; none "absent") to **APPROVE** the change of access on recorded plat for Lot 1, Block 1, Dowell Research Center per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: CZ-351

AG to IH

Applicant: Jack Hubbard

(PD-15) (County)

Location: Southeast corner of East 116th Street North and Highway 75

STAFF RECOMMENDATION:

CZ-335 March 2004: A request to rezone a twenty-acre tract located on the southeast corner of East 116th Street North and North Yale, from AG to IL or CG was approved for IL on the west half. TMAPC recommended denial of IL or CG on the east half. A resolution has not been published for the zoning change.

CZ-333 January 2004: A request to rezone a 21-acre tract located on the southwest corner of East 116th Street North and U. S. Highway 75 from AG to IL or CG was filed. Staff and TMAPC recommended to deny CG and approve IL zoning on the north 660'. The Board of County Commissioners approved IL zoning on the north 660' on February 17, 2004.

CZ-328 and CZ-329 November 2003: Requests were filed to rezone two separate five-acre tracts from AG to CS. One tract was located on the northeast corner of East 96th Street North and Highway 75 and the second tract was located on the northeast corner of 106th Street North and Highway 75. Both requests were withdrawn by the applicants upon determination that both properties had street frontage but did not have rights-of-way to access.

CZ-325 August 2003: A request to rezone a 2.5-acre tract located on the southeast corner of East 146th Street North and Highway 75 from AG to CS was denied. The site did not qualify as a Medium Intensity node under the terms of the Development Guidelines.

CZ-324 August 2003: A request to rezone a 342-acre tract located south and east of the southeast corner of East 146th Street North and Highway 75 for residential development was approved for RE zoning.

CZ-264 May 2000: A request to rezone a 3.4-acre tract located on the northwest corner of East 96th Street North and Highway 75 North from RS to CS was approved for CS zoning on the south 150' with the remainder remaining RS.

CZ-173 June 1989: A request to rezone a 12.6-acre tract located in the southeast corner of East 106th Street North and U. S. Highway 75 and extending south along the Highway 75 right-of-way for approximately 1,463 feet for automobile sales. All concurred in denial of CG zoning and CS zoning was approved in the alternative.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property contains approximately 12.49 acres. It is located on the southeast corner of East 116th Street North and U. S. Highway 75 North. The property is flat, non-wooded, contains a non-conforming salvage yard and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
U. S. Highway 75 South	Freeway/Highway	Varies	4 lanes
East 116 th Street North	Primary arterial	120'	2 lanes

UTILITIES: Water is served to this area by Washington County Rural Water District and septic systems or lagoons are required for sewer.

SURROUNDING AREA:

The surrounding uses are agricultural with single-family homes, zoned AG. The northeast corner of East 116th Street North and North Yale Avenue is zoned CS and contains is vacant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Comprehensive Plan designates the property as being within the Corridor District.

STAFF RECOMMENDATION:

Despite the fact that this use has been in operation for many years, staff cannot support the requested IH zoning. Allowed uses under that zoning, including the current use, are far more intense than any surrounding uses. The only other industrial zoning in the area is IL, and staff could support that designation for the subject property. However, IL would not permit the existing use. Therefore, staff recommends **DENIAL** of IH for CZ-351. If the TMAPC is inclined to approve the lesser intense IL zoning, staff can support that and could recommend **APPROVAL** of IL in the alternative.

Applicant's Comments:

Joe Ogden, 3304 Heritage Drive, Claremore, Oklahoma 74107, stated that he appreciates the staff recommendation and he has been briefed on the IL zoning since the last hearing. Mr. Ogden requested the Planning Commission to consider the IM zoning. Mr. Ogden read and submitted a letter from the property owner, Walt Ward (Exhibit A-1).

INTERESTED PARTIES:

Sandra Farney, Route 1, Box 615, (9611 North Yale), Sperry, Oklahoma 74073, submitted a letter of support (Exhibit A-1). Ms. Farney read her letter of support for the IM zoning.

TMAPC COMMENTS:

Mr. Westervelt asked staff to explain the zoning and the status of the existing business.

Mr. Alberty explained that the existing use was in existence prior to the effective date of the Zoning Code. Therefore, the existing use is a use that is permitted to continue providing that it is not expanded. The whole purpose is to not allow a nonconforming use to expand.

Mr. Alberty stated that the IL zoning would not permit the auto salvage, but it would allow industrial development under the IL zoning district. Staff's position is that IM zoning should be located within an area that is planned for industrial, and the subject property is not in a planned industrial area. Due to the existing use, staff believes that an IL zoning would be the most appropriate zoning.

In response to Mr. Westervelt, Mr. Alberty explained that the use has been grandfathered in and the use is what is legally nonconforming and is allowed to continue, irrespective of ownership.

Mr. Midget recognized Mr. Ogden.

Mr. Ogden wanted clarification that the owner may continue the use under the grandfather provision, regardless of whether the zoning changes today. In response, Mr. Westervelt answered affirmatively.

Mr. Ledford stated that the applicant may want to consider that his taxes may change with the new zoning. In response, Mr. Ogden stated that he checked with the County and they assured him that the taxes are based on the use and not the zoning.

Mr. Carnes moved to approve the IL zoning.

Mr. Harmon stated that he believes that the denial of IH is definitely in order and he is not sure what the applicant is accomplishing by rezoning if he is continuing a nonconforming use. He suggested that the Planning Commission deny this rezoning and suggest that the applicant return with a PUD if he intends to develop on the subject property. He concluded that he would be in favor of denying this request and with alternative zoning in connection with it.

