

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2483

Wednesday, June 20, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Ard	Alberty	Boulden, Legal
Harmon	Cantees	Fernandez	
Marshall	Carnes	Huntsinger	
McArtor	Miller	Matthews	
Midget		Tomlinson	
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 14, 3:22, 2007 at 3:22 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, 1st Vice Chair Harmon called the meeting to order at 1:44 p.m.

Mr. Harmon read the opening statement and rules of conduct for the TMAPC meeting.

Comprehensive Plan Report:

Ms. Cantrell reported that there was a meeting today and they are trying to pull together information for the RFP. The deadline to submit this is July 1st, 2007.

Director's Report:

Mr. Alberty reported that TMAPC receipts for the month of May are consistent with the previous month. The receipts are a little under last year's receipts, but it does fluctuate from month to month.

Mr. Alberty reported on the BOCC and City Council agendas.

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Mr. Harmon stated that there are two interested parties signed up to speak on 2.b. Silver Ridge final plat and this should be pulled from the consent agenda.

1. CONTINUANCE REQUEST AGENDA

Z-7059/PUD-740 – Sisemore Weisz & Associates

RS-1 to RS-3/PUD

Southwest corner of East 93rd Street South and South (PD-18B) (CD-8)
Canton Avenue (Continued from 6/6/07) (PUD)

STAFF RECOMMENDATION:

The applicant has requested a continuance to June 27, 2007 to consider an alternative lot configuration.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller, Wofford "absent") to **CONTINUE** Z-7059/PUD-740 to June 27, 2007.

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PUD-730-A – John W. Moody

(PD-4) (CD-4)

3617 East 21st Street, 1938 & 1942 South Louisville (Major
Amendment to amend the permitted uses by adding an
Adult Day Care Center as a permitted use, Use Unit 5.)

STAFF RECOMMENDATION:

The applicant has requested a continuance to June 27, 2007 in order to meet with the neighborhood.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller, Wofford "absent") to **CONTINUE** the major amendment for PUD-730-A to June 27, 2007.

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2. CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- a. **Union Elementary No. 13** (8418)/**Final Plat** (PD 18) (CD 8)
Southeast corner of East 84th Place and US 169

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 16.34 acres.

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

- c. **PUD-190-38 – Norman Construction, Inc./Minor Amendment** (PD-18) (CD-7)
7110 South Granite (Minor Amendment to construct a decorative six-foot tall fence in the front yard of a residential multifamily development.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD 190 for the purpose of constructing a decorative six-foot tall fence in the front yard of a residential multi-family development. A fence with a maximum height of four feet is permitted per development standards and the zoning code. The applicant intends for the proposed masonry columns with wrought iron fencing to provide visual separation from East 71st Street South and minimal security for the residential multi-family development. Staff finds the proposed amendment to be appropriate and minor in nature and, therefore, recommends **APPROVAL** of PUD-190-38 subject to the fence being located so as not to conflict with views of oncoming traffic.

- d. **PUD-489-10 – William B. Jones/Minor Amendment** (PD-18) (CD-8)
6910 South 101st East Avenue (Minor Amendment to allow off-site parking in combination with on-site parking for meeting parking requirements associated with a church use and an amendment to modify vehicular access and circulation.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-489-10 to allow off-site parking in combination with on-site parking for meeting parking requirements associated with a church use; and an amendment to modify vehicular access and circulation. The subject property is the former site of the Tulsa Ice Arena and

was recently approved for a church youth center (in association with the adjacent Asbury United Methodist Church) per PUD-489-9 in August, 2005, with the caveat that additional parking would be required if the building or portion thereof were used as sanctuary space. Because sanctuary space is now intended (and is a permitted use per PUD-489-9) for a portion of the building, additional parking is required but is not available on-site.

The proposed youth center/ sanctuary will include 8,300 square feet of assembly auditorium space requiring 238 parking spaces. The site, as slightly modified to provide better connection with the main church campus, will provide only 190 parking spaces. The applicant proposes to provide the remaining 48 parking spaces within the large main campus parking area to the northwest. According to updated calculations, the church campus has ample parking supply to accommodate overflow from the subject property. Because the zoning code requires approval of a special exception to allow parking on a lot other than the lot containing the use, the applicant applied for and received approval of a special exception, BOA-20514, on June 12, 2007, to allow the off-site parking.

Access to overflow parking on the main church campus is proposed per a new connecting drive at the subject property's northwest corner. Combined, access to the site would be provided by the proposed new connection, the existing driveways from South 101st East Avenue and from a mutual access easement connecting the subject property to the commercial retail center that comprises the balance of PUD 489. Staff finds the proposed amended circulation plan to be appropriate and desirable relief to congestion that would otherwise occur on South 101st East Avenue.

Finding that the proposed amendments are appropriate and minor in nature, staff recommends **APPROVAL** of PUD-489-10 as proposed.

e. **PUD-659 – Mary Moffett/Detail Site Plan**

(PD-6) (CD-9)

West of the southwest corner of East 31st Street South and South Utica Avenue (Detail Site Plan for a gated entry and perimeter wall associated with the existing Andalusia Addition.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a gated entry and perimeter wall associated with the existing Andalusia Addition, a single-family residential infill development originally approved as "The Village on Utica". The proposed wall and gated entry has been approved by the Traffic Engineer and Fire Marshall and is, therefore, in conformance with Development Standards of PUD-659.

Therefore, staff recommends approval of PUD-659 detail site plan as proposed.

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

f. **PUD-704 – Wallace Engineering/Detail Site Plan** (PD-18) (CD-8)

9131 South Memorial Drive (Detail Site Plan for an automobile dealership.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for an automobile dealership. The proposed use, Use Unit 17, Automotive and Allied Activities, is in conformance with Development Standards of PUD-704.

The proposed buildings comply with setback requirements, height restrictions and exterior façade requirements. The proposed parking and display areas comply with development standards and screening is proposed as required. In addition, the proposed site meets landscape area requirements and is in compliance with site lighting restrictions.

Therefore, staff recommends **APPROVAL** of PUD-704 detail site plan as proposed.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller, Wofford "absent") to **APPROVE** the consent agenda Items 2.a, c. d. e. and f per staff recommendation.

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2. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

b. **Silver Ridge – (8309)/Final Plat** (PD 18) (CD 8)

North of the northwest corner of East 76th Street South and Yale Avenue (continued from 6/6/07 agenda for a Minor PUD Amendment) (Related to Items 3.b. and 4.a.)

STAFF RECOMMENDATION:

This plat consists of nine lots in one block on 6.7 acres.

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

There were no interested parties wishing to speak. (As noted, the parties who earlier signed to speak later declined.)

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller, Wofford "absent") to **APPROVE** the final plat for Silver Ridge per staff recommendation.

Mr. Wofford in at 1:55 p.m.

PUBLIC HEARING

The Reserve at Stonebrooke – Preliminary Plat (8211) (PD 8) (CD 2)

Northwest of the northwest corner of West 81st Street South and Elwood Avenue (continued from June 6, 2007 meeting)

STAFF RECOMMENDATION:

This plat consists of 39 lots, two blocks, on 24.49 acres.

