

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2427

Wednesday, October 19, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Bayles	Alberty	Boulden, Legal
Bernard	Dick	Butler	
Cantees	Horner	Fernandez	
Carnes		Matthews	
Harmon			
Hill			
Jackson			
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, October 14, 2005 at 3:21 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, Vice Chair Hill called the meeting to order at 1:33 p.m.

Ms. Hill reminded the Planning Commissioners that Ms. Huntsinger is out today and that Phyllis Butler is filling in. She requested that everyone speak into their mikes so that Ms. Butler can hear the motions.

Minutes:

Approval of the minutes of September 21, 2005, Meeting No. 2424

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Midget "absent") to **APPROVE** the minutes of the meeting of September 21, 2005, Meeting No. 2424.

Minutes:

Approval of the minutes of September 28, 2005, Meeting No. 2425

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Midget "absent") to **APPROVE** the minutes of the meeting of September 28, 2005, Meeting No. 2425.

REPORTS:

Chairman’s Report:

Ms. Hill reminded the applicants and interested parties that in the interest of time, names will be called in the order they signed up to speak and asked them to please state name and address for the record. She requested that the speakers limit their comments to three to four minutes and if someone would like to yield time to a designated speaker, please let her know.

Director’s Report:

Mr. Alberty reported that there are no items scheduled for this Thursday’s City Council agenda.

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HOUSEKEEPING ITEMS:

Ms. Hill stated that it has been brought to her attention that Item 29 may need to be continued. The applicant was not present.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Midget "absent") to **CONTINUE** the following related items: minor amendment for PUD-230-7 and preliminary plat for Tuscany Pointe to October 26, 2005.

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SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-19897 – Terry Addington** (0430) (PD 16) (CD 6)
11015 East Pine
- L-19898 – Roger Eldredge** (9418) (PD 17) (CD 5)
2145 South 109th East Avenue
- L-19899 – City of Tulsa** (0329) (PD 3) (CD 3)
Northwest corner East Young Street and Harvard
- L-19901 – Diana Hendryx** (2305) (County)
East of northeast corner East 186th Street North and Lewis

STAFF RECOMMENDATION:

These lot-splits are all in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** the TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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Mr. Midget in at 1:37 p.m.

LOT-COMBINATION FOR RATIFICATION OF PRIOR APPROVAL:

LC-8 – Daylyn McCort (9430) (PD 18) (CD 5)
10120 East 47th Street

STAFF RECOMMENDATION:

This lot-combination is all in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON** the TMAPC voted **8-0-0** (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **RATIFY** these lot-combinations given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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FINAL PLAT:

Augustus –(8327) (PD 26) (CD 8)
North of the Northwest corner of East 111th Street and South Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 12 lots in one block on four acres.

All release letters have been received and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the final plat for Augustus per staff recommendation.

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Troost Lofts at Cherry Street-(9307)

(PD 6) (CD 4)

South of the southwest corner of East 14th Street and Troost

STAFF RECOMMENDATION:

This plat consists of seven lots in one block on .38 acres.

All release letters have been received and staff recommends **APPROVAL**.

TMAPC COMMENTS:

Mr. Ard asked staff if the issues regarding the relationship of the sidewalk to the drive-through have been taken care of. In response, Mrs. Fernandez stated that the paving width was of concern to Traffic Engineering at the time and after checking with them they are in agreement and have signed off on the plat.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the final plat for Troost Lofts at Cherry Street Addition per staff recommendation.

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M&M Properties-(9405)

(PD 5) (CD 6)

Northwest corner of East Admiral Place and 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of ~~three~~ ~~four~~ five lots in two blocks on 19.8 acres.

All release letters have been received and staff recommends **APPROVAL**.

TMAPC COMMENTS:

Mr. Ard asked if this was a four-lot subdivision plat. In response, Mrs. Fernandez stated that a newer draft final plat is included with the packets and it is a five-lot subdivision plat.

Applicant's Comments:

Darin Akerman, Sisemore, Weisz and Associates, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he would like to clarify that there is a 5th lot at the southwest corner of the plat. This is a five-lot subdivision plat.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the final plat for M & M Properties per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

Mrs. Fernandez stated that the reason for the discrepancy is because there was an accelerated building permit request and the original preliminary plat had the three lots. The applicant added additional lots to make it all in conformance with the final plat and this was a typographical error carried over from the preliminary plat.

Mr. Ard asked staff if it is all squared away now. In response, Mrs. Fernandez answered affirmatively.

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Wal-Mart SuperCenter # 1597-03 – (8326)

(PD 26) (CD 8)

West of northwest corner of East 111th Street and Memorial Drive (Related to Item 33.)

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 28.7 acres.

The approval of this final plat was rescinded by TMAPC on 9/21/05 and sent back to the Technical Advisory Committee. The Technical Advisory Committee reviewed the plat again at their October 6, 2005 meeting. New comments include the following:

INCOG: A waiver of the Major Street and Highway Plan will need to be requested from proper right-of-way dedication on East 111th Street. The deletion of access along 111th will likely be a safety concern, especially for the revised detail site plan approval.

Transportation: Documentation of right-of-way dedication has been corrected. Requirement for sidewalk on 111th Street South is being maintained.

Traffic: Two additional access points as originally proposed along 111th Street shall be provided when offsite real estate is made available.

County Engineer: Tulsa County has a concern with there being only one access onto 111th Street South, and the close proximity of that access to the intersection at 111th and Memorial. We feel that left-turn traffic into the site will conflict with left-turn traffic at Memorial, and truck-traffic trying to use this access will compound safety and congestion problems. We would like to see additional driveways on 111th Street, and would prefer that the major street right-of-way be 111th Street, and would prefer that the major street right-of-way be dedicated.

Mr. Charles Norman represented the final plat. Mr. Dan Buford also spoke to the TAC members. He owns the LLC that sold property to Wal-Mart and owns the 17-foot strip of property in the 111th Street right-of-way.

Mrs. Fernandez stated that there is some wording of the mutual access easement that needs to be approved through City Legal and they have been working on this. This would be a requirement of final plat approval.

Mrs. Fernandez stated that staff cannot recommend approval of the plat waiver for the right-of-way dedication because it would possibly cause a precedent of problems with other plats as they come through. Staff has always relied on accordance with the Major Street and Highway Plan and therefore, staff recommends **DENIAL** of the plat waiver at this time.

TMAPC COMMENTS:

Mr. Bernard asked staff if the Planning Commission denied the plat waiver, where this would leave the applicant with regard to their building. In response, Mrs. Fernandez stated that the Planning Commission would have to decide, after hearing Mr. Norman's presentation, whether the final plat can go forward. She believes that Public Works is of the opinion that right-of-way can be received later in the process.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that this final plat comes before the Planning Commission with a release letter

from the Development Services, which includes Traffic Transportation, etc. that is represented by Harold Tohlen.

Mr. Norman stated that he was required, by staff, to request a waiver of the Subdivision Regulations, which, under the interpretation of the staff, require one to dedicate property that is not owned by the platting party. It was his understanding that Mr. Boulden had previously advised the Planning Commission that they do not have the authority to require Wal-Mart to dedicate something they do not own. He commented that staff was unable to identify the specific section of the Subdivision Regulations which require a waiver. Consequently, he requested a waiver with respect to any of the requirements of the Subdivision Regulations, including Section 4 Planning and Design Requirements, which may require or be interpreted to require dedication to the public of a 17-foot wide gap that is not owned by Wal-Mart Stores as a condition of the final approval of the plat. This is to avoid any type of precedent that would be in conflict with an unidentified section of the Subdivision Regulations. He is also requesting that he be allowed to defer the installation of the sidewalk along 111th Street until such time the 17-foot wide gap is acquired by the public. He informed the Planning Commission that he has committed by letter that the sidewalk would be constructed once the gap is acquired. He has also committed to building two drives across the gap at Wal-Mart's expense as requested by Public Works. An amended detail site plan has been submitted and it deletes the two westernmost driveways that were a part of the original detail site plan approval that was given by the Planning Commission last May. Mr. Norman concluded that he was surprised to find staff recommending against this when they have been advised by the City Attorney's office that they are unable to point to a specific regulation. He commented that he was surprised that staff was not in the spirit of what he has been trying to accomplish by not recommending approval of the waiver because it is outside of his client's ability to accomplish. If the Planning Commission accepts the staff's recommendation for denial, which he believes was discussed at considerable length four weeks ago, then he cannot obtain a building permit and construct the store. He requested the Planning Commission to approve the waiver as requested.

TMAPC COMMENTS:

Mr. Bernard stated that he understood from the last meeting that the Planning Commission requested the applicant to go back and confirm some issues with Traffic Engineering and once that had been confirmed, one way or another, the Planning Commission didn't want to establish a precedent but did want to move forward on it. He indicated that he was in favor of Mr. Norman's requests.

Mr. Harmon asked Mr. Norman if his client is negotiating to acquire the 17-foot gap. In response, Mr. Norman stated that he is in discussion regarding the ownership entity about possible scenarios, but he can't tell the prospect of success at this time. It would be in the best interest of the City and Wal-Mart to have the two access points as anticipated in 2001.

Mr. Harmon asked Mr. Norman if the property owner has offered the 17-foot gap to Wal-Mart. In response, Mr. Norman stated that it has been offered to Wal-Mart at a price that Wal-Mart isn't willing to pay.

Mr. Harmon stated that the issue about the availability of the 17 feet is only relative to the Planning Commission to the extent that Wal-Mart is making a serious effort to obtain the land. It appears that the Planning Commission is being asked to approve something that doesn't quite fit. In response, Mr. Norman stated that this is the first occasion he has ever encountered where this particular situation has occurred. He is requesting a waiver of the Subdivision Regulations to cooperate and avoid any precedent because this is not ordinarily going to occur. He has no power of eminent domain and doesn't want it. He commented that Mr. Buford can place any price on the 17 feet as he chooses and at some level that is simply not acceptable. There are other possibilities under review, but he is not at liberty to discuss those at this time.

Mr. Carnes asked Mr. Norman why is trying not willing to install the sidewalk at this time. In response, Mr. Norman stated that if he installed the sidewalk now it would have to be put in the wrong place because it needs to be in the 17-foot wide gap. If his client installed the sidewalk it would be too close to the curb rather than close to the right-of-way line.

Mr. Carnes stated that he doesn't believe that the Planning Commission should be giving in by waiving the sidewalks and waiting for the next person. Staff has correctly asked for a sidewalk and he would like to see the sidewalk installed now, because people forget what happened four or five years from now. Mr. Norman reminded Mr. Carnes that he has made a written commitment that the sidewalk would be constructed on behalf of the Wal-Mart Stores and hopefully that would be enough. If the Planning Commission requires some other type of affirmation he would obtain it. Mr. Norman stated that the sidewalk is a minor issue and it is just the location at this time.

Mr. Midget stated that he remembers from the last meeting on this issue that the property owner was asking an exorbitant amount of money for that strip of property. Mr. Midget commented that due to the amount it appeared that it was holding the project hostage and he felt that was unfair. Regarding the sidewalk, he understands that it would be disservice to move it out toward the curb and he is willing to allow that issue to be resolved to allow the sidewalk to be located in the right place. Mr. Midget asked Mr. Norman if he would mind sharing again, for those on the Planning Commission that may not have been present at the previous meeting, what that issue was on the 17-foot wide strip.

Mr. Norman stated that the 17-foot wide strip is 819.75 feet long and the original purchase price for the whole 20 acres was at \$3.05 SF, and at that price, the strip would be worth \$42,494.00 four years ago. In 2001 the price for the whole

basis was \$132,858.00 per acre. On July 25th, Mr. Buford's attorney advised that the purchase price would be \$2,468,698.34, which amounts to \$177.20 per SF, which is more than 59% above the original price. This is simply not acceptable and not on the table, and that is why he is requesting the release of this plat. This issue has delayed the start of construction for more than two months.

Mr. Midget stated that he is not concerned with setting a precedent. The Planning Commission is able to take each case on a case-by-case basis and then determine the merits of that case. He commented that he is in favor of moving this project along.

Mr. Ard asked if the 17 feet would be taken as part of the public right-of-way or is in a different area altogether. In response, Mr. Norman stated that it would be a part of the 50 feet of right-of-way. From the section line north on 111th Street there is presently 33 feet of dedicated right-of-way and an additional eight feet that was acquired later. This leaves 17 feet remaining in the planned right-of-way for 111th Street. In response, Mr. Ard stated that after the public right-of-way is taken there will be a 17-foot gap. Mr. Norman stated that the existing public right-of-way is only 33 feet and it should be 50 feet.

Mr. Ard stated that the final plat shows the entrance that is fairly close to Memorial, and the County Engineer had some concerns that it would be too close to Memorial. Mr. Ard asked if there would eventually be two additional entrances once the 17 feet is acquired, or it would be two entrances with one of them moved back to the center of where the Lowe's entrance is. Mr. Norman stated that there would be two additional entrances, one being aligned with the Lowe's entrance across the street in Bixby. The third entrance would be primarily a truck access entrance to the rear of the store building. Mr. Norman stated that a maintenance access easement has been granted to the City of Tulsa. The City of Tulsa requested that all of the property owners in the subject area build the regional detention facility to Sheridan. Three property owners have done this and it is essentially completed. Wal-Mart granted a maintenance access easement to provide access only for maintenance of the detention facility. The City of Tulsa installed a twelve-inch water main in the 17 feet. There has been a lot of confusion about where the right-of-way boundary was and obviously there have been mistakes made.

INTERESTED PARTIES:

Dan Buford, 2800 South Riverside Drive, Tulsa, Oklahoma 74114, stated that he is present to represent his family and to advise the Planning Commission of the facts. Over six years ago Wal-Mart starting looking at the subject property and over a year's period the transaction changed in many ways. Mr. Buford cited the history of the transactions and negotiations between his family and Wal-Mart. The subject property's value changed during the transactions for many reasons. With adequate and unlimited access to 111th it had one value, and with limited access to 111th and adequate access to South Memorial, it had a different value.

Wal-Mart, five years and two months ago, discussed this 17-foot strip in an attorney's office. In this discussion a Wal-Mart employee stated that they would not purchase the 17-foot strip because they do not purchase anything they can't build on and the Bufords would have to dedicate it. They had an opportunity to purchase it and they refused. The Wal-Mart employee stated that she would force him to dedicate the 17-foot strip.

Mr. Buford stated that there has been no hostage-taking and he has never put a for sale sign out on the subject property (the 17-foot strip). He indicated that he never priced it to them until they requested a price. He never asked Wal-Mart to purchase the property and it is totally a business transaction between his family and Wal-Mart. The staff report states that he owns the LLC that owns this strip and that is not correct. He explained that he is the manager of the LLC that owns the strip of property and his family owns the LLC. He indicated that Mr. Hardt has been to his office to discuss this matter and he has assured Mr. Hardt that his family is a good City of Tulsa citizen. His family has never failed to dedicate any right-of-way that was needed by the City or the County free of charge in the past. Recently, he dedicated right-of-way along Garnett and 81st Street to the County for the widening and "Four-to-Fix" of Garnett at the intersection of 81st and Garnett. Mr. Buford cited the past dedications of right-of-way his family has accomplished for the City of Tulsa and Tulsa County.

Mr. Buford stated that he would not contradict the statement of Mr. Norman's that he and Mr. Hollis of POE Engineering were unaware of the 17-foot strip issue until recently. He further stated that Wal-Mart had a duty to tell them about this issue and failed to do so. Mr. Buford indicated that his family is not opposing the plat, and whatever the Planning Commission and the City of Tulsa determine is proper, his family would back it 100%. He doesn't feel that his family should be intimidated or criticized nor ridiculed in a business transaction by one of the largest corporations. It was totally within Wal-Mart's ability to purchase the property five years ago and do what is right for the City of Tulsa and the citizens.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Buford if there are any negotiations going on right now between the Buford Family and Wal-Mart. In response, Mr. Buford stated that Mr. Hardt asked him to meet with Mr. Norman and since Mr. Norman is representing Wal-Mart he had his attorney talk with Mr. Norman and they discussed two separate proposals. He understands that Mr. Norman has stated that these are confidential and he is sure that his attorney, Bob Johnson, has agreed to this and he will honor it. Mr. Buford commented that he is aware that the Planning Commission was informed of the amount the LLC requested for the 17-foot strip and Wal-Mart offered \$42,000.00 for the 17-foot strip. It is not about the strip of property, but about the value of this entire piece of property with adequate access to 111th Street. Wal-Mart claims that they can function without the strip and he hopes that they can without endangering the other parties. His

family is willing to discuss a reasonable solution from a business prospective anytime Wal-Mart wants to talk.

Mr. Buford stated that one of the scenarios that has been discussed with Wal-Mart is if the parties were to reach an agreement as to a fair value for this 17-foot strip, that the Buford's would donate it to a charity in Tulsa in a simultaneous closing whereby Wal-Mart would buy that tract and the Bufords would receive nothing. It is not dollars and cents today but rather what it is right.

Mr. Buford stated that the Planning Commission has required sidewalks in this particular area by neighboring subdivisions. He indicated that the LLC would provide an easement for sidewalks, but there would be no ingress/egress to Wal-Mart provided.

Mr. Buford stated that he has assured Mr. Hardt that at any point and time the City has funds available and wishes to widened 111th Street next to this property, that the LLC would dedicate that right-of-way to the City or County but without access to Wal-Mart. He commented that he is not here today to hinder the City of Tulsa or the citizens of Tulsa.

Applicant's Rebuttal:

Mr. Norman stated that he has represented Wal-Mart on a number of occasions and worked with real estate managers, especially Caroline Shellhorn, who represented Wal-Mart in Oklahoma at the time this deal was consummated. He commented that he found Ms. Shellhorn to be a level-headed individual who represented Wal-Mart in the proper way. If she said the things Mr. Buford indicated, then that would have been a stupid statement and Wal-Mart's real estate agents are not stupid people.

Mr. Norman stated that he was glad to hear that Mr. Buford has no objections to this plat moving forward and this store being constructed. Mr. Norman commented that when this gap was discovered by Mr. Hollis and relayed to him, the access and internal circulation was reanalyzed by Jon Eshelman, Traffic Engineering Consultant, who submitted a written report to the Public Works Department/Traffic Engineering. The opinion is that the store will operate acceptably with acceptable levels of traffic service without the two access points that are in question. He believes that staff has required that the Traffic Engineer approve the amended detail site plan and he understands that approval has been given. These issues were appropriate and they were first considered by Wal-Mart in making the decision to proceed with the store. Wal-Mart is still acting judiciously and prudently for the safe operation of the store, which is important to them. He believes that he has satisfied all of the technical concerns and requested that the waivers be granted. He amended his letter to state that at such time as a sidewalk easement is available, Wal-Mart will construct the sidewalk in the proper location as required by Public Works.

TMAPC COMMENTS:

Mr. Harmon stated that he would like to see Wal-Mart continue with their expansion plans in Tulsa. He appreciates what Mr. Buford had to say and he has shown that he and his family are indeed good citizens. With Mr. Buford's assurance that the right-of-way would be available for the street and sidewalks, he is inclined to support this even though it seems a stretch. The TMAPC is bending the rules to make it fit, but maybe this is the time to bend the rules.

Mr. Midget agreed with Mr. Harmon's comments. He indicated that he appreciates Mr. Buford clarifying his position in this issue and to find that he is not opposed to the project moving forward. Mr. Midget indicated that he could support this project.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-0-1 (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Carnes "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the waiver of the Subdivision Regulations pursuant Section 1.10 and including Section 4, Planning and Design Requirements, which may require or be interpreted to require dedication to the public of the 17 feet wide gap; and to **APPROVE** final plat for Wal-Mart SuperCenter #1597-03, subject to the following conditions: a) The two additional access points along 111th Street shall be provided when the off-site strip to the south is made available, provided that the center access is adjusted slightly to the west to align with the center of the existing Lowe's driveway as recommended in the August 25, 2005 engineering report from TEC in order to improve both safety and efficiency; b) the language provided October 13, 2005 adding governmental access to the mutual access easement with language approved by City Legal, and amend Mr. Norman's letter to state that Wal-Mart will build the sidewalks when the right-of-way is made available.

RELATED ITEM:

Application No.: PUD-578-A

REVISED DETAIL SITE PLAN

Applicant: Poe & Associates/Hollis Allen Jr.

(PD-26) (CD-8)

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

STAFF RECOMMENDATION:

The applicant is requesting approval of a revised detail site plan for Wal-Mart. Removal of the two westernmost access drives to East 111th Street South is proposed. One access drive to East 111th Street South is to remain, as are two access drives onto Memorial Drive per the original approved detail site plan, and

an existing drive further north onto Memorial Drive. The Traffic Operations Manager has approved the revised site plan.

The Traffic Consultant for Wal-Mart has recommended that Driveway #6 onto East 111th Street South be approximately aligned with the existing Lowe's main driveway. Staff concurs and recommends that the drive be aligned per this approval to prepare for future access to East 111th Street South.

Staff recommends **APPROVAL** of PUD-578-A Revised Site Plan on condition that Driveway #6 is aligned with the existing Lowe's main driveway.

Note: If and when Wal-Mart obtains the East 111th Street frontage, the streetyard must be landscaped and sidewalks installed per the original approved detail site plan.

Applicant's Comments:

Mr. Norman stated that if the right-of-way becomes available, he will have to come back to the Planning Commission to request an amendment of the limits of no access to put the driveways back. At this point, the appropriate location could be discussed with the engineers.

TMAPC COMMENTS:

Mr. Harmon asked if it would be appropriate to leave the requirement in if they acquire the property. Mr. Alberty stated that staff was considering that if the access was constructed the way it is proposed now and then they require that right-of-way, then they would have to tear up the way it is constructed now. The recommendation was to accommodate the applicant. However, if the applicant wants this to go forward with the caveat that if it is acquired that they meet that requirement, then staff is in agreement. This was just to anticipate the applicant acquiring the right-of-way and not having to tear up pavement and tear up the parking lot to redo it.

Mr. Harmon stated that he would prefer to have the caveat.

Mr. Norman stated that he believes that, mechanically, this is the way it would have to occur. He would have to come back to the Planning Commission for an amendment of the points of access to put them back at the proper locations.

Mr. Harmon stated that it appears the Planning Commission would be relieving Wal-Mart from having those two access points, but he would like include in the motion that they will be installed and utilized if Wal-Mart acquires the property.

Mr. Norman stated that his letter represents the commitment that the access points will be built if the right-of-way becomes available. But mechanically he would have to come back to the Planning Commission because the staff has

requested that he impose limits of no access because they have no legal right to cross the 17 feet. He has done this to satisfy the staff and he will have to undo this when it is appropriate. He reiterated that Driveway #6 will be aligned appropriately at that time.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the revised detail site plan as presented for PUD-578-A, subject to condition that Driveway #6 is aligned with the existing Lowe's main driveway, per staff recommendation, noting that Wal-Mart has committed to install the two access points if and when the property becomes available.

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Kum & Go Creek Turnpike – (0813)

(PD 26) (CD 2)

Southwest corner of Riverside Parkway and Creek Turnpike (**continuance requested for further TAC review to 11/2/05**)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **CONTINUE** the preliminary plat for Kum & Go Creek Turnpike to November 2, 2005.

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One Utica Place – (9318)

(PD-6) (CD-4)

Southeast corner of 22nd Place and South Utica Avenue (2261 South Utica)

STAFF RECOMMENDATION:

This plat consists of 11 lots in one block on 4.35 acres.

All release letters have been received and staff recommends **APPROVAL**, subject to wording per the City Legal pertaining to the sidewalk issues currently in court.

TMAPC COMMENTS:

Mr. Harmon asked why staff is recommending the elimination of sidewalks. In response, Mrs. Fernandez stated that staff is **not** recommending the elimination of sidewalks and the Planning Commission reaffirmed that the sidewalks be installed. The applicant has taken this to District Court.

Mr. Boulden stated that the plat will have a notation that sidewalks are required subject to a District Court decision.

Mr. Carnes stated that in the past the Planning Commission has refused to hear things while they were tied up in court. He believes that they still have that option.

Mr. Boulden stated that the Planning Commission cannot hold this up. The statutes will not allow the Planning Commission to hold the plat simply because the sidewalks have not been agreed to. District Court will determine the sidewalk issue.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he has discussed the language with Mr. Boulden and it is acceptable with both sides of the issue.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the final plat for One Utica Place, subject to wording per the City Legal pertaining to the sidewalk issues currently in court per staff recommendation.

