

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2488

Wednesday, August 1, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 26, 2007 at 4:24 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:35 p.m.

REPORTS:

Director's Report:

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

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

1. CONTINUANCE REQUESTS AGENDA:

Z-7068/PUD-743 – David Riggs/John W. Moody/TDA

RS-4 to OL/PUD

Northeast corner of North Cincinnati and East Queen Street (PUD) (**Applicant has requested a continuance to August 15, 2007 in order to allow his attorney to meet with the residents in the subject area.**)

(PD-2) (CD-1)

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant requested a continuance to August 15 in order to allow his attorney to meet with the residents in the subject area.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **CONTINUE** Z-7068/PUD-743 to August 15, 2007.

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Z-7071 – Sack & Associates

RS-2 to RT

2421 East 56th Place (East of northeast corner of South Lewis and East 56th Place) (**Applicant has requested a continuance to August 15, 2007 in order to meet with the local neighborhood groups.**)

(PD-18) (CD-9)

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant requested a continuance to August 15 in order to meet with the local neighborhood groups.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **CONTINUE** Z-7071 to August 15, 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. **L-20067** – Marcus Durham (7425) / Lot-Split County
17777 East 171st Street South
- b. **L-20114** – HRAOK, Inc. (8313) / Lot-Split (PD 18) (CD 8)
8700 South Memorial
- c. **L-20118** – Gary Fleener (9303) / Lot-Split (PD 5) (CD 4)
Northwest corner East 11th Street & Joplin
- d. **L-20119** – Sisemore Weisz & Assoc., Inc. (9426) / Lot-Split (PD 18) (CD 5)
7620 East 42nd Place South
- e. **LC-51** – Norman Wohlgemuth (9318) / Lot Combination (PD 6) (CD 9)
2411 East 27th Place
- f. **LC-52** – Norman Wohlgemuth (9318) / Lot Combination (PD 6) (CD 9)
South of southwest corner East 29th Street South & Rockford
- g. **PUD-686-4 – Sisemore Weisz & Associates, Inc.** (PD-22) (CD-8)
11706 South Richmond Avenue (Minor Amendment to split a 1 ½ foot strip from Lot 12 and attach it to Lot 11, Block 15, Wind River Addition.)

STAFF RECOMMENDATION FOR PUD-686-4:

The applicant is requesting a minor amendment to PUD-686 for the purpose of splitting a 1 ½-foot strip from Lot 12 and attaching it to Lot 11, Block 15, Wind River Addition. The existing two story residential structure on Lot 11 is 3 ½ feet from the west property line. Development standards require a five foot side setback. The proposed lot-split and attachment are desired to bring the residential structure on Lot 11 into compliance with the required side setback. The resulting lot width for Lot 12 after the proposed lot-split would be 83.50 feet, still more than the minimum 75-foot lot width required by development standards. Lot 12 is currently vacant.

Staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-686-4 as proposed.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the consent agenda Items 2.a. to 2.g. per staff recommendation.

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3. PUBLIC HEARING

- a. **Southminster Presbyterian Church of Tulsa –** (PD-6) (CD-9)
(9224)/Preliminary Plat

Southwest corner of East 34th Street South and South Peoria Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 4.45 acres.

The following issues were discussed July 19, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3/RD. A Board of Adjustment case, # 20388, was also approved for the site. A sketch plat was reviewed by the Technical Advisory Committee at their June 7, 2007 meeting. The report on the sketch plat is attached.
2. **Streets:** Subdivision Regulations require sidewalks on all street frontages. Legal description does not match face of plat; the 331-foot distance from point of commencement at the quarter corner is missing from the legal. Include standard language for sidewalks. Dimension all existing access and limits of not access along the arterial. Dedicate one additional foot of right-of-way on the southeast corner to meet the minimum 35' right-of-way for urban arterial. No objection to waiver of the intersection radius at East 34th Street due to an existing building.
3. **Sewer:** Adjacent to Lots 51 and 52 Burgess Acres Addition, the perimeter easement must be 17.5 feet instead of 11 feet, unless easement exists in those existing lots. Existing off-site easements must be shown on the preliminary plat. We cannot approve proposed easements through existing structures. They must be removed, or comparable easements must be provided elsewhere. The existing sanitary sewer line, where the proposed building encroaches, will not be allowed to be abandoned and removed until the new sanitary sewer line has been constructed, accepted by the City of

Tulsa, and is functioning. The existing sanitary sewer line, where the parking lot is proposed, must be replaced with ductile iron pipe.