Mr. Midget stated that he can appreciate what Mr. Harmon is stating, but he believes that right now there are no guarantees, after Mr. Ward passes

(theoretically), that his family may not want to continue operating the salvage yard. They are in a position, if they so decide, to sell it at something other than AG-zoned property. Zoning the subject property to IL would make a better sale value.

Ms. Bayles seconded the IL zoning for CZ-351. Ms. Bayles cited Mr. Goodwin's letter of January 24, 2004, which supported the IL zoning.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of the IH zoning for CZ-351 and recommend **APPROVAL** of the IL zoning for CZ-351 per staff recommendation.

Legal Description for CZ-351:

The N/2, NE/4, NE/4, Section 9, T-21-N, R-13-E, less 7.51 acres of U. S. Highway 75 Right-of-Way and located in the southeast corner of East 116th Street North and Highway 75 North, Tulsa, Oklahoma **From AG (Agriculture District) To IL (Industrial Light District).**

Application No.: PUD-567-C-4/Z-4789-SP-6d MINOR AMENDMENT

Applicant: John Moody (PD-18) (CD-8)

Location: North and east of 73rd Street South and South 109th East Avenue

STAFF RECOMMENDATION:

This application is to permit ground signs on the north side of the hotels, increase the number of allowed ground signs and increase the allowed display surface area, all in Sub-areas A and B of Development Area C, located south and west of East 71st Street and Garnett Road. A previous minor amendment to this PUD (PUD-567-C-4) approved one additional ground sign (maximum 40 square feet, five feet high) in Development Area C, tract B and one with a maximum height of 25', maximum display surface area of 139 square feet, in Development Area C, tract C-3.

When this PUD was originally adopted, the concept was that all buildings in this Development Area would face East 71st Street, and hence no signage was allowed along East 73rd Street facing the residential area. Since that time, the frontage along East 71st Street has developed and all allowed signage has been allocated. However, the back-lots along East 73rd Street are now beginning to

develop and request signage. These lots are serviced in part by an access road from the west across South 109th East Avenue and south of East 71st Street. There are now three hotels in the area, and one apparently illegal pole sign. Although the PUD-allotted signage is now depleted, the underlying zoning, CO, would allow one sign per lot.

Due to the number of hotels/motels in the area, staff can support monument way-finding signs (one per lot) at no more than eight square feet each, not to exceed four feet in height, with the proviso that the illegal pole sign be removed. With these conditions, staff recommends **APPROVAL** of PUD-567-C-4.

Applicant's Comments:

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that all of the subject property is zoned corridor district, which permits pole ground signs; however, the original developer submitted a PUD for the subject properties and as a result of the PUD, there were to be no ground signs permitted for the three hotels. This was an oversight at that time these were subdivided into lots.

Mr. Moody indicated that the three hotels are suffering from the lack of proper signage. The staff took the position that this application should be a major amendment and concluded that having ground signs or pole signs within the PUD would require a major amendment.

Mr. Moody stated that he has discussed this application with his client regarding staff's suggestion that an eight square foot display surface area sign and not to exceed four feet in height (8'x2'x4') be allowed. However, his client has another suggestion. They are proposing to have a monument-type sign, but not like the staff recommends. The hotels are located on the north side of East 73rd Street and on the south side of East 73rd Street, and directly from the hotels are the Woodland Park Apartments that have a sign that is 7.5 feet tall and 4' x 8' feet wide. He commented that staff is recommending larger signage for the properties that are closer to 71st Street, which are ¼ the size of the sign permitted on the south side of 73rd Street. In order for that type of zoning restriction to be sustainable or defensible, it has to bear a substantial relationship to the health, safety and welfare of the public. He stated that he doesn't believe ¼ of the size for these three commercial lots for a ground sign bears any relationship to anything. It is arbitrary, discriminatory and an unreasonable restriction.

Mr. Moody stated that his client would suggest, as a compromise and an alternative, that they would take down the existing pole sign and all three of the hotels would be permitted to have a ground monument sign. This would enable the hotels to use the signage that has already been built for those hotels. They would use the faces (9' x 6') and incorporate those as opposed to 2' x 4'. Mr. Moody described the commercial and retail businesses in the subject area. The

signs will not be visible to anyone other than at the rear end of commercial users. Staff is requiring that the signs be located on the north side of the buildings, which is along a service road. His client believes this is a reasonable compromise and is willing to accept that.

Mr. Moody requested the Planning Commission to approve that his client would be able to use the existing faces, for a ground/monument sign 9' x 6'.

TMAPC COMMENTS:

Mr. Harmon asked if the signs would be on the north side of the buildings facing the 71st Street entrance. In response, Mr. Moody stated that there is an access road along the north boundary of the three hotel properties and that is where the ground signs would be located.

Mr. Harmon asked if there would be any problem with the applicant having a larger sign since it would be facing into the commercial sites.

Mr. Alberty stated that the applicant's compromise is something staff could support.

Mr. Alberty asked Mr. Moody if there would be three signs. In response, Mr. Moody stated that there would be three ground signs, one per hotel.

Mr. Alberty stated that with the pole sign being removed and the three smaller ground signs being installed, staff could support this minor amendment.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment to allow one 9' x 6' ground/monument sign for each hotel (total of three signs), and allowing the applicant to utilize the existing faces for the ground signs; subject to the removal of the illegal existing pole sign and located on the north side along the mutual access road.