The following issues were discussed May 17, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-739 (RS-3). All PUD conditions must be shown in the covenants and followed.
2. **Streets:** Show Limits of No Access on full length of frontage on West 81st Street South; include "Emergency Access Only" at Reserve B. The west cul-de-sac needs a street name. A "private street" label should be included. Statement of sidewalks needs to reflect that sidewalks are to be constructed on all streets. Include standard language paragraph for Limits of No access referencing the LNA areas to be shown per plat comment above. Correct paragraph 1.6.2 references to "commercial/office lots." Paragraph 1.6.4.1.a needs correction; the turnaround areas will need 40 foot face-to-face curb, not 20 feet. Standard language should be used for sidewalks to accurately declare where sidewalks are to be constructed and by whom.
3. **Sewer:** A SSID project has been started.
4. **Water:** No comment.
5. **Storm Drainage:** Specify in notes and by labeling where the stormwater detention for this subdivision is being provided. Please label the contour lines with elevations at least at ten-foot intervals, if not more frequently, and place them on the conceptual plan instead of the face of plat so that the actual information required on the face of plat can be more easily seen and reviewed. Add standard language for stormwater detention facility maintenance to specify this subdivisions' responsibility for maintenance of the off-site facility in Stonebrooke Estates Reserve C. Address roof drainage from the interior lots, to be piped to the adjacent street, wherever a lot is not adjacent to the floodplain. Label storm drainage system features.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus within at least 75,000 pounds. The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet outside radius. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Both the cul-de-sacs shall have a street name. Verify with Traffic Engineering or

addressing on naming these streets. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet 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. Exception: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.

GIS: Please include the e-mail address of the surveyor/engineer. Include the text "date of preparation" instead of just "date". Include the number of blocks with the number of lots. Label the Reserve A streets as "private". Assign addressing and lot square footages for final plat.

Trails need to be coordinated through the transportation planner for trails.

A predevelopment meeting was held on January 29, 2007, with the developers and their engineer. At that time, the property ownership was represented as extending east to South Elwood, to include the floodplain and in which case floodplain management would have been provided for in the plat. The location map needs revision to show the area does not extend to Elwood. Reserve B should reflect usage for the proposed water main line and emergency access only.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and 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. Marshall asked staff if he could get a copy of the development standards for his review. In response, Mrs. Fernandez stated that she isn't sure she has the standards with her because once the Planning Commission is reviewing the plat the PUD standards have been previously approved. Mrs. Fernandez recalled that there was an issue with the emergency access for the development to the south and it was approved as part of the PUD process. There is an emergency access to the south along 81st Street.

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 **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller "absent") to **APPROVE** the preliminary plat for The Reserve at Stonebrooke, subject to special conditions and standard conditions per staff recommendation.

Application No.: PUD-136-A-1

MINOR AMENDMENT

Applicant: Tanner Consulting, LLC

(PD-18) (CD-8)

Location: 7412 South Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-136-A for the purpose of allowing a drainage diversion wall within the south 200 feet of the required forty-foot natural buffer along the westerly line of Development Area One. Development standards prohibit retaining walls within 45 feet of the west boundary. The proposed drainage diversion wall was required by Public Works as part of the PFPI (privately funded public improvement) review process for Silver Ridge and was also requested by the adjacent residential property owner. The wall is proposed in a location that will intercept existing overland stormwater runoff and will divert it into the existing creek, thus preventing the stormwater from flowing onto adjacent residential property.

The wall is proposed to be constructed on existing grade with no alterations to the natural terrain and will be three feet in height, freestanding, above grade with grouted stacked boulders.

Staff finds the proposed amendment to be appropriate and minor in nature and, therefore, recommends **APPROVAL** of PUD-136-A-1 to permit the drainage diversion wall as proposed per plan.

Applicant's Comments:

Charles E. Norman, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103, representing the developer on this application, stated that this proposal is not in lieu of the required stormwater detention facility, which is being constructed as required by the Department of Public Works. The proposal is a four-foot high wall that was recommended by Public Works and it extends about 130 to 140 feet to capture stormwater from the unimproved portion of the property. This will be left in a natural state and the drainage will be directed by the low wall further

to the south and into the detention area. He requested that the Planning Commission approve this proposal.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller "absent") to **APPROVE** the minor amendment for PUD-136-A-1 to permit the drainage diversion wall as proposed per plan per staff recommendation.

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Application No.: Z-7058

RS-3 to OL/PK

Applicant: Charles Norman

(PD-4) (CD-4)

Location: North of northwest corner of East 11th Street and South Pittsburgh Avenue

STAFF RECOMMENDATION:

Z-4765 March 1975: A request for rezoning 2 lots from OL to RS-3 on Lot 11, Block 3 and Lot 11, Block 4 of Marshall Heights Addition from RS-3 to OL to correct a mapping error made in 1970 during the remapping process. Staff and TMAPC recommend approval. The City Council approved the Lot 11, Block 3 from OL to RS-3 but denied Lot 11, Block 4 from RS-3 to OL and approved to P for Parking District.

Z-4757 December 1974: All concurred in denial of a request for rezoning a 140' x 60'± square foot tract of land from RS-3 to OL on property located north of northwest corner of 11th Street and Pittsburg Avenue and the subject property.

BOA-8565 May 1, 1975: The Board of Adjustment approved a Special Exception to permit off-street parking in an RS-3 District to be used in conjunction with a business adjoining property and subject to a six-foot solid-screening fence atop the retaining wall on the entire northern boundary between Oswego and Pittsburg; screening and landscaping be provided on the eastern boundary with the exception of the access opening, subject to the review of the Traffic Engineer in regard to sight distances on the eastern access; and that employees be restricted to parking on this lot, but that the parking on the lot not to be restricted to employee parking only, per revised plot plan, on property located and the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8100 square feet in size and is located at 11th and Pittsburg Avenue. The property appears to have been used as parking for the former McDonald's Restaurant and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Pittsburg Avenue	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses, zoned RS-3; on the north by single-family residential uses, zoned RS-3; on the south by commercial and mixed uses, zoned CH; and on the west by a parking lot, zoned PK.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity – Residential land use. According to the Zoning Matrix, the requested OL or PK zoning **is not** in accord with the Plan. However, subsequent plans in/near the area have recognized that the currently-zoned commercial lots fronting 11th Street and other arterials are too shallow to accommodate allowed uses and required parking (refer to the Planning District 4 Plan and the Kendall Whittier Neighborhood Master Plan). This is a situation common to many of the older areas in the city. Staff notes that the Zoning Code requires that PK zoned properties must be screened by a six-foot high wall if adjacent to a residentially-zoned property and ten per cent of the lot shall be pervious and/or landscaped.

STAFF RECOMMENDATION:

This property has functioned as a parking lot for the nearby fast-food restaurant by a BOA action prior to legislation that banned Use Variances by the City BOAs. The fast food restaurant has subsequently closed and if this property is to continue as a parking lot, rezoning will be necessary. Staff can support the request for PK zoning, which allows only off-street parking by right, and therefore recommends **APPROVAL** of PK zoning for Z-7058. In the alternative, as requested, the OL zoning would allow additional uses and not require screening. However, the OL provides an appropriate buffer between the commercial and residential uses. If the applicant opts for OL, staff recommends that a PUD be sought.

Applicant's Comments:

Charles E. Norman, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103; stated that he represents the McDonald Corporation that is connected with the subject property. The subject property is being sold to the automotive

repair shop that is on the northwest corner of 11th and Pittsburgh. He has reviewed the staff recommendation with the attorney for the purchaser of the subject property and he is in agreement with the PK zoning. Mr. Norman cited the surrounding property and the existing uses. Mr. Norman concluded by requesting the Planning Commission to approve the PK zoning.

TMAPC COMMENTS:

Mr. Harmon stated that there is a letter in the agenda packet from a neighbor concerned that inoperable cars would be stored on the subject property. In response, Mr. Norman stated that he doesn't represent the purchaser of the subject property. He doesn't believe they do any body work at the automotive repair shop. Obviously, parking would be permitted for vehicles waiting repairs. He believes that the subject property has been used by the automotive repair shop for sometime after the closing of the McDonald's restaurant. The only uses that can be permitted under the PK zoning would be for parking of automobiles and subject to the landscaping requirements.