4. **Water:** Water service is available.
5. **Storm Drainage:** The covenants, Section I.G. says there is a stormwater easement. There is not an easement with this name. It must be either a storm sewer easement or an overland drainage easement, unless it is intended for both storm sewer and overland conveyance of the drainage. If it includes both, then the standard language used is that for a 'drainage easement.' The type of easement with its width and bounding distances and bearings must be shown on the face of the plat. Please include the standard language and title for the type of easement that will be platted. A conceptual drainage plan was not submitted with the plat.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Overhead will have to be removed.
7. **Other: 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. 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. Exceptions: For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Provide surveyor's e-mail address. Add surrounding subdivision names to key map. Show basis of bearing on face of plat.

General: Label plat as Lot 1, Block 1 and delete previous lot and block numbers reserves. Detailed information should be removed from the face of plat when not pertaining to platting requirements. Location map needs to show all plat names in the section shown. On the draft final plat basis of bearing and monumentation are needed. Please revise the legend to include the symbols and abbreviations that will appear on the face of Plat, such as those for easements and rights-of-way.

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.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the preliminary plat for Southminster Presbyterian Church of Tulsa, subject to special conditions and standard conditions per staff recommendation.

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- b. **Langston University 1 – (0236)**/Preliminary Plat (PD-2) (CD-1)
Southwest corner of East King Street and North Greenwood Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 4.61 acres.

The following issues were discussed July 19, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3, RM-2. A Board of Adjustment case, # 20372, was approved for the site.
2. **Streets:** Provide 25' intersection radii right-of-way dedications at the north property corners on King Street. Include standard language for sidewalk and Limits of No Access restrictions in covenants. Document existing right-of-way especially Frankfort Avenue. The proposed crosswalk shall consist

of eight-inch thermoplastic and shall be a minimum width of ten feet. If the architect is unable to provide parking on the same side of the street as the building, Public Works suggests that traffic calming techniques as approved by traffic engineering be incorporated into the site plan, such as a curb bump-out.

3. **Sewer:** Add a 17.5-foot perimeter easement for the entire platted area. Show the existing easement for the existing sanitary sewer line that is in the interior of the plat. The sanitary sewer easement referred to in the covenants could not be found on the face of the plat. Show the existing sanitary sewer lines and easements. If existing lines are being abandoned, they must be removed or filled. No construction will be allowed over the existing line and easement until the easement has been closed.
4. **Water:** Include standard waterline language. Show the existing water mains along the north side of King Street and the east side of Greenwood Avenue.
5. **Storm Drainage:** All public drainage must be conveyed in an easement. It may be necessary to plat storm sewer and overland drainage easements (ODE). Please add a note stating where the stormwater detention for this site has been provided. If ODEs are added to the plat then please add their standard language to the covenants. Please add standard language for surface drainage, and all other required standard language.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Utility services are available.
7. **Other: Fire:** 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. Exceptions: For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Provide surveyor's e-mail address; add date of preparation; show bearings with the distances on the face of the plat and include these bearings in the metes and bounds description. Include a tie from a section corner to the point of beginning.

General: Show the dimension and bearing of the diagonal property line near the southeast corner and show all bearings for all other property lines. Beneath the heading please include as a part of the tract's general description, that portion that is a re-subdivision of existing subdivisions. Please add the abbreviations for right-of-way and utility easement to the

legend, and any other abbreviations being used. Include standard deed of dedication language including the legal (transferred from the face of the plat). Dimensions in the legal shall be carried to two decimal places. Deed of dedication is incomplete.

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.