* * * * *

PRELIMINARY PLAT:

Pine Street Park – (0431)

(PD 16) (CD 6)

South side of East Pine Street, between Mingo Road and Garnett Road

STAFF RECOMMENDATION:

This plat consists of 39 lots, three blocks, on 44.3 acres.

The following issues were discussed October 6, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. Clarify 50-foot strip to east of proposed plat. A waiver of block length is needed.
2. **Streets:** Street name is needed for the west leg. An emergency access easement to the west, near the southwest corner of the plat, connecting to the City's access road, is needed due to the over-length street. At the north end of Reserve "A", a lot dimension is missing on the east side, adjacent to Lots 5 & 6, Block 1. Some type of connection to City's access road at or near the south end is needed, as with an emergency access easement, or dedicated right-of-way with gated access. The requirement for a sidewalk on Pine Street is supported, and provision for sidewalks on 105th East Avenue is recommended.
3. **Sewer:** Additional easement required in Block 2 (15-foot minimum) to provide sewer to serve Block 3. Also, sewer lines in Block 3 must be in a 15-foot easement. Concept plan does not provide sewer service to Block 3.
4. **Water:** We are no longer installing or accepting ten-inch line. Use eight-inch or 12-inch. Would it not be better to shift the service at Lot 5, Block 1 from the south to the north property line so the service is not crossing the storm sewer? Along Lots 24 to 28, Block 2, the waterline runs along the west side of the road. This could result in utility conflicts, as water's standard position is along the east and south sides of the road. There is a Phase 1 and Phase 2. The whole waterline, or at minimum the looped portion, will be constructed in Phase 1.
5. **Storm Drainage:** The FEMA floodplain must be plotted on the face of plat by using the 100 year surface elevations. Approximations of its location are not acceptable. The Reserve Areas for the floodplain must include the floodplain plus an additional 20 feet adjacent to and outside the floodplain. Please add a subsection to address the roof drainage from Lots 1 through 18 of Block 2 in Section 1. That drainage cannot flow onto ODOT property or adjacent private property. Add "for Reserve A Mingo Creek FEMA

floodplain” to the title for subsection 1.8 of Section I. In 1.8.4 of Section I: “Owners/Developers” and “owner” should be replaced with “Owners’ Association”, and add the standard language for prorated liens. If there are 36 lots, then the responsibility of each lot owner would be 1/36th. Sidewalks needed on East Pine and recommended on 5th Street.

6. **Utilities: PSO, ONG, and Cable:** ONG needs additional easements.
7. **Other: Fire:** Show U.S. Highway 169.

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

Waivers of Subdivision Regulations:

1. Waiver to block length is 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.

TMAPC COMMENTS:

Mr. Harmon asked what a block length standard would be. In response, Mrs. Fernandez stated that a standard block length is 1500 feet and the proposed is more than 2,000 feet.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the preliminary plat for Pine Street Park, subject to special conditions and standard conditions and **APPROVE** the waiver of Subdivision Regulations relating to block length, per staff recommendation.

* * * * *

Greenwood Reconciliation Park – (9201)

(PD 1) (CD 4)

North of Brady, East of North Detroit Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.92 acres.

The following issues were discussed October 6, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CBD. The project is for the Greenwood Reconciliation Park site.
2. **Streets:** Confirm that the State did/did not condemn all or part of the Davenport right-of-way. No objection to a waiver of the right-of-way intersection radius. It was determined that part of Davenport has been taken as part of ODOT right-of-way so this is unnecessary. Document for staff files all old right-of-way vacations or show the right-of-way for legal closures on the face of the plat for both streets and both blocks of north/south alley. Prefer that Davenport paving be removed to eliminate all future maintenance by extending the Detroit curb through the intersection as part of the PFPI (privately funded public improvement). Get ordinances of closures and check on line of site onto Elgin. Take railroad information off plat.
3. **Sewer:** The existing sanitary sewer line must be either removed or fitted, not just abandoned. The existing line is part of a sanitary sewer rehabilitation project that will be awarded in the near future.
4. **Water:** No comment.
5. **Storm Drainage:** Collect all additional drainage on-site, and pipe it to the adjacent public drainage system.
6. **Utilities: PSO, ONG, and Cable:** Additional easements may be necessary.
7. **Other: Fire:** Any installation of security gates across a fire department access road shall be approved by the Fire Code Official (per F503.6). A trail easement and sidewalk must be shown.

Staff recommends **APPROVAL** of the Preliminary Subdivision 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; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the preliminary plat for Greenwood Reconciliation Park, subject to special conditions and standard conditions per staff recommendation.

* * * * *

ACCELERATED BUILDING PERMITS:

Greenwood Reconciliation Park – (9201)

North of Brady, East of North Detroit Avenue

STAFF RECOMMENDATION:

This request is for an accelerated building permit in the Greenwood Reconciliation Park Addition for the race riot memorial. This is requested for no habitable structures, but will include sculptures and a fountain. This is for the first phase of the memorial because surplus right-of-way is being requested from ODOT and the applicant would like to include the property in the plat if it becomes available in the future for the site.

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 is on the October 19, 2005 TMAPC agenda. The accelerated permit can be considered if the preliminary plat has been approved.

The Technical Advisory Committee did not object to the proposal and made no comments on any concerns.

Staff can recommend **APPROVAL** of the authorization for an accelerated building permit.

TMAPC COMMENTS:

Mr. Midget stated that just for clarification and because it has been mentioned. This is actually the John Hope Franklin Greenwood Museum of Reconciliation and not the race riot memorial.

Mrs. Fernandez thanked Mr. Midget for the clarification.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the accelerated building permits for Greenwood Reconciliation Park per staff recommendation.

* * * * *

MINOR SUBDIVISION PLATS:

Beta Business Park III- (9402)

(PD-17) (CD-6)

Northeast corner of East 166th Street and Admiral Place

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.76 acres.

The following issues were discussed September 1, 2005, September 15, 2005 and October 6, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL.
2. **Streets:** Recommend only a preliminary plat due to a ten-foot difference between the legal description and the survey. Document the existing arterial right-of-way on the face of the plat with book and page. (The concept drawing shows 40 feet of existing right-of-way which matches city atlas information.) Recommend limits of no access along the entire expressway right-of-way. Right-of-way dedication is questioned, as statutory reference does not apply. Centerline of Admiral is not the section line. Need better radius for truck design. Please show the Interstate 44 right-of-way line beyond the north corners of the property. The "Interstate 244" appears to be part of the plat title, and it should be "Interstate 44" not "244". The "Dedicated Right-of-way" should have indication of whether "by this plat" or by previous dedication, in which case the document needs to be indicated. If the present ownership includes the ten-foot strip to be dedicated along Admiral, the point of beginning should be ten feet south of where shown; only property described in declared ownership in the legal description can be dedicated. The legal description may require revision in consideration of the above comment about the point of beginning and ten-foot strip of right-of-way. Section IA, third line down in paragraph, "...does further indicate" should read "... does further dedicate" ownership of the ten-foot strip to be

dedicated right-of-way needs to be clarified.

3. **Sewer:** A sanitary sewer mainline extension is required.
4. **Water:** A water main extension will be required.
5. **Storm Drainage:** No comment.
6. **Utilities: ONG, Cable:** N/A
7. **Other: Fire:** Most remote portion of Building # 2 is over 900 feet from the nearest hydrant. Building # 1 is over 22,000 square feet. Fire sprinkler systems shall be provided in locations listed in IBC Section 903. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For Group R-3 and Group U Occupancies, the distance requirement shall be 600 feet (183 m). 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m). The legal description needs to be entirely rewritten. Face of plat does not match legal description in covenants. TAC recommends a continuance due to the concerns about and problems with the plat.

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.

TMAPC COMMENTS:

Mr. Ard stated that there seems to be a lot of problems with this plat that need to be corrected. Is it normal to approve the preliminary plat even though there are some issues with the legal, etc? In response, Mrs. Fernandez stated that the preliminary plat often has a lot of conditions on it and the reason this was heard three different times at the Technical Advisory Committee was to bring those problems out. She believes that all of the problems are out and before the final plat is finished and move forward this will have to be taken care of.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

Darryl French, Traffic Engineering, 200 Civic Center, stated that he wanted to reassure the Planning Commission members that TAC has reviewed various submittals and are now much more comfortable and close enough to let this proceed and move forward. Most plats have minor problems at this juncture.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the preliminary plat for Beta Business Park III, subject to special conditions and standard conditions per staff recommendation.

* * * * *

75 North Center – (1309)

(County)

West of the southwest corner of 116th Street North and U.S. 75

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 22 acres.

The following issues were discussed September 15, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-717. Applicant requested a continuance of the item to the October 6, 2005 TAC.
2. **Streets:** Right-of-way lines on 116th and 44th need clarification; leader line arrows should end at right-of-way lines. Show widths of existing streets adjacent to the property per Subdivision Regulations Section 3.6.3 (g). Sidewalks are required per Subdivision Regulations Section 4.3. Show limits of no access along 116th Street north and include language in the covenants. Limit access on north side to one 40-foot access opening, i.e. – no access allowed in curves.
3. **Sewer:** Septic system proposed.
4. **Water:** Rural Water District 3 of Washington County has released plat.
5. **Storm Drainage:** Label the FIRM zone as FEMA floodplain and the creek name. Easements and utilities section needs language for storm sewer.
6. **Utilities: ONG, Cable:** No comment.
7. **Other: Fire:** Fire department to serve must release plat.

Staff recommends **APPROVAL** of the Minor Subdivision plat, because release letters have been received, subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his 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; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the minor subdivision plat for 75 North Center, subject to special conditions and standard conditions per staff recommendation.

* * * * *

PLAT WAIVER:

Z-6993 – (9313)

(PD 5) (CD 5)

East of South Memorial Drive, South of East 27th Street

STAFF RECOMMENDATION:

The platting requirement was triggered by a rezoning to permit a printing use.

Staff provides the following information from TAC at their September 15, 2005 meeting:

ZONING:

TMAPC Staff: The plat waiver is for property zoned CG.

STREETS:

No comment.

SEWER:

There could be conflicts with the sanitary sewer. A sewer line may need to be relocated.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff has not received any further information about the sewer issue and therefore cannot recommend approval at this time (at the time of agenda preparation). The applicant was to discuss the sanitary sewer concerns with Development Services staff.

Mrs. Fernandez reported that there was a concern about a conflict with sanitary sewer; however, this has been addressed and resolved. Staff can recommend **APPROVAL** of the plat waiver for Z-6993.

A YES answer to the following three questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?	X*	
ii. Is an internal system required?		X
iii. Are additional easements required?	X*	

	YES	NO
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

*These may be required after further review by Public Works.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner "absent") to **APPROVE** the plat waiver for Z-6993 per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-7001

RS-3 TO OL

Applicant: Charles Norman

(PD-18) (CD-8)

Location: South of southwest corner of East 71st Street South and South Yale Avenue

STAFF RECOMMENDATION:

Z-6843/PUD-657 November 2001: Approval was granted to rezone a four-acre tract located west of the northwest corner of East 81st Street and South Yale from AG to CS with a PUD overlay for commercial development.

PUD-587-A September 1999: An application was filed for a major amendment to allow an alternative use of Development Area C of the PUD from the allowable 12 dwelling units within the area to a maximum of four single-family residences with a private drive connecting to East 83rd Street to the lots and eliminating a second point of access for the subdivision by connecting Urbana with Toledo Avenue. The applicant subsequently changed the application to reduce the number of dwelling units in Area C to one dwelling unit, one lot, with cul-de-sacs on Urbana and East 83rd Street. All concurred in approval of the request.

Z-5841/PUD-587 June 1998: All concurred in approval of a request to rezone a 23.5-acre tract located on the southwest corner of East 81st Street and South Yale Avenue from CS, RM-1, RS-3 to CS, RM-1, RS-3 and PUD for a mixed use development which would allow retail commercial uses at the arterial street intersection, an elderly housing project, and single-family lots at the southwest corner of the property.

Z-6606/PUD-573 November 1997: Approval was granted to rezone a two-acre tract located on the west side of South Yale at approximately 7800 block south from RT to OL with a PUD for a two-story office building.

PUD-500 August 1993: A request for a Planned Unit Development on a 7.6-acre tract located on the northeast corner of East 81st Street and South Yale Avenue for the development of a commercial shopping center was approved.

Z-6026/PUD-389 February 1985: All concurred in approval of a request to rezone a 32-acre tract located on the southeast corner of East 81st Street South and South Yale Avenue from RS-3 to RM-0 and 18 acres from RS-3 to OL with a PUD to allow development of multifamily uses.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.9 acres in size, sloping on the north end with a steep slope or ridge lying midway and north of the apartment complex. The tract is partially wooded and zoned RS-3/PUD-136.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 71 st Street South	Primary arterial	120'	2 lanes
South Yale Avenue	Primary arterial	120'	2 lanes (improvements under construction)

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted by apartments on the south, zoned RS-3/PUD-136; to the northeast an apartment complex, zoned RS-3/PUD-136; to the east by an office development, zoned OL and across South Yale to the east is a duplex development, zoned RD; to the south is an apartment complex, zoned RS-3/PUD-136.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity-Residential land use and Development Sensitive. According to the Zoning Matrix, the requested OL is **not** in accord with the Plan.

STAFF RECOMMENDATION:

The subject site is surrounded by office and multifamily/duplex uses, clearly not Low Intensity-Residential in nature. The office use has proven to be a compatible transitional use at the perimeters of single-family neighborhoods and staff can support this request. Therefore, staff recommends **APPROVAL** of Z-7001 for OL zoning if the TMAPC finds it appropriate to recommend approval of the accompanying PUD.

If the TMAPC deems it appropriate to recommend approval of this rezoning, they should direct staff to prepare map amendments to the District 18 Plan map.

RELATED ITEM:

Application No.: PUD-136-A

MAJOR AMENDMENT

Applicant: Charles Norman

(PD-18) (CD-8)

Location: South of southwest corner of East 71st Street South and South Yale Avenue

STAFF RECOMMENDATION:

Z-6843/PUD-657 November 2001: Approval was granted to rezone a four acre tract located west of the northwest corner of East 81st Street and South Yale from AG to CS with a PUD overlay for commercial development.

PUD-587-A September 1999: An application was filed for a major amendment to allow an alternative use of Development Area C of the PUD from the allowable 12 dwelling units within the area to a maximum of four single-family residences with a private drive connecting East 83rd Street to the lots. The amendment also eliminated a second point of access for the subdivision by connecting Urbana with Toledo Avenue. The applicant subsequently changed the application to reduce the number of dwelling units in Area C to one dwelling unit, one lot, with cul-de-sacs on Urbana and East 83rd Street. All concurred in approval of the request.

Z-5841/PUD-587 June 1998: All concurred in approval of a request to rezone a 23.5-acre tract located on the southwest corner of East 81st Street and South Yale Avenue from CS, RM-1, RS-3 to CS, RM-1, RS-3 and PUD for a mixed use development which would allow retail commercial uses at the arterial street intersection, an elderly housing project, and single-family lots at the southwest corner of the property.

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Z-6026/PUD-389 February 1985: All concurred in approval of a request to rezone a 32-acre tract located on the southeast corner of East 81st Street South and South Yale Avenue from RS-3 to RM-0 and 18 acres from RS-3 to OL with a PUD to allow development of multifamily uses

PUD 136 March 1973: PUD 136 was approved for a 101.544 acre tract, with six development areas permitting a maximum of 402 multifamily and single family dwelling units. Development Area F of PUD 136 with a maximum of 110 dwelling units (later increased to 111) was platted and developed as Silver Oaks Addition, Blocks 6 through 14.

Development Area E with a permitted 30 dwelling units was originally platted as Block 5 of Silver Oaks, Blocks 1 through 5 and was replatted and developed as Silver Oaks II with 6 single family lots.

Forty-six multifamily dwelling units in 13 buildings were constructed on Lot 1, Block 3, Silver Oaks, Blocks 1 through 5 and were made a part of a condominium declaration and are under the management of Raintree Estates I, Inc.

Recreational facilities for the condominium units were constructed on Lot 2, Block 3. The original developer of the Raintree Estates condominiums never conveyed Lot 2, Block 3 to the Raintree Estates I condominium association. The condominium recreational facilities were subsequently acquired by the local bank through foreclosure of a deed-in-lieu of foreclosure and then conveyed to the developer with the remainder of the undeveloped area within PUD 136.

The north 363 feet of Lot 1, Block 1, Silver Oaks was deleted from PUD 136 by a minor amendment approved by TMAPC on May 26, 1983 with a reduction of the total allocated number of dwelling units by 10 units. The north 363 feet became a part of the office project to the north.

The south 625 feet of the north 988 feet of Lot 1, Block 1 was conveyed in 2004 to the City of Tulsa for a stormwater detention facility. No dwelling units have been constructed on Lot 1, Block 2, Lot 3, Block 3, or Lot 1, Block 4. The clubhouse and recreational facilities for the condominium units were constructed on Lot 2, Block 3. Consequently, after deducting the 111 dwelling units platted as Silver Oaks II, and after deducting the 46 dwelling units constructed within the remainder of PUD 136, there remain approximately 230 unconstructed dwelling units within the remainder of Blocks 1, 2, 3 and 4 of Silver Oaks Addition.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.9 acres in size, sloping on the north end with a steep slope or ridge lying midway and north of the apartment complex. The tract is partially wooded and zoned RS-3/PUD-136.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 71 st Street South	Primary arterial	120'	6 lanes
South Yale Avenue	Primary arterial	120'	2 lanes (improvements under construction)

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted by condominiums on the south, zoned RS-3/PUD-136; to the northeast an apartment complex, zoned RS-3/PUD-136; to the east by an office development, zoned OL and across South Yale to the east is a duplex development, zoned RD; to the southeast is an apartment complex.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity-Residential land use and Development Sensitive. According to the Zoning Matrix, the requested OL is **not** in accord with the Plan.

STAFF RECOMMENDATION:

This application is to develop the northern part of the remaining property within PUD 136 as an office park (Development Area One) and place the remainder of the property (less the tract conveyed to the City of Tulsa), including the property on which the clubhouse and pool of the Raintree Estates condominiums are located, in Development Area Two for the purpose of conveying it to the Raintree Estates condominium association.

The land within the proposed PUD amendment has substantial slope, with that portion designated for office use being considerably higher than adjacent residential uses. Staff expressed concern to the developer's attorney and engineer regarding the impact this topography would have on compatibility - ability to screen the office uses, stability of slopes once graded and developed, car lights and parking lot lighting – between the proposed office uses and existing residential neighborhood. In response, the developer's engineer and attorney resubmitted the Concept Illustration, 'Amended Exhibit A', to provide a wider undisturbed buffer area along the west property line within Development Area One between the proposed office uses and adjacent neighborhood. In addition, an office building and parking lot were removed from the southwest corner of Development Area One in deference to the sharp topographical relief. The developer, through his agents, also agreed to more significant parking setbacks and provided slope and soils analyses to demonstrate that development would not compromise the stability of those slopes adjacent to residential. Grading plans were not provided; however, the developer's engineer assured staff that

graded slopes would not exceed 25%, maximum slope allowed for City of Tulsa construction.

An aerial photograph, Exhibit B, indicates the existing Silver Ridge condominiums and Development Areas One and Two. Also shown are the former public streets which have been closed and vacated by City and District Court proceedings.

The proposed office park is within Development Area One as shown on Exhibit C, Development Area Map. The remainder of the property acquired by the developer from the local bank (less the tract conveyed to the City of Tulsa), including the property on which the clubhouse and pool of the Raintree Estates condominium association are located as described as Development Area Two on Exhibit C.

The developer has met with the Raintree Estates condominium association about the proposed office park and has made offers to the association as follows:

1. To give and convey the property within Development Area Two, including the clubhouse and pool with an amendment to PUD 136 deleting all of the remaining unconstructed dwelling units from the planned unit development.
2. To construct a turnaround and small guest parking area on the north side of the closed and vacated Winston Place.
3. To install an access gate for emergency vehicles on the north side of the vacated Winston Place.
4. To install an access gate for emergency vehicles on the north side of the closed and vacated South Vandalia Avenue.
5. To construct additional parallel parking on the north side of the vacated South Winston Avenue right-of-way.
6. To construct an eight-foot tall fence on the south property line of Development Area One to maintain privacy for the condominium unit owners and provide separation between the proposed office park and the residences. All of the site improvements proposed to the condominium association are intended to establish an acceptable separation and transition between the existing dwelling units and the Silver Ridge Office Park.

A companion application has been filed requesting the rezoning of approximately 3.90 acres within Development Area One from the RS-3 Zoning District to the

OL-Office Light Zoning District to permit the development of the proposed Silver Ridge Office Park.

Pending approval of the requested OL zoning and direction by TMAPC to staff to prepare an amendment to the Comprehensive Plan, and based upon the Amended Development Standards, 'Amended Exhibit A' Alternate Concept Illustration Development Area One, and the slope and soils analysis provided by Tanner Consulting, L.L.C., staff finds PUD 136-A 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-136-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. Amended Development Standards

DEVELOPMENT AREA ONE

NET LAND AREA: 6.708 Acres 292,196 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios, including *Drive-thru Banking Facilities and uses customarily accessory to permitted uses.

*Drive-thru banking facilities not permitted within the west half of Development Area One.

MAXIMUM BUILDING FLOOR AREA: 68,000 SF

MAXIMUM BUILDING HEIGHT:

Within the east and west 125 feet -
One story not exceeding 30 FT

Within the remainder of the development area -
Two stories not exceeding 50 FT

Architectural elements may exceed the maximum building height with detail site plan approval.

PEDESTRIAN CIRCULATION:

Protected pedestrian access shall be provided between developed sites and/ or lots and from parking areas to buildings.

LANDSCAPED AREA:

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code. Of this 15%, a minimum 5% must be derived from internal areas not including required street yard or the 35' undisturbed buffer area adjacent to the west boundary of Development Area One. Graded areas not covered by paving and/or buildings must be sodded and irrigated in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

SITE LIGHTING:

Maximum height of building and/or pole mounted lighting shall be 20' with a minimum setback of 50' from the west boundary and 15' from the south boundary of Development Area One.

SIGNS:

1. Wall signs shall be permitted as provided in the OL-Office Light Zoning District.
2. One monument sign shall be permitted along the South Yale Avenue frontage with a maximum of 64 square feet of display surface area and 12 feet in height.

DEVELOPMENT AREA TWO

NET LAND AREA:	6.966 Acres	303,426 SF
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PERMITTED USES:

Clubhouses, pools, recreational facilities and amenities for the use and benefit of the owners of the existing residences, stormwater detention facilities, open space and uses customarily accessory to permitted uses.

OFF-STREET PARKING:

As required by the applicable use unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of South Yale Avenue	80 FT
From the north boundary of Area Two	10 FT
From the west boundary of Area Two	75 FT

BULK AND AREA REQUIREMENTS:

All other bulk and area requirements per RS-3 zoning districts in Section 403 of the City of Tulsa Zoning Code.

SIGNAGE:

Per Section 402.4 of the City of Tulsa Zoning Code.

3. 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.
4. 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 occupancy or at the soonest appropriate planting time. 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.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. 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. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula, which must include in the calculations consideration of topography.

9. 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.
10. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. 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.
13. 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 from September 1, 2005:

General - replat required

Water – No comment

Fire – No Comment

Stormwater – On Page 1 of the "SILVER RIDGE OFFICE PARK Development Concept" it states that the portion of Lot 1, Block 1 in this development was conveyed to the City of Tulsa for a stormwater detention facility, but none of the Exhibit Maps label any of the Lots or Blocks or the stormwater detention facility. Where is it located? Please use a standard Engineers Scale on the Exhibit Maps. Page 7 discusses additional Stormwater Detention, but its location has not been shown on the Exhibit Maps. Please show these existing and proposed detention locations.

Wastewater – Sanitary Sewer must be provided to all proposed properties.

Transportation – No comment

Traffic – Recommend two approach lanes for the 74th Street entry for peak hour capacity. As an alternative, mutual access provided from the Office Park through Stacy Park to the intersection. Recommend an Emergency Access Easement for the benefit of the Office Park in addition to and south of the proposed Gate along the private Vandalia Ave. to 76th Street.

GIS – No comment

County Engineer – No comment

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he represents Bob David, Leadership Properties, which has acquired the property that is before the Planning Commission. He explained that this application has been continued on two occasions to permit discussions to continue between the developer and the property owners affected by the proposed change.

Mr. Norman stated that in 1973, the entire PUD included approximately 110 to 115 acres, of most of which was developed into single-family subdivisions to the west. The property along Yale was platted for and approved for multifamily dwellings with 60 in each building. Only 46 of those condominiums have been constructed and those are part of a condominium association, which will be discussed throughout this presentation.