In response to Mr. Harmon, Ms. Matthews stated that the automotive repair shop couldn't store a car on the subject lot propped up on blocks. She explained that that type of use would be Use Unit 17. Mr. Harmon asked if this would be a come-and-go parking lot. In response, Ms. Matthews answered affirmatively. Mr. Norman stated that a car on blocks would not be permitted because that would become storage and not parking. He did point out that a car that is waiting a tune-up or another type of repair may be parked there till it is completed.

Mr. Marshall asked Mr. Norman if the Planning Commission could make a condition that no overnight parking will be allowed. In response, Mr. Norman stated that he doesn't believe that that kind of condition can be attached to a regular zoning request and perhaps Mr. Boulden should address this question.

In response, Mr. Boulden stated that the Planning Commission can't make a condition on straight rezoning.

Mr. Norman addressed the screening requirements and explained that the screening fence is in place. In response to the Planning Commission that the screening fence is in bad shape, Mr. Norman stated that the owner of the subject property will have to maintain the fencing, which is an enforcement issue and not before the Planning Commission for zoning today.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MARSHALL**, TMAPC voted **7-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller "absent") to recommend **APPROVAL** of PK zoning for Z-7058 per staff recommendation.

Legal Description for Z-7058:

Lot 8, Block 4, Marshall Heights 2nd Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **From RS-3 (Residential Single-family District) to PK (Parking District).**

Application No.: PUD-375-E

MAJOR AMENDMENT

Applicant: Charles E. Norman

(PD-8) (CD-2)

Location: West of the northwest corner of West 61st Street and South Union Avenue

STAFF RECOMMENDATION:

PUD-375-D January 2005: All concurred in approval of a proposed Major Amendment to Planned Unit Development to add Use Unit 5 to allowed uses for church and church related uses including missionary housing on a 25± acre tract of land on property located on the northwest corner of West 61st Street South and South Union Avenue, subject to a screening fence or open landscaping along the north boundary being determined during the detail site plan review.

PUD-375-C December 2003: Approval was granted for a major amendment on the subject property to delete office development areas, reduce and reconfigure commercial development areas and established multifamily development area on the remaining property.

PUD-375-B October 2003: A request for a major amendment to the PUD to add an additional 10± acre tract that abutted the PUD on the west, to the original PUD-375 in order to increase the school campus area. New development standards and approval to add school and accessory school uses was approved.

PUD-375-A March 1989: All concurred in approval of a major amendment to PUD-375 to expand the existing Riverfield Country School located on the westerly 32.9± acres of the PUD. This was approved subject to conditions and amended development standards.

PUD-375 October 1984: Approval was granted for a Planned Unit Development on a 112± acre tract located on the northwest corner of West 61st Street and South Union, the subject property being a part of the original 112 acres. The PUD approved varied housing types, offices, commercial shopping and open space.

AREA DESCRIPTION:

SITE ANALYSIS: The heavily wooded subject property is approximately 62.38 acres in size and is located west of the northwest corner of South Union Avenue and West 61st Street South. The property vacant and is zoned AG, RS-3 and RM-1.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 61 st Street	Secondary Arterial	100'	Two

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land zoned RM-1, RS-3/PUD; on the north by vacant land zoned RS-3, AG/PUD; on the west by single-family residential zoned RS-3; and on the south by West 61st Street South across which is vacant land and single-family residential zoned RS-3 and AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity – No Specific land use/ Development Sensitive. According to the Zoning Matrix, the proposed development plan **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The subject property, Riverfield Country Day School, was part of PUD-375, approved in 1984 and originally contained 112 acres, including the northwest corner of West 61st Street South and South Union Avenue. PUD-375-A approved the private school use and reduced the property within PUD-375 to 79.8 acres.

Subsequently, Riverfield acquired an additional 48 acres within the original PUD-375 and a ten-acre tract on the north side of West 61st Street immediately west of the existing school campus.

PUD-375-B was approved in 2003 with the following purposes: combined PUD-375-A with PUD-375-B; transferred the additional 48 acres from PUD-375 to PUD-375-B; added the ten-acre tract on the west as part of Development Area A of PUD-375-B; divided the Riverfield property consisting of approximately 90 gross acres into Development Areas A, B, and C (shown on the Amended Development Area Map, Exhibit A); and established permitted uses and development standards for each of the three development areas.

Development Area A is planned as the school campus as shown on Amended Development Area A Campus Concept Illustration, Exhibit B. Development Area

B has severe topography and was approved by PUD-375-B for outdoor recreational and educational uses or single-family duplex or townhouse dwelling units with the density established by the RS-3 zoning district. Development Area C is located partially within an existing RM-1 zoning district and was approved for multi-family dwelling units by PUD-375 and PUD-375-B.

The purposes of the current proposed amendment, PUD-375-E, are as follows:

1. To add 30 acres to Development Area A as shown on the Amended Development Area Map, Exhibit A;
2. To establish the permitted uses and development standards for the expanded Development Area A as shown on the Amended Development Area A Campus Concept Illustration, Exhibit B.

The proposed 30-acre addition to Development Area A is to be used primarily for athletic fields and a planned extension of the metropolitan area trail system along the western boundary of the additional 30 acres.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-375-E as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-375-E subject to the following conditions:

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

(Language with a strike-through has been deleted and language with an underline has been added.)

Development Area A

LAND AREA (GROSS): 62.38 AC 2,717,470 SF

PERMITTED USES:

Private school offering a compulsory school curriculum for preschool, elementary, middle and high school students, gymnasium, playing fields,

children's museum, indoor and outdoor children's exhibits, residences for a caretaker and facilities customarily accessory to a school.

MAXIMUM BUILDING FLOOR AREAS:

School buildings	150,000 SF
Gymnasium – Field House	50,000 SF
Caretaker Residence	2,000 SF

MAXIMUM BUILDING HEIGHT: 45 FT

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of West 61 st Street	150 FT
From the north boundaries of Area A	100 FT
From the east boundary of Area A	25 FT
From the west boundary of Area A	650 FT*

*Excluding athletic field's restrooms and concession buildings – to be established at detail site plan review.

MINIMUM LANDSCAPED AREA: 20% of net lot area**

**As much as possible, there shall be limited disturbance to existing grades and vegetation so as to retain significant areas of the property in a natural state.

SIGNS:

One ground school identification sign shall be permitted at the principal West 61st Street South entrance, which shall not exceed 12 feet in height or 48 square feet of display surface area. Identification and directional signage shall be permitted at other entrances from West 61st Street South, not to exceed six feet in height or 24 square feet of display surface area.

LIGHTING:

Parking Lots, Buildings and Site Lighting

Lighting other than athletic field lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light other than the athletic field lighting shall exceed 16 feet in height. All lighting shall be directed inward and downward into the development area. Compliance with these standards shall be verified by application of the Kennebunkport

Formula. Consideration of topography must be included in the calculations.

Athletic Field Lighting

Lighting of athletic fields and practice fields (not including tennis courts) may be permitted by TMAPC approval of a minor amendment allowing such lighting.

Tennis Courts

Lighting used to illuminate the tennis courts 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(s) or reflector(s) of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. The height of the light standards shall be determined at detail site plan review. Such lighting shall be directed inward and downward into the development area.

SCREENING:

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.

PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION:

A maximum of two access points from Development Area A onto West 61st Street shall be permitted. A "half-street" stub with a 25 foot right-of-way shall be provided at the northwest corner of Development Area A for future connection to the existing 58th Street stub street east of 30th West Avenue. Sidewalks shall be constructed along West 61st Street South in phases as detail site plans are approved by the Planning Commission ~~Sidewalks shall be provided along West 61st Street South~~ and protected pedestrian access in the form of sidewalks, striping and pedestrian crossings shall be provided from parking lots to practice fields, athletic fields, tennis courts and associated buildings and uses.