Opposing Interested Parties:

James Alexander, 431 East Ute Street, 74106; **Saloma Davenport-Smith**, 541 E. King St, 74106; **Esther Grant-Mitchell**, 537 E. King St., 74106.

Opposing Interested Parties Comments:

The subject property is an entitlement area and no one, except the City, has stated that this should be here; people in the subject area didn't approve this placement of Langston University; Langston University should remain where it is and the other University should move; expressed concerns with losing their view when the new building is constructed; miss the birds, trees and wildlife; what is the whole plan for this project; will more houses be removed; there should be a meeting with the neighbors to produce the plans; will people be forced out of the community; traffic concerns; a two-story building will ruin the existing home's view of downtown; never seen two universities so close together and it shouldn't happen now.

TMAPC COMMENTS:

Mr. Midget stated that he is confused about all of these concerns. He further stated that this project was approved with Vision 2025 Funds in 2002 or 2003. What he is hearing the interested parties say is that no one has ever talked with them and that they are unaware of the nature of the development. In response, Ms. Grant-Mitchell stated that she has not personally been involved in any type of communication, meeting or anything otherwise as to what the extent of this project will be. She expressed concerns that her home may be moved out.

Mr. Midget stated that no one is planning to move farther north than King Street. The boundary from King and then back south has all been designated as institutional use and is property of OSU-Tulsa Trust. This was done back in the 1980's when they first created the University Center of Tulsa, which is 200 acres in the subject area. There are no plans to go farther north and there are some new homes north of King. They want to preserve and encourage more home construction. Mr. Midget encouraged that the interested parties and the applicant get together to see the plans. He concluded that he would give their names to Langston and see if there could be a meeting set up.

Supportive Interested Parties & Comments:

Vernetta Wilson, 2002 West Tecumseh Pl., 74127, President of the Tulsa Alumni Association for Langston University, stated that she comes with a different voice. This is the first indication that Langston has some sense of being in Tulsa in the future. All of the institutions that came after Langston (OU, OSU and Northeastern) are all enjoying their new locations as a result of Vision 2025. She understands the interested parties' concerns and she has not been informed about the construction either. She requested that the Planning Commission approve this preliminary plat so that Langston will have a building in the Greenwood Community.

TMAPC COMMENTS:

Mr. Carnes moved to approve the preliminary plat per staff recommendation.

Mr. Midget stated that he would second the motion to approve. He further stated that the Design Architect and Engineer are present and he requested that they meet with the interested parties today before leaving and come to a mutual agreement for a meeting with the Langston officials. Mr. Midget offered to supply the names of the Langston officials if needed.

Ms. Cantrell stated that she wanted to make it clear that the decision to place Langston on the subject property was made long ago and the Planning Commission is only approving the plat. At this point the Planning Commission can't stop the location.

Mr. Ard stated that the focus of the Planning Commission has been good interaction between neighborhoods and developments. He is glad that the developers are present and urged them to meet with the neighbors to show them what will be taking place in their neighborhoods.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-1** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel "aye"; no "nays"; Sparks "abstaining"; McArtor, Miller "absent") to **APPROVE** the preliminary plat for Langston University 1, subject to special conditions and standard conditions per staff recommendation.

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- c. **Langston University 2** – (0236)/Preliminary Plat (PD-2) (CD-1)
Southeast corner of East Jasper Street and North Greenwood Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 3.21 acres.

The following issues were discussed July 19, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OM, IL, CH with BOA case 20372. Trail relocation must be acceptable to transportation trail planner and public works staff. Trail location must be shown on face of plat. Language acceptable to City Legal must be put in deed of dedication/covenants. Show trail as Osage Prairie Trail north of City Limits and as Osage Trail inside the City Limits. Clarify who will relocate trail.
2. **Streets:** Document the existing Greenwood right-of-way. Label the adjacent property to the east (assumed as expressway right-of-way). Show Limits of No Access along any actual expressway right-of-way.
3. **Sewer:** Add a 17.5-foot perimeter easement for the entire platted area. The sanitary sewer easement referred to in the covenants could not be found on the face of the plat. A sanitary sewer mainline extension is required to provide sanitary sewer service to the platted area. The proposed line must be added to the conceptual plan.
4. **Water:** Include standard waterline language. Show the existing water main along the east side of Greenwood Avenue.
5. **Storm Drainage:** All public drainage must be conveyed in an easement. It may be necessary to plat storm sewer and overland drainage easements (ODE). Please add a note stating where the stormwater detention for this site has been provided. If ODEs are added to the plat, then please add their standard language to the covenants. Please add the standard language for surface drainage, and all other required standard language.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Utility services are provided.
7. **Other: Fire:** Fire services are provided.