Mr. Norman submitted the original plat (Exhibit B-3). Mr. Norman cited the history of the subject property. The undeveloped property was conveyed to two banks by deeds in lieu of foreclosure. His client has acquired the subject property from the bank. His client has made a number of agreements with the condominium association to convey to them all of the property in Development Area 2, which is where their clubhouse and swimming pool are located; to delete from Development Area 1 and 2 all of the multifamily units that were approved 35 years ago; and to convert the northern part of the property that is in Development Area 1 into a light office project. So that there will not be any misunderstanding about the extent of the zoning request, he is only requesting enough office light zoning to provide for the 68,000 SF of building floor area that is proposed. There will be no change in the zoning along the western part of the property adjacent to the single-family residence. All of the multifamily dwelling units will be deleted from both areas and there will be no further development of multifamily units. What results from this requested OL zoning along Yale Avenue frontage will be a low-density office project under light office zoning. This project will result in a floor area ratio of .23 percent due to the existing terrain and issues of development in this type of location.

Mr. Norman stated that there are some concerns about the stability of the soil. Mr. Norman displayed photographs of the subject property. Mr. Norman

submitted the original proposal in order to show the changes that were made by the staff (Exhibit B-3). Originally there was a fifth building; however, the area is difficult to construct in and the fifth building has been eliminated. When the amended concept plan illustration is submitted, it will have four buildings closer to Yale Avenue. As a result of this, staff has imposed a 200-foot wide setback from Vandalia, which is different from what was submitted. Mr. Norman submitted a packet of materials to the Planning Commissioners (Exhibit B-3). As part of the offer made by Mr. David to convey the property in Development Area 2, he has agreed to extend an emergency access/gate into the condominiums. All of the original platted streets that were within the original development have been vacated by the City Council some years ago and are no longer public streets. There will be a gate at 76th Street, which has been opened for a number of months to permit construction vehicles gain access to the detention facility.

Mr. Norman indicated that he is honoring a 75-foot building setback that was established for the multifamily dwellings in 1973. He has asked to be allowed to have parking areas within 50 feet of the boundary of the single-family neighborhood to the west. Mr. Norman explained the percentage of the slopes and the existing slopes to be preserved, which are established as an acceptable standard for safety and allow trees and vegetation to readily grow.

Mr. Norman stated that he had proposed in the original application that within the west 125 feet and the east 125 feet development would be restricted to one-story, which would be closest to the neighborhood to the west. He pointed out the area that would remain undisturbed. All of the slopes his client is dealing with are less than those that are being constructed along Yale Avenue.

Mr. Norman stated that staff has made some changes to the proposal that the applicant has accepted. He indicated that he is in agreement with the staff recommendation. Mr. Norman described the changes to the proposal that were made by staff.

Mr. Norman submitted a letter amending the PUD landscaping and describing his meetings with Jon Brightmire and some of the neighbors and their requests regarding setbacks and screening (Exhibit B-1). He requested that the Planning Commission delete the requirement for the six-foot high solid screening fence along the western boundary in lieu of the proposed alternative screening that is being provided in the west ten feet and the undisturbed area of 40 feet.

Mr. Norman described the floodwater directions and flooding in the subject area. He explained that he has given his assurances and there is a letter in the record formal offering those assurances that the development to the north will not be allowed to make the situation worse. The solution to the neighborhood for the existing problem is very likely a construction of some detention facility at the south part of the property that would hold some of the water coming across Yale.

TMAPC COMMENTS:

Mr. Midget asked Mr. Norman which buildings would be one story. In response, Mr. Norman stated that there are two buildings that will be one story and they are within the west 125 feet. If the neighborhood presents what they presented on Friday, they want those two buildings to be gone. The middle buildings can be two stories, not to exceed 35 feet in height, and the outside buildings have to be one story. This was discussed by his client and offered in the original filing as an appropriate relationship between the office buildings and the neighborhood to the west, and especially in consideration of the deletion of the multifamily buildings that could be built as a matter of right under the old PUD.

Mr. Bernard stated that he had ex parte communication. Mr. Bernard asked Mr. Norman what the original setback for the condominiums was on the west side. In response, Mr. Norman stated it was 75 feet for the buildings and it is expressed in the original minutes as being open-space for the full 75 feet. He indicated that he is requesting that this be modified to permit parking only within 50 feet. The building setback for the multifamily buildings would be the same as the 75 feet that was specified in 1973. He doesn't have any objection to ex parte contacts to the Planning Commissioners because those things occur and he relies on the Planning Commission's good judgment to handle them appropriately.

INTERESTED PARTIES:

Councilor Christiansen, District 8, stated that he hasn't made his decision on this project at this time. He acknowledged that he has heard from both sides. He indicated that there is a group fully in favor of this project and there is a group that has some concerns about it. He commented that Mr. Norman touched on some issues that are of real concern to his constituents who have lived in South Ridge Estates. He requested the Planning Commission to use their knowledge and experience to consider what the constituents, who are on the west side have to say about setbacks, screening and stormwater issues. He understands that the City has great staff personnel who will take care of stormwater issues, but the constituents who live west, which is at the top of the Fred Creek drainage area, have real concerns about this project.

Councilor Christiansen stated that the project is moving the density up to the north and it will more dramatically affect the residents who live in South Ridge Estates. There is controversy about the setbacks, and he hopes that the Planning Commission will listen very carefully to what the South Ridge Estates representatives have to say. There is a significant hill, and in the winter when the buildings are built and there are no trees, the tenants will be looking down into the residential areas.

TMAPC COMMENTS:

Mr. Jackson stated that one of the interested parties mentioned that the speakers were not in the same order as the sign in sheet, and he suggested that the

speakers come up and stand in line so that the Chair doesn't have to call somebody from the audience.

Mr. Jackson asked Mr. Alberty to explain what the Planning Commission's stance is on stormwater management. In response, Mr. Alberty stated that staff are not engineers, nor are members of the Planning Commission. Staff relies upon the City Engineering Department, Public Works Stormwater Detention. The requirements are in place by those departments and staff's requirements and conditions for approval will be that the applicants meet those requirements, meaning that what has been presented as a concept plan has to be supplemented with engineering studies and engineering plans. Concept plans are submitted to staff, and the final engineering is not completed until the applicant receives approval to proceed. At that time the engineering plans have to be submitted and approved according to the established and approved stormwater regulations.

Mr. Jackson asked if the underlying zoning is RS-3 and what the setbacks are. In response, Mr. Alberty stated that the underlying zoning is RS-3 and the higher intensity zoning for this project was the accumulation of the density under the RS-3 zoning. There are approximately 90 acres that were used for calculation and this is how the density was transferred from some of the single-family areas of Silver Ridge, which would be to the south and west of the Raintree Condominiums. What is being requested today is a change of a portion of that OL zoning, which would permit the requested floor area ratio. He understood that Councilor Christiansen had a question about floor area ratio and it is that percentage of the total area that is used in actual building square footage, of which 68,000 SF is .23 FAR. OL zoning allows 30% FAR, or under a PUD, it could be as much as 40% FAR.

Mr. Jackson asked what the minimum setback would be for OL zoning. In response, Mr. Alberty stated that it would be ten feet.

Mr. Jackson requested that Ms. Hill read the rules for the interested parties.

Ms. Hill cited that she doesn't have a copy of the rules in front of her today.

Mr. Jackson stated cited the rules for the speakers and stated that interested parties are given three minutes per person, unless other interested parties donated their time.

INTERESTED PARTIES:

Debbie Bruer, 7415 South Urbana Avenue, Tulsa, Oklahoma 74136, President of South Ridge Estates, stated that she owns land adjacent to the subject proposal. Ms. Bruer submitted a petition (Exhibit B-2). She commented that the petition represents 75% of the 153 homeowners in the neighborhood. She indicated that she is in opposition to the proposed zoning change as it has been

presented to the neighborhood. There will be five speakers today to present the neighborhood's concerns. The concerns are too little buffer and transition between residential to commercial considering the higher elevation of the building site. Another concern is for increased stormwater runoff into the neighborhood already in a high-risk flood-prone area. Property and resale values are another concern, along with the City's Comprehensive Plan in relationship to the subject proposal. The fifth concern is for safety. She explained that with the construction, AEP/PSO and the construction of the detention facility there have been an upsurge in burglary and strange people scaring residents. Having a business complex off Yale extending within 50 feet of her fenceline is frightening. Ms. Bruer stated that the applicant indicated that there would be a security guard; however, they can't be at all places at all times.

Ms. Bruer stated that she purchased her home in a residential neighborhood three blocks away from the known busy street, but buffered by forest, knowing that there might be condominiums behind her. She further stated that the complex was currently gated and with an association.

Thomas Webb, 7411 South Urbana, Tulsa, Oklahoma 74136, stated that he purchased his home in 2002 with assurances that there would be no development east of his lot. The applicant is requesting a 75' setback from his property line. Mr. Webb submitted photographs (Exhibit B-3) indicating the elevations of proposal. Mr. Webb stated that the developer is proposing to utilize a 35-foot setback for a parking lot with one and two-story buildings to be constructed east of the parking areas, which would be viewed from his back yard. He indicated that there would be a 17- to 19-percent slope from his property line to the proposed parking and building elements uphill. Add to this the estimated 15-foot rise to the property line from his back patio and all sense of privacy will be lost. He can't imagine anyone wanting this view from his/her back yard. He doesn't want this view and neither do the other homeowners. Mr. Webb indicated that he made repeated attempts to negotiate deeper setbacks, but all efforts have been completely rejected by the developer and legal counsel. If the project is built as proposed, he and his neighbors would lose what they value greatly; homes, property, peace and quiet, privacy, security and a park-like environment.

Mr. Carnes out at 3:30 p.m.

TMAPC COMMENTS:

Mr. Bernard asked Mr. Webb who assured him that there wouldn't be any development on the subject property. In response, Mr. Webb stated that when he and another resident purchased, their homes, Mr. Bob David (the developer) told them that there were no plans at that time for development on the subject property.

INTERESTED PARTIES:

Gene J. Kaefer, 4215 East 74th Street, Tulsa, Oklahoma 74136, stated that he has lived in the subject area since 1975 and he has 240 feet of property that borders Fred Creek. Fred Creek is part of the Fred Creek Drainage Basin. He reminded the Planning Commission of the flooding on Memorial Day in 1984. The proposed development is located in one of the areas flooded upstream of Fred Creek. Mr. Kaefer submitted photographs (Exhibit B-3) of flooded properties in the subject area. He requested that the developer outline his drainage plans in detail before the zoning change is made.

Elizabeth Favell, 7433 South Urbana Avenue, Tulsa, Oklahoma 74136, stated that she purchased her property in 2003 and prior to purchasing, she investigated in detail about the land behind her home. She found that it was zoned RS-3 and she contacted Leadership Properties to find out about the plans for the land. At that time she was informed that there were no plans for the development of the property behind her home due to the steepness of the land preventing development.

Ms. Favell stated that construction of single-family development would improve the value of her land. She indicated that she is surrounded by a residential community and not parking lots and buildings. She purchased her home under the assumption that it would remain a residential community. The zoning change does not comply with the City's Comprehensive Plan. Intensifying the zoning for profit and changing the Comprehensive Plans at will remove the protection and guidance that they were original designed for. Rezoning the subject property would cause the same result as a condemnation.

Steve Alter, 624 South Boston Avenue, Tulsa, Oklahoma 74119, stated he is representing Patrick Carter, whose property is closest on the west to the OL development. He indicated that he has attended three homeowners' association meetings and he has attended joint meetings with the developer and Mr. Norman. The residents are not against progress and not against orderly development. It would be detrimental to the homeowner's property to be only 75 feet from the back of a 30-foot high office building when today he has park and trees behind his home. The development will have a retaining wall with a fence on top of that for everyone to look at from their back yards. Mr. Alter stated that he doesn't know what the magic number of feet of setback would be, but he knows that 75 feet is not enough. The plan presented by the developer indicates that the two center buildings would have parking on the west side and it brings the west face of those buildings 100 feet or 110 feet. One of the suggestions he has made is that the building farthest north and farthest west could flip half of the parking like the ones in the middle and slide to the east, and then the west wall of the building would be approximately 100 feet set back. Along with that there should be proper landscaping and proper density with appropriate materials on the retaining wall.

Jon Brightmire, 320 South Boston, 74103, representing South Ridge Estates Homeowners Association, stated that the subject property was originally zoned RS-3 and is still zoned RS-3. RS-3 is consistent with the Comprehensive Plan for District 18. The Comprehensive Plan has not been amended for the subject property. The entirety of the subject property is low-intensity residential.

Mr. Brightmire stated that in the meetings it was stated that the property owners to the west purchased their homes with knowledge of what was there or what could be there. Mr. Brightmire read from the Citizen's Guide to Planning and Zoning. He commented that the residents have spoken to what their expectation was when they purchased their homes, which fits precisely with the Citizen's Guide to Planning and Zoning statements. Mr. Brightmire read the District 18 development guidelines. Mr. Brightmire read the staff recommendation regarding amending the Comprehensive Plan if the OL zoning is approved. He commented that there has been no public participation sought and received about changes to the Comprehensive Plan. Now a developer wants to change the zoning and then change the Comprehensive Plan later. This is piece meal-type of zoning that he thought the City of Tulsa did not want to see. If a study has been under taken and found that the subject area needs more office light, he understands, but he doesn't know of any study that has been done. Mr. Brightmire read the Oklahoma Statutes, Title 11, Section 43:111 and Section 43.110.

Mr. Brightmire stated that in the original PUD, there was to be a minimum of 75 feet of open space located on the common boundary with the existing single-family residences to the west. The minutes are clear that the clubhouse and related recreational facilities would be permitted in the area shown on the plot plan, which is outside of the 75 feet, and nothing was to be within the 75 feet including parking. He indicated that the original plot plan indicates that the buildings are more than 150 feet away from the property line, except for the community building, which was limited to one story and on the 75 feet. The original PUD held the maximum building height to 26 feet. Now the subject application is proposing to amend the PUD and do away with a true 75-foot buffer zone and change the zoning from RS-3 to OL and parking with a setback of 50 feet. PSO recently removed vegetation and after the development, there may only be ten feet of vegetation left. There should be a larger buffer for the OL use.

Mr. Brightmire concluded that it would be fair for the Planning Commission to look at this project in two different ways. There are four buildings to the east that border Yale and four to the west that are more in the residential area. Some of these buildings will be three city blocks into the neighborhood, which should be viewed differently from the buildings near Yale.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Brightmire if he would feel better if there were evergreen trees planted to hide the parking lot. In response, Mr. Brightmire stated that pine

trees do not stop the view of anything. Mr. Jackson stated that they do deemphasize things. Mr. Jackson further stated that there should be a happy medium for both sides. He suggested substantial evergreen planting and berming. Mr. Brightmire stated that landscaping is required anyway and he believes that there is a setback issue. Mr. Jackson stated that the setback is not defined because there is a building setback and a parking setback. Mr. Brightmire reread the 1973 minutes, which explained the 75-foot buffer.

INTERESTED PARTIES:

Steve Meyer, 7433 South Winston Avenue, Tulsa, Oklahoma 74136, President of Raintree Estates, stated that he is present today to express his support of the office development plans proposed by Mr. David. He indicated that the 46 townhouses are surrounded on three sides by the developed lots that are the subject of this hearing. No other groups of homeowners will be affected by the outcome of these proceedings than the homeowners of Raintree Estates. The development will improve the homes' values and that of the surrounding areas. These lots were to be occupied by a 200-condominium unit project 25 years ago. Due to the condominium market only 46 units were constructed.

Mr. Meyer stated that there are some homeowners who purchased homes adjacent to these vacant lots with the hope that they would live next to rustic wilderness forever. The majority of the residents have recognized that these lots are never more than vacant lots that would someday be occupied by more buildings and other improvements. No one has the right to expect that the vacant land next to their house will remain that way in order for them to have a nice view out of their window. It is not fair to Mr. David and it is not in keeping with the private property principles of our City and State. Mr. David's neighbors have little control of what is going to be the end result of the subject property. Nonetheless, the plan proposed by Mr. David is loaded with improvements and concessions to his neighbors and he believes that this plan recognizes the principle that supporting the health of your neighbor's property is the best way to assure the health of your own property. The proposed office development will add value to the condominiums and in turn will add value to the surrounding neighborhoods. The plan includes major setbacks, a green belt, walls and fences all designed to lessen the esthetic impact of the office park on his neighbors' property. He is not sure why anyone would have a problem with the esthetics of buildings that look like houses. Large tracts are set aside for recreational use that will never be developed. The density is relatively low and the occupants of the property will have little or no impact on the surrounding residential areas. The problems that have been expressed by some of the homeowners adjacent to the proposed project are the same issues that were expressed 30 years ago when this plan called for construction of 200 condominiums. Those units were designed as three-story buildings and many atop ten-foot retaining walls on that 75-foot building line. Those problems were addressed and that plan was approved by the City of Tulsa. Today, Mr. David's plan honors the original 75-foot building setback and also includes a 35-foot

greenbelt. In addition, the buildings adjacent to the surrounding neighborhoods are restricted to a height of only one story. The steep roofs on the proposed office buildings are no steeper than the steep roofs on the houses in the neighborhood.

Mr. Meyers stated that there are drainage details that need to be worked out, but approval of today's zoning change is not a permit to begin construction. The City Council would have to approve this change and the City will make sure that all relevant issues, including drainage, are properly addressed before construction is allowed to proceed. Mr. Meyers demonstrated how the subject property would have been developed if the 200 condominiums had been built. He commented that today's proposal would be an improvement over the previous proposal with the 200 condominiums. Today's proposal would complete the development and complete the condominium project and there will be areas designated for recreational area only. It will be a benefit for to all of the residents in the subject area. The office park will bring economics into the Yale area and overall he believes that this project will increase the property values.

INTERESTED PARTIES:

Mr. Bernard asked Mr. Meyers if he knew what the height would have been on the three-story condominiums. In response, Mr. Meyers stated that all of the existing condominiums in the complex are three stories high and they average 30 feet for the building proper and another five to 15 feet for roofs.

Ms. Cantees asked Mr. Meyers if he knows how many of the condominiums are owner/occupied. In response, Mr. Meyers stated that there are 46 condominiums and 43 are owner/occupied.

Mr. Jackson recognized Mr. Kaefer.

Mr. Kaefer stated that nobody knew, at the time this changed with all of these condominiums, how badly Fred Creek was going to flood from his subdivision down to Oral Roberts University. In 1984 it all came to a head and then Stormwater Management was formed. There is only one detention pond and it is unknown yet what will happen there. There is no retention pond for those condominiums because they were built before the creation of Stormwater Management.

Applicant's Rebuttal:

Mr. Norman stated that in the time period that has been referred to, the 26 feet in height was the height limitation to the highest floor plate and didn't include the peak of the roofline. Therefore, a three-story apartment building could be built within the 26 feet height limitation. On sloping ground, it is allowed to be measured from the average height between the front and back. There was a change in the Code that made that to the high limitation and today the maximum height of a single-family residence is 35 feet.

Mr. Norman stated that the City of Tulsa has won national awards and recognition for their Stormwater Management practices that have been imposed since 1984. The plans for Stormwater Management will come back to the Planning Commission and it will have to be satisfied.

Mr. Norman stated that another issue was referred to regarding the Comprehensive Plan. The staff recommendation points out that the subject site is surrounded on three sides by office, multifamily, and duplexes, which are not the low intensity residential that was called for by the Comprehensive Plan that was adopted in the early 1980s. The Comprehensive Plan has become dated and needs to have a fresh look at it after 25 years or more. There have been significant changes along South Yale Avenue, including the office project that is adjacent on east side and owned by Jack Arnold. A number of multifamily projects have been built on the east side of South Yale, which were probably all in violation of the original Comprehensive Plan provision.

Mr. Norman stated that people expect someone else to maintain a park-like atmosphere on someone else's property. He doesn't know how to explain this except that people who live next door to undeveloped property always seem to come to that conclusion. One of the interested parties spoke about losing his privacy, and privacy is a relative thing, but in this particular situation, the privacy that exists is being preserved to a greater extent than any project that he can recall being presented to the Planning Commission or anything he has ever worked on. Office uses and multifamily uses are typically approved as close as ten feet, with a ten-foot separation, ten feet of landscaped area and a screening fence, then 25- to 30-foot setback to the first building or have parking lots adjacent to single-family neighborhoods. As the staff mentioned, this has been a traditional transitional use to have light office use and multifamily use between general commercial. In this instance, because of the recognition of the terrain and because of the history of the original PUD, Mr. David talked with the neighbors before the plan was proposed and voluntarily imposed the one-story height limitation along the 75-foot building line that was established 30 years ago. Mr. David met with the Raintree Estates Condominium Board of Directors and members. He has done everything that has been suggested to him except accede to a 125-foot building setback line far in excess of what was required in 1973 and far greater than would be the case if someone decided to build the multifamily units that are allocated to this land under the existing PUD. The existing PUD would only require the establishment of a detail land and site plan for under the present provisions of the Code and brought to the Planning Commission for compliance for those provisions. It has been his experience that people prefer to have office uses adjacent to single-family homes rather than multifamily uses. Office uses are generally closed and vacated by 7:00 p.m., possibly opened Saturday, but generally closed on Sundays.

Mr. Norman stated that this development has gone far beyond what one would typically expect to see. With the additional impositions made by the staff, which are all acceptable to the developer, there are even greater protections than were originally included in the existing PUD-136. Mr. Norman cited the changes that are improvements to the original PUD.

Mr. Norman stated that his client allowed the City access across his land to work on the detention facility, or otherwise they would have had to go through the neighborhood for access. The truck traffic is temporary for the detention facility.

Mr. Norman stated that he would like to look at the amended landscape plan, which accepted the recommendation of Joe Howell, landscape architect, that the undisturbed area be increased from 35 feet to 40 feet and that there be plantings along that area cleared by PSO of a type of vegetation that is acceptable under the Zoning Code for being underneath electric lines. He indicated that Mr. Carter's home is 86 feet from the property line plus the 75-foot setback. Mr. Carter has been one of the most insistent parties and he will have a separation of 150 feet from the nearest point of his home to the edge of any building that would be permitted under these regulations. The house to the south is 73 feet and the nearest point to the next house is 34 feet. The houses to the south will not be affected, since staff has imposed a requirement that no buildings shall be allowed in the south 200 feet. There are only three homes that directly abut the west boundary of the subject property. It is not reasonable for people to not look at anything outside their backyard. If there were single-family houses, they would see 35-foot high roofs and they could have any number of developments closer than are proposed today. The responses to the concerns have been detail-specific and tendered in a spirit of cooperation with the neighbors to the west. He indicated that his client has had discussions with the Raintree Estates for over one year. He requested that the proposal be approved as recommended and as amended by the letter exhibit he has presented today (Exhibit B-1).

TMAPC COMMENTS:

Mr. Jackson asked Mr. Norman to indicate where the new detention pond is located in relation to the buildings. In response, Mr. Norman indicated where the detention pond would be located. He further indicated that 1/3 of the property will drain to the north into the detention facility.

Mr. Midget asked Mr. Norman if the buildings at the north end could be located similar to the way the buildings are at the bottom of the proposal so that the parking would give a more visual buffer than the present proposal. Mr. Norman stated that the building is at the 75-foot line and the only issue about the 75 feet is that they were asked to modify the original approval by allowing parking 25 feet into the 75 feet. When trying to balance buildings, the parking has to be provided in a usable distance from the doorways into the buildings. If the parking were split and moved to the west side and the buildings moved closer together, then the parking is no longer convenient for both buildings. The site has been given a

lot of thought. This is still a concept illustration and has to come back with a detail site plan and detail engineering. The engineering devoted to this project is far beyond what would typically have been submitted as part of the initial zoning decisions and staff required more detail than is typically required at this stage of the process.

Mr. Midget stated that he understands that in OL, the minimum setback requirement is ten feet. He asked staff what the requirement is for residential. In response, Mr. Alberty stated that in an RS-3 district, there would be a 20-foot rear yard.

Mr. Harmon asked staff if they were in agreement with the alternative screening plan that is submitted in a letter (Exhibit B-1). In response, Mr. Alberty stated that if the applicant is offering this as an amendment to his application, then it is more restrictive than what staff would require and he believes the Planning Commission could accept it.

Mr. Norman asked staff if they would have any problems with the deletion of a screening fence down at the property line. In response, Mr. Alberty stated that staff didn't require a screening fence in lieu of the undisturbed area.