* * * * *

County Commissioner Dick announced that he would be abstaining from the following item:

Application No.: PUD-579-A-2

MINOR AMENDMENT

Applicant: Charles Norman

(PD-18) (CD-8)

Location: East of northeast corner of East 81st Street and South Mingo Road

STAFF RECOMMENDATION:

This application is for signage provisions to the Cancer Treatment Centers of America in the Tallgrass PUD, the underlying zoning for which is CO. The original PUD-579-A did not establish signage provisions for a major hospital, although that major amendment did allow hospital use (Use Unit 5) in Development Area B. The following signs are proposed for the Cancer Treatment Center, subject to final detail sign plan approval:

- A. A Cancer Treatment logo and identification wall sign on the southeast-facing wall containing approximately 267 square feet of display surface area.
- B. A ground sign at the boulevard entrance to the hospital containing approximately 160 square feet of display surface area, with a maximum height of 12 feet.
- C. Two ground directional signs to be located at the secondary entrances for employee parking, ambulances and other vehicle entrances with a maximum size of eight square feet of display surface area and a maximum height of eight feet.

In order to permit the proposed Cancer Treatment Center signage, applicant requests approval of minor amendments to PUD-579-A as follows:

- 1. Permitting wall signs not exceeding three square feet of display surface area per lineal foot of the building wall to which affixed;
- 2. Permitting the wall signage for the east, southeast and south-facing upper-level walls to be aggregated for the single southeast-facing wall sign;
- 3. Permitting ground signs with an aggregate display surface area of one square foot for each lineal foot of street frontage on East 79th Street (Lot 4, Block 1 has approximately 550 feet of frontage on East 79th Street);
- 4. Permitting one ground sign at the major entrance to the hospital with a maximum of 160 square feet of display surface area and 12 feet in height;
- 5. Permitting at the two secondary driveway entrances to the hospital one ground identification directional sign with a maximum display

surface area of eight square feet and a maximum height of eight feet.

The applicant is basically requesting to aggregate all allowed wall signage for the entire PUD onto the single south-facing wall sign, with some other provisions for ground and directional signs. This request is a similar treatment to those approved for other medical facilities of this size in the area, and staff can support it with the condition that any requests for additional signage of any type be processed through a minor amendment to the PUD. With that proviso, staff recommends **APPROVAL** of PUD-579-A-2.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-1 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; Dick "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-579-A-2; with the condition that any requests for additional signage of any type be processed through a minor amendment to the PUD per staff recommendation.

* * * * *

Application No.: PUD-360-A/B-10

MINOR AMENDMENT

Applicant: Dennis Blind

(PD-18) (CD-8)

Location: 7731 East 91st Street South

STAFF RECOMMENDATION:

This application is for a minor amendment to allow a nail/manicure salon (Use Unit 13) in vacant retail space in a center on East 91st Street and South 78th East Avenue. Under the current PUD, Use Unit 13 is not allowed. The base zoning, CS, would allow Use Unit 13. On January 15, the TMAPC reviewed proposed Minor Amendment PUD-360-C, which requested permission for a women's fitness center (Use Unit 19, which would also be allowed under CS zoning) in the same center, and staff recommended approval. Similarly, staff can support this request and therefore recommends **APPROVAL** of PUD-360-A & B, finding that it is in keeping with the character of the existing development and should have no detrimental effects on surrounding uses.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-360-A/B-10 per staff recommendation.

* * * * *

ZONING PUBLIC HEARING

Application No.: Z-6976

AG to OL/AG

Applicant: Randall Pickard

(PD-18) (CD-8)

Location: South side of East 91st Street, west of South 73rd East Avenue

STAFF RECOMMENDATION:

PUD-360-C January 2005: A major amendment to PUD-360 is pending action from TMAPC and City Council to allow a woman's health facility on property located north of the northwest corner of East 91st Street and South Sheridan Road.

PUD-405-K May 2002: Approval was granted for a major amendment to PUD-405 to allow a single-family development for approximately 150 dwellings replacing the original approval for multifamily use within the development area. The property is located south and east of the subject tract at East 92nd Street and South 78th East Avenue.

PUD-166-K October 1997: A major amendment was approved to allow a retail dry cleaning and laundry plant on the southeast corner of East 91st Street and South Sheridan Road and west of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately ten acres in size. The property is sloping, partially wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 91 st Street South	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The subject property is abutted on the north across East 91st Street by single-family development, zoned RS-3/PUD-215; to the east by single-family dwellings, zoned AG/PUD-405; to the south by single-family homes, zoned RS-3/PUD-166; and to the west by duplex development, zoned RS-3/PUD-166.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity – No Specific Land Use. According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

The applicant proposes to leave a 25' buffer zoned AG on the south, west and east, abutting the residential uses. Based on this buffer, existing development, the site's location on an arterial and the Comprehensive Plan, staff can support the requested OL zoning and therefore recommends **APPROVAL** of OL zoning for Z-6976.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Russell Slack, 6925 East 92nd Street, Tulsa, Oklahoma 74133, stated that the subject property is currently surrounded by residential property and the change to offices would be a significant change. He expressed concerns with the offices and what would be built on the subject property regarding height and window placement. He requested that the development be compatible with the neighborhood.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Alberty to read the restrictions of OL zoning. In response, Mr. Alberty stated that the height is restricted to one story and restricted to 30% floor area ratio, which means in an OL district office development is very similar to what one would find developed in a single-family area.