GIS: Provide surveyor's e-mail address and add date of preparation. Include a tie from a section corner with the point of commencement to the point of beginning with the metes and bounds description of the property in the legal description.

General: Beneath the heading please include as a part of the tract's general description, that portion that is a re-subdivision of existing subdivisions. Please add the abbreviations for right-of-way and utility easement to the legend, and any other abbreviations being used. Include standard deed of dedication language including the legal (transferred from the face of the plat). Dimensions in the legal shall be carried to two decimal places. Deed of dedication is incomplete.

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.)
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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.

Opposing Interested Parties:

James Alexander, 431 East Ute Street, 74106, and **Saloma Davenport-Smith**, 541 E. King St, 74106.

Opposing Interested Parties Comments:

The subject property is an entitlement area and no one, except the City, has stated that this should be here; people in the subject area didn't approve this placement of Langston University; Langston University should remain where it is and the other University should move; expressed concerns with losing their view when the new building is constructed; miss the birds, trees and wildlife; what is the whole plan for this project; will more houses be removed; there should be a meeting with the neighbors to produce the plans; will people be forced out of the community; traffic concerns; a two-story building will ruin the existing home's view of downtown; never seen two universities so close together and it shouldn't happen now.

TMAPC COMMENTS:

Mr. Sparks announced that he would be abstaining from this plat.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-1** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, "aye"; no "nays"; Sparks "abstaining"; McArtor, Miller "absent") to **APPROVE** the preliminary plat for Langston University 2, subject to special conditions and standard conditions per staff recommendation.

Mr. Boulden stated that given the fact that Mr. Sparks feels that he should abstain from the subject preliminary plat, Langston University 2 and after discussing this issue with him, he would ask that the record reflect that Mr. Sparks is abstaining from Langston University 1 and 2.

* * * * *

Application No.: Z-6277-SP-3a

CORRIDOR MINOR AMENDMENT

Applicant: Dennis Blind

(PD-18) (CD-8)

Location: Northeast corner of East 66th Street and South 101st East Avenue,
169 Business Park

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to Z-6277-SP-3 for the purpose of providing development standards for an outdoor advertising sign, revising building height restrictions, reducing minimum lot area requirements and clarifying screening requirements.

The Corridor Site Plan for 169 Business Park was approved by TMAPC and Council August 2, 2006 and October 12, 2006, respectively. The Corridor Plan provided for a mixed use development with commercial permitted in the east half of the development (fronting/ visible from U.S. Highway 169) and office uses on the west half. The west half of the development abuts single-family residential on the north; the east half of the development abuts single-family residential on the west.

Development standards as approved per Z-6277-SP-3 restricted signage for the east half of the development as follows:

For lots fronting South 105th East Avenue (adjacent to Hwy 169), one ground sign permitted per lot not to exceed 125 square feet of display surface area and 25 feet in height; for lots with frontage on the interior street one ground sign permitted per lot not to exceed 50 square feet of display surface area and 12 feet in height.

At the TMAPC hearing, the applicant requested and was granted approval to include the existing outdoor advertising sign as a permitted use (although minutes noted the use as UU #23 rather than UU #21, Business Signs and Outdoor Advertising). Because all ground signage, including outdoor advertising, is based upon frontage, staff had advised the applicant during the application and review period that if the outdoor advertising sign were to remain, *no other ground signage could be permitted because the outdoor advertising sign usurped all available display surface area as based on frontage*. At that time, the applicant told staff that the outdoor advertising sign would be removed. Therefore, staff made no provisions for the outdoor advertising sign in the recommendation and established standards for ground signage.