Mr. Norman reminded the Planning Commission that his letter includes that there would be a drip irrigation installed for the trees planted on the slope.

Mr. Ard abstained and left at 4:25 p.m.

Mr. Harmon stated that he has listened to this proposal and can appreciate the neighbors concerned about development around them. He does not believe that this PUD will adversely affect South Ridge Estates. There is good separation and there is no common way of going from one property to the other. When one purchases next to vacant land he/she can't hope that it will always remain vacant. The developer is deeding approximately seven acres to the Raintree Estates Condominium and that is a goodwill gesture. If this is approved it will require some modification of the Comprehensive Plan, but the plan is a viable, dynamic document that not only anticipates change but also accommodates it and therefore, it is sometimes appropriate to change things. He supports the PUD with the alternative to screening.

Ms. Hill stated that what would bother her in the future, if the zoning remained as it is today, is the density of housing that could possibly go in. Ms. Hill asked Mr. Alberty how many more units could have gone in with the existing PUD. In response, Mr. Alberty stated that originally there were over 200 units that were not developed. There have been two amendments that reduced the density. The calculation would be fewer than 200, but he doesn't have the calculations. There would be more ground coverage, with the original PUD. Ms. Hill stated that the more ground coverage, then obviously the more water runoff would

occur. Mr. Alberty stated that there were units approved south of the existing Raintree Condominiums, which has gone away, and the entire western border south of the subject property will remain undeveloped.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **5-1-1** (Bernard, Harmon, Hill, Jackson Midget "aye"; Cantees "nays"; Ard "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **APPROVAL** the OL zoning for Z-7001 per staff recommendation and direct staff to make map amendments to the District 18 Plan map.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **5-1-1** (Bernard, Harmon, Hill, Jackson Midget "aye"; Cantees "nays"; Ard "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **APPROVAL** of the major amendment for PUD-136-A, subject to the alternative screening as provided by letter (Exhibit B-1) and subject to staff recommendation.

Legal Description for Z-7001:

A TRACT OF LAND THAT IS PART OF LOT ONE (1), BLOCK ONE (1), AND ALL OF LOT TWO (2) OF SAID BLOCK 1, AND PART OF LOT ONE (1), BLOCK TWO (2), AND PART OF LOT ONE (1), BLOCK FOUR (4) OF "BLOCKS 1 THROUGH 5, SILVER OAKS", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3540), AND PART OF THE VACATED RIGHTS-OF-WAY OF EAST 74TH STREET SOUTH AND SOUTH VANDALIA AVENUE, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT ONE (1), BLOCK TWO (2), OF SAID ADDITION; THENCE SOUTH 0°10'15" EAST AND ALONG THE EASTERLY LINE OF SAID LOT 1, FOR A DISTANCE OF 22.72 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°10'15" EAST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 257.56 FEET TO A POINT; THENCE SOUTH 90°00'00" WEST FOR A DISTANCE OF 261.00 FEET TO A POINT ON THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF SOUTH WINSTON AVENUE, A PRIVATE STREET DEDICATED BY THE PLAT OF SAID "BLOCKS 1 THROUGH 5, SILVER OAKS"; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG A 188.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 25°22'28" WEST, A CENTRAL ANGLE OF 42°10'52", FOR AN ARC DISTANCE OF 138.41 FEET TO A POINT OF TANGENCY; THENCE NORTH 67°33'20" WEST FOR A DISTANCE OF 59.96 FEET TO A POINT; THENCE NORTH 0°08'44" WEST AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 1, BLOCK 4, FOR A DISTANCE OF 543.20 FEET TO A POINT; THENCE NORTH 89°56'50" EAST ALONG THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 2, BLOCK 1, FOR A DISTANCE OF 41.64 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, BLOCK 1; THENCE CONTINUING NORTH 89°56'50" EAST

ALONG THE NORTHERLY LINE OF LOT 2, BLOCK 1, FOR A DISTANCE OF 103.00 FEET TO THE NORTHEAST CORNER OF LOT 2, BLOCK 1; THENCE SOUTH 0°09'30" EAST ALONG THE EASTERLY LINE OF LOT 2, BLOCK 1, FOR A DISTANCE OF 329.39 FEET TO A POINT; THENCE NORTH 89°56'52" EAST FOR A DISTANCE OF 217.35 FEET TO A POINT; THENCE SOUTH 0°10'15" EAST FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 1, BLOCK 2; THENCE NORTH 89°56'52" EAST ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 29.23 FEET TO A POINT; THENCE SOUTH 45°10'28" EAST FOR A DISTANCE OF 32.20 FEET TO A POINT ON THE EASTERLY LINE OF LOT 1, BLOCK 2; SAID TRACT CONTAINING 170,000 SQUARE FEET OR 3.903 ACRES and located south of the southwest corner of East 71st Street South and South Yale Avenue, Tulsa, Oklahoma, **From:** RS-3/PUD (Residential Single-family High Density District/Planned Unit Development) **To:** OL/PUD (Office Low Intensity District/Planned Unit Development).

Legal Description for PUD-136-A:

And to consider the proposed Major Amendment to Planned Unit Development [PUD-136-A] on the following described property: A TRACT OF LAND THAT IS PART OF "BLOCKS 1 THROUGH 5, SILVER OAKS", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3540), AND PART OF THE VACATED RIGHTS-OF-WAY OF EAST 74TH STREET SOUTH AND SOUTH VANDALIA AVENUE, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT ONE (1), BLOCK TWO (2), OF SAID ADDITION; THENCE SOUTH 0°10'15" EAST AND ALONG THE EASTERLY LINE OF SAID LOT 1, FOR A DISTANCE OF 22.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°10'15" EAST AND ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 257.56 FEET TO A POINT; THENCE SOUTH 90°00'00" WEST FOR A DISTANCE OF 261.00 FEET TO A POINT ON THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF SOUTH WINSTON AVENUE, A PRIVATE STREET DEDICATED BY THE PLAT OF SAID "BLOCKS 1 THROUGH 5, SILVER OAKS"; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE, ALONG A 188.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 25°22'28" WEST, A CENTRAL ANGLE OF 42°10'52", FOR AN ARC DISTANCE OF 138.41 FEET TO A POINT TO A POINT OF TANGENCY; THENCE NORTH 67°33'20" WEST FOR A DISTANCE OF 79.81 FEET TO A POINT ON THE EASTERLY LINE OF LOT ONE (1), BLOCK FOUR (4), OF SAID ADDITION; THENCE SOUTH 22°26'40" WEST AND ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 36.00 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE EASTERLY LINE, ALONG A 345.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 22°35'24", FOR AN ARC DISTANCE OF 136.02 FEET TO A POINT; THENCE SOUTH 89°25'34" WEST FOR A DISTANCE OF 126.02 FEET TO A POINT ON THE WESTERLY

LINE OF SAID LOT 1, BLOCK 4; THENCE NORTH $0^{\circ}08'44''$ WEST AND ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF BLOCK ONE (1) OF THE ADDITION, FOR A DISTANCE OF 702.58 FEET TO A POINT; THENCE NORTH $89^{\circ}56'50''$ EAST FOR A DISTANCE OF 329.28 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF LOT TWO (2) OF SAID BLOCK 1; THENCE SOUTH $0^{\circ}09'30''$ EAST AND ALONG THE EASTERLY LINE OF BLOCK 1, FOR A DISTANCE OF 329.39 FEET TO A POINT, SAID POINT BEING A SOUTHEASTERLY CORNER OF LOT 1, BLOCK 1; THENCE NORTH $89^{\circ}56'52''$ EAST, FOR A DISTANCE OF 217.35 FEET TO A POINT; THENCE SOUTH $0^{\circ}10'15''$ EAST AND PARALLEL WITH SAID EASTERLY LINE OF LOT 1, BLOCK 2, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 1, BLOCK 2; THENCE NORTH $89^{\circ}56'52''$ EAST AND ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 29.23 FEET TO A POINT; THENCE SOUTH $45^{\circ}10'28''$ EAST FOR A DISTANCE OF 32.20 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 292,196 SQUARE FEET OR 6.708 ACRES and A TRACT OF LAND THAT IS PART OF LOT ONE (1), BLOCK TWO (2), AND ALL OF LOTS TWO (2) AND THREE (3), BLOCK THREE (3), AND PART OF LOT ONE (1), BLOCK FOUR (4) OF "BLOCKS 1 THROUGH 5, SILVER OAKS", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3540), AND PART OF THE VACATED RIGHT-OF-WAY OF SOUTH VANDALIA AVENUE, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 2; THENCE ALONG THE SOUTHERLY LINE OF LOT 1, BLOCK 2 FOR THE FOLLOWING SIX (6) COURSES: SOUTH $89^{\circ}49'45''$ WEST FOR A DISTANCE OF 92.00 FEET TO A POINT; THENCE NORTH $0^{\circ}10'15''$ WEST FOR A DISTANCE OF 34.50 FEET TO A POINT; THENCE SOUTH $89^{\circ}49'45''$ WEST FOR A DISTANCE OF 90.00 FEET TO A POINT; THENCE NORTH $0^{\circ}00'00''$ EAST FOR A DISTANCE OF 37.51 FEET TO A POINT; THENCE SOUTH $90^{\circ}00'00''$ WEST FOR A DISTANCE OF 96.36 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A 163.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH $20^{\circ}30'36''$ EAST, A CENTRAL ANGLE OF $9^{\circ}41'03''$, FOR AN ARC DISTANCE OF 27.55 FEET; THENCE SOUTH $90^{\circ}00'00''$ WEST FOR A DISTANCE OF 151.97 FEET TO A POINT ON THE WESTERLY LINE OF LOT 1, BLOCK 2; THENCE SOUTH $0^{\circ}08'44''$ EAST ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF LOT ONE (1), BLOCK THREE (3), OF SAID ADDITION, FOR A DISTANCE OF 400.28 FEET TO A POINT OF CURVATURE; THENCE ALONG A 158.92 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF $35^{\circ}45'09''$, FOR AN ARC DISTANCE OF 99.17 FEET TO A POINT OF TANGENCY; THENCE SOUTH $35^{\circ}53'53''$ EAST FOR A DISTANCE OF 112.44 FEET TO A POINT, SAID POINT BEING THE A NORTHWEST CORNER OF SAID LOT 2, BLOCK 3; THENCE ALONG THE NORTHERLY LINES OF LOT 2, BLOCK 3, FOR THE FOLLOWING EIGHT (8) COURSES: NORTH $89^{\circ}57'07''$ EAST FOR A DISTANCE OF 57.44 FEET TO A POINT; THENCE NORTH $0^{\circ}02'53''$ WEST

FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE NORTH 32°01'22" WEST FOR A DISTANCE OF 119.24 FEET TO A POINT; THENCE NORTH 0°08'44" WEST FOR A DISTANCE OF 110.00 FEET TO A POINT; THENCE NORTH 89°49'45" EAST FOR A DISTANCE OF 93.68 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A 158.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 36°03'42" EAST, A CENTRAL ANGLE OF 28°17'18", FOR AN ARC DISTANCE OF 78.01 FEET TO A POINT; THENCE SOUTH 0°10'15" EAST FOR A DISTANCE OF 191.89 FEET TO A POINT; THENCE NORTH 89°57'07" EAST FOR A DISTANCE OF 180.00 FEET TO A POINT, SAID POINT BEING THE MOST EASTERLY NORTHEAST CORNER OF LOT 2, BLOCK 3; THENCE SOUTH 0°05'43" EAST ALONG THE EASTERLY LINE OF LOT 2 AND THE EASTERLY LINE OF SAID LOT 3, BLOCK 3, FOR A DISTANCE OF 375.08 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK 3; THENCE SOUTH 89°54'42" WEST ALONG THE SOUTHERLY LINE OF LOT 3, BLOCK 3 AND THE WESTERLY EXTENSION THEREOF, FOR A DISTANCE OF 282.00 FEET TO A POINT ON THE VACATED WESTERLY RIGHT-OF-WAY LINE OF SOUTH VANDALIA AVENUE; THENCE ALONG SAID VACATED RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES: NORTH 0°05'24" WEST FOR A DISTANCE OF 118.69 FEET TO A POINT OF CURVATURE; THENCE ALONG A 334.52 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 35°48'29", FOR AN ARC DISTANCE OF 209.06 FEET TO A POINT OF TANGENCY; THENCE NORTH 35°53'53" WEST FOR A DISTANCE OF 45.55 FEET TO A POINT; THENCE SOUTH 89°57'07" WEST FOR A DISTANCE OF 227.26 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 1, BLOCK 4; THENCE NORTH 0°08'44" WEST ALONG SAID WESTERLY LINE OF LOT 1, BLOCK 4, FOR A DISTANCE OF 614.95 FEET TO A POINT; THENCE NORTH 89°25'34" EAST FOR A DISTANCE OF 126.02 FEET TO A POINT ON THE EASTERLY LINE OF LOT 1, BLOCK 4; THENCE CONTINUING ALONG SAID EASTERLY LINE OF LOT 1, BLOCK 4, NORTHERLY AND NORTHEASTERLY ALONG A 345.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 0°08'44" WEST, A CENTRAL ANGLE OF 22°35'24", FOR AN ARC DISTANCE OF 136.02 FEET TO A POINT OF TANGENCY; THENCE NORTH 22°26'40" EAST AND CONTINUING ALONG THE EASTERLY LINE OF LOT 1, BLOCK 4, FOR A DISTANCE OF 36.00 FEET TO A POINT; THENCE SOUTH 67°33'20" EAST ALONG THE WESTERLY EXTENSION OF THE PRESENT NORTHERLY RIGHT-OF-WAY LINE OF SOUTH WINSTON AVENUE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 79.81 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE, ALONG A 188.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 42°10'52", FOR AN ARC DISTANCE OF 138.41 FEET TO A POINT; THENCE NORTH 90°00'00" EAST FOR A DISTANCE OF 261.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1, BLOCK 2; THENCE SOUTH 0°10'15" EAST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 95.03 FEET TO THE POINT OF

BEGINNING; SAID TRACT CONTAINING 303,426 SQUARE FEET OR 6.966 ACRES, and located south of the southwest corner of East 71st Street South and South Yale Avenue, Tulsa, Oklahoma, **FROM: RS-3/PUD (Residential Single-family High Density District/Planned Unit Development [PUD-136]) TO: RS-3/OL/PUD (Residential Single-family High Density District/Office Low Intensity District/Planned Unit Development [PUD-136-A]).**

* * * * *

Mr. Ard in at 4:29 p.m.

Application No.: Z-7003/PUD-721

AG TO RS-3/OL/CS/PUD

Applicant: Charles Norman

(PD-18) (CD-8)

Location: South of southwest corner of East 71st Street South and South Yale Avenue

STAFF RECOMMENDATION FOR Z-7003:

Z-6467/PUD-628 March 2000: Approval was granted for a PUD to permit a medium intensity office park to include assisted living facility and elderly/retired housing on property located on the northeast corner of the Mingo Valley Expressway and South Mingo Road.

PUD-559-A May 1999: Approval was grant for a major amendment to allow two outdoor advertising signs on property located east of the northeast corner of East 91st Street and South 101st East Avenue and within Development Area A of the original PUD-559 that was approved for South Crest Hospital facilities.

Z-6676 January 1999: A request to rezone a twenty-acre tract located west of the northwest corner of East 91st Street and South Mingo Road from AG to OM to allow a church and church uses by right. TMAPC denied the requested OM and recommended approval of OL zoning on the south 620'. The applicant withdrew the application and opted to file for an amended site plan under the special exception granted by the Board of Adjustment.

PUD-559 May 1997: All concurred in approval, subject to modifications, of a request for a PUD and a Corridor Site Plan for a tract containing approximately 111 acres and located north and east of the northeast corner of East 91st Street and South Mingo Road for a multi-use PUD for apartments, offices, colleges and universities.

Z-6580/PUD-555 March 1997: Approval was granted to rezone a 13-acre tract located west of the northwest corner of East 91st Street and South Mingo Road from AG to OL/PUD-555 for the missionary headquarters that would include a day-care center and missionary living quarters.

AREA DESCRIPTION:

SITE ANALYSIS:

The forty acre tract contains approximately five acres of FEMA-regulated floodplain at the southwest corner of the site. A natural drainage channel extends north from the floodplain. Approximately ten acres at the northwest corner of 91st Street South and South Mingo Road has been graded; the remaining area is densely wooded. The entire tract is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 91 st Street South	Secondary arterial	100'	4 lanes
South Mingo Road	Secondary arterial	100'	4 lanes

UTILITIES: A 12-inch waterline must be extended under South Mingo Road and then south across East 91st Street South, then connect to an existing 12-inch waterline to serve the subject tract. Sanitary sewer service is not presently available to the eastern side of the site. An existing eight-inch sanitary sewer line located on the eastern edge of Shadow Ridge will provide sanitary sewer service to abutting lots. Sanitary sewer service will be provided through extension of an existing 24-inch line located on the western edge of the Forest Park Church on East 91st Street to the northern boundary of the site adjacent to the proposed storm drainage channel. The proposed commercial, office and the eastern residential portions of the site will be served by additional sanitary sewer extensions.

SURROUNDING AREA: Abutting the subject tract on the north is vacant land zoned AG; abutting on the west is single-family residential zoned RS-3; to the south and southwest across East 91st Street South is single-family residential zoned RS-3, vacant land zoned OL and a combination of vacant land and church uses zoned AG; to the southeast on the southeast corner of East 91st Street South and South Mingo Road is a single-family residence zoned CO; to the east across South Mingo Road is vacant land zoned CO.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Medium Intensity at the node and Low Intensity for the remainder of the tract. Proposed CS and OL zoning are in

accordance with the Plan at the node and proposed RS-3 zoning is in accordance with the Plan either within or outside the node. Proposed OL zoning outside the node may be found to be in accordance with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and the proposed rezoning configuration as set forth in the proposed related PUD, staff can support the requested RS-3, OL and CS zoning. The configuration of CS at the nodes, buffer of OL and RS-3 in the interiors of the square miles has been used successfully for many years. Moreover, the OL can also serve as a buffer against whatever may develop in the CO-zoned property to the east. Therefore, staff recommends **APPROVAL** of RS-3, OL and CS for Z-7003.

STAFF RECOMMENDATION FOR PUD-721:

This application is to support development which includes the straightening of the City of Tulsa regulatory floodplain to permit the establishment of a residential development area along the west boundary of the site adjacent to Shadow Ridge Park Four, a single-family subdivision.

The development contemplates four development areas as shown on Exhibit B, Development Area Map, of the applicant's PUD proposal. Development Area A is proposed for general retail commercial development and a hotel or motel. Proposed development for Area C is a single-family or patio home subdivision under approved development standards.

Development Area D is proposed to remain as undeveloped open space restricted to use for Stormwater Management facilities, including stormwater detention areas and the remaining floodplain and floodway in the southwest corner of the property.

A companion application has been filed requesting the rezoning of approximately five acres at the northwest corner of East 91st Street and South Mingo Road to CS, 8.5 acres of OL-Office Light zoning along South Mingo Road, 4.96 acres of AG zoning at the site's southwest corner and RS-3 zoning for the remaining 21.52 acres.

Pending approval of the requested CS, OL and RS-3 zoning and based upon the proposed Development Standards as modified by staff, staff finds PUD 721 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-721 subject to the following conditions:

OFF-STREET PARKING:

Off-street parking shall be provided per the applicable use unit of the Tulsa Zoning Code.

PEDESTRIAN CIRCULATION:

Designate pedestrian routes between developed sites and from parking areas to buildings.

LANDSCAPED AREA:

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

LIGHTING:

A maximum height for exterior lighting standards and building mounted lights of 25 feet in height is permitted subject to qualification per application of the Kennebunkport Formula.

MECHANICAL AND EQUIPMENT AREAS:

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. Dumpsters shall be set back a minimum of 50 feet from the south and east boundaries of Development Area A.

SIGNS:

1. Ground signs shall be limited to one sign for each lot along East 91st Street and South Mingo Road with a maximum of 160 square feet of display surface area for each sign and 25 feet in height. Ground signs shall not exceed an aggregate display surface area of 400 square feet for each street, East 91st Street and South Mingo Road, frontage.
2. Wall signs shall be permitted not to exceed two square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
3. One monument sign shall be permitted at the southeast corner of Development Area A with a maximum of 64 square feet of display surface area and 6 feet in height.
4. All ground signs shall maintain a minimum separation of 100 feet from any other ground sign.

DEVELOPMENT AREA B

NET LAND AREA: 11.44 Acres 498,398 SF

PERMITTED USES:

Uses permitted as a matter of right in use Unit 10, Off-Street Parking; Use Unit 11, Offices and Studios including Drive-thru Banking Facilities*; Use Unit 2, Nursing Homes; Use Unit 8, Elderly/ Retired Housing only; Use Unit 5, Children’s Nursery, Church, Private Schools only; and uses customarily accessory to permitted uses.

*Restricted to the South 300 feet of the east 660 feet Development Area B.

MAXIMUM BUILDING FLOOR AREA: 147,750 SF

ACCESS:

Access to each lot in Development Area B shall be restricted to East 90th Street and through mutual access easements as described in Concept Illustration Exhibit ‘A’. However, access from South Mingo Road may be permitted if East 90th Street South is aligned further south than depicted in the Concept Illustration ‘A’. East 90th Street South shall not be extended across Development Area C as a part of the development of Area B.

MAXIMUM BUILDING HEIGHT: 45 FT

BUILDING SETBACKS:

Minimum setback from centerline of South Mingo Road	100 FT
Minimum setback from west boundary of Area B	20 FT
Minimum setback from north boundary of Area B	10 FT*
Minimum setback from south boundary of Area B	10 FT

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

INTERNAL SIDE LOT LINES:

To be established by Detail Site Plan approval.

OFF-STREET PARKING:

Off-street parking shall be provided per the applicable use unit of the Tulsa Zoning Code.

PEDESTRIAN CIRCULATION:

Designate pedestrian routes between developed sites and from parking areas to buildings. In addition, and to accommodate pedestrian circulation, sidewalks are required on both sides of East 90th Street South.

LANDSCAPED BUFFER:

A minimum ten-foot wide landscaped buffer is required along the west and north boundaries of Development Area B.

LANDSCAPED AREA:

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

LIGHTING:

A maximum height for exterior lighting standards and building mounted lights of 20 feet in height is permitted subject to application of the Kennebunkport Formula; within the north 100 feet and the west 100 feet of Development Area B, a maximum height for exterior lighting standards and building mounted lights of 12 feet is permitted subject to application of the Kennebunkport Formula.

MECHANICAL AND EQUIPMENT AREAS:

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. Dumpsters shall be setback a minimum of 50 feet from the north, east and west boundaries of Development Area B.

SIGNAGE:

1. One ground sign for each lot fronting on South Mingo Road not exceeding 12 feet in height and 64 square feet of display surface area.
2. Business signs on lots not fronting on South Mingo Road may be erected as permitted in the OL-office light district.
3. All ground signs shall maintain a minimum separation of 100 feet from any other ground sign.

DEVELOPMENT AREA C

NET LAND AREA:

7.77 Acres

333,349 SF

PERMITTED USES:

Single-family dwellings units as permitted in the RS-3 Zoning District or townhouse dwellings with no unit above another unit and with each unit located on a separate lot within a townhouse development.

ACCESS:

Prior to development of Area C, East 90th Street South must be built and extended from Development Area C to South Mingo Road. At the time of the extension of East 90th Street South to the stub street within Shadow Ridge Park Four, the developer of Area C shall pay the cost of construction of one speed hum at the western boundary of Area C, subject to approval of the Traffic Engineer of the City of Tulsa. Residents of Shadow Ridge Park Four may request the City of Tulsa to install additional traffic calming devices or stop signs as may be appropriate and approved by the Traffic Engineer of the City of Tulsa.

MAXIMUM NUMBER OF DWELLING UNITS:

Single-family	30
Or	
Townhouse Development (patio homes)	50

MINIMUM BUILDING SETBACKS:

Single-family Dwellings:
 As required in the RS-3 Zoning District

Townhouse Dwellings:
 As required in the RT Zoning District

LIVIBILITY SPACE:

Single Family Dwellings per Unit:	4,000 SF
Townhouse Development:	1,200 SF

DEVELOPMENT AREA D

NET LAND AREA:	5.72 Acres	249.031 SF
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PERMITTED USES:

Floodplains, stormwater conveyance and detention facilities, open space and uses customarily accessory to permitted uses, including continuation of the proposed Haikey Creek Tributary Trail per the Trails Master Plan.

- 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 occupancy or at the soonest appropriate planting time. 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, 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. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.
- 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 a 15-foot wide easement provided for the Tulsa Trails in Development Area D.
- 16 Applicant shall provide as much area as possible for sporting uses in conjunction with construction of stormwater detention facilities.