Mr. Alberty explained that there would be a fencing requirement and in this case the applicant has gone a step further and assured that there would be 25% landscaped area on the perimeter, which would be on the east, south and west. In order to ensure this, the applicant is keeping this in an AG district so that it can't be developed and must be maintained in an open-landscaped area. No parking or buildings would be built in the AG portion.

In response to Mr. Midget, Mr. Alberty stated that the actual zoning line would be moved in 25 feet.

Applicant's Comments:

Randall Pickard, 10051 South Yale Avenue, Suite 203, Tulsa, Oklahoma 74137, stated that the purpose of the perimeter AG is to provide a landscape buffer to do what normally would be done in a PUD. Due to the restrictions to single-story and the perimeter, he believes that it is compatible with the neighborhood.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** the OL/AG zoning for Z-6976 per staff recommendation.

Legal Description for Z-6976:

A tract of land beginning 471.6' West of the Northeast corner of the NW/4 of Section 23, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, thence South 521.78'; thence West 834.84'; thence North 521.78'; thence East 834.84' to the Point of Beginning, according to the U. S. Government survey thereof, less and except the East 25' thereof, the South 25' thereof, and the West 25' thereof and less and except the road right-of-way, and located on the south side of East 91st Street, west of the southwest corner of East 91st Street South and South 72nd East Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To OL (Office Low Intensity District).**

* * * * *

Application No.: CZ-352

AG to RE

Applicant: David C. Potter

(PD-14) (County)

Location: South of southeast corner of East 186th Street North and North Garnett Road

STAFF RECOMMENDATION:

CZ-274 December 2000: TMAPC recommended approval of a request to rezone a 9.3-acre tract located on the northeast corner of East 176th Street North and North 129th East Avenue from AG to RE for single-family development. Final hearing before the Board of County Commissioners has never been pursued by the applicant.

CBOA-1570 May 1998: The County Board of Adjustment denied a request for variances of the lot area, land area, average lot width and size to allow a lot-split which would create four tracts on the 9.3 acres located on the northeast corner of East 176th Street North and North 129th East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property contains approximately 18.95 acres. It is located south of the southeast corner of East 186th Street North and North Garnett Road, Collinsville, Oklahoma. The property is flat, non-wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Garnett Road	Secondary arterial	100'	2 lanes

UTILITIES: Water is served to this area by Washington County Rural Water District and septic systems or lagoons are required for sewer.

SURROUNDING AREA:

The surrounding uses are agricultural with single-family homes, zoned AG and AG-R.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Collinsville Comprehensive Plan 1981 – 2000, designates the property as being within a Rural Residential area. The proposed RE is in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding development, staff can support the requested rezoning and therefore recommends **APPROVAL** of CZ-352.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** the RE zoning for CZ-352 per staff recommendation.

Legal Description for CZ-352:

A tract of land in the NE/4, Section 5, T-22-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; more particularly described as follows, to-wit: commencing at the Southwest corner of the NW/4 of Section 5, T-22-N, R-14-E, thence N 00°03'00" W on an assumed bearing along the west line of said NW/4 a distance of 1,103.00' to the Point of

Beginning, thence continuing N 00°03'00" W a distance of 632.80' to a point that is 907.5' South of the Northwest corner of said Section 5, thence S 89°59'10" E and parallel with the North line of the said NW/4 a distance of 1,303.89', thence S 00°30'50" E a distance of 631.37', thence S 89°57'00" W a distance of 1,309.0' to the Point of Beginning and located south of the southeast corner of East 186th Street North and North Garnett Road, Collinsville, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-Family, Estate District).**

* * * * *

Application No.: PUD-706-A

MAJOR AMENDMENT

Applicant: Charles Norman

(PD-26) (CD-8)

Location: East side of South Louisville at East 109th Place

STAFF RECOMMENDATION:

Z-6951/PUD-706 August 2004: A request to rezone the subject property from AG to RS-1 with a Planned Unit Development for large-lot single-family residential use was approved.

Z-6894/PUD-681 June 2003: Approval was granted to rezone a 15-acre tract located on the east side of Riverside Parkway and north of East 115th Street South from AG to RS-1/PUD for residential development for 15 single-family homes.

PUD-675 February 2003: Approval was granted for a request for a Planned Unit Development for a single-family development on property located north of the northwest corner of East 111th Street and South Yale Avenue.

Z-6867/PUD-667 October 2002: All concurred in approval, subject to conditions, of a request to rezone a 46-acre tract located on the east side of South Delaware and south of East 111th Street South from AG to RS-1 and PUD for residential development.

Z-6829/PUD-655 September 2001: A request to rezone the 46-acre tract located west of the subject tract from AG to RS-1 and RS-3. Staff and TMAPC recommended approval of the proposed RS-1 and RS-3 zoning for single-family development with private gated entry and private streets. City Council concurred in RS-1 and RS-3 zoning as submitted with the PUD-655. The applicant withdrew the application and no ordinance was published.

Z-6780 August 2000: All concurred in approval of a request to rezone a four-acre tract located on the southwest corner of East 111th Street and South Yale

Avenue from AG to OL and RS-1. OL zoning was granted on the east 210 feet of the tract with the balance being rezoned RS-1.