MOOSER CREEK TRAIL:

A minimum 20-foot wide trail easement shall be provided along the north and west boundary or other mutually agreed upon location. ~~A minimum 20-foot wide trail easement shall be provided from the north boundary of Development Area A to West 61st Street South. The trail easement shall be aligned in accord with the Trails Master Plan.~~

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 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 or will be installed within a specified period of time in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
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. 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. 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.
- ~~9. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.~~
- ~~10. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.~~
- ~~11. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by these streets. The developer shall pay all inspection fees required by the City.~~
12. 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.

13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
15. 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.
16. 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 June 7, 2007:

General: No comments.

Water: Access to the water main must be provided for all proposed development areas at the time of development.

Fire:

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions: The fire code official is authorized to increase the dimension of 150 feet where:

1. The building is equipped throughout with an approved automatic sprinkler system.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

3. There are not more than two Group R-3 or Group U occupancies.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Facilities, buildings or portions of buildings

hereafter constructed shall be accessible to fire department apparatus byway of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet' outside radius.

Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

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 the distance requirement shall be 600 feet.

Stormwater: Drainage is acceptable. No work shall be performed in the FEMA Floodplain without FEMA approval of a Conditional Letter of Map Revision (CLOMR) for the specific work.

Wastewater: When the property develops, sanitary sewer service must be provided to all lots within the development

Transportation: Sidewalks are required on W. 61st St. S.; proposed location of the Mooser Creek Trail should be shown with connection to the sidewalk on 61st.

Traffic : The NW corner of Development Area 'A' may require a small section of 25ft R/W (1/2 street) for a future connection from the 20 acre tract to the north to the existing 58th St. stub street east of 30th W. Ave. Per the previous PUD, any significant classroom development will require the construction of additional capacity for the main driveway entry.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP, LRTP: W. 61st Street S., between S. Union Ave and S. 33rd W. Ave, planned 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing.

Trails Master Plan: The Mooser Creek Trail is planned to follow the existing PSO/AEP easement from the terminus of West 53rd Street South adjacent to Remington Elementary, south through the Riverfield School Campus to West 61st Street South. The site plan submitted indicates a new AEP easement and trail on the western edge of Development area A. The existing easement, where the trail is planned, parallels the Riverfield Property on the western edge of Development Area B, and follows the existing drive (as of June 2007) directly south through Development area A to West 61st. If there is a new easement on

the western edge of Development area A, the site plan should show a trail originating from the existing PSO/AEP easement as it intersects with Development Area A, turning west to follow either the north property line to the new AEP easement on the western edge of Development Area A, where it can continue its path south to West 61st Street OR from the same originating location, but paralleling the planned road and parking lot to West 61st Street. In either scenario, a 20' trail easement is requested.

Transit: Currently, Tulsa Transit operates an existing route on W. 61st Street S., between S. Union Ave and S. 33rd W. Ave. Therefore, consideration for access to public transportation should be included in the development.

Applicant's Comments:

Charles E. Norman, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103; representing Riverfield Country Day School, cited the layout and what uses would be used in the different development areas. He explained that the subject property will be developed when funding is available and will come back before the Planning Commission for detail site plan review.

Mr. Norman requested that the sidewalks being required along 61st Street be installed in phases as the subject property is developed. He explained that this issue is important to the privately-funded educational facility such as Riverfield due to the cost of installing sidewalks.

Mr. Norman stated that the other issue is the location of the trail. He explained that he had indicated on the concept illustration that the trail easement could be granted along the west boundary of the 40-acre tract on the subject application. There is an existing PSO/AEP easement along the west boundary where the trail is shown, which has become customary to locate trails within the utility easements. Staff has requested an easement for the trail and that request has been translated into a mandatory requirement "shall be dedicated at the location on the Trail Master Plan". Mr. Fox is here today and will advise the Planning Commission that the trail plan in the subject area is general in nature and there is no specific location. The school has concerns with a public access trail coming through the middle of a school campus and allowing the general public to have access to the school campus in the heart of the campus rather than on the edge. He requested that the mandatory language be modified "...to provide that the school shall work with the City to establish a mutual acceptable safe location of the trail". The trail should not cross a school campus because sometimes one of these trails can be used for access to children or marital situations where one parent is awarded custody and another desires access to the child. Mr. Norman stated that he has worked with staff and Patrick Fox in the past to cooperate with and attempt to locate an acceptable trail location. Mr. Norman further stated that one suggestion has been along the northern and western boundary and the school is willing to attempt that if possible.

Mr. Norman explained that there is a requirement for a stub street or at least a right-of-way and a stub street in the area to the west. The school is being asked to dedicate the right-of-way, not the street, to allow the 40 acres to the north be connected to the stub street that is in existence and he is willing to do that as part of the plat of the property.

Mr. Norman stated that Mr. Paul Wilson is present today and he has entered into a contract to purchase the 40 acres immediately to the north. He has voiced a concern about the lighting of the major playfield areas. These are sometime in the future when funds are raised. Staff has required that any lighting be way of a minor amendment to the PUD. He indicated that he had hoped to do this by detail site plan, but he has no real objection to a minor amendment for the lighting. Mr. Norman commented that he has agreed with Mr. Wilson that he be notified at the time any minor amendment is submitted or any detail site plans for the north-half of the 40 acres that is adjacent to Mr. Wilson. Mr. Norman concluded that he would request the Planning Commission approve the request with the modifications regarding the dedication of right-of-way for the trails and to work with the City to locate the trail in a safe location in order to protect the children.

TMAPC COMMENTS:

Mr. Harmon stated that he agrees that the trail shouldn't cut through the school campus. Mr. Harmon asked Mr. Norman if he is prepared to grant the easement on the west side. In response, Mr. Norman stated that he is prepared to grant the easement on the west side and it would allow him to secure, if he found it to be necessary, to seal off that part of the trail from the rest of the campus. If the trail is needed along the north boundary, then he would work with the City of Tulsa to do the same thing.

Ms. Cantrell stated that she agrees with the trail not cutting through the school. She asked Mr. Norman if he would be willing to have some language that states the school will grant a 20-foot easement anywhere except straight through their school. She wants to assure that the easement will be obtainable. In response, Mr. Norman stated that the trail system has become an addition that is generally worked out on a voluntary basis with the property owners. Over a period of years he has seen the request from the City for easements increase, but not in width but in purpose, now property owners are being requested to donate to trails and it is not something that necessarily benefits the subject property. He doesn't have an objection as long as the 20-foot easement is located along the north and west boundary of the subject property. Ms. Cantrell suggested granting a 20-foot easement to the north and west boundary of the subject property or as otherwise mutually agreed upon. In response, Mr. Norman answered affirmatively.

Mr. Boulden expressed concerns with the request to allow the sidewalks to be installed as development occurs incrementally. In response, Mr. Norman stated that as detail site plans are submitted they would indicate the sidewalks. Mr.

Boulden asked Mr. Norman if he had some suggested wording for the Planning Commission to approve. In response, Mr. Norman stated that he would request that the sidewalk requirement be modified to say "...shall be constructed in accord with detail site plans approved by the Planning Commission and shall be constructed in phases as approved by the TMAPC." Mr. Boulden stated that this seems to be unworkable because there might be a site plan with a sidewalk halfway down and then suddenly stops until 15 or 20 years later the other site is developed. Mr. Boulden felt that this would be difficult to plan or anticipate when the next component would come down and why would the sidewalks stop halfway along the subject property. Mr. Norman stated that this is always a risk of the entire process is that until someone builds something or plats it there is no requirement to build a sidewalk. Mr. Norman further stated that his point is that the school owns almost 3/8ths of a mile of frontage on 61st Street and it is a significant capital cost to undertake in one step. He is not objecting to that requirement, but simply asking for some relief as to timing on construction.