TAC Comments:

General - No comment.

Water – Water Main Extension will be required.

Fire – No comment.

Plat - No comment.

Covenants - No comment.

Conceptual – Turnarounds or cul-de-sacs shall be provided per Tulsa Metro Subdivision Regulations Section 4-7. The farthest distance from any portion of a building to a fire hydrant shall not exceed 400' for an unsprinklered building and 600' for a sprinklered building per IFC 508. Bridges and cul-de-sacs must meet City standards for public streets.

Stormwater – In the PUD Development Concept, the information provided in the second paragraph will be verified.

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

Transportation – Exhibits 'A' through 'E' indicate the sidewalks do not extend along the full lengths of property along the arterials; Transportation supports sidewalk construction full length on both arterials; explicit language in the PUD for sidewalks is recommended.

Traffic – Redesign the 90th Street intersection to provide two approach lanes for at least 150 ft to provide adequate capacity due to the moderate office intensity.

GIS – No comment.

County Engineer – No comment.

Trails – Provide 15-foot wide trail easement along creek bank within Development Area D.

TMAPC COMMENTS:

Mr. Jackson stated that this was a continuance from a couple of weeks ago. He asked staff if the Planning Commission is going to speak on the topics that haven't been heard, in other words not hear the whole case all over again.

Mr. Boulden stated that it is up to the Planning Commission how much they hear today.

Mr. Jackson stated that the Planning Commission continued this case to allow the applicant to meet with the homeowners and he believes that is all that needs to be discussed because the Planning Commission has already heard all of the facts and received comments.

Ms. Hill stated that unless there is a significant change, then she wouldn't think there were be a need to rehear everything.

Mr. Ard stated that he thought another reason for continuing this case was to have time to look over some changes that were made to the development plans regarding pedestrian access and issues that were in there before. Perhaps the applicant could enlighten us on that information.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that this application was continued after a brief presentation. He commented that he was in accord with the amended staff recommendation. After going through all of the matters that were changed, he doesn't think there was much of an interest to the neighborhood to the west. He has spoken to several representatives and attended a meeting at the site and discussed their issues in considerable detail. Councilor Christiansen was present at the meeting as well. At the meeting he explained the rules of Stormwater Management and continuation of stub streets and that the assumption was built into this plan. Mr. Norman stated that the Planning Commission didn't hear any of the neighbors speak at the last meeting. The case was continued after he made his presentation.

Mr. Norman stated that has brought an amendment to clarify some of the residents' concerns and add some additional protections. The residents' basic concern was with a continuation of the stub street that is directly into a heavily-wooded area and across a drainage swale that goes into a detention facility. Mr. Norman submitted a letter (Exhibit C-2) that he would add to Development Area A standards, a provision that East 90th Street shall not be extended across Development Area C as a part of the development Area A. Staff already had a provision in the staff recommendation with respect to Development Area C, which states: "...prior to the development of Area C, East 90th Street South must be built and extended from Development Area C to South Mingo Road." He believes the intent of staff was that the road not be opened until Area C is developed. He proposed language which states "...East 90th Street South shall not be extended across Development Area C as part of the development Area A. East 90th Street South shall not be extended across Development Area C as a part of the development of Area B and amend the access section of the Development Area C standards to read as follows: Access: Prior to development

of Area C, East 90th Street South must be built and extended from Development Area C to South Mingo Road. At the time of the extension of East 90th Street South to the stub street within Shadow Ridge Park Four, the developer of Area C shall pay the cost of construction of one speed hump at the western boundary of Area C, subject to approval of the Traffic Engineer of the City of Tulsa. Residents of Shadow Ridge Park Four may request the City of Tulsa to install additional traffic calming devices or stop signs as may be appropriate and approved by the Traffic Engineer of the City of Tulsa.” Mr. Norman stated that he hopes the additions are acceptable to the staff. He indicated that one of the representatives would like to add to the paragraph before the word “prior” and add the word “immediately prior”.

Mr. Norman reminded the Planning Commission that he is requesting to not have the wraparound RM-0 zoning, which would permit on a 40-acre tract a multifamily project. He is asking in exchange for that the same amount of acres for OL that would permit this to be developed in office light rather than the possibility of multifamily development. He believes that the proximity of South Crest Hospital makes this a better location for small offices, as are beginning to development along Mingo and 91st Street.

TMAPC COMMENTS:

Mr. Bernard stated that the Planning Commission did hear from several neighbors who live in the subject area. In response, Mr. Norman stated that he wanted to make sure they were heard today if they desire to.

Mr. Harmon asked Mr. Norman to clarify the zoning. In response, Mr. Norman stated that the zoning request is for five acres of CS, which is guideline zoning, then typically there would be approximately eight acres of RM-0 and the remainder in RS-3. If this guideline is used, one could generate a 200-unit multifamily project and he doesn't want to do this, but have office development, which requires office zoning and not multifamily zoning. Mr. Harmon asked Mr. Norman if he is requesting RS-3/OL/CS zoning. In response, Mr. Norman answered affirmatively.

Ms. Matthews stated that on page 18.11 there is a typo that shows RS-e but it is actually RS-3.

Ms. Hill stated that there are several interested parties wishing to speak.

INTERESTED PARTIES:

Matt Earnest, 8623 South 86th East Avenue, Tulsa, Oklahoma 74133, stated that he was present at the first hearing but he didn't speak then. He indicated that there are five people wishing to speak.

Ms. Hill stated that Mr. Pisarra has given his time to Mr. Earnest and requested that Mr. Earnest proceed.

Mr. Earnest stated that Mr. Norman has done a good job and he agrees that the whole plan probably doesn't need to be revisited. He commented that he would like to have clarification on the plats and where the drainage is located. There are eight things he would like the Planning Commission to look at. He pointed out that there are no setbacks for the dumpster in Area A. He would prefer that the dumpster not be set out next to the road. He opposes the townhome option in Area C due to safety issues because of crime and excess traffic. Within Area C he would like sidewalks all around the line. There is a recommendation for the easement for trails that he supports, and if the developer could construct that area it would reduce cost to the City. He would like to have some input in the Development Area D detention. Mr. Earnest expressed concerns about losing the ability to utilize certain properties as baseball and soccer fields. With regard to noticing, he requested that Mr. Pisarra and Mr. Christiansen be notified when Development Area A is developed. He supports the concept of 90th Street not going in until Development Area A is developed.

Mr. Jackson asked Mr. Earnest if he is familiar with the townhouses that are being built today. In response, Mr. Earnest stated that he is not a real estate developer, but with a higher density use, there would be more traffic and the traffic is a major issue along with the children and families in the subject area.

Mr. Bernard asked staff if they have had time to review Mr. Earnest's requests. In response, Mr. Earnest stated that staff has not reviewed it because he created his list Tuesday evening. Mr. Earnest commented that the last meeting staff made changes to the staff recommendation the day before. Mr. Earnest stated that he would be happy to work out something with Mr. Norman for a continuance.

Ms. Hill stated that the requests would be made part of the record.

Mr. Midget out at 4:50 p.m.

Debra Gunderson, 9006 South 92nd East Place, Tulsa, Oklahoma 74133, stated that there are 39 children and 27 houses that will be impacted by this proposal. Ms. Gunderson expressed concerns with flooding, traffic, safety and losing a greenbelt. She explained that the greenbelt and open space is a buffer between her neighborhood and the Creek Turnpike. If they straighten the floodplain she is concerned that the greenbelt will be removed. This is not a good place to connect a stub street because the streets are narrow.

Mr. Jackson asked Ms. Gunderson if her main concern is traffic. In response, Ms. Gunderson stated that she is concerned about the traffic, flooding and the loss of a greenbelt.

Mr. Jackson asked Ms. Gunderson how she would feel if there were traffic calming devices installed. In response, Ms. Gunderson stated that her neighborhood is a large “S” curve with no sidewalks. There are currently three- and two-way stops within the neighborhood and they do not work. She commented that speed humps may help.

Jerry Heimlich, 8617 South 92nd East Avenue, 74133, stated that his neighborhood is approximately 20 years old with a single entrance. There has not been a safety issue because there is only a single entrance. Very little crime in the neighborhood has occurred. He realizes that progress occurs and he has no problem with the Development Areas A and B. He does have problems with Development Area C. He expressed concerns regarding the flooding and losing the greenbelt. The floodplain runs through Area C and he requested that until Area C is built that the stub street not be required and Areas A and B wouldn't have access to the neighborhood.

Bob McDaniel, 9009 South 92nd Place East, 74133, stated that one of his houses backs up to subject property, which is a greenbelt. He thought that no one would ever be able to build on the subject property due to the floodplain. He requests that the stub street remain closed until Development Area C is developed to keep cut-through traffic from Development Areas A and B.

Ms. Hill recognized Mr. Pisarra.

Charles Pisarra, 9008 East 87th Street, 74133, president of homeowners association, stated that he is in agreement with Mr. Norman's amendment to the PUD with regard to not allowing East 90th to continue prior to the development of Area C.

Mr. Midget in at 5:10 p.m.

Mr. Jackson requested Mr. Sack describe the type of quality homes like the Frenchman Creek has. In response, Mr. Sack stated that patio homes are very popular homes, which are large homes on small lots. People do not want to maintain large lots so they build quality large homes on small lots. He thought this would be a good transition between single-family and the office use.

Mr. Bernard asked Mr. Sack if he is in agreement with the homeowners that it would be fairly expensive to develop Area C. In response, Mr. Sack stated that there is some expense involved. Mr. Sack explained the floodplains and the work that would need to be done in order to develop the property.

Darryl French, Traffic Engineering, 200 Civic Center, representing the Technical Advisory Committee (TAC), stated that TAC is a recommending body for the technical aspect of platting. He indicated that during the continuance to have a discussion with the neighborhood group to the west. The neighbors described

their major concerns as being traffic and speed. One of the proposals that the City of Tulsa will be looking at through the platting process is an alternative design that would have a significant impact in minimizing the impact of traffic by having a physical break (90 degree intersection). This seems to be the preferred alternative to the single speed hump that was being proposed by the developer. This could be explored during the platting process and designing of the streets.

Mr. French stated that his major concern is the second point of access for a huge residential subdivision to the west. It is one of the largest subdivisions he has seen. It has been several years without any development and connection with this subdivision and to not have a second point of access.

Mr. French stated that he doesn't want to wait an undefined length of time for Development Area C to be developed before making a connection. He recognizes that this is completely contrary to the desires of the residents to the west. He commented that one of the interested parties was proud that their neighborhood is one of the safest neighborhoods. It is the City's technical opinion that this is a false sense of security, after talking with the Fire Marshal and Traffic Engineering. The second point of access is a basic planning principal designed to eliminate the disaster of a major incident that could occur, which would prevent emergency vehicles from entering into the subdivision. There are two stubs that are feasible to be connected into the arterial street system in other directions and this is one of them. The farthest southernmost stub street may perform less effectively, but it is the only alternative that should be considered seriously because if one waits longer, it increases the probability of some incident having occurred. This recommendation was given at the TAC meeting when he realized the length of time that this huge subdivision has gone without a second point of access. He recommended that it be placed in the development standards that Development Area B, offices, not be permitted until the street is connected into the Shadow Ridge Park IV Subdivision in order to have this street built in a timely manner.

Mr. French stated that speed hump system should be on both 92nd East Place and 90th Street to be effective. One hump isolated by itself is not an effective device. He suggested that all of the traffic calming devices be subject to the Traffic Engineer's final approval.

Mr. Midget recognized Mr. Earnest.

Mr. Earnest stated that from Mr. French's comments he does not disagree from a safety standpoint. However, he is considering crimes from someone coming into the neighborhood stealing items from the neighborhood.

Applicant's Rebuttal:

Mr. Norman stated that with regard to the list of suggestions Mr. Earnest submitted he would like to respond. In Area A, Mr. Earnest suggested that the dumpsters be set back a minimum of 50 feet from the south and east boundaries and there is no objection to this. He suggested that similar language be in Area B with respect to the east boundary and there is no objection to that because staff would require that during the detail site plan. However, he can't agree with the removal of the townhouse option because of some of the discussion that has taken place. The proposal and staff recommendation is that the townhouses will only be permitted on individual lots designed for separate ownership. It would not be townhouses for rental. The Subdivision Regulations require sidewalks on both sides of the residential streets without being mentioned in the staff recommendation. He indicated that he has no objection to providing a 15-foot wide easement in Area D for the trail system, but he does object to being required to construct the trail as Mr. Earnest requested. This has not been a requirement of the Planning Commission because generally those trails have to be constructed in some sequence and some orderly fashion. The trail system is more of a community obligation, not a private developer's obligation. The design to accommodate the children's playfields is a good one and he can try to do this, but the dimensions that are suggested by this concept would only be big enough for small children's baseball or soccer fields. He has no objection to notices being given to the association when the plat and detail plans come through.

Mr. Norman stated that he doesn't know how to respond to the proposal regarding the connecting street and Mr. French's objections. He has known that this proposal would require some type of acceptable transition along the backside of the neighborhood lots. He has proposed single-family homes on individual lots or the townhouse type of lots or patio homes. There is nothing wrong from a planning standpoint with his suggestion to do this. He commented that the proposal could have been developed without that street going all the way to Mingo, but then there would be an objection to the over-length cul-de-sacs if the traffic came from 91st Street, or there would be Mr. French's objection that there would have to be an extension over to Mingo. He understands the neighbors' position and their concerns about changes that naturally occur with development, but he has offered, as an interim proposal, the provisions that were handed out today, which propose that the extension be delayed until development actually occurs within the single-family area. He requested that the Planning Commission approve those, which he has negotiated and brought to the Planning Commission in the spirit of cooperation with the neighborhood. He understands Mr. French's concern and that risk, but he doesn't know that delay for a period of time would significantly change that risk. Hopefully nothing would happen that would require a second point of access, but he understands how the Planning Commission feels about it and will leave it up to the Planning Commission's good judgment. He requested that the amended staff recommendation be approved with the additions that he has suggested.

TMAPC COMMENTS:

Mr. Jackson stated that he likes the application and he commends both parties for working diligently to come up with something that they can work with. He is in favor of the application and would make a motion to approve the staff recommendation with the addition of the amendments that the homeowners submitted and provided by Mr. Norman. Mr. Norman was agreeable to Items 1, 2, 4, 5, and will work with 7 and 8. Mr. Norman has worked with the neighbors, and once development occurs in Area C, then the road could go in.

Mr. Norman asked for clarification. He indicated that he was agreeable to everything that was suggested except Item 3 and Item 6.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **APPROVAL** of the RS-3/OL/CS zoning for Z-7003 per staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **APPROVAL** of PUD-721 per staff recommendation as modified by Mr. Norman's submittal dated October 19, 2005 and as modified by Interested Parties submittal Items 1) Area A add language similar to staff recommendations for Area B in regards to dumpsters set back a minimum of 50 feet from south and east boundaries, 2) Area B add language to include east boundary, 4) Area C confirm required sidewalks, 5) Area D include trails comment providing 15-foot wide easement in this area, 7) Area D in conjunction with construct of stormwater detention facilities, provide as much areas possible for sporting uses; and 8) in regards to future notices of any and all plats or plans request notices go to both Mr. Charles Pizarra, President Shadow Ridge Subdivision, 9008 East 87th, Tulsa, Oklahoma 74133 and City Councilor Bill Christiansen as agreed upon by Mr. Norman. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7003/PUD-721:

All of the Southeast Quarter of the Southeast Quarter of Section 13, T-18-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof and located on the northwest corner of East 91st Street South and South Mingo Road, Tulsa, Oklahoma, **From** AG (Agriculture District) **To** RS-3/OL/CS/PUD (Residential Single-family High Density District/Office Low Intensity District/Commercial Shopping Center District/Planned Unit Development).

* * * * *

Application No.: CZ-361

AG TO IL

Applicant: Roy D. Johnsen

(County)

Location: West side of U.S. 169 North between 56th Street North and 66th Street North.

STAFF RECOMMENDATION:

Z-6959 November 2004: Approval was granted on a request to rezone a 116-acre tract located south of the subject property and south of East 56th Street North, bordering Highway 169 on the west side. The property was zoned AG and was approved for IL zoning.

Z-6837 October 2001: All concurred in approval of a request to rezone approximately 155 acres located on the southeast corner of East 46th Street North and Highway 169 from AG to IM. Approval was also granted for rezoning a small strip of land bordering along the right-of-way of East 46th Street North and the IH-zoned tract to the south; this strip was rezoned from AG to IH allowing access to the industrial tract from the street.

CZ-266 June 2000: A request to rezone a 16-acre tract located south and east of the southeast corner of East 66th Street North and U. S. Highway 169 from RMH to IL, all concurred in approval of the IL zoning on only that portion of the site outside of the regulatory floodway. The applicant has not provided a legal description of the property approved for IL zoning and no Resolution has been published.

CZ-234 May 1997: All concurred in approval of a request to rezone a five-acre tract located in the southwest corner of East 66th Street and North Mingo Valley Expressway from AG to IL.

CZ-225 July 1996: A request to rezone a six-acre tract fronting along the east side of U. S. Highway 169 North, from AG to CS or IL. Staff recommended denial of CS or IL and recommended the tract remain AG and undeveloped due to the development sensitive nature of the property, (flood prone). The applicant argued his position that the request for IL zoning was consistent with the existing zoning and development. TMAPC and County Commission concurred in approval of IL zoning.

CZ-224 April 1996: A request to rezone a 21-acre tract located on the southwest corner of East 66th Street North and North Mingo Valley Expressway and abutting the subject property on the north, from AG to CS or IL was recommended by staff for denial. TMAPC recommended approval of IL zoning of the north 550' approximately 330' from the eastern boundary, with the balance of the tract to remain AG.

CZ-223 February 1996: All concurred in approval of a request to rezone a four-acre tract located north of the northwest corner of East 66th Street North and North Mingo Valley Expressway from AG to IM.

CZ-182 April 1990: A request to rezone two tracts, one located in the southeast corner of East 66th Street North and North Mingo Valley Expressway and the other tract located south of the southeast corner of East 66th Street North and North Mingo Valley Expressway All concurred in approval of IL zoning for the northern lot and denial of the remainder.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 88 acres in size; it is located on the west side of U. S. Highway 169 North between East 56th Street North and East 66th Street North. The property contains rolling hills and a water feature, is partially-wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 56 th Street North	Secondary arterial	100'	2 lanes

UTILITIES: Water and sewer are available but would require extensions.

SURROUNDING AREA:

The property is surrounded by agriculture-zoned property with scattered single-family homes, zoned AG; to the southwest is the City of Tulsa Waste Water treatment facility, zoned AG; and to the south is vacant property, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Comprehensive Plan 1980 – 2000, designates the property as being Development Sensitive - Recreation – Open Space Use area. Much, if not all of the area lies in the Bird Creek floodplain.

STAFF RECOMMENDATION:

Zoning and development trends in this area clearly indicate a transition to industrial uses since the North Tulsa County Plan was adopted. However, the presence of the floodplain on the property and the major waste water treatment facility adjacent to the site present potential barriers to development. Any improvements made to this property must meet the requirements and restrictions of County stormwater regulations. That said, staff can support the requested IL zoning and recommends **APPROVAL** of IL zoning for CZ-361.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that the trend in the subject area has been industrial zoning. It is logical for what has

been occurring along Highway 169. He indicated that he is in agreement with the staff recommendation and requests that the Planning Commission approve per staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **APPROVAL** of IL zoning for CZ-361 per staff recommendation.

Legal Description for CZ-361:

A tract of land located in the SE/4 and NE/4 of Section 6, T-20-N, R-14-E of the IBM, Tulsa County, Oklahoma; being more particularly described by metes and bounds as follows, to-wit: Commencing at the Southeast corner of the SE/4, Section 6, T-20-N, R-14-E, IBM; thence N 1°36'54" W along the East line of said SE/4 a distance of 950.00' to the Point of Beginning; thence N 60°24'54" W a distance of 172.20'; thence N 48°17'24" W a distance of 190.78'; thence N 45°54'24" W a distance of 193.23'; thence N 12°03'30" W a distance of 10.93' to the South line of the SE/4, NE/4 of said SE/4; thence S 88°48'26" W along the South line of said SE/4, NE/4, SE/4 a distance of 36.68' to the centerline of Bird Creek; thence N 25°12'58" W along said centerline of Bird Creek a distance of 106.67'; thence N 82°08'17" W along said centerline of Bird Creek a distance of 72.64'; thence N 69°34'41" W along said centerline of Bird Creek a distance of 92.99' to the West line of said SE/4, NE/4, SE/4; thence N 1°36'30" W a distance of 515.30' to the Southeast corner of the NW/4, NE/4, of said SE/4; thence S 88°50'27" W along the South line of said NW/4, NE/4, SE/4 a distance of 296.24' to the centerline of Bird Creek; thence N 8°34'52" W along said centerline of Bird Creek a distance of 70.83'; thence N 11°40'03" W along said centerline of Bird Creek a distance of 266.27'; thence N 4°48'40" W along said centerline of Bird Creek a distance of 327.24'; thence N 3°12'25" W along said centerline of Bird Creek a distance of 170.17'; thence N 2°25'23" E along said centerline of Bird Creek a distance of 80.54'; thence N 5°11'01" W along said centerline of Bird Creek a distance of 30.42'; thence N 9°06'07" W along said centerline of Bird Creek a distance of 79.61'; thence N 1°17'16" E along said centerline of Bird Creek a distance of 299.24' to the North line of the SW/4, SE/4 NE/4 of said Section 6; thence N 88°54'30" E a distance of 365.89' to the northeast corner of said SW/4, SE/4, NE/4; thence S 1°36'30" E a distance of 658.42' to the Northwest corner of the NE/4, NE/4, of said SE/4; thence N 88°52'29" E to the Northeast corner of said SE/4; thence S 1°36'54" E along the East line of said SE/4 a distance of 1,682.11' to the Point of Beginning, containing 32.29 acres, more or less, **and** A tract of land located in the SW/4 and NW/4 of Section 5, T-20-N, R-14-E of the IBM, Tulsa County, Oklahoma; being more particularly described by metes and bounds as follows, to-wit: Commencing at the Southwest corner of the SW/4, Section 5, T-20-N, R-14-E IBM; thence N 1°36'54" W along

the West line of said SW/4 a distance of 100.00' to the Point of Beginning; thence N 1°36'54" W along the West line of said SW/4 a distance of 78.35' to the centerline of Mingo Creek; thence N 38°39'28" E along the said centerline of Mingo Creek a distance of 80.34'; thence N 55°35'26" E along the said centerline of Mingo Creek a distance of 244.74' thence N 50°29'50" E along the said centerline of Mingo Creek a distance of 236.84'; thence N 12°12'34" E along the said centerline of Mingo Creek a distance of 37.91' thence N 4°58'27" W along the said centerline of Mingo Creek a distance of 44.89'; thence N 30°35'45" W along the said centerline of Mingo Creek a distance of 43.95'; thence N 44°46'21" W along said centerline of Mingo Creek a distance of 89.25'; thence N 54°57'33" W along said centerline of Mingo Creek a distance of 270.45'; thence N 74°14'21" W along said centerline of Mingo Creek a distance of 158.95' to the West line of said SW/4; thence N 1°36'54" W along said West line of said SW/4 a distance of 1,720.35' to the Northwest corner of said SW/4; thence N 1°36'54" W along the West line of the NW/4 of said Section 7 a distance of 1,316.06' to the Northwest corner of the SW/4 of said NW/4; thence N 88°34'12" E along the North line of said SW/4, NW/4 a distance of 718.40' to the Westerly right-of-way of U. S. Highway 169; thence S 1°11'50" E along said Highway right-of-way a distance of 1,316.75' to the South line of said SW/4, NW/4; thence S 12°56'05" E along said Highway right-of-way a distance of 255.00'; thence S 1°09'11" E along said Highway right-of-way a distance of 1,370.83'; thence S 13°48'55" W along said Highway right-of-way a distance of 245.60'; thence S 21°16'55" W along said Highway right-of-way a distance of 465.60'; thence S 55°30'55" W along said Highway right-of-way a distance of 448.50'; thence S 88°44'09" W along said Highway right-of-way a distance of 124.60' to the Point of Beginning, and containing 56.41 acres more or less, and located on the west side of U. S. Highway 169 North between East 56th Street North and East 66th Street North, Tulsa, Oklahoma, **From** AG (Agriculture District) **To** IL (Industrial Light District).