BOA-17914 January 1998: The Board of Adjustment denied a request for a 120' cellular tower on property located on the southwest corner of East 111th Street South and South Yale Avenue. Upon an appeal filed by the applicant to District Court, the BOA's decision was reversed.

Z-6595 - July 1997: All concurred in approval of a request to rezone the five-acre tract located west of the southwest corner of East 111th Street and South Yale Avenue, from AG to RS-2 for residential development.

Z-6369 - October 1992: A request to rezone a 30-acre tract located south of the southwest corner of East 111th Street South and South Yale Avenue from AG to RS-2. Staff and TMAPC recommended denial of RS-2 and approval of RS-1. City Council concurred in approval of RS-1.

Z-6087 - December 1985: A request to rezone the four-acre tract located on the southwest corner of East 111th Street South and South Yale Avenue from AG to CS was denied.

Z-6055/PUD-399 - July 1985: All concurred in approval of a request to rezone a twenty-acre tract located one-quarter mile south of the subject tract and fronting on South Yale from AG to RS-1/PUD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is gently sloping, partially-wooded, vacant, and is zoned RS-1/PUD.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Louisville Avenue	Residential collector	60'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north, west and southeast by single-family homes zoned RS-1; to the east by a single-family development, zoned RS-2; and to the south by single-family dwellings, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Residential. The extreme northwest corner and approximately 100' of the east side of the subject tract is

located within a Special District-Steep Slopes/Erodible Soils area. Plan provisions strongly encourage use of the PUD. According to the Zoning Matrix, this request **is** in accord with the portion designated Low Intensity-Residential and **may be found** in accord with the portion in the Special District.

STAFF RECOMMENDATION:

This proposal is to reconfigure the lots and roadways within a previously-approved PUD in order to provide smaller lots and a larger stormwater detention facility. The original PUD was for a maximum of 16 lots on an 18.5-acre parcel, and this amendment would allow a maximum of 25 lots within the same area. The existing wall surrounding the site is to be retained. The resulting lots will each be approximately 50% larger than the maximum lot size required under the underlying RS-1 zoning. Lots will be on septic, but a dry system will be developed so that when sewer is available, the area may be served.

Sole access to the site will continue to be a gated entrance from South Louisville Avenue. Interior streets are to be private.

Based on the existing physical facts in this area and the development standards of the proposed PUD, staff can support the requested major amendment based on the following conditions, finding it 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-706-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: as follows.

Amended Development Standards

NET LAND AREA: 18.53 Acres 807,167 SF

PERMITTED USES:

Those uses included as a matter of right in Use Unit 6, Single Family Dwellings, including a landscaped entrance, security gatehouse, stormwater detention and recreational facilities and customary accessory uses. Detached accessory buildings, such as a garage and servant's quarters, including a bath and/or kitchen, are permitted. Any detached accessory servant's quarters may be occupied only by members of the owner's family, related by blood

or adoption, or servants. No more than one accessory servant's quarters shall be permitted on each single family lot.

MAXIMUM NUMBER OF LOTS: 25 23

MINIMUM LOT SIZE: 20,000 SF

MAXIMUM BUILDING HEIGHT: 45 FT

OFF-STREET PARKING:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

MINIMUM YARDS:

Front:

from the centerline of the private street 50 FT

from the radius point of the cul-de-sacs 70 FT

Side:

7.5 FT

Rear:

25 FT

Other:

from the centerline of East 109th Place South 40 FT

No residence shall front on East 109th Place South except on Lots 9, 10 and 11.

PRIVATE STREETS:

Minimum width: 26 FT

All base and paving materials shall be of a quality and thickness which meet the City of Tulsa standards for minor residential public streets.

SIGNS:

One entry identification sign shall be permitted with a maximum display surface area of 32 square feet.

Amended Landscape and Screening Concept

The existing decorative screening and security wall is set back approximately 26 feet from the right-of-way of South Louisville Avenue. The area between the existing wall and the South Louisville Avenue right-of-way will be landscaped to provide an even more inviting and impressive entrance than presently exists.

Belmont contains a number of large mature hardwood trees with diameters of more than fifteen inches. The planning and landscaping objective will be to preserve as many trees as possible, consistent with the necessary grading of the property and installation of utilities for residential development. The treed areas are shown on Exhibit D - Aerial Photo.

The private streets within Belmont will be constructed according to City of Tulsa standards to provide a comfortably wide access for residents, guests and services, along with some on-street parking.

The street frontage landscaping, the area outside the perimeter wall, the entryway, the private street and the required stormwater detention area will be maintained by the Belmont Homeowners Association.

Amended Environmental Analysis

Belmont is located at East 109th Place South on the east side of South Louisville Avenue and is abutted on the north, east and south by both platted and unplatted residential properties. The site boundaries, topography, proposed lots, utilities and drainage are shown on Exhibit C.

TOPOGRAPHY:

The site topography varies from a high of approximately 716 feet above mean sea level (MSL) to a low of 670 feet above MSL. The high points within Belmont are along South Louisville Avenue, at the southeast corner of the property, near the midpoint of the south boundary, and along the western quarter of the north boundary. The low point occurs at the approximate midpoint of the north boundary at the outfall of an existing pond.

DRAINAGE:

Stormwater from Belmont will be directed into a wet pond in the north central portion of the property. Currently, stormwater from the north and east

sides of the existing residence sheet flows off the property to the north and east. Stormwater runoff from a small area in the northwest corner of Belmont flows northerly along the east side of South Louisville Avenue. The balance of the stormwater runoff naturally flows to the existing pond. The new wet pond will be sized with sufficient free board to provide the required storage capacity.