INTERESTED PARTIES:

Paul Wilson, 5703 East 104th Street, 74136, stated that he is the manager of Capstone Investments, LLC, which is owned by Paul and Melinda Wilson. Capstone is under contract to purchase the 40 acres adjacent to the subject property. Mr. Wilson expressed concerns regarding the lighting for the outdoor fields. He requested that he be notified for any future amendments or detail site plans for the subject property. He would also like to have input into the discussion regarding the lighting.

Mr. Wilson stated that there is no AEP easement along the western edge of his property and that is incorrect per the title examine that he received today. He would be supportive of the modification of the trail that was discussed earlier.

TMAPC COMMENTS:

Mr. Wofford asked Mr. Wilson if there is any willingness to let the trail maybe taper across the southeast corner of his property if there are any issues with a 90 degree turn. In response, Mr. Wilson stated that to create an arc he would be receptive to looking at it, determining on how the property is developed.

Patrick Fox, INCOG, 201 West 5th, Suite 600, 74103, Trails Planner, stated that he wanted to clarify a few issues. The initial recommendation for Development Area A was in regards to the trail along the west border of the subject property. The Master Trails Plan is a general document and it doesn't specify, but leaves open the opportunity to locate trails on properties as he works with the property owners. Safety of students and children are foremost in his mind and in no wish to endanger anyone's life. There is a possibility that the trail could go in a different direction and he wouldn't want to exclude it in the discussion. Mr. Fox indicated that he agreed with the language proposed by Ms. Cantrell.

Applicant's Rebuttal:

Mr. Norman stated that the language that would be acceptable to him would be a 20-foot trail easement along the west boundary and north boundary of the 40 acres or another location that is mutually acceptable. He requested some consideration be given to the phasing of the sidewalk construction. Mr. Norman concluded that he has no objection to Mr. Wilson being notified of any minor amendments regarding submissions of lighting plans.

TMAPC COMMENTS:

Ms. Cantrell asked Ms. Tomlinson what her position is regarding the sidewalks being installed in phases. In response, Ms. Tomlinson stated that staff is always going to recommend that sidewalks be placed. In discussing this with Mr. Norman, she advised him that she would leave staff's recommendation as is, but he could propose the phased construction, which is in some respects a waiver of the Subdivision Regulations in terms of when it will actually be improved. This would need to be duly noted by the Planning Commission if they wish to allow the sidewalks to be built in phases. Previously, schools have come in and were required to put in sidewalks, but they were public schools with smaller frontages. A private school is a little different and there may be some students utilizing the sidewalks to get to and from school, but mainly it would be for the public in general.

Ms. Tomlinson reminded the Planning Commission to remove standard language, 9, 10 and 11.

Mr. Marshall asked if there are sidewalks across the street from the subject property. In response, Ms. Tomlinson stated that she believes that there are in portions because some of the area is not improved. She indicated that at this time 61st Street is two-lane.

Mr. Alberty stated that there are two things that are important: 1) the sidewalks will be required and the applicant is asking for a relief to provide the sidewalk in phases along with the actual construction. The applicant is not disagreeing with the requirement; 2) the 20-foot wide trail easement is agreed upon, but to a yet-to-be-determined location. The actual location of the trail will be between the City and the property owner at a future time.

Ms. Cantrell stated that she would be in agreement with the sidewalks being built by phases in this one case and not across the board.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller, "absent") to recommend **APPROVAL** of the major amendment for PUD-375-E per staff recommendation as modified by the Planning Commission as follows: 1) an easement for a 20-foot trail shall be located along the north and west boundary of the subject property or another mutually agreed upon location; 2) notification for the lighting of the outdoor fields be given to interested parties; 3) delete standard language 9, 10 and 11; and 4) sidewalks shall be installed along 61st Street as developed and in accord with detail site plans as approved by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-375-E:

A TRACT OF LAND THAT IS THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) AND PART OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER (W/2 W/2 SE/4) OF SECTION 34, T-19-N, R-12-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE SOUTHWEST CORNER OF SAID SE/4 SW/4; THENCE N 00°01'28" W ALONG THE WESTERLY LINE OF THE SE/4 SW/4 FOR 1,323.85' TO THE NORTHWEST CORNER OF THE SE/4 SW/4; THENCE S 89°56'17" E ALONG THE NORTHERLY LINE OF THE SE/4 SW/4 FOR 1,322.80' TO THE NORTHEAST CORNER OF THE SE/4 SW/4; THENCE N 00°00'23" W ALONG THE WESTERLY LINE OF SAID W/2 W/2 SE/4 FOR 138.11'; THENCE S 89°56'17" E AND PARALLEL WITH THE NORTHERLY LINE OF THE SW/4 OF THE SE/4 OF SAID SECTION 34 FOR 661.23' TO A POINT ON THE EASTERLY LINE OF THE W/2 W/2 SE/4; THENCE S 00°00'17" E ALONG SAID EASTERLY LINE FOR 1,461.84' TO THE SOUTHEAST CORNER OF THE W/2 W/2 SE/4; THENCE N 89°56'30" W ALONG THE SOUTHERLY LINE OF SAID SECTION 34 FOR 1,983.58' TO THE "POB" OF SAID TRACT OF LAND. From **AG/RS-3/RM-1/PUD (Agriculture District/Residential Single-family District/Residential Multi-family District/Planned Unit Development [PUD-375])** From **AG/RS-3/RM-1/PUD (Agriculture District/Residential Single-family District/Residential Multi-family District/Planned Unit Development [PUD-375-E])**.

Application No.: Z-7060/PUD-741

AG TO RS-2/PUD

Applicant: Roy Johnsen

(PD-26) (CD-8)

Location: West of the northwest corner of Sheridan and East 111th Street
South

STAFF RECOMMENDATION FOR Z-7060:

PUD-702-A November 2006: All concurred in approval of a proposed Major amendment to a Planned Unit Development to delete and abandon Reserve Area B on a 4.64+ acre tract of land on property located north of northwest corner of East 11th Street and South Sheridan Road, subject to excluding the installation of sidewalks along South Sheridan Road per staff recommendation based upon Legal's advice regarding the issue. This Major Amendment was prompted by a minor amendment to PUD-702 on March 1, 2006 for purpose of conveyance to the adjoining property owner to the north.

PUD-702/Z-6933 May 2004: All concurred in approving a request to rezone a 4.64+ acre tract from AG to RS-2 and a Planned Unit Development for Single Family Residential development on property located north of northwest corner of East 11th Street and South Sheridan Road.

Z-6810/PUD-646 July 2001: An application was filed to rezone a 35+ acre tract located north and east of the northeast corner of East 111th Street South and South Sheridan Road from AG to RS-2 and PUD. The request for RS-2 zoning was denied and RE zoning was recommended with a maximum of 20 lots if the development provided only one access point. The applicant revised the request by including an additional 4.1 acres of land and TMAPC and City Council approved RS-1 zoning and approved the PUD for a maximum of 30 lots with two points of access being provided.

Z-6807/PUD-645 May 2001: A request to rezone the 10 acre node, located on the northwest corner of East 111th Street and South Sheridan Road from AG to CS and OL for future commercial and office development. TMAPC recommended approval of the request as submitted but City Council denied the request for rezoning. The request was appealed to district court and the district court upheld the decision of City Council.

Z-6753/PUD-450-A March 2000: All concurred in approval of a request for a major amendment and the rezoning of the 4.5-acre tract located on the southwest corner of East 111th Street and South Sheridan Road from CS/PUD-450 to RS-4/PUD-450-A for a gated single family development.