* * * * *

ZONING PUBLIC HEARING

Application No.: PUD-694-A-1

MINOR AMENDMENT

Applicant: John W. Moody/Billy Frazier

(PD-8) (CD-2)

Location: North of northeast corner West 91st and South Union Avenue

STAFF RECOMMENDATION:

The applicant proposes minor amendments to increase floor area and permitted display surface area for signage, and seeks to reduce a building setback from U. S. Highway 75 for a 4.61-acre tract. The property is zoned CO and PUD-694-A, and is designated Low-Intensity Corridor by the Comprehensive Plan.

In keeping with the Comprehensive Plan designation for low-intensity uses, mini-storage as permitted in residential allows a maximum floor area of .5 (Sec.404.I.4 of the Tulsa Zoning Code); the proposed increase from 65,000 S.F. to 73,300 S.F. is within this maximum. In addition, the proposed 12.8% increase, or 8,300 S.F., in floor area is within the 15% maximum permitted as a minor amendment (Sec. 1107.H.4 of the Zoning Code).

Per PUD 694-A, maximum building coverage permitted is 35%. With the increase in floor area as currently arranged per Exhibit 'A', total land coverage exceeds this maximum permitted by 3,015.94 S.F., or 36.5%; therefore, the Concept Plan, Exhibit 'A' is not in compliance with this standard. Floor area must be arranged so as to comply with the 35% maximum land coverage permitted.

The applicant also proposes the addition of a wall sign on Building F (elevation facing South Union Avenue) having a maximum of 36 S.F. of display surface area in addition to the two approved ground signs. The tract has 435 feet of frontage on South Union Avenue. Per Section 404.I.9 of the Tulsa Zoning Code, only one ground sign is permitted not to exceed 2/10 of a square foot of display surface area per lineal foot of street frontage. The PUD currently permits one ground sign at 20' in height and 32 square feet of display surface area on South Union Avenue frontage, and one ground sign, maximum 25' in height and 220 square feet is surface area along U.S. Highway 75 frontage. Based upon the South Union Avenue frontage, a total display surface area of 55 square feet would be permitted. Staff would support the request for one wall sign not to exceed 23 square feet of display surface area in addition to the one, 32 square foot display surface area, ground sign currently permitted for total signage of 55 square feet of display surface area on South Union Avenue frontage.

The applicant lastly proposes a decrease in the building setback from U.S. Highway 75 from 35 feet to 30 feet as shown in Exhibit 'A'. Per PUD-694-A, a minimum 15' wide open /landscaped area is required along the east boundary adjacent to U.S. Highway 75 in lieu of perimeter screening. Staff would recommend approval of the five-foot reduction of the setback subject to TMAPC approval of landscape/ screening area at Corridor Site Plan review and verification from Public Works that sufficient drive area exists for emergency vehicle access.

PUD-694-A approved a 12% minimum landscaped open space requirement. However, In keeping with the site's low-intensity corridor designation, and to mitigate increased intensity brought by increasing the permitted floor area, staff recommends that a minimum of 15% internal landscaped area be required.

Staff finds this application to be pushing the bounds of appropriate intensity and density as established by the Comprehensive Plan. With the modifications by

staff as summarized below, staff can find the proposed amendments to be minor in nature and recommends **APPROVAL** of PUD-694-A-1 subject to the following:

Maximum floor area: 73,300 S.F.

Maximum building coverage: 35%*

Minimum landscaped open space: 15%

Landscaping: All landscaping must be in compliance with the Landscape Chapter of the Tulsa Zoning Code and no landscaping is permitted in any street or highway right-of-way. A corridor site plan, including landscaping, must be approved by TMAPC and the Tulsa City Council prior to development.

Signage: One ground sign along South Union Avenue not to exceed 32 S.F. of display surface area and 20' in height. One wall sign on Building F not to exceed 23 S.F. in display surface area. One ground sign, maximum 220 S.F. display surface area and 35 feet in height permitted along U.S. Highway 75 frontage, setback a minimum 50 feet from the north boundary of the PUD and setback a minimum of ten feet from the highway right-of-way.

All other standards of PUD-694-A are to remain in effect.

*The concept plan, Exhibit 'A', exceeds the permitted land coverage. The detail corridor site plan must comply with the 35% land coverage requirement which will require reduced building size or achieving desired floor area by adding a second story.

Applicant's Comments:

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that he is representing Neighborhood Storage Center, LLC. He explained that his client is purchasing the subject property from Mr. Frazier with a couple of modifications that he would like to demonstrate. One of the main issues of the original hearing had to do with the fact that Mr. Frazier had requested a covered but unenclosed RV storage area and uncovered boat and RV storage area within the facility. His clients do not do this and do not want to do this. His client has filed a minor amendment to change this and to increase their total square footage by 15% of what was approved.

Mr. Moody indicated that his client has one issue that is of concern, which is to the land coverage of buildings being from 35% to 36.5%, which staff does not agree with. If the square footage was utilized then staff points out that they would have to go to a two story mini-storage facility. His client does not want to

do this and requests that in lieu of the two stories, that they be permitted to have a single-story facility at 36.5% building coverage that is still low. Other than this issue, he is in agreement with staff's recommendation.

Mr. Ard asked Mr. Moody if the Planning Commission allowed the 36.5%, which is 73,000 SF then he would absolutely stay at one story and not go above it. In response, Mr. Moody answered affirmatively.

Mr. Ard asked Mr. Moody if the Planning Commission kept him at the 35% then one of the buildings would have to be two-story and if so would it be the manager's office building. In response, Mr. Moody stated that he didn't discuss this with his client. His client doesn't want to have a two-story building. He would have to reduce the floor area or do a two-story unit if the Planning Commission held at 35%.

Mr. Harmon asked staff if the 1.5% additional coverage a serious problem. In response, Ms. Matthews stated that Mr. Boulden and Mr. Alberty are discussing this issue to see if the Planning Commission has the ability or authority to grant the 35% rather than 30%.

In response to Mr. Ard, Ms. Matthews stated that it isn't clear if the PUD approved 35%. Mr. Moody stated that it was approved and that was what was submitted and approved. There is a difference of opinion about the PUD ordinance. He believes that the PUD ordinance clearly intended to permit the Planning Commission to vary setback, heights, bulk and area requirements, and land coverage even though it doesn't say that specifically in the ordinance. There are things the PUD ordinance does not allow, which is the intensity, the total maximum square footage, and the total maximum dwelling units cannot be varied under the underlying zoning.

Mr. Boulden stated that he hasn't had much time to review this, but he does agree with Mr. Moody's comments and he doesn't know the specific provisions that staff may be concerned with. As a general rule the Planning Commission can vary bulk and area requirements and if this is in the bulk and area requirements, then it would be allowed to be varied within the PUD.

Mr. Alberty stated that staff is raising this question because staff didn't know. This could be settled when the detail site plan is submitted. The 35% was in the PUD by accident and staff doesn't want to approve any more than what was approved previously. If it can be varied, then staff would accept that with a 35%, but if it can't then during detail site plan, then staff would have to hold it to the 30% coverage. It is unfair to ask Mr. Boulden to respond to this issue at this time. It will be clarified before reviewing the corridor site plan.

Mr. Jackson asked Mr. Alberty if he is saying that in the corridor zoning it is 30% FAR. In response, Mr. Alberty stated that it is not the FAR but the actual

coverage of buildings. Mr. Alberty further stated that it is limited to 30%, which is in the corridor zoning.

Mr. Moody stated that the City Council and the Planning Commission approved 35% of coverage and it wasn't an accident. It was pretty clear.

Mr. Jackson stated that staff is now trying to discover if the Planning Commission had the authority to approve the 35%, notwithstanding increasing it to 36.5%. Mr. Jackson asked staff if they wanted to review this when the detail site plan is submitted.

Mr. Moody stated that this is very critical to his clients that have purchased the property. He commented that he doesn't want to wait until the detail site plan to learn that his client can't have the 35% FAR. If this is the hanging point, then he would agree to the 35% land coverage with the understanding that it will not be raised at the detail site plan.

Mr. Jackson stated that the Planning Commission would be doing Mr. Moody a service if there is a continuance to the next meeting to allow Mr. Boulden and Mr. Alberty to sort this issue. In his opinion it would place a hardship on the applicant if the Planning Commission didn't allow the 35% at this time. He doesn't think the Planning Commission can make a decision today to allow the 36.5% and give a double bonus. He suggested that this application be continued to November 16th.

Mr. Moody stated that due to the time factor he would prefer to accept staff's recommendation at 35%.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to **APPROVE** the minor amendment for PUD-694-A-1 subject to conditions per staff recommendation.

* * * * *

Application No.: Z-7002

RS-2 TO CH

Applicant: Tulsa Auto Auction

(PD-5) (CD-5)

Location: 206-220 South 89th East Avenue

STAFF RECOMMENDATION:

Z-6852 March 28, 2002: Approval was granted to rezone property at the southeast corner of East Admiral Place and South 85th East Avenue from CS to CH zoning.

BOA-19142 July 2001: The Board of Adjustment approved a request for a variance to construct a 4,800 square foot accessory building on the subject property from the allowable 750 square feet with the condition that the building be used for residential purposes only. The Board denied a request to allow a home occupation for a carpet cleaning business on the property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.89 acres in size, flat, partially wooded, contains a single-family dwelling and is zoned RS-2.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South 89 th East Avenue	Residential street	50'	2 lanes

UTILITIES: The subject tract has municipal water but not sewer.

SURROUNDING AREA: The subject tract is abutted by single-family dwellings to the north and east, zoned RS-3; and to the northwest by Tulsa Auto Auction, zoned CH; to the south by large lots with single-family dwellings, zoned RS-2; and to the west is a parking lot and vacant lot, zoned CH.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-Residential land use. According to the Zoning Matrix, the requested CH zoning **is not** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and existing surrounding land uses, staff cannot support the requested CH zoning and recommends **DENIAL** of CH zoning for Z-7002.

TMAPC COMMENTS:

Mr. Jackson asked staff if the applicant wants overflow parking so could they request PK zoning. In response, Mr. Alberty stated that today the Planning Commission couldn't consider PK. The Planning Commission could down zone from within the advertised category but not to another category that was not advertised.

Mr. Jackson asked to see the aerial map. Ms. Matthews explained that there is CG, CS, RM and then RS-3 to get to the auto auction. There is residential on two sides of the subject property.

Mr. Jackson stated that the dilemma for him is that staff is recommending denial and he is trying to get out of this. Mr. Jackson commented that the applicant requested CH and it can only be down zoned to CS, and the subject property only touches a corner of existing CS-zoned property. Mr. Jackson asked staff if the applicant could reapply for PK zoning for overflow parking. In response, Ms. Matthews stated that they could if they wanted to spend the time.

Ms. Hill stated that there are three interested parties wishing to speak.

Mr. Midget stated that the subject property is a large area for PK zoning.

Applicant's Comments:

David DeWolf, 8544 East Admiral Place, stated that he is the president of Automotive Remarketing Group, which currently owns the auction. He recognizes that there may be a possibility for a change in the application because of the parking. The consistent zoning around the current facility (CH) implies that the business may be building on the subject property, but his whole intent is to use it for parking for the current facility. The current facility doesn't have enough parking for the existing business. He believes that this application is consistent with the zoning in the subject area and he is prepared to do the proper landscaping around the development as it is completed. Mr. DeWolf commented that he doesn't believe it will hurt the property value considering that the subject property is in the flight path of the airport. The current zoning around the subject property is various types of commercial zoning.

TMAPC COMMENTS:

Mr. Midget asked Mr. DeWolf if he needed that much parking. In response, Mr. DeWolf stated that primarily the subject property would be for the parking for the cars that are auctioned on sale days. Sale days are Wednesday afternoon and

Saturday morning, which means that the primary parking would be during late Tuesday, Wednesday morning and Wednesday afternoon.

Mr. Ard asked Mr. DeWolf if he would be willing to reapply with a PK zoning application, but understanding that it wouldn't necessarily be granted.

Ms. Matthews stated that if the applicant is planning to park cars that he is storing to auction off then it doesn't meet the requirements for PK. PK zoning would be for customer parking and not for storage of cars.

Mr. Ard asked Mr. DeWolf if he understood staff's concern because of the residential property on four sides of the subject property. To place a CH tract in the middle of this is a concern for staff and the Planning Commission. CH is high intensity and allows pretty much anything. In response, Mr. DeWolf stated that he recognizes the concern. He further stated that the map is not accurate because he does have contiguous property on two sides of the subject property.

INTERESTED PARTIES:

Sue Culbert, 3505 Crestview Lane, Catoosa, Oklahoma 74015, stated that she owns the house at 8817 East 2nd, which her son is currently living in. Ms. Culbert submitted a petition with 273 signatures (Exhibit D-1) who are protesting the subject application and photographs (Exhibit D-2 and D-4). She commented that there are 24 homes that will be impacted by the subject property because they completely surround the subject property on three sides. The existing homes have been in the area for over 30 years and the homes have been improved over the years. Ms. Culbert described the surrounding properties. She expressed concerns with water runoff and flooding onto the residential lots if a large parking lot is allowed on the subject property. The auction's busiest days are Wednesday and Saturday. She further stated that the pictures show that the parking lot is empty on their busiest days. She described the auction as being a sea of concrete. If the auto auction is allowed to place a parking lot on the subject property it will flood the surrounding homes. There is CH land that abuts the auction's existing parking lot is for sale and they could purchase it for their parking lot. She explained that the street is 28 feet wide and it has a four-foot slope and is made of concrete with a four-foot ditch for drainage. The CH land for sale land is sitting there waiting to be used. Ms. Culbert requested that the Planning Commission retain the residential zoning.

Don Culbert, 3505 Crestview Lane, Catoosa, Oklahoma 74015, stated that he owns four homes in the subject area (8813 East 2nd, 8829 East 2nd and 240 South 89th East Avenue and 250 South 89th East Avenue). All of these homes are in the same general area that the applicant is trying to rezone to CH. Mr. Culbert stated that he has remodeled all of the four homes and others in the neighborhood have done the same. He has over \$200,000.00 invested in the four homes. If the subject property is rezoned to CH, then the value of his four homes will dramatically be lowered. There are 19 homes on 89th East Avenue

that area affected and 25 homes on East 3rd Street, 11 homes on 4th Street, seven homes on East Admiral Boulevard and seven homes on East 2nd Street. The houses on East 2nd Street will flood, as will some on 89th East Avenue. The noise level from the cars being started and testing out the equipment will be unbearable for the houses that abut the subject property. Mr. Culbert commented that crime would increase if there are cars parked on the subject property. He indicated that currently people steal parts off of the parked cars at the existing auction. He expressed concerns with increased traffic if the subject property is allowed to be used for parking.

David Culbert, 8817 East 82nd Street, Tulsa, Oklahoma 74112, stated that two months ago someone stole a vehicle from the Auto Auction and drove through the back gates, down 89th Street and lost control of the vehicle then went through his yard knocking a rock (4' x 3.5') 15 feet into the center of his yard. After the driver of the stolen car went through his yard, he went to Eastwood Baptist Church and started shooting off rounds. The neighbors were told that the same person tried to steal a vehicle in previous weeks. Three weeks ago he saw a man stealing a carburetor and an intake off of one of the vehicles from the auction. This happens many times throughout the week. The auction has not repaired the fence on 89th where a car went through two months ago and he requested that they fix his yard after the theft, but they never responded. He requested that the subject property remain residential.

Billy Cole, 249 South 89th East Avenue, Tulsa, Oklahoma 74112, stated that he plans to sell his property within the next two years, but his realtor informed him if cars are parked on the subject property, he would lose approximately \$40,000.00 in value on his home. Mr. Cole expressed concerns with traffic increasing if the subject application is approved. He cited the fatalities in the subject area due to traffic and pedestrian accidents. He requested that the Planning Commission deny this application.

Jacqueline Dutton, 731 South 89th East Avenue, Tulsa, Oklahoma 74112, stated that the current auto auction has no landscaping. She cited the various commercial activities in the surrounding area that contribute to the existing traffic. Ms. Dutton expressed concerns for the school-aged children in the subject area due to the heavy traffic. Ms. Dutton cited the traffic count that she downloaded from the City of Tulsa's website. Ms. Dutton submitted a map indicating crime in the subject area (Exhibit D-3) and indicated that there has been a problem with prostitution as well. She requested the rezoning be denied.

Applicant's Rebuttal:

Mr. DeWolf stated that there are some traffic problems in the City of Tulsa, but he doesn't think the traffic problems in the subject area are related to the auto auction. His business operates on Wednesday afternoon for two hours. The pictures showing an empty parking lot were not taken during the operation of the auto auction. Regarding the flooding, he doesn't believe that the City of Tulsa

will approve a site plan that would allow for stormwater runoff into the subdivisions. He would be required to meet all of the requirements of the City Planning Commission for the site development. His plan is not to have parking or having access to the auction off of the side streets. He indicated that his business is on East Admiral and that is how his customers would be accessing the facility. There wouldn't be any added traffic or parking on the side streets.

Mr. DeWolf stated that in his experience of operating auto auctions for 30 years, there is no additional noise that isn't present now during the normal operation of his business. He does not operate auctions at night and has no intentions of doing so. There was an auction operating on the property 15 years ago that was at night, but he purchased the property on July 15th and he is upgrading the facility and parking. He believes that there are some crime issues in the subject area; however, he doesn't think one can attribute the crime problem to the auction. Mr. DeWolf commented that he is not in the subject area that often, but he doesn't recall seeing prostitution. He further commented that there is a lot of adult entertainment in the subject area and that could contribute to the prostitution. Most of his customers are business men in the community who own franchise dealerships and used car lots.

Mr. DeWolf stated that the commercial property that is for sale in the subject area is only two acres and it is not adequate for what is needed to operate the auto auction business.

TMAPC COMMENTS:

Mr. Harmon stated that the case map indicates CH zoning to the west, north and CS, IL and CG all over the map. It looks like it has long since started transitioning from residential to business. In response, Ms. Matthews stated that it does appear to be transitioning, but she doesn't think that rezoning the subject property would be appropriate because it is spot zoning.

Mr. Harmon stated that the map indicates that there is CH zoning to the west of the subject property. In response, Ms. Matthews stated that there is CH to the west, but there is single-family residential north, south and east.

Mr. Midget stated that he doesn't like the requests for CH zoning in this area. He has been consistent throughout about CH zoning, particularly in the middle of a residential area like this. He understands that it appears that the subject area is in transition and it has a lot of various zonings, but it is still predominately residential in the subject area. He commented that he has problems with CH zoning in this area because of what could happen in the future with this zoning.

Mr. Bernard agreed with Mr. Midget's statements.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **DENIAL** of the CH zoning for Z-7002 per staff recommendation.

* * * * *

Ms. Hill called for a five minute recess at 6:17 p.m.

Ms. Hill reconvened the meeting at 6:25 p.m.

Ms. Hill asked Mr. Moody if he would like to present all of his rezoning cases as one case. In response, Mr. Moody stated that he would like to make the main presentation related to all of the cases in general and then if there are any specific issues that need to be addressed with each property, he will do so.

Application No.: CZ-362

AG to OM

Applicant: John W. Moody

County

Location: 14106 & 14008 East 96th Street North

STAFF RECOMMENDATION:

CZ-280 March 2001: Approval was granted to rezone a five-acre tract located on the southeast corner of East 96th Street North and North 136th East Avenue and west of the subject property from AG to RS.

CZ-122 December 1984: All concurred in approval of a request to rezone a five-acre tract located on the southeast corner East 96th Street North and North 129th East Avenue from AG to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property comprises three separately-owned parcels and the combined size is approximately 12.47 acres. The property is located east of the southeast corner East 96th Street North and North 136th East Avenue. The property is flat, non-wooded, contains a single-family dwelling on each of separate tracts, and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 96 th Street North	Secondary arterial	100'	2 lanes

UTILITIES: The subject property is served by municipal water. Public sewer would require a connection from the west.

SURROUNDING AREA:

The property is surrounded on the north, east and northeast by agriculturally-zoned property with scattered single-family homes, zoned AG; and on the south and west by single-family residential uses, zoned RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is within the Owasso 2010 Land Use Master Plan and is designated as Low Density Residential. The requested OM zoning **is not** in accord with the Owasso Land Use Plan.

STAFF RECOMMENDATION:

This case and cases CZ-363, CZ-364, CZ-365, CZ-366 and CZ-367 are all in the same general area and are requesting OM zoning. In this instance, CZ-362 is surrounded by large-lot single-family residential uses and agriculturally-used land. Staff cannot support higher intensity/density uses at this location, which does not meet the Development Guidelines definition of a medium intensity node and is not in accord with the Owasso Land Use Plan. Therefore, staff recommends **DENIAL** of OM zoning for CZ-262.

RELATED CASE:

Application No.: CZ-363

AG to OM

Applicant: John W. Moody

County

Location: 13610 East 96th Street North

STAFF RECOMMENDATION:

CZ-280 March 2001: Approval was granted to rezone a five-acre tract located on the southeast corner of East 96th Street North and North 136th East Avenue across North 136th East Avenue from the subject tract from AG to RS.

CZ-122 December 1984: All concurred in approval of a request to rezone a five-acre tract located on the southeast corner East 96th Street North and North 129th East Avenue from AG to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.02 acres in size. The property is located on the southwest corner East 96th Street North and North 136th East Avenue. The property is flat, non-wooded, contains a single-family dwelling and is zoned AG.

subject tracts are flat, non-wooded, zoned RE and each contains a single-family dwelling.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 96 th Street North	Secondary arterial	100'	2 lanes

UTILITIES: The subject property is served by municipal water. Public sewer would require a connection from the west.

SURROUNDING AREA:

The property is surrounded by scattered single-family homes to the north, west and east, zoned RE; to the south is a single-family development that is within the Owasso fence line and is zoned RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is within the Owasso 2010 Land Use Master Plan; the two eastern tracts are designated as Rural – Residential/Agriculture and the western tract is designated as Public. The requested OM zoning **is not** in accord with the Owasso Land Use Plan.

STAFF RECOMMENDATION:

Staff cannot support the requested OM zoning on this tract. It abuts single-family residential uses and zoning on the east, west and south. Vacant land that appears to be associated with a large single-family residence to the east abuts the property on the north. The requested OM is not within the medium intensity nodes as defined by the Development Guidelines, nor is it in accord with the Owasso Land Use Plan. Staff recommends **DENIAL** of OL zoning for CZ-364.

RELATED CASE:

Application No.: CZ-365

AG to OM

Applicant: John W. Moody

County

Location: 13807, 13909, 14001 East 96th Street North

STAFF RECOMMENDATION:

CZ-280 March 2001: Approval was granted to rezone a five-acre tract located on the southeast corner of East 96th Street North and North 136th East Avenue and west of the subject property from AG to RS.

STAFF RECOMMENDATION:

CZ-280 March 2001: Approval was granted to rezone a five-acre tract located on the southeast corner of East 96th Street North and North 136th East Avenue and southeast of the subject property, from AG to RS.

CZ-122 December 1984: All concurred in approval of a request to rezone a five-acre tract located on the southeast corner East 96th Street North and North 129th East Avenue from AG to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.04 acres and is located on the northwest corner of East 96th Street North and North 136th East Avenue. The subject tract is flat, non-wooded, zoned RE and contains a single-family dwelling.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 96 th Street North	Secondary arterial	100'	2 lanes
North 136 th East Avenue	Residential	50'	2 lanes

UTILITIES: The subject property is served by municipal water. Public sewer would require a connection from the west.

SURROUNDING AREA:

The property is abutted by single-family homes to the north and east, zoned RE; to the south is a single-family dwelling, zoned AG and to the west is a church, zoned RS-2 within the city limits of Owasso.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Owasso 2015 Land Use Master Plan calls for this area to be in residential land use. The requested OM zoning **is not** in accord with that plan.

STAFF RECOMMENDATION:

The subject property is adjacent to RE-zoned land, containing large-lot single-family residential uses, on the north and east; to AG-zoned land containing agricultural and residential uses on the south; and a church (Use Unit 5), zoned RS-2 to the west. The subject property is not located at a medium intensity node, as defined by the Development Guidelines, nor is it in accord with the Owasso Land Use Master Plan. To rezone it as requested would constitute spot

zoning and staff cannot support the request. Staff recommends **DENIAL** of OM zoning for CZ-366.

RELATED CASE:

Application No.: CZ-367 **AG/RE to OM**

Applicant: John W. Moody County

Location: 13616 East 96th Street North

STAFF RECOMMENDATION:

CZ-280 March 2001: Approval was granted to rezone the subject five-acre tract from AG to RS.