Off-site stormwater from properties to the south enters Belmont at two locations on the south boundary and to the new detention pond.

Stormwater detention will be provided in Reserve B located in the area of the existing pond as shown on Exhibit C. The existing pond will be removed and a wet detention facility constructed to meet the detention requirements for Belmont.

Internal storm sewers will be constructed as shown on Exhibit C to carry the stormwater from the adjacent properties to the south and the lots and road within Belmont to the detention facility. Discharge from the detention facility will be in the same location on the north boundary as from the existing pond.

UTILITIES:

A 12-inch water main is located along the west side of South Louisville Avenue. A looped waterline from the existing main on Louisville will be constructed along the cul-de-sac in Belmont. The waterline will provide fire protection and domestic and irrigation service.

An accessible sanitary sewer main does not exist in the area of Belmont. A dry sanitary sewer system will be constructed to serve all the lots within Belmont. The system will terminate near the low point on the property at the north boundary as shown on Exhibit C. The dry system can be connected to City of Tulsa wastewater system when a sanitary sewer main is extended to Belmont. Until the main is extended to this development and adjoining properties, lots within Belmont will be served by individual septic systems.

Other utilities such as natural gas, electric, telephone and television are available in the area and will be extended into Belmont.

ZONING AND LAND USES:

Land uses are shown on Exhibit D - Aerial Photo - Area Land Uses.

Area zoning districts are shown on Exhibit E.

Detail Site Plan Review

No building permit for a residence within Belmont shall be issued until a subdivision plat has been approved by the Tulsa Metropolitan Area Planning Commission in compliance with the planned unit development concept and the development standards.

3. Landscaping and screening shall be in substantial compliance with the Amended Landscape and Screening Concept (above).
4. A landscape plan for the perimeter of the development 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 have been installed in accordance with the approved landscape plan for the perimeter 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.
5. 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, as specified above.
6. 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.
7. Access and circulation shall be provided as delineated in the PUD-706-A Concept Plan and the PUD development standards (above). All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards.
8. No building permit shall be issued until all 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process.

TAC Comments for February 2, 2005:

Water

Plat – Add 10' R/W/E by this plat.

Covenants – Add the wording Water, Sewer after the Stormwater Runoff wording. Add wording in Reserve 'A' allowing access for installation, repairs and maintenance of water mains.

Conceptual – Relocate the fire hydrant west of Reserve B to lot line between lots 11 and 13. Add an inline gate valve between property, taps, sleeves and valves on South Louisville Avenue. Fire hydrant placements should cover all lots. All fire hydrants during repairs must have main line valves located/placed to cover them.

Wastewater – Sanitary sewer service must be provided to all lots [see comment above regarding installation of dry system]. Perimeter easements must be provided.

Transportation – Cul-de-sac diameter(s) may not meet Fire Department minimum requirements [Fire Marshal also expressed concern]. May need area for turnaround at entrance before the gate. Design should be approved by Public Works at later stage of design.

Traffic – The original concept with one private street access supporting a modest 16 lots was previously supported for this ¼-mile deep tract. Due to the 50% increase in [possible] density, Traffic Engineering must now recommend an emergency second point of access for any density greater than 20-22 units.

General – Many of the comments made during the September 2, 2004 TAC meeting apply. A copy is attached. Any changes made to the conceptual design and recommended by TMAPC should be reflected in materials transmitted to the City Council.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, Tom Wenrick, Wenrick Development Company, stated that the subject property is the former Bartmann property and is surrounded by a ten-foot high wall that is somewhere between 18-inches and two-feet in thickness on the entire perimeter boundary. He explained that Mr. Bartmann was allowed to retain a portion of the property, which is a one-acre tract of land in the northeast corner of the property. The first concept was to create lots that would be 140 feet average width and 300 feet in depth in order that the existing private road could be retained to serve the Bartman tract.

Mr. Norman indicated that the subject property will have a dry sanitary sewer system installed, but the minimum size of these lots will be more than twice the size required by the underlying zoning, because they will initially be served by septic tank system until sanitary sewer service is extended to this area. The lots that he is requesting for approval today would be for 23 lots and a stormwater detention facility and recreation facility that will be significantly larger than previously proposed.

Mr. Norman reminded the Planning Commission that the previous approval had a waiver, as part of the preliminary plat, of the Subdivision Regulations for the extra length cul-de-sac, which was approved because the way the property is developed on the other three sides, there is no potential for a second point of access to the subject property. The Technical Committee, particularly Traffic, had suggested that there should be a second point of excess with the new proposal and he wanted to make the Planning Commission aware of this at this time. Darryl French, on behalf of Traffic, stated that anything in excess of 20 to 22 lots required a second point of access. Today's request is proposing 23 lots, and he wanted to call this to the Planning Commission's attention to make sure that it is understood as part of the PUD with respect to the required second point of access.

Mr. Norman stated that there is a comment that evolved from Traffic concerning the area need for the cul-de-sac turnarounds. He indicated that this issue will be brought to the Planning Commission at the platting process. There is an issue about the diameter required for the cul-de-sacs that has been proposed. This will be a subject that will be discussed as part of the worksession in the review of the Subdivision Regulations. He commented that he has a differing approach from what was suggested by the Fire Marshal and plans to present this to the Planning Commission as part of the review of the preliminary plat.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Norman if he has had some discussions with regard to the 96-foot cul-de-sac. In response, Mr. Norman stated that he has been a member of the committee reviewing the Subdivision Regulations and this issue has been discussed. This matter has not been resolved and will be before the Planning Commission in a few weeks for public discussion.