Z-6730/PUD-627 March 2000: A request to rezone a 10 acre tract located on the southwest corner of East 108th Street South and South Sheridan Road from AG to RS-2/PUD for single-family development. Staff and TMAPC recommended denial of RS-2 and recommended approval of RS-1 with PUD-627. City Council concurred in approval per TMAPC recommendation.

Z-6700/PUD-611 June 1999: All concurred in approval of a request to rezone a 20-acre tract located west of the northwest corner of East 111th Street South and South Sheridan Road from AG to RS-2/PUD for a residential development.

BOA-17569 November 1996: A request to allow a 110' cellular tower on property located north of the northwest corner of East 111th Street South and South Sheridan Road, and zoned AG, was denied.

Z-6525/PUD-543 April 1996: All concurred in approval of a request to rezone a 14.6+ acre tract from AG to RS-2/PUD and a proposed Planned Unit Development for single-family subdivision, located between East 104th Street and East 106th Street on west side of Sheridan.

Z-6249/PUD-450 July 1989: A request to rezone a 4.5-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road, from AG to CS/PUD for commercial shopping center. The request was approved subject to the PUD standards and conditions.

Z-6249 May 1989: An application was filed to rezone a 44.6-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road, from AG to RS-2 and CS. TMAPC recommended approval of RS-1 on the west 140' of the tract, RS-2 on the balance of the tract less the proposed commercial node (675' x 290'). All concurred in approval of the residential zoning and recommended the applicant submit a PUD along with the rezoning application for CS on the 4.5-acre node of the property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 60 acres in size and is located west of the northwest corner of South Sheridan and East 111th Street South. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 111 th Street	Secondary arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses and vacant land, zoned AG and RS-2; on the north by single-

family residential land use, zoned PUD and RS-2; on the south by single-family residential land use, zoned RS-1 and RS-2; and on the west by single-family residential land use, zoned RS-1 and RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity Residential/Development Sensitive – Residential land use. According to the Zoning Matrix, the requested RS-2 zoning is in accord with the Plan.

STAFF RECOMMENDATION:

Staff can support the requested RS-2 zoning and therefore recommends **APPROVAL** of RS-2 zoning for Z-7060.

COMPANION ITEM:

STAFF RECOMMENDATION FOR PUD-741:

The proposed development is planned as a single-family subdivision containing an area of conventional lots accessed by public streets and two separate areas accessed by gated private streets. Traffic Engineering recommends that the boundary line for Development Area "B" be extended south along Joplin to include the approach and transition to the gated entry if private streets are approved as proposed.

Modifications of RS-2 standards, including an increase in permitted height from 35 feet to 40 feet and a reduction of side lot setbacks from ten feet to five feet are proposed. These modifications also include an increase in minimum lot width requirements from 75 feet (per RS-2 bulk and area requirements) to 80 feet and an increase in minimum lot size from 9,000 square feet (per RS-2 bulk and area requirements) to 13,000 square feet. Per the requested RS-2 zoning, a maximum of approximately 240 dwelling units is permitted. PUD-741 proposes a maximum of 100 dwelling units. The PUD also proposes to meet minimum livability space requirements by assuring each lot provides the minimum 5,000 square feet required (in keeping with RS-2 bulk and area requirements) in Development Area "A" and a minimum of 3,000 square feet (between RS-3 and RS-4 bulk and area requirements) in Development Areas "B" and "C" with additional livability space provided in two landscaped reserve areas and two detention areas. The project as a whole will exceed minimum livability space requirements.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-741 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the

development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-741 subject to the following conditions:

- 1. TMAPC approval of RS-2 zoning per Z-7060.
- 2. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
- 3. Development Standards:

Development Area A

LAND AREA: 25.3 AC net of arterial streets

PERMITTED USES:
Detached single-family residences accessed by public streets, and those uses customary and accessory to single-family residential.

MAXIMUM DWELLING UNITS: 49

MINIMUM LOT SIZE: 13,000 SF

MINIMUM LOT WIDTH: 80 FT

MAXIMUM BUILDING HEIGHT: 40 FT

MINIMUM YARDS:

From 111 th Street	35 FT
From minor street	
Front	25 FT
Corner lot-side	15 FT*
Interior side yards	
One side yard	5 FT
Other side yard	5 FT
Rear yard	20 FT

**Garages fronting a street shall be set back a minimum of 20 feet.*

LIVABILITY SPACE PER DWELLING UNIT: 5,000 SF
(Open space not used for parking or drives.)
Minimum within each lot 5,000 SF

OTHER BULK AND AREA REQUIREMENTS:

As provided within an RS-2 district.

VEHICULAR AND PEDESTRIAN CIRCULATION:

Access shall be provided to the development by public streets. Sidewalks shall be provided along East 111th Street South and along both sides of all internal public streets.

Development Area B

LAND AREA: 12 AC net of detention and open space reserve areas.

PERMITTED USES:

Detached single-family residences accessed by gated private streets and those uses customary and accessory to single-family residential.

MAXIMUM DWELLING UNITS:	24
MINIMUM LOT SIZE:	13,000 SF
MINIMUM LOT WIDTH:	80 FT
MAXIMUM BUILDING HEIGHT:	40 FT

MINIMUM YARDS:

From minor street	
Front	20 FT
Corner lot-side	15 FT*
Interior side yards	
One side yard	5 FT
Other side yard	5 FT
Rear yards	20 FT

**Garages fronting a private street shall be set back a minimum of 20 feet.*

LIVABILITY SPACE PER DWELLING UNIT (Open space not used for parking or drives.)	5,000 SF
Minimum within each lot	3,000 SF
Minimum within common areas	60,000 SF

OTHER BULK AND AREA REQUIREMENTS:

As provided within an RS-2 district.

VEHICULAR AND PEDESTRIAN CIRCULATION:

Access to the development area may be by private, gated streets. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.

Sidewalks shall be provided on both sides of interior private streets and shall be contained within easements or reserve areas.

Development Area C

LAND AREA: 13.1 AC net of detention and open space reserve areas

PERMITTED USES:

Detached single-family residences accessed by gated private streets and those uses customary and accessory to single-family residential.

MAXIMUM DWELLING UNITS: 27

MINIMUM LOT SIZE: 13,000 SF

MINIMUM LOT WIDTH: 80 FT

MAXIMUM BUILDING HEIGHT: 40 FT

MINIMUM YARDS:

From minor street

Front 20 FT

Corner lot-side 15 FT*

Interior side yards

One side yard 5 FT

Other side yard 5 FT

Rear yards 20 FT

**Garages fronting a private street shall be set back a minimum of 20 feet.*

LIVABILITY SPACE PER DWELLING UNIT 5,000 SF

(Open space not used for parking or drives.)

Minimum within each lot 3,000 SF

Minimum within common areas 100,000 SF

OTHER BULK AND AREA REQUIREMENTS:

As provided within an RS-2 district.

VEHICULAR AND PEDESTRIAN CIRCULATION:

Access to the development area may be by private, gated streets. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.

Sidewalks shall be provided along East 111th Street South and on both sides of interior private streets. Sidewalks along private streets shall be contained within easements or reserve areas.

(Language with a strike-through has been deleted and language with an underline has been added.)

4. No zoning clearance permit shall be issued for a lot buildings, entry features and gates located within the common and reserve areas within the PUD until a detail site plan for the lot, ~~which includes all buildings, parking and landscaping areas,~~ has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
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 or will be installed within a specified period of time in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.~~
6. ~~No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.~~
7. ~~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. 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.
9. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
10. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
11. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
12. 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.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
15. 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.
16. ~~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 6-7-07:

General: A predevelopment meeting with Development Services and the engineer was held October 13, 2006. Construction Standards for Private Streets should be included in the PUD Development Standards for each approved area. In the Table of Contents both "B&C" should be labeled as proposing "Private Streets", with correct page numbers. Suggest that the boundary line for Dev. Area "B" be extended south along Joplin to include the approach and transition to the gated entry if approved for private streets.