CZ-122 December 1984: All concurred in approval of a request to rezone a five-acre tract located on the southeast corner East 96th Street North and North 129th East Avenue from AG to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.02 acres and is located on the southeast corner of East 96th Street North and North 136th East Avenue. The subject tract is flat, partially-wooded, zoned RS and contains a single-family dwelling.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 96 th Street North	Secondary arterial	100'	2 lanes
N. 136 th East Avenue	Residential	50'	2 lanes

UTILITIES: The subject property is served by municipal water. Public sewer would require a connection from the west.

SURROUNDING AREA:

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

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is within the Owasso 2010 Land Use Master Plan and is designated as Low Density Residential. According to the Owasso Land Use Plan, the requested OM zoning **is not** in accord with the Owasso Land Use Plan.

STAFF RECOMMENDATION:

The subject property is adjacent to a large-lot single-family development on the east, zoned RS-2; an agricultural/residential use on the west, zoned AG; large-lot single-family residential uses on the south, zoned RE; and large-lot single-family residential uses on the north, zoned RE. The requested OM rezoning would not be in keeping with the residential character of the existing development and would constitute spot zoning. Moreover, the requested rezoning is contrary to the Owasso Land Use Plan. Staff therefore recommends **DENIAL** of OM zoning for CZ-367.

Applicant's Comments:

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that it is his privilege to represent his clients, who are members of twelve different families. Mr. Moody indicated that six other families in the subject area have filed for office zoning today and will be heard on December 7, 2005.

Mr. Moody stated his clients have lived on their properties for a number of years before the countryside was developed. Owasso is the fastest growing city in the world with residential and office/commercial development. Office, commercial and other developments are fueled by the single-family residential growth. A number of subdivisions have been developed in the subject area and they are present today in opposition to these applications. The new subdivisions have increased the traffic in the subject area.

Mr. Moody stated that each individual property of his client's is too small to do any substantial economical residential development. His clients have tried to sell their properties to someone to build a large home on and it hasn't worked out. Mr. Moody submitted maps and an aerial photograph (Exhibit E-2) and cited the surrounding properties and their zoning/uses. He located where his clients' properties are located with regard to the new development in the subject area. He indicated that there has been some recent zoning in the subject area rezoned to CG (27 acres) by the City of Owasso in June 2005. The City of Owasso has grown out to where his client's live and that is good, since it is encouraged. Mr. Moody submitted photographs (Exhibit E-1).

Mr. Moody indicated that he advised his clients that if they came in one at a time they would be considered spot zoning and it would create some problems. He advised his clients that if they came in together and filed one zoning application for all of the properties. Mr. Moody cited the various developments that have taken place surrounding the subject properties.

Mr. Moody stated that the Owasso Comprehensive Plan addresses transition for the subject area, which indicates office OM/OL allowed. The City of Owasso recognizes areas of transition between the commercial (high intensity) and put OM and OL zoning as their transition zone. In May 2005 the City of Owasso amended their Comprehensive Plan to add 30-plus acres for a medical park,

which abuts the residential properties on the north, south and east. The City of Owasso placed OM office next to the existing single-family homes. He indicated that he represents Mr. Geer and several other clients along 36th Street. His client protested the OM zoning because it would impact him; however, the City of Owasso approved the OM zoning. He commented that the city is growing up around his clients. The Comprehensive Plan for the City of Owasso was changed to increase the commercial (CG) and the OM area to go up to the quarter-mile section line, which is beyond the original depth of what would be a node. His clients now have to live with this change.

Mr. Moody indicated that subject property under application and the areas that are zoned CG and OM. He commented that the First Baptist Church is non-residential and is active every day and at night. They have youth activities and the music that they play in the Youth Activity Building is very loud and the residents hear it in their homes. He stated that several of his clients were approached to sell their property for office uses because there is a medical facility and a hospital planned for Owasso. Office demand is starting to spark and the residents are being approached by potential buyers. The residents are not able to get a reasonable price for their property for residential.

Mr. Moody stated that from his perspective, when he does research, he looks at what a community has done and it appears to him that they have adopted OM zoning as it is stated in their own Comprehensive Plan as a transition use. He further stated that 96th Street is a two-lane road, but it is projected to be widened. He commented that he was informed by Commissioner Mike Helm that the funding has been approved to be moved up in order to widen 96th Street within five years. Mr. Moody projected that it would probably be five years before there would be any significant amount of office in the subject area. The existing traffic is coming from the residential uses and the offices would be there to serve the growth in Owasso. Mr. Moody demonstrated with photographs (Exhibit E-1) the traffic in the subject area around 5:30 p.m. with residents going home from work.

Mr. Moody stated that he has filed applications for his clients and all of them will be before the Planning Commission to rezone their property to OM eventually. He indicated that residents on North 136th Street have filed rezoning applications for OM as well and will be heard in the future. He stated that this is important because they are next to OM and CG zoning and they need some relief. It is reasonable to expect that the intersections at arterial streets will have commercial occur on the corners.

Mr. Moody recognized that there are several people opposed to the rezoning. He indicated that he met with Eric Wiles and the attorney from Owasso to discuss development standards or things that could be discussed regarding the zoning pattern or agree upon. He stated that he was informed by Mr. Wiles and Legal that the plans were for single-family residential in the subject area. There was a neighborhood meeting and Mr. Wiles and Rodney Ray both attended the

meeting. Unfortunately, he was unable to reach any common ground during these meetings. All of the subject properties under application are in the county and will not be annexed by Owasso. His clients are wanting out of the box that they have been put in by being able to market their property for a reasonable price rather than a depressed residential price because they are on 96th Street and abut the commercial property. To do a PUD there would have to be a lot of engineering money on generic fictional plans that wouldn't mean anything. He advised his clients to not do a PUD. Mr. Moody suggested that, along the lines that abut the single-family, they could amend the applications to place a 100-foot strip of OL zoning anywhere it abuts the existing developments on the south, east and west. This would require a developer, if he wants to get more zoning or maybe make a depth off 96th Street (400 feet from the centerline) and the rest OL. This would force a developer to file a PUD in order to achieve the 40% floor area ratio.

Mr. Moody stated that all of these individual property owners are coming together and trying to do this in a comprehensive fashion. He believes that this is the best way to do this and he understands that there are neighbors who do not feel this way, nor do the City of Owasso and staff. He indicated that some of his clients will have no alternative but to sell their property and they would prefer to rezone all of the properties under application and combine these properties for development of offices. This would reduce access points onto 96th Street and reduce the traffic. There are currently eleven driveways on 96th Street that would go away if it were an office development. He commented that his clients have agreed to combine their properties and use mutual access easements to cut the number of access points down to six.

TMAPC COMMENTS:

Mr. Bernard stated that he can understand Mr. Moody's argument for the north side, but he doesn't understand the south side argument because there are considerable residential uses on the south side. In response, Mr. Moody stated that residential is not being built on these lots and the developers want bigger tracts. This isn't a midtown area where there would be infill. The City of Owasso's Master Plan shows a large area for commercial development near the subject properties. This is the best transitional use available and the only other choice is to go multifamily, which no one he has talked to wanted. Offices do create traffic, but they have different peak times than traffic going to or from work. If it is all residential, then the traffic would be increased at the peak periods of going to and from work and schools. Mr. Moody stated that he would like Ms. Davidson and Mr. Geer to speak to the Planning Commission.

INTERESTED PARTIES:

Sharon Davidson, 13918 East 96th Street North, Owasso, Oklahoma 74055, read a letter to the Planning Commission and stated that she refers to 96th Street as an interstate because that is exactly what it is. It is not desirable for her or anyone else to live on in a residential environment. She indicated that it is

impossible to sell residential property that is on 96th Street North unless the owner is willing to take pennies on the dollar. She commented that 96th Street North is an artery to the City of Owasso and will soon be a four-lane road. It has a major intersection of 96th Street North and Highway 169. This street is the main path to the Owasso schools, churches, shopping and restaurants. She stated that she would love to still be able to sit on her back patio and enjoy the skyline view as far as Sand Springs, Catoosa and Broken Arrow. However, today she looks out of her backyard she sees hovering two-story homes with ten-foot ceilings and massive high-vaulted roofs and the occupants have a close up view of her entire seven acres and everything that happens therein. None of the homeowners who have filed for rezoning ever received a notice for rezoning when the surrounding developments of the surrounding additions were planned. She was totally unaware that progress was moving to take away the view, tranquility and all of the other things that she had become accustomed to. The metropolitan area moved to her and she has provided the country atmosphere for the last several years. She welcomed the neighbors and she has friends who live behind and beside her. She indicated that she invited her abutting neighbors to voice their concerns about the office-type usage. Ms. Davidson concluded by stating that she and her neighbors have difficulty getting out of their drives due to the heavy traffic on 96th Street. Traffic from 96th Street has come into the yards and made tire ruts and torn down fences. She commented that due to health issues she is no longer able to keep a park-like atmosphere for her neighbors. She explained that she has had developers approach her for her property and offered fair market value, but it wasn't for residential development. She realized that when her health issues took a toll on her that she needed to make a change. Her neighbors closest to her agreed that they would prefer office-type usage as their new neighbor versus the other options. One of the other options was residential.

Mr. Moody stated that he had several people who would say the same thing and in the interest of time they have chosen not to speak. He commented that no one would build large homes on the subject properties under application.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Hill how many interested parties are signed up to speak. In response, Ms. Hill stated that she counted 16 signatures wishing to speak. Mr. Midget suggested that a three-minute rule be imposed on the speakers. Mr. Jackson asked if there was a formed opposition or lead speaker. Mr. Jackson requested that the president of the homeowners association speak first.

Mr. Midget requested that the three minute rule be imposed on the speakers. Ms. Hill explained to the interested parties that there will be three minutes to speak and when the yellow light is on they will need to conclude their position.

Mr. Ard stated that if someone is willing to yield their time, then it can be extended.

Speakers from the audience were **INAUDIBLE** when asking about the three minute rule.

Ms. Hill requested that each speaker be brief and to the point as possible.

INTERESTED PARTIES:

Julie Henson, 13819 East 93rd Circle North, Owasso, Oklahoma 74044, stated that she lives in Nottingham Estates and submitted a petition with 100 signatures (Exhibit E-4) opposing the rezoning. Ms. Henson indicated that she would be speaking about the properties that are under application on the south side of the road, which directly impacts Nottingham Estates. Ms. Henson explained to the Planning Commission where Nottingham Estates is located in the subject area.

Ms. Henson stated that in her opinion this is spot zoning. She pointed out that it would be residential, office, residential, office, which would only serve to reduce the Nottingham Estates homes' property values. Nottingham Estates is zoned RS-1 and they are the largest and most expensive homes in the City of Owasso. She indicated that the current property owners stated that they were not able to sell their property as residential, but they are not priced as residential property and that is why they are not being purchased as residential properties. She commented that she personally knows someone who tried to purchase one of the subject properties and they were declined because the homeowner wanted to hold out.

Ms. Henson stated that 96th Street is a thoroughfare between 129th and 145th Street. There are no schools on that section of 96th Street and the only school close by is past Wal-Mart on the other end. These requests go against the City Master Plan and everyone purchased their homes with the idea that everything would be residential. Residents invested money in their homes on that assurance. To go against the Plan at this time would do a disservice to the numerous residents of Nottingham Estates.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Henson what she thought would happen to her property value if less expensive homes were built on the subject properties. In response, Ms. Henson stated that she doesn't know if less expensive homes would impact her property. She further stated that allowing office buildings next to her would definitely reduce the property value, plus there would be extra traffic and people wandering through the offices. If it is residential then everyone is in it together and own residential properties.

Mr. Jackson stated that he didn't want Ms. Henson to believe that if the property remained residential it would always be the high-end residential because the market will deem whatever is necessary. Ms. Henson stated that she understands that. Ms. Henson further stated that at this time they are stating that

there is a need for office development, but there are several office buildings currently being built and several sections of Owasso that are being zoned for office development. She doesn't understand the need to stick this office development right in the middle of the high-end residential development in Owasso.

Mr. Bernard asked Ms. Henson what her opinion would be for the north side of the subject properties. In response, Ms. Henson stated that she doesn't have an opinion for the north side because she doesn't live in that area. She explained that the south side backs up to her property. Mr. Bernard asked Ms. Henson if the north properties were rezoned to OM, would she see them if they were developed. In response, Ms. Henson stated that she would be against them as well, but she feels that the properties around her addition are what she was asked to appear and speak about.

Mr. Boulden asked Ms. Henson if she is stating that it is spot zoning on the south side and not on the north side. He explained that there are six applications for the same type of zoning and to say it is all spot zoning doesn't give any of the individual applications any merit. Ms. Henson stated that they haven't really addressed the applications individually and have grouped them together. She further stated that she feels that it is a disservice for the ones that directly affect Nottingham Estates. She indicated that CZ-362, 363, and 367 are under application. They surround both entrances to her neighborhood. Mr. Boulden stated that although they have been presented as one application or grouped together, he would like to know if she believes that each application is spot zoning. Ms. Henson stated that the petition that was circulated had each property listed and asked if the petitioners were opposed to those properties being rezoned, which 100 people signed in opposition.

INTERESTED PARTIES:

Rick Roberts, 13503 East 94th Street North, Owasso, Oklahoma 74055, stated that he lives in Pleasant View Addition, and he is protesting the rezoning of OM or OL on the six lots under application. He expressed concerns with the two properties that are close to his home, CZ-363 and CZ-367. He expressed concerns with drainage and stormwater issues. There would be more asphalt and concrete if the OM is allowed and more runoff onto his property.

Mr. Harmon explained to Mr. Roberts that the Planning Commission doesn't deal with Stormwater Management. Mr. Roberts stated that nobody does. Mr. Harmon stated that the stormwater is the County's responsibility and for him to address this would not help the Planning Commission make a decision on zoning. He understands that there are floodwater problems in many places and it does have to be addressed, but the Planning Commission is not the body that addresses that. The Planning Commission would rather that the interested parties stick with the zoning issues and not to stormwater drainage.

Mr. Roberts stated that he is explaining what impact the rezoning would have on his property and the properties across the street. If it comes off of someone else's property, it becomes a civil matter and no one deals with it. The State says that they do not deal with it. Last spring the floodwater came within 24 feet of his home. The church has already extended their buildings and put more concrete down. Mr. Roberts commented that he has a very nice home with 38 feet of glass in the back of his home and he doesn't want to be looking at a three-story office building if this was approved. He missed the neighborhood meetings due to being out of town. He approached one of the applicants to purchase their property and they turned him down and stated that they would stay there. He expressed concerns of crime increasing if there are office buildings in the neighborhood. The residential homes are in subdivisions with strict covenants and he doesn't believe that the offices will go with the appearance of a neighborhood. Mr. Roberts concluded that the properties around the subject properties will diminish in value if OM or OL is allowed.

Mr. Jackson stated that if the interested parties are having some stormwater issues, then they should contact their County Commissioner and the County Engineer. They are the ones who are supposed to take care of the stormwater issues. Mr. Roberts stated that he has contacted DEQ, the County Commissioner and the County Engineer. Mr. Roberts further stated that there are no regulations about runoff from one property to another that he is aware of.

Frosty Turpen, 9510 North 134th East Avenue, Owasso, Oklahoma 74055, stated that he resides in Pleasant View. He further stated that he has a whole new appreciation for what the Planning Commission does, especially with this late hour. The tracts of land that Mr. Moody referenced are some of the newest developments and not the oldest developments. The oldest developments are actually the ones requesting the zoning change. The picture that Mr. Moody portrayed of 96th Street is not correct, and it is not a highway or interstate as it was described. Mr. Turpen stated that he is on the school board and he built his home in Pleasant View in order to be close to the schools and build a house that would go up in value. He commented that he never hears anything from the church and believes that they are doing a great job.

Mr. Turpen stated that the development of Pleasant View and Nottingham Estates has increased the value of other properties in the subject area. Now they are taking that investment and turning it against the residents for their gain. He commented that the homes are some of the nicest in the Owasso boundaries. This proposal is not part of the Master Plan and everyone built those homes with the idea that they would be protected. He has a problem with the characterization that the subject area would look like 15th Street. He understands that the commercial properties would go along Highway 169 and I-45. There is plenty of land available to do what the applicants have in mind without abutting residential. The hospitals are being built on the west side of Highway 169 and he believes that the offices are going to follow that trend on the west side. The

Owasso Planning Commission has already denied this request and he requested that the Tulsa Metropolitan Area Planning Commission deny these applications and respect Owasso's decision.

Mr. Boulden asked Mr. Turpen if he is opposed to all six applications or if any one of the applications stands on its own merits. In response, Mr. Turpen stated that he hasn't looked at in that prospective because it hasn't been presented that way. He commented that he is opposed to the proposal as a whole because if one looks at the direction that Owasso is going, one would see that these are the high-end properties. Once OM goes in on the north or south side, then the property values are capped and will never go anywhere but down. The only way the property values would go up is if the City of Owasso does try to maintain the integrity of the subject area and move forward to enhance it.

Mr. Boulden asked Mr. Turpen if he is against the north or south side of the proposal. Mr. Turpen stated that he is against the whole proposal as a package because that is the way the applicant has proposed it. The applicant wants a grand slam and it needs to be voted down, in his opinion.

Mr. Jackson explained that each case will be voted on separately and that is why Mr. Boulden is asking if he is opposed to all six applications or if he believes one or more stands on its own merits.

Mr. Turpen stated that Nottingham, Pleasant View and some additional residences are going in closer to the intersection. He explained that 96th Street lies on a crest overlooking the city and the houses along the line have an astounding view. He admits that there are more homes in the subject area and that changes the view. The existing neighbors didn't protest the newer developments and now that their property values have been built up, they want to sell them. Nottingham has problems with water runoff now and if the north side is built up with offices, then there will be more problems and that will affect some of the nicest additions. Pleasant View has one-acre or larger lots and the same holds true for the majority of Nottingham. He believes that there is a great opportunity, if the applicants got with the right people and made themselves available to the right developers, for the applicants to sell their homes to developers for larger tracts.

Kevin Fitch, 9509 North 134th East Avenue, Owasso, Oklahoma 74055, stated that he lives in Pleasant View Estates. He further stated that it is not appropriate to place offices in the middle of Pleasant View and Nottingham. This is a residential area and there is plenty of opportunity in Owasso for office areas.

Mr. Jackson asked Mr. Fitch if he was against all of the applications or CZ-363 and 366. Mr. Fitch stated that he is definitely opposed to the rezoning on the south end and he hasn't looked at the north end closely, but he does see a real traffic issue could be there.

Terry Hyatt, 9719 North Dover Place, Owasso, Oklahoma 74055, stated that these houses were built in the 1950's and 1960's when Highway 169 didn't exist. When Owasso put this in their Master Plan to be residential, 80% of the commercial activity in Owasso was around 76th and 86th Street. Today 90% of the commercial activity is on 96th Street within a half-mile of the subject area.

Mr. Hyatt stated that he is a property owner and he is concerned about the quality of development in Owasso and what is best for Owasso. When Owasso changed the subject properties on their Master Plan to be residential, 96th Street was an arterial. He believes it was inappropriate to make this area residential. Today it is not realistic to zone the subject area as residential. He commented that the City of Owasso did do one thing correct in their Master Plan by indicating that 96th Street should be a four-lane road with a center lane for turning. There is major traffic due to the commercial area. He agreed that Nottingham is one of the nicer areas of Owasso and there is no distinction between the south and the north in this area. He predicts that the traffic will increase in the next few weeks as other businesses open. He explained that Nottingham is approximately 95% developed except for six lots on the south end boarding 96th Street. No one will purchase those lots because they back up to 96th Street.

TMAPC COMMENTS:

Mr. Midget asked staff to display the map from page 27.2 of the agenda. He asked if this is the most recent aerial of the subject area and has the development in the subject area changed recently. Ms. Matthews stated that the aerial photograph is the most recent that INCOG has.

INTERESTED PARTIES:

Sarah Wilson, 13909 East 96th Street North, Owasso, Oklahoma 74055, stated that her father, Grady Price, owned the land until his passing of May 25, 2005. She further stated that her father purchased the land 15 years ago in order to enjoy the quiet country atmosphere. However, the City of Owasso has grown around the subject property. She indicated that her father anticipated 96th Street developing and was hopeful that the family property would be rezoned and prosperous for the family. She requested that the Planning Commission rezone the subject properties to OM.

Dana Werda, 9403 North 136th East Avenue, Owasso, Oklahoma 74055, stated that directly in front of his house is a three-way intersection. Safety is one of his biggest concerns. He commented that people routinely run the stop sign and drive at high speeds. Anything that increases traffic on 136th between Nottingham Estates and 96th Street will cause more potential for injury of children crossing 136th. He understands that people in the subject area have issues and that they would like to get more value for their properties, but it should not be at the expense of people in Pleasant View and Nottingham Estates.

Mr. Werda stated that he observed that other applicants requesting a zoning change today have come in with a definitive plan and not just a “we want to change the zoning and hope that someone comes in and offers us more money”. He requested the Planning Commission give the residents of Nottingham and Pleasant View to have a definitive plan of what is going to be developed and not just a wish that someone would come in and offer more money.

Eric Wiles, Community Development Director for the City of Owasso, 111 North Main, Owasso, Oklahoma 74055, stated that the City of Owasso is in opposition to CZ-362 through CZ-367. One year ago the Planning Commission and City Council adopted the 2015 Land Use Master Plan for the City of Owasso after a one-year study that was well notified and surveyed, and based on a survey of the people of Owasso. The 96th Street area development patterns were studied and they found the highest and best use for the 96th Street properties in question today to be single-family residential. There are four existing subdivisions close to the site and one single-family residential subdivision (35 acres) to the east of the site, which is currently under plan. He knows that there are plans for residential single-family to the east and to the north, which is why the City of Owasso is opposed to stripping out the north of 96th Street, as well as the south. The Comprehensive Plan calls for nodal development, which means that at the intersection of arterials there would be commercial development and then in the interior of the arterials there would be residential development. In between the two there is a transition or buffer that can include office. This is clearly the interior of 96th Street and he disagrees with the comparison of 96th Street North with 91st Street South and South Harvard. At South Harvard the development patterns between 41st and 51st Street came about as a result of the nature of Harvard Avenue. South of 51st Street is the interstate, which goes farther south to Oral Roberts University. He indicated that 96th Street North ceases to exist two miles east of the subject properties. He commented that 96th Street North is an arterial street, but the commercial development starts a half mile west of the subject properties at the intersection with 129th East Avenue. He further commented that 91st Street South is actually a better comparison with 96th Street North. Staff drove 91st Street South going west of Mingo Road towards Memorial, as Mr. Moody suggested they do, and he found that on the north side there is a mixture of churches, open space and single-family houses and on the south side the nodal development that is being requested here today. Part of the property (five acres) was reviewed by the Owasso Planning Commission in June 2005 for changing the Master Plan and they determined again that the highest and best use of the subject property is single-family residential and the predominantly land use pattern of this area is single-family residential. The City of Owasso is opposed to all of these applications for rezoning.

TMAPC COMMENTS:

Mr. Jackson asked if 96th Street North is recognized as a primary arterial or a secondary arterial. In response, Mr. Wiles stated that the City of Owasso only recognizes arterials. Mr. Jackson asked Mr. Wiles if he believes that 96th Street

North will be upgraded to five lanes. In response, Mr. Wiles stated that it will be upgraded to at least four lanes according to the City of Owasso's Capital Improvements Plan. Mr. Wiles stated that he doesn't see any incompatibility with a four-lane road and residential properties. Some of the premiere properties in the Tulsa Metropolitan Area are on arterials such as 71st Street South.

Mr. Jackson stated that unless all of these tracts are joined together to make 30- or 40-acre tracts it is not conducive to RS zoning. Someone may develop with an RE zoning and have a six-lot cul-de-sac. He commented that it would be difficult to purchase three homes in the subject area and tear them down to build six \$70,000.00 lots because the economics are not there. The forecast is for residential, but it's multiple owners with small tracts. He asked Mr. Wiles how Owasso would address this in their long-range forecasting.

Mr. Wiles stated that it has been Owasso's experience, even as close as a mile south of 96th Street North, to have large residential acreages combined together in developments to create large single-family developments and he believes that that is a potential for the subject area.

Mr. Jackson asked Mr. Wiles what the house size is currently on these properties under application. Mr. Wiles stated that he would be reluctant to say because he hasn't studied the size of the existing homes, but he would guess around 2,000 SF. Mr. Jackson stated that this is an unfair question for him to ask because he didn't know if the City of Owasso had looked into what has actually happened regarding massing land for large developments. However, small acreage developments are not economically possible. Mr. Wiles stated that he has looked at them and past experience has shown that there is potential for residential development by combining acreages together.