Mr. Norman stated that he is in agreement with the staff recommendation, but he does need a clear understanding that no second point of access is being planned or provided for the reasons that he has given and have been heard before.

Mr. Harmon asked Mr. Norman if there was a ten-foot wall around the entire subject property. In response, Mr. Norman answered affirmatively and cited that the Board of Adjustment approved the ten-foot wall.

Mr. Romig stated that the Board of Adjustment actually turned down the request for the ten-foot wall and the District Court granted the ten-foot wall when Mr. Bartman owned the entire subject property.

Mr. Alberty reminded Mr. Westervelt that the applicant has amended his request to reduce the lots from 25 to 23. Mr. Alberty stated that the current zoning would permit 49 lots and the request is half of what the zoning would permit.

Mr. Carnes stated that he would make a motion with a note in the minutes that the cul-de-sacs (size) will have to be determined during the platting process.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment for PUD-706-A for 23 lots as amended by the applicant; subject to conditions per staff recommendation. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Legal Description for PUD-706-A:

A TRACT OF LAND THAT IS THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (N/2, SE/4, SW/4) OF SECTION 28, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, **LESS AND EXCEPT** A ONE (1) ACRE TRACT OF LAND IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (N/2, SE/4, SW/4) OF SECTION 28, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID ONE (1) ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID N/2 SE/4 SW/4, THENCE S 00°11'37" W ALONG THE WESTERLY LINE THEREOF FOR A DISTANCE OF 310.23'; THENCE S 89°53'25" E FOR A DISTANCE OF 1027.60' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE N 00°06'35" E FOR A DISTANCE OF 224.54'; THENCE S 89°53'25" E FOR A DISTANCE OF 194.00'; THENCE S 00°06'35" W FOR A DISTANCE OF 224.54'; THENCE N 89°53'25" W FOR A DISTANCE OF 194.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, and located on the east side of South Louisville Avenue on the north and south side of East 109th Street South, Tulsa, Oklahoma, **FROM RS-1/PUD (Residential Single-family Low Density District/Planned Unit Development [PUD-706]) TO RS-1/PUD (Residential Single-family Low Density District/Planned Unit Development [PUD-706-A]).**

Application No.: PUD-648-3

MINOR AMENDMENT

Applicant: Roy Johnsen

(PD-8) (CD-2)

Location: Northeast corner of West 71st Street and Highway 75

STAFF RECOMMENDATION:

This application is for a minor amendment to increase the allowable building height from 26' to four stories (48' maximum building height on south elevation and 62'8" on north elevation) for medical offices. Previous minor amendments have been approved to increase the allowable signage area from 50 square feet to 63.3 square feet and for a lot-split in Development Area D to reallocate floor area. The current application is to allow that floor area to be used. Underlying zoning is CO.

At the February 2, 2005 TMAPC public hearing, it was noted that Tulsa Airport Authority had a question about the height of the proposed building and its possible conflict with air traffic for Jones Riverside Airport. The applicant has since requested an FAA study of the project, which will determine in large part its feasibility. If the FAA determines there will be no or minimal impacts, staff can support the original recommendation for approval.

Staff can support the request if the FAA study results are favorable, as the intent was implied in the previous minor amendment. Therefore, staff recommends **APPROVAL** of PUD-648-3.

NOTE: This was continued from February 2, 2005 in order for the applicant to discuss with staff from the Tulsa Airport Authority possible conflicts with flight tracks at the Jones Riverside Airport. No additional information has been received in that regard.

INTERESTED PARTIES:

Jeff Hough, Deputy Director for Engineering and Facilities, Tulsa Airport Authority, stated that he is concerned with the increased height. The top increased height would cause the proposed building to penetrate the airspace for Jones Riverside Airport by as much as 25 to 30 feet. That may or may not be an issue, but it does require that an air space study be completed by the FAA, which is something the applicant would need to initiate. Pending the results of this report he would like to request a continuance.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Hough if he is asking for a continuance in order to see this study completed. In response, Mr. Hough stated that this sounds like the appropriate course of action.

Ms. Bayles asked Mr. Hough how long it would take the FAA to complete this study. In response, Mr. Hough stated that it normally takes 45 to 60 days.

Bruce Henley, Dewberry Design Group, 1301 South Boulder, Tulsa, Oklahoma 74103, stated that he would like to speak to this as the architect. He indicated that he discussed this with the Airport Authority and explained that the access road to the west that ODOT is currently altering will be at approximately 6.05 feet elevation and the building is at 6.148 feet. The top of the proposed building will only be nine feet taller than the access road immediately to the west of the subject property. If the building is 25 feet into the flight path, then there is a more serious problem with the service road adjacent to US 75.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he is not sure that he agrees with the advise as the procedure that is necessary, but he would suggest that this application be continued to the next meeting in order to allow him to explore further with the Tulsa Airport Authority. He commented that he believes that Mr. Hough may be off in his conclusion. Mr. Johnsen concluded that he wasn't aware of this problem and he is not prepared to argue it at this moment.

Mr. Ledford agreed that it should be continued.

Mr. Westervelt informed Mr. Johnsen that it would actually be continued two weeks, since the TMAPC doesn't meet the second Wednesday of each month.