Water: No comments.

Fire: Cul-de-sacs shall have a turn-around radius of not less than thirty-eight (38) feet of paving, utilizing a rolled curb section wherever possible, and a radius of fifty (50') of right-of-way at the property line. Cul-de-sacs greater than two hundred and fifty (250) feet in length shall have a turn-around radius of not less than forty (40') feet of paving and a radius of fifty-two (52') feet of right-of-way at the property line.

The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

Stormwater: The Exhibit 'B' drainage system plan is acceptable in concept.

Wastewater: Access to the Sanitary Sewer Main must be provided to all proposed lots within the project area.

Transportation: A minimum 50-ft right-of-way dedication for E. 111th St. S., a secondary arterial, will be required.

Traffic: The Conceptual site plan for PUD 741 consists of two separate areas with Private Streets and one section with Public Streets. Traffic Engineering has no objection to the Private Streets in Development Area "C" (block 8-9 in the eastern portion). Area "B" (block 6-7 in the northern portion) is a unique tract surrounded by existing development on three sides. Dev. Area "B" has two existing Public Stub Streets from the same adjacent neighborhood on the west. This subdivision (Southern Park Estates) has reasonable traffic circulation that is improved by the proposed connection of 108 ST to 111 ST via Joplin AV. The Private Street designs for both "B" & "C" meet the current Subdivision Standards as to maximum acreage and accessibility. Based on this review Traffic Engineering, while preferring to connect the two stub streets together, does not recommend requiring Public Streets in Area "B".

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

PSO/AEP, ONG and AT&T: These utilities expressed concern that easement widths as indicated in the concept plan would not be sufficient to accommodate all potential utility lines and subsequently put the developer on notice that additional easement width may be necessary. (The proposed location of utility easements if increased in width would not affect proposed building setbacks.)

The applicant indicated his agreement with staff's recommendation for Z-7060.

Interested Parties Comments:

Robert Coffey, 10614 South Lakewood, 74137, stated that his home is in the subject area. Mr. Coffey expressed concerns with stormwater drainage and saving the mature trees in the heavily wooded area. Mr. Coffey commented that the existing neighbors are concerned with what types of homes will be built on the subject property. He indicated that there is a large drainage area near his backyard and it flows into his backyard. The subject property is approximately 20 to 25 feet higher than his backyard. Mr. Coffey stated that he would like to see further development of these issues before the rezoning and the PUD is accepted by the Planning Commission.

TMAPC COMMENTS:

Mr. Harmon informed Mr. Coffey that the Planning Commission is dealing with the zoning issue today and stormwater management is not something the Planning Commission is involved in. There are provisions that require developers to meet certain requirements as far as retention, disposable access water and they have to meet those guidelines. The Planning Commission does not have any authority to control or develop these plans.

In response to Mr. Harmon, Mr. Coffey stated that if he doesn't stand up now and begin this process at this juncture, then he would lose that opportunity in the future.

Interested Parties Comments:

Carla Pritt, 5726 East 110th Street, 74136, stated that she would like to relay some concerns that the other homeowners in Preston Woods have expressed. She explained that they do not want multifamily and this proposal doesn't look like multifamily. Ms. Pritt expressed concerns about drainage and felt that some of the builders in the past haven't followed the drainage plan. She asked who would make sure that the drainage plan is followed.

Mr. Alberty stated that the drainage has to be constructed according to the way the plans are being approved. Public Works will make sure that it is constructed in accordance with those plans. If there is someone who believes that construction activities might be inconsistent with their understanding of the approved plans, they should contact the Public Works Department and express those concerns. Perhaps it is a lack of understanding on how it would be constructed on the interested parties' part.

Ms. Pritt stated that she is very pleased with the layout and several of her neighbors would like to buy a lot. She concluded that most of her concerns have been addressed through the layout and the information included in the agenda packet.

Applicant's Rebuttal:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, representing Rick Dodson and Danny Brumble, stated that his clients developed the property to the west, which is Preston Woods. Mr. Johnsen described the concept of the proposal as having private streets on the northwestern portion of the subject property and public streets on the central west portion of the subject property. There are two pints of access for the private streets. The public streets have a good traffic pattern and Ms. Pritt seems to be satisfied with the end result.

Mr. Johnsen stated that drainage issues are legitimate questions. In the City of Tulsa drainage issues are very carefully managed. There will be onsite detention and all the design considerations will be reviewed by Public Works, which is a very tight review. The developer is not allowed to adversely impact upstream or downstream. These issues will be properly addressed and it usually happens during the platting stage. Mr. Johnsen explained the platting and permit process.

Mr. Johnsen stated that he has reviewed the staff recommendation and he is in agreement with a few changes that were inadvertently provided.

STAFF RECOMMENDATION:

Ms. Tomlinson stated that conditions 5, 6, 7 and 16 should be removed from the standard conditions. These conditions are more specific to commercial uses. Condition 4 should be modified as follows: "No zoning clearance permit shall be issued for buildings, entry features and gates located within reserve areas until a PUD detail site plan has been approved, etc." and remove "...includes all buildings, parking and landscaping areas."

TMAPC COMMENTS:

Mr. Marshall questioned the right-of-way for 111th Street. In response, Ms. Tomlinson stated that the total right-of-way is 100 feet and half from the centerline would be required to be dedicated, which half has already been dedicated.

Mr. Johnsen stated that the minimum lot width is 80 feet and the minimum size is 13,000 SF. The depth will be approximately 132 feet on some lots and more on other lots. This exceeds the 9,000 SF that is normal in an RS-2 district and the 75-foot frontage that is normally in an RS-2 district. Mr. Johnsen concluded that the lots would be larger than a standard RS-2 district lot.

Ms. Cantrell stated that the Planning Commission received a letter from several people to the north who are concerned about the exit on 106th Street. In response, Mr. Johnsen stated that the residents to the north are in a good situation because there is a street that will allow them to get into the public street system within the subject property. In response, Ms. Cantrell commented

that she hopes Mr. Johnsen's client will work with the neighbors regarding the street system. Mr. Johnsen stated that he would be happy to do so.

Mr. Marshall asked why there is a reduction in the front yards, side yards and rear yards. In response, Mr. Johnsen stated that the key is that it is market driven. People prefer to have larger homes on small yards, which happen on a fairly regular basis now. There is common open space in the subject project. Mr. Johnsen explained the livability space and how lots are configured.

Mr. Marshall asked if the developers met with any of the neighbors. In response, Mr. Johnsen stated that he wasn't present at any meetings, but he believes that his clients met with them. Mr. Marshall asked if the neighbors had any concerns with the reduction in rear yards. In response, Mr. Coffey stated that it is a concern, but neighboring subdivisions have the same type of larger homes on minimum lot sizes as well. It is a market-driven situation. Mr. Coffey stated that his lot is 7/10 of an acre.

Ms. Cantrell statement inaudible.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller, "absent") to recommend **APPROVAL** of the RS-2 zoning for Z-7060 per staff recommendation.

Ms. Cantrell moved to approve PUD-741 per staff recommendation deleting the standard language of 5, 6, 7 and 16 and modify language for standard language 4.

Mr. Marshall requested that Ms. Cantrell amend her motion. He expressed concerns with the Zoning Code not being followed regarding the lot sizes for this development. He believes that the subject property is a large enough tract of land to follow the side yard and front yard requirements. Mr. Marshall indicated that the reduction of the backyard doesn't concern him. He requested that the motion be amended that the Development A, B and C have 25-foot building line requirements and all lots meet side yard requirements of 10 feet on one side and five feet on the other side. This would be better for the homeowners and future homeowners. Mr. Marshall explained that five feet doesn't allow enough room to get around into the backyard with lawnmowers, etc.