Mr. Midget asked Mr. Wiles if he stated that Owasso is not planning any more commercial development east of 169th on 96th Street North. In response, Mr. Wiles stated that the 96th Street North area is planned for commercial at the northeast corner of 129th East Avenue and 96th Street North and not so much at the southeast corner as well. Mr. Wiles cited that after the First Baptist Church one would have to go to 145th East Avenue before the plan calls for commercial again, which is five acres to the north and south sides of that intersection.

Mr. Midget asked Mr. Wiles if the City of Owasso is planning to extend the OL zoning type of development along Highway 169 Corridor. Mr. Wiles stated that they would not plan to zone that type of development into the residential areas. The OL zoning is within the 169 Expressway Corridor and appropriately so because it is planned for commercial use. It is the commercial south of that site that and north of that site that was changed on the Plan, but it will not go into the interior. The office buffer was created to keep from going into the residential properties. The City of Owasso views this as a different situation from what is on 96th Street North. If this rezoning takes place the nodal concept will be

compromised and there will be a situation with commercial, office, residential, office, residential, office and then back to residential before reaching 145th East Avenue and this viewed as being a completely different situation than the Highway 169 Corridor.

Mr. Boulden asked Mr. Wiles if the subject properties are within the Owasso fence line. In response, Mr. Wiles answered affirmatively. Mr. Wiles stated that he considers this a part of Owasso. The City of Owasso's policy is not to annex property unless the property owners request the annexation. Mr. Wiles further stated that the City of Owasso shops with these residents and they are a part of Owasso, their children go to Owasso schools. Owasso doesn't force annexations.

Mr. Boulden asked Mr. Wiles if the subject area has asked to be annexed. In response, Mr. Wiles stated that they have not asked to be annexed. He clarified that one property owner did request annexation but later withdrew that request.

Mr. Boulden asked Mr. Wiles if in the near future the subject property would be expected to be annexed. In response, Mr. Wiles stated that he assumes as it is developed, eventually it would be annexed, but nothing is being forced.

Mr. Boulden asked Mr. Wiles how far the fence line for Owasso reaches. Mr. Wiles stated that it reaches to Keatonville Hill Road, which is about five miles east.

INTERESTED PARTIES:

Harold Merrill, 9417 North 136th East Avenue, Owasso, Oklahoma 74055, stated that he lives in Pleasant View and it is very difficult to stay neutral. He understands that his friend wants to get the most from his property as possible and he should. He commented that he too would like to get the most for his property as possible.

Mr. Merrill stated that his friend and neighbor had four lots that he developed residential use on and it is very difficult to stay neutral. Mr. Merrill pointed out that the rezoning would be between two residential areas. He expressed concerns with stormwater drainage if the properties are rezoned OM because there would be buildings and hardtop surfacing, which will cause problems for some of the existing residents. He indicated that he had to dig a ditch to protect his property from stormwater. He is maxed out and sometimes it doesn't carry it. He requested the Planning Commission to do the best thing for what is needed to be done and he hopes it all works out.

Mr. Boulden stated that CZ-367 is advertised as this being AG/RE, but the map indicates RS zoning. In response, Mr. Alberty stated that there were some mistakes in the actual agenda, but the advertising was correct and the maps are correct.

Rick McClear, 9318 North 138th East Avenue, Owasso, Oklahoma 74055, Nottingham Estates, stated that this is a unique situation. Everything that is being discussed today is currently zoned for AG, RE or RS. There is not one commercial business north or south of 96th Street. He indicated that there is a transitional zoning of First Baptist Church of Owasso and everything else is residential. The only thing different from the applicants and the interested parties is that they have more grass to cut or they have a horse that actually does the work for them. Everyone is a neighbor and it is a residential area. The corridor along Highway 169 has been zoned commercial as it should be. The City of Owasso is growing and growing fast. He doesn't believe anyone in Nottingham is opposed to development of Owasso. It appears that everyone may have been lead to believe that this is all a transitional area. He requested the Planning Commission to deny these applications.

Kirk Ocobock, 9621 North 136th East Avenue, Owasso, Oklahoma 74055, stated that he owns property on the only road that goes north between 129th and 145th. He is one of eight homeowners in his division and of six who filed yesterday to have his property rezoned, and he supports the rezoning.

Mr. Ocobock stated that he did approach the City of Owasso about annexation into the City. All of the properties are on septic tanks and they are getting old. He talked to the City about getting the City sewer extended to his street. The City stated that he could apply, but first he would have to repave his road and put in curbing and sidewalk in the whole area. He dropped that request after realizing what would have to be done prior to annexation.

Mr. Ocobock stated that when he purchased his property ten years ago he was surrounded by agricultural lands and there were no stores or commercial uses. Since then the lands around him have been rezoned commercial, office medium, and CG except for the property next to his small subdivision, which was rezoned CG to RS-2. The RS-2 property is a church that was built in the last three years and has already added another three-story structure on their property. He described the church as a mega church the same size as a mall. The church creates traffic daytime and evening several times a week. He complained that the church has loud music and noise from their playgrounds. He described the church as not being a church but a high-volume thriving business. Earlier this year 35 acres were rezoned OM at the end of his dead-end drive. He was told that there would be office light abutting his property with roadways that would connect to 96th Street. He was told that the office light was supposed be a buffer zone. He agrees that Nottingham Estates has nice homes and he does as well. He indicated that he has a 3500 SF home with a 1200 SF shop that is attached to his home with a breezeway. He commented that he has done numerous improvements to his property, but there is no way someone would purchase his property for residential use when he is surrounded by businesses. The CS

property on the corner has a contract on it to become a shopping mall and there has been talk about a hotel being developed.

David Geer, 9856 North 136th East Avenue, Owasso, Oklahoma 74055, stated that he has lived in the neighborhood two years. When he moved to the subject area, half of the 35 acres was zoned residential and frontage was zoned commercial. He knew that something would eventually happen to the 35 acres, but the plan stated that it would be residential. However, the City of Owasso came in and changed the zoning to commercial and office medium along the border of the 35 acres and he opposed it.

Mr. Geer stated that there is a large church in the subject area and he figured that when the church was open he would be at his own church as well and not be a problem. However, the church has a lot of activity and he doesn't hold a grudge about it but it didn't take him long to realize that he would have to get used to a lot of activity throughout the week as well as Sundays. He commented that 96th Street and Highway 169 is the hub of the City of Owasso. The commercial is not happening in the older part of town. Mr. Geer expressed concerns about safety issues due to the existing traffic.

Mr. Geer commented that it is ironic that the City of Owasso is against these applications when they wouldn't deny the commercial and office zoning on the 35 acres next to his property. All of the homes in the subject area are beautiful homes. He indicated that he has 2.25 acres with a 2400 SF home, which is probably the smallest house on the block. The value of his property and his home is devastated because of what is going in around him. He explained that he moved from 91st and Yale to his current residence in order to escape the traffic in Tulsa. He stated that all along 91st Street there were office light businesses and homes behind them comparable to homes in the subject area where he now lives. The offices along 91st Street looked like homes with brick and rock with pitched roofs. At night time the offices were closed while residents were home.

Mr. Boulden asked Mr. Geer if the church activity is close to commercial activity or closer to being residential. In response, Mr. Geer stated that there is an access road off of the service road of Highway 169 and from the front parking lot. Every day and every night there are cars going through the parking lot and there is no exception. He commented that there are car lights shining into his windows constantly. There is nothing stopping vehicles from using the parking lot when the church is not in use.

Mr. Boulden asked Mr. Geer if the church activity closer to an office activity than a commercial activity. Offices are usually 8:00 a.m. to 5:00 p.m. In response, Mr. Geer stated that the church hours extend through the evening as well as during the day. There are cars there at least till 9:00 p.m. or 10:00 p.m. every night.

Mr. Geer stated that he supports the applicants and he has joined them. It is clear to him that he will be surrounded by commercial and office activity. Then 96th Street is going to be very busy and he is sorry for the residents in Nottingham, but they will have to deal with it no matter what these applicants do.

Jack Ojala, 13616 East 96th Street North, Owasso, Oklahoma 74055, stated that possibly the Planning Commissioners have not been out to see this particular area because of the questions that are being asked.

Mr. Ojala purchased his property in 1971 and additional property in 1973. Of the twelve applicants that are trying to get this rezoning, his is the newest home and it is 32 years old. Some of the homes are 50 to 60 years old.

Mr. Ojala stated that the interested parties that have indicated that there is not a traffic problem are absolutely incorrect. He indicated that 96th Street North will be the heartbeat of Owasso within the next couple of years. Mr. Ojala pointed out where new development is proposed.

Gale Sullenberger, 9306 North 133rd East Avenue, Owasso, Oklahoma 74055, stated that 96th Street is the heart of Owasso, but it is 96th Street west of where everyone is talking about and not east. The Owasso Plan shows the growth and the commercial area to be to the west. He indicated that 96th Street to the east isn't going anywhere because it dead-ends at Garth Brooks' property and Dover Pond and other areas out there. There is no commercial development out there and it is not like driving on Sheridan and 51st Street, as been stated tonight. He would be disappointed if commercial and office were allowed farther onto 96th Street. There is no justification to allow commercial and office uses to go eastward on 96th Street. The City of Owasso's Plan is good plan and he requested the Planning Commission to support that plan.

Rodney Ray, City of Owasso, stated that he appreciates the service that the Planning Commission gives to the County and the City. He believes that the issue before the Planning Commission is a matter of greater importance to the relationships and greater importance to our ability as a community to guide our destiny. Fifteen years ago, 1989, was the last time he appeared before the Planning Commission and he left embarrassed and humiliated. It became apparent to him from the questions that were asked and the comments that were made by the Planning Commission that Owasso was not professional. The plan had not been updated on a regular basis and didn't have competent professionals on the staff to do the kind of work that should have been done. He left the 1989 meeting with a vow to increase the level of professionalism, to improve the planning for the future and to improve Owasso's relationship with TMAPC and the City of Tulsa. He appreciates the fact that the Planning Commission has strengthened their referral system to Owasso and that the Planning Commission listens to staff when they are called upon. Now he feels

that he has competent professionals on staff who have had years of experience in master planning and land use comprehensive planning. Owasso has updated their Comprehensive Land Use Plan and it will be updated again next year. Only through good planning can staff be proactive and truly make a difference in the community so that everyone's investment is protected.

Mr. Ray stated that the heartbeat of Owasso is in the citizens of the community and businesses who make jobs possible. The real issue today is what kind of message the Planning Commission will be sending to the other suburban cities. He explained that Owasso had a test case and the test case didn't pass the muster of the Owasso Planning Commission and so we are here tonight to see if the applicant can end-run around the local officials who solicited months of public input into the Plan and advertised it on a regular basis. It is not about the north side or south side of the street; it is about what is right in terms of the local official and the local people have put a plan together and who believe in their heart that this is the right plan.

Mr. Ray indicated that he has worked with some of the individuals who have spoken today on various improvements. Competent professionals built a competent plan that was reviewed by a number of people in our community. A test case was issued and that case failed. He urged the Planning Commission to maintain the integrity of the Owasso Comprehensive Plan document. He acknowledged that the Plan did change, but it doesn't mean that the Plan is bad and it doesn't mean that one-half mile south of the subject area would not be changed someday. Mr. Ray concluded that the City of Owasso doesn't want to strip out 96th Street. He commented that 96th Street is not the commercial heartbeat of the community, but it is a part of a great body and a great community that believes in where Owasso is going. By upholding this Plan, the Planning Commission would be sending a message to other communities that the Planning Commission will listen to them when they have done competent work.

TMAPC COMMENTS:

Mr. Midget stated that he is pleased to hear that the City of Owasso is not planning to strip out 96th Street because the first thing that comes to his mind is 71st Street in Tulsa. He commented that 71st Street is a nightmare and it is overbuilt. In hindsight, he believes that the Planning Commission would have done it differently. His primary concerns today are that traffic control is needed to make this an easy transition as a residential area. The traffic and safety issues are real and he hopes that the City of Owasso keeps this in mind as the rest of the area is developed. There has to be balance and easy transition for the residents who live in that area, particularly, if the City is planning to stay steadfast to the Plan and not further encroach into the residential area with any commercial or office development.

Mr. Ray stated that if one drives east or west one-half mile on 96th Street, there is residential and the City of Owasso has no intention of changing that. There is nodal development for commercial and it is small in those areas. The lifeblood of Owasso is residential development that then brings commercial. The City of Owasso plans to concentrate the commercial in quarters and not encroach on the residents.

Mr. Ray stated that he doesn't want word getting out that there are depressed residential land prices in Owasso, as Mr. Moody has described. The idea is that Owasso is doing residential infill. He commented that he wished he knew if Cabellas was coming to Owasso, but he doesn't believe they are. He explained that the City of Owasso tried to get Cabellas to locate in Owasso, but he doesn't believe it will happen. He stated that he is committed to not stripping out 96th Street and he requested that the Planning Commission deny these applications.

Applicant's Rebuttal:

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that from Mr. Ojala's property one does not have to drive a half mile west to find commercial because there is commercial 330 feet from his property. Half a mile west of 129th is all commercial. Mr. Moody pointed out the various commercial properties to the east and west. He commented that he is not proposing to strip out 96th Street with commercial. The City of Owasso has already intruded CS zoning into his clients' homes one-half mile into that section. These are properties that have to be dealt with in a rational basis. He commented that he catches it one way or the other because if he brought these applications in as one tract at a time it would be considered spot zoning and the Planning Commission is always recommending assembling properties into at least 300 feet of frontage. He tried to assemble these properties because it is the best way to approach planning.

Mr. Moody stated that there is 1/3 of a mile that has intense zoning, but it is not developed at this time. It will develop as CS and there is a contract on it. There is a need here for some recognition that these people need some type of relief. He attempted to meet with the neighbors to talk about how to resolve this problem and what the best planning vehicle would be to do so. He understands that this can be turned down, but he has been in this business long enough to know that these types of pressures does not evaporate. When there are small tracts like these and they go their own separate ways, then the opportunity is lost to control the access points and try to do something.

Mr. Moody stated that he would agree that OL against the adjacent single-family residential would be a good compromise. That would reduce the density and keep the buildings to a single story. He commented that his clients would have done a PUD but they are not wealthy and do not have the money to do that type of detail and planning, which would all be fictitious at this point. He is simply

requesting some relief for his clients. Mr. Moody expressed his gratitude for the Planning Commission working late today and doing such a great job.

Mr. Moody stated that these properties are in the County and will remain in the County. The Board of County Commissioners will be the ones to hear this case and he requested that the Planning Commission approve these applications.

TMAPC COMMENTS:

Mr. Boulden asked Mr. Moody if this is an all-or-nothing deal or if he is taking each parcel by itself. In response, Mr. Moody stated that the Planning Commission has to vote on each one individually. His clients are unified and would like to rezone all of these together, but he understands that the Planning Commission will make their decision based on each individual case.

Mr. Jackson stated that this is one of the most difficult applications that he has been a part of. He commented that he sees both sides of the issue. He further commented that he is a residential developer and he sees both sides of the arguments. He understands that after listening to the staff from Owasso that they want to stand firm on their beliefs, and his only response is that the TMAPC is a recommending body. What is recommended by the Planning Commission is sent on to the Board of County Commissioners who will make the final decision. He personally doesn't see the negative ramifications that were being voiced from the homeowners with the office zoning. He is not for OM zoning per se, but possibly OL zoning would be compatible if it were single-story in nature with a residential look and the same height as the surrounding homes. He doesn't see a five-acre tract being combined with the next tract being ten acres because it is not economical to subdivide and build out. Mr. Jackson concluded that he would be in favor of OL versus OM and this is only a suggestion and not a motion.

Mr. Ard thanked the audience for being civil for eight hours. He stated that there are pros and cons for all of the lots that are actually a little different. He expressed concerns with the OM zoning because it allows a heavy coverage and no building height restrictions, etc. He understands that PUD's are expensive and this is early in the process, so he would be hesitant to grant something as heavy as OM zoning. There was a lot of discussion about value and he deals a lot with value in his business. A well-built and well-managed office development along 136th Street would make a nice transition into whatever comes to the east of the subject area. The property values wouldn't be impacted by this type of development, and in fact, they would be enhanced by that type of office development. The south side of the street he has more concern and it is hard to say how offices would impact all of the property values. It would depend on how the development turns out. He concluded that he does have concerns with OM zoning for the subject area.

Mr. Ard stated that the greatest concern he has is that the City of Owasso has already voted on this zoning and he feels uncomfortable out-voting something

that has already been voted in the City of Owasso. He understands that technically it is within the Planning Commission's purview, but this really strikes him as a City of Owasso issue that has already been handled by their planning department and he would be uncomfortable trumping that vote.

Mr. Harmon stated that he would be more inclined to go along with this if it came to the Planning Commission in some type of PUD or something that would control the type of development. The City of Owasso's Planning Commission has certainly studied and made a decision concerning it. He indicated that he has driven 96th Street and he would be inclined to go with the staff recommendation of denial based on the facts and situation the Planning Commission has been presented with.

Mr. Bernard stated that he would like to commend Mr. Moody on his presentation and agree with him regarding bringing all of this to the Planning Commission at one time in order to have a better shot than piecemeal. He expressed concerns with the south side due to the existing residential homes. He indicated that he would have to vote against the applications that are before the Planning Commission today.

Mr. Midget stated that he is concerned about rezoning these properties at all. His concern would be having any kind of commercial or office abutting this residential development. He is less concerned about the south side than the north side. If there is an argument it would be more heavily for the north side of being somewhat commercial. He believes that without any real planning or any restrictions it would not be in the best interest of the overall development. He agrees with Mr. Jackson that he doesn't know what the applicants will do about 96th Street, particularly the lots that abut it because it can be hard to sell, but he is going to take Mr. Ray at his word that he is committed to working with the residents in the area to make sure that that area is an attractive, safe and wholesome environment to attract someone who would want to build a home in that area. He indicated that he would be supporting staff's recommendation for denial simply because he has a problem with OM zoning without a PUD coming in and abutting the existing residential areas.

Ms. Hill stated that she did drive the area prior to today's meeting. She commented that while she was in Owasso, she drove both directions to see how it has changed. She indicated that she would be voting to go with the staff recommendation of denial.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **DENIAL** of the OM zoning for CZ-362.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **DENIAL** of the OM zoning for CZ-363.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **DENIAL** of the OM zoning for CZ-364.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **DENIAL** of the OM zoning for CZ-365.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **DENIAL** of the OM zoning for CZ-366.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to recommend **DENIAL** of the OM zoning for CZ-367.

Applicant's Comments:

Mr. Moody thanked the Planning Commission for their attention to these cases at such a late time in the evening. He expressed his gratitude to the Planning Commission for a good job.

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Application No.: PUD-614-2

MINOR AMENDMENT

Applicant: Zack Varughese/Cancer Center Associates

(PD-6) (CD-4)

Location: 1810 East 15th Street

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment for additional floor area to accommodate expansion of treatment room space into the current lobby area, and extend the lobby to the current carport. Underlying zoning is OL and RS-3. The Comprehensive Plan designates this area as Special Consideration Area – Cherry Street, Cherry Street Low Intensity Linear Development Area (B).

The existing building has 12,200 square feet and the build-out of the carport would add approximately 762 square feet for a total of 12,962 square feet - a 3.5% increase in floor area. Maximum floor area permitted by PUD 614 is 12,500. The zoning code permits by minor amendment an increase of up to 15%, which would allow 14,375 square feet of floor area; and underlying zoning would permit approximately 15,645 square feet of floor area.

Required parking after the proposed build-out would be 52 spaces. The site currently provides 53 spaces. No changes to landscaped area are proposed. No other changes to development standards are proposed or recommended.

Therefore, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-614-2 as proposed.

Ms. Matthews stated that staff has received a letter of agreement that is between the lessor and the lessee regarding the alternate parking arrangements.

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 **MIDGET**, TMAPC voted 7-0-0 (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to **APPROVE** the minor amendment for PUD-614-2 per staff recommendation.

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OTHER BUSINESS:

Application No.: PUD-370-B

DETAIL SITE PLAN

Applicant: Deshazo, Tang & Associates (PD-26) (CD-8)

Location: 7779 East 106th Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a one-story, 2,700 square foot medical office building. The proposed use, Use Unit #11, Offices, Studios and Support Services, is in conformance with development standards.

The proposed building complies with permitted maximum floor area and building height, and meets minimum setback, parking and landscape requirements. The dumpster will be screened and lighting per plan is in compliance with development standards and the zoning code.

Therefore, staff recommends **APPROVAL** of PUD-370-B detail site 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; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to **APPROVE** the detail site plan for PUD-370-B per staff recommendation.

* * * * *

Application No.: PUD-708-A

Scrivener’s Error

Applicant: Charles Norman

(PD-6) (CD-4)

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

STAFF RECOMMENDATION:

Ms. Matthews stated that this to correct a typo that was on the development guidelines. The minimum off-street parking setbacks from the south boundary line of the alley should have been five feet rather than the 50 feet.

MINIMUM OFF-STREET PARKING SETBACKS:

From the centerline of East 15th Street:	35 FT
From the centerline of South Utica Avenue:	40 FT
From the south boundary line east of the alley:	**50 <u>5</u> FT
From the centerline of South Victor Avenue:	30 FT

****Scrivener’s Error.**

TMAPC COMMENTS:

Mr. Ard stated that he received a call from the Yorktown Association regarding this issue. The phone call was for concern that the planters that would be allowed in this area wouldn't be substantial enough to keep a car from driving through them or moving them. It wasn't clear what the barriers would be and the Yorktown Association is concerned that the barriers need to be significant enough to really do the job to keep determined vehicles from driving out onto Victor heading east.

Ms. Matthews asked for a point of order for a motion, second and a vote on the scrivener's error before discussing the detail site plan and landscaping plan.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to **APPROVE** the correction of the Scrivener's Error as recommended by staff. (Language with a strike-through has been deleted and language with an underline has been added.)

* * * * *

Application No.: PUD-708-A DETAIL SITE PLAN/LANDSCAPE PLAN

Applicant: Sack & Associates (PD-6) (CD-4)

Location: Southeast corner East 15th and South Utica

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for a parking lot expansion for Arvest Midtown Bank. The proposed use – Use Unit #10, Off-Street Parking – is in conformance with development standards.

The proposed parking lot meets required setbacks from Victor Avenue and the south boundary of the PUD. Proposed parking design and parking lot lighting are in compliance with development standards and the zoning code. Landscaped area, including street yards, is in compliance with development standards and the zoning code. Landscaping and screening are also in substantial conformance with Exhibit 'B', Amended Landscape and Screening Plan, of the PUD development concept.

Per City Council approval, access to the site from South Victor Avenue will be permitted pending improvements to the intersection of South Utica Avenue and East 15th Street South. The applicant proposes three large concrete planters as

a means to barricade entry from South Victor Avenue until the South Utica Avenue and East 15th Street South intersection is improved.

Staff recommends **APPROVAL** of **PUD 708-A** Detail Site and Landscape Plan as proposed.

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

TMAPC COMMENTS:

Mr. Harmon stated that the City Council approved this barrier and concrete planters are probably sufficient.

Mr. Ard stated that he received a call from the Yorktown Association regarding this issue. The phone call was for concern that the planters that would be allowed in this area wouldn't be substantial enough to keep a car from driving through them or moving them. It wasn't clear what the barriers would be and the Yorktown Association is concerned that the barriers need to be significant enough to really do the job to keep determined vehicles from driving out onto Victor heading east.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that planters of substantial size were chosen. There are three planters that are 30 inches tall and 36 inches across. This is only a temporary means of blocking the access until the intersection is approved. His client didn't want to place something that would penetrate the paving and cause problems later on.

Mr. Ard asked if the street improvements are scheduled to be done within one year. In response, Mr. Sack stated that the preliminary plans for the intersection have been completed and the City of Tulsa is to start construction sometime in the first part of the year, and they believe they can construct it within nine months.

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 (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Horner "absent") to **APPROVE** the detail site plan and landscape plan for PUD-708-A per staff recommendation.

Commissioners' Comments:

Mr. Rodney Ray stated that he doesn't know if it is appropriate, but he would like to take a moment to thank the Planning Commission for their action tonight and for their concerns and the way it was handled. When he reports back to the Owasso Planning Commission, this will mean the world to them. It is imperative that communities work together in order to grow as a region and he is committed to that.

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There being no further business, the Chair declared the meeting adjourned at 9:18 p.m.

Date Approved:

Chairman

ATTEST: _____

Secretary