Mr. Johnsen stated that time is absolutely critical on this project, but he has no choice regarding the two week continuance.

Ms. Bayles stated that she understood that Mr. Henley would be the applicant on Item 23, and she will be abstaining from this vote as well.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-1 (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; none "absent") to **CONTINUE** the minor amendment for PUD-648-3 to February 16, 2005.

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OTHER BUSINESS:

Application No.: PUD-648

DETAIL SITE PLAN

Applicant: Bruce Henley

(PD-18) (CD-2)

Location: 6802 South Olympia Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a new four-story medical office building. The proposed use, Use Unit #11, Office, Studios and Support Services, conforms to development standards.

The proposed office building complies with maximum floor area permitted and meets west, east and south setbacks. Proposed building height complies with development standards subject to TMAPC approval of PUD 648-3. A stairway is shown on building's north elevation which extends into the north setback and 17.5' Utility Easement. The applicant has agreed to remove the stairway.

Parking meets minimum requirements and design standards. Proposed landscaped area and street yard meet minimum requirements. A dumpster and two mechanical areas are proposed. All are to be screened, with the generator and air conditioners being screened in part by a combination of landscaping and retaining walls. Detail of this screening has not yet been submitted.

Full cut-off light fixtures, which greatly reduce glare, are proposed for parking lot lighting. However, the current lighting plan is incomplete.

Staff recommends **APPROVAL** of PUD-648 detail site plan subject to the following: (1) TMAPC approval of Minor Amendment Request PUD 648-3; (2) removal of the stairway from the building's north elevation (3) approval of detail screening of the dumpster and mechanical areas; and (4) approved lighting plan in conformance with Development Standards and the Zoning Code.

(Note: Detail site plan approval does not constitute detail landscape and sign plan approval.)

TMAPC COMMENTS:

Mr. Westervelt stated that this item is related to Item 20 and has the same circumstances and probably should be continued to February 16, 2005.

Applicant's Comments:

Bruce Henley, Dewberry Design Group, 1301 South Boulder, Tulsa, Oklahoma 74103, stated that he doesn't have any opposition to the staff recommendation; the permit has been filed and time is of the essence. The TAA did not contact

him with any problems, but simply called and asked for the elevations of the building. He commented that the TAA's failure to notify him with this problem left him unprepared to move this item through today's agenda, which will delay the project.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-1 (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; none "absent") to **CONTINUE** the detail site plan for PUD-648 to February 16, 2005.

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Application No.: PUD-687 DETAIL SITE PLAN/LANDSCAPE PLAN

Applicant: Sisemore Weisz & Assoc., Inc. (PD-18) (CD-12)

Location: Southwest corner of East 71st Street and South Harvard

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new drive-in bank and two new Medical office buildings. The proposed uses, all Use Unit #11, are in conformance with development standards.

Proposed floor area and building setbacks are in compliance with development standards. The ridge line of the bank and office buildings comply with development standards. However, a 41'6" tall clock tower is proposed for the bank and a 36' tall chimney is proposed for Office Building #1. These height exceptions are permitted per Section 208.C of the Zoning Code.

Proposed parking and site lighting meet zoning requirements and design standards. The proposed dumpster, located adjacent to 71st Street and beyond the 100' setback from the south property line, will be screened as required by development standards. Existing sidewalks along 71st Street and Harvard Avenue will remain. Within the lot, sidewalks are provided between Office Buildings #1 and #2. The two access drives to 71st Street and the one to Harvard Avenue conform to the Draft Final Plat.

Exterior facades will be of cultured stone and synthetic stucco finish and appear to be similar to the elevations submitted as part of the Original PUD development concept. An eight foot masonry screening wall (detail provided for one side only)

is proposed on the south boundary of the PUD and extends northwesterly and east of the regulatory flood plain as required.

Proposed landscaping is in compliance with Development Standards and the Zoning Code. The 3 ½ ' screening required for parking areas along 71st Street South and Harvard Avenue is to be accomplished by plantings of holly shrubs that are to be maintained (but not necessarily planted) at the required minimum height.

Staff recommends **APPROVAL** of **PUD 687 Detail Site and Landscape Plan** as proposed.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the detail site plan for PUD-687 per staff recommendation. (Words deleted are shown as strikeout; words added or substituted are underlined.)

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Application No.: PUD-703

DETAIL SITE PLAN

Applicant: Sisemore, Weisz & Assoc. Inc. (PD-7) (CD-9)

Location: Northwest corner of West 22nd Street and South Main

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for entry gates, access and screening walls for The Tudors II Residential Subdivision. The proposed use, Use Unit 6, Residential Single-Family, conforms to development standards.

The proposed access points and gated entries have been approved by Traffic Engineering and the Fire Marshal as required by development standards. Screening walls proposed along the property lines adjoining public streets do not exceed seven feet in conformance with development standards. A six-foot wood screening fence is also proposed along the north property line.

Staff recommends **APPROVAL** of PUD 703 detail site plan as proposed.

(Note: Detail site plan approval does not constitute detail landscape and sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the detail site plan for PUD-703 per staff recommendation.

Commissioners' Comments:

Mr. Westervelt stated that it is great to have Brandon Jackson back at the TMAPC. The TMAPC has missed his presence.

There being no further business, the Chair declared the meeting adjourned at 2:45 p.m.

Date Approved:

3/23/05

Stacey M. Bayles

Chairman

ATTEST:

[Signature]

Secretary