Mr. Harmon restated the original motion and the amendment suggested by Mr. Marshall.

No second for the amendment.

Amendment failed.

Mr. Harmon announced that the original motion is on the floor.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-1-0** (Cantrell, Harmon, McArtor, Midget, Shivel, Wofford "aye"; Marshall "nay"; none "abstaining"; Ard, Cantees, Carnes, Miller, "absent") to recommend **APPROVAL** of PUD-741 per staff recommendation as modified by the Planning Commission as follows: 1) delete standard language for 5, 6, 7 and 16; modify language for standard language 4. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7060/PUD-741

A TRACT OF LAND THAT IS PART OF THE SE/4 of SECTION 27, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (E/2 SW/4 SE/4) AND E/2 OF NW/4 OF SE/4 AND W/2 OF SE/4 OF SE/4 OF SECTION 27, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. **From: AG (Agriculture District) To: RS-2 (Residential Single Family District/Planned Unit Development [PUD-741]).**

Application No.: Z-7061

RS-3 TO OL

Applicant: Gregory S. Helms

(PD-18c) (CD-7)

Location: 6301 South Mingo Road

STAFF RECOMMENDATION:

Z-6882 March 2003: All concurred in approval of a request for rezoning a 2.9± acre tract of land from OL to CO for church athletic fields, on property located south of southeast corner of East 63rd Street and South Mingo Road

Z-5903-SP-4 March 2003: All concurred in approval of a proposed Corridor Site Plan on 6.3± acre tract for church athletic fields, on property located south of southeast corner of East 63rd Street and South Mingo Road.

Z-5903-SP-3 November 2002: All concurred in approval of a proposed Corridor Site Plan on 1.1± acre tract for a two-story office building, on property located southeast of southeast corner of East 63rd Street and South Mingo Road.

Z-6840/PUD-656 November 2001: A request to rezone a 2.37± acre tract from CO to IL/PUD on property located south of southeast corner of East 61st Street South and South Mingo Road for uses permitted by right and exception in an IL district excluding Use Unit 12A. Staff recommended denial of IL zoning and for the PUD but the TMAPC recommended approval per modifications. The City Council approved the rezoning and PUD per modifications.

Z-6725 December 1999: All concurred in approval of a request to rezone a 34.78± acre tract from CO to AG for church and accessory uses on property located on the southeast corner of East 66th Street and South Mingo Road.

Z-6078-SP-4 September 1997: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located north of northwest corner of East 66th Street and South 101st Avenue East.

Z-6078-SP-3 February 1997: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located on northwest corner of East 66th Street and South 101st Avenue East.

Z-5903-SP-2 April 1995: All concurred in approval of a proposed Corridor Site Plan on 6.3± acre tract for Miller Swim School, on property located south of southeast corner of East 63rd Street and South Mingo Road and abutting the subject property to the south.

Z-5903-SP-1 April 1995: All concurred in approval of a proposed Corridor Site Plan on 3.25± acre tract for indoor and outdoor skating rinks, on property located south of southeast corner of East 63rd Street and South Mingo Road and abutting the subject property to the south.

Z-6078-SP-2 March 1995: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located north of northwest corner of East 66th Street and South 101st Avenue East.

Z-6254/Z-6254-SP-1 September 1989: All concurred in approval of rezoning a .4-acre lot located on the northeast corner of East 63rd Street South and South Mingo Road from RS-3 to CO and approval was also granted on a detail corridor site plan, Z-6254-SP-1 on the property for a small appliance business in the existing building.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .87± acres in size and is located at the southeast corner of East 63rd Street and South Mingo Road. The property appears to be a vacant metal building and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Mingo Road	Secondary arterial	100'	4 (with turn lane)
East 63 rd Street	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses, zoned RS-3; on the north by office and mixed industrial uses, zoned CO; on the south by mixed commercial/office uses, zoned CO; and on the west by mixed commercial use (office supply and mini storage), zoned AG.

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 being within a Low Intensity Corridor. According to the Development Guidelines, uses here may be either low intensity, if developed under straight zoning, or of higher intensity uses if developed under a Corridor designation. According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

This area is in transition. Uses nearby appear to be compatible with the requested OL zoning, and the OL is certainly compatible with the Corridor land use designation. Staff, therefore, recommends **APPROVAL** of OL zoning for Z-7061.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Harmon stated that this is near his neighborhood and it is an appropriate zoning for the type of activity that is occurring in the subject area.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller "absent") to recommend **APPROVAL** OL zoning for Z-7061 per staff recommendation.

Legal Description for Z-7061:

The east 100' of the west 249.42' of Lot 16, Block 7, Union Gardens, a subdivision in the Tulsa County, State of Oklahoma, according to the recorded plat thereof. And: the west 149.42' of Lot 16, Block 7, Union Gardens, a subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof, Less and Except: A parcel of land lying in Lot 16, Block 7, Union Gardens, a subdivision in Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at the southwest corner of said Lot 16; thence north along the west boundary of said Lot 16 a distance of 158.15' to the northwest corner thereof; Thence due east along the north boundary line of said Lot 16 a distance of 20.00'; Thence S 45°00'00" W a distance of 14.14'; Thence due south parallel to and 10.00' from the west boundary of said Lot 16 a distance of 148.15' to a point on the south boundary of said Lot 16; Thence due west along the south boundary a distance of 10.00' to the POB. **From RS-3 (Residential Single-family District) To OL (Office Low Intensity District).**

OTHER BUSINESS:

Application No.: PUD-136-A

**DETAIL SITE PLAN
LANDSCAPE PLAN**

Applicant: Tanner Consulting, LLC

(PD-18) (CD-8)

Location: 7412 South Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for an office park. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-136-A.

The proposed buildings comply with setbacks, height restrictions and permitted floor area. Proposed parking complies with design requirements and setbacks; parking lot lighting conforms to development standards per application of the Kennebunkport Formula. Proposed landscaped area meets minimum requirements and complies with the landscape chapter of the zoning code. A natural buffer area augmented with new trees is provided along the west boundary in conformance with development standards. Proposed retaining walls (and the drainage diversion wall with TMAPC approval of PUD-136-A-1) comply with development standards.

Therefore, staff recommends **APPROVAL** of PUD-136-A detail site plan for Silver Ridge office park as proposed.

(Note: Detail site plan approval does not constitute 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** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller "absent") to **APPROVE** the detail site plan and landscape plan for PUD-136-A per staff recommendation.

* * * * *

Commissioners' Comments

Mr. Wofford stated that this is his last TMAPC meeting. He expressed his appreciation for all of his fellow Commissioners and all of their help during his term. He commented that for anyone who may be watching today, the people who are on the TMAPC have nothing but the highest integrity. He has never seen any Planning Commission act in any way than what they thought was right in their minds and in their hearts. He complimented staff and stated that they do a great job under what he considers some trying conditions and what he also considers budget constraints. In many cases the budget constraints are very debilitating and he believes the City and County should look at what is done in planning in the City of Tulsa. Mr. Wofford thanked the citizens who have appeared at the Planning Commission. There are people who are interested and take time from their jobs to be present at the meetings, which for the most part are usually done in a cordial way and he appreciates that.

Mr. Harmon stated that he will miss Mr. Wofford and he has always appreciated his reason and professional presentation.

Ms. Cantrell concurred with Mr. Harmon's statements.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 3:15 p.m.

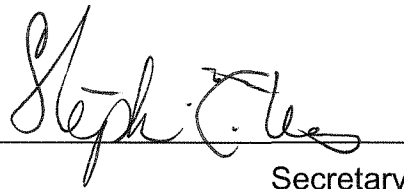
Date Approved:

July 18-07



Chairman

ATTEST:



Secretary