Per the zoning code and based on frontage along the Highway 169 frontage road, a maximum of 632.65 aggregate square feet of display surface area may be permitted. The existing outdoor advertising sign has 672 square feet of display surface area. Aggregate ground signage permitted by development standards is 625 square feet of display surface area. The applicant received BOA approval on June 26, 2007, of a variance per BOA-20523 to double the amount of display surface area otherwise permitted by underlying zoning. The applicant is now seeking a minor amendment to establish standards for the outdoor advertising sign as follows:

**Permitted by
Underlying Zoning**

**Current
Standards**

Proposed

632 square feet

625 square feet

1,297 square feet*

**Sign standards to remain as approved per Z-6277-SP-3 with the added provision that the existing outdoor advertising sign (672 SF) be allowed to remain in the sign easement on Lot 3, Block 1, 169 Business Park and further providing that should the outdoor advertising sign be removed, another outdoor advertising sign shall not be installed to replace it.*

~~Although the proposed aggregate display surface area would be substantially greater per the proposed amendment the corridor site plan was approved allowing the outdoor advertising sign; therefore, staff is in agreement with the proposed amendment with the added clarification that 'Permitted Uses' be modified to replace Unit 23 (which was incorrectly cited in the minutes) with Use Unit 21.~~

Given that the existing outdoor advertising sign is to remain, and finding that the proposed increase in display surface area is excessive staff proposes the following amended sign standards for the commercial lots (Lots 5-8, Block 5, Union Gardens) Lots 1-5, 16-18, Block 1, 169 Business Park:

SIGNAGE:

Lots 1-3, Block 1, 169 Business Park:

No ground signs shall be permitted.
Wall signs shall be permitted at three square feet of display surface area per lineal foot of building wall to which attached on east-facing walls; two square feet of display surface area per lineal foot of building wall to which attached shall be permitted on remaining walls.

**Lots 4, 5, 16, 17 & 18, Block 1
169 Business Park:**

One ground sign permitted per lot not to exceed 50 square feet of display surface area and 12 feet in height. Wall signs are permitted not to exceed two square feet per lineal foot of building wall of tenant space. No west-facing wall signs permitted on Lots 17 & 18.

Sign standards for Lots 6-15, Block 1, 169 Business Park shall remain as originally approved.

The applicant is also requesting to reduce minimum lot area requirements from 0.5 acres to 0.39 acres for Lots 12, 13, 14 and 15. Per the applicant's original corridor site plan application, proposed and approved minimum lot size was 0.5 acres. The concept plan indicated smaller sizes for the above noted lots. Staff is in agreement with the reduction and clarification as proposed.

In addition, the applicant proposes to increase maximum building heights for Lots 16, 17 and 18, Block 1, 169 Business Park (west half of Lots 5, 6 & 7, Block 6, Union Gardens) from two stories to five stories to accommodate hotel uses. Current building setback from the west boundary and adjacent residential is 40 feet. Staff recommends increasing the setback to 50 feet. This setback coupled with the 25-foot right-of-way for South 103rd East Avenue would provide separation from adjacent residential in keeping with standard setbacks between residential and commercial uses as required by the zoning code. The applicant proposes and staff recommends restricting building orientation to east/ west with rooms facing north and south thereby preventing rooms from looking directly into the residential area to the west. The applicant also proposes and staff recommends a stagger planted evergreen screen along the west property line in addition to the required eight foot screening fence to provide additional buffering between the residential and hotel uses.

Lastly, the applicant has requested clarification of screening requirements along the north boundary of the Corridor Plan by specifying which lots along the north boundary are to be affected – Lots 11-15, Block 1. Staff is in agreement with this clarification.

Therefore, staff recommends **APPROVAL** of **Z-6277-SP-3a** as follows:

1. Modify "Permitted Uses" to replace Use Unit 23 with Use Unit 21;
2. Sign standards to be amended as follows:

SIGNAGE:

Lot 1, Block 1, 169 Business Park:

One ground sign shall be permitted for Lot 1 **only** not to exceed 125 square feet of display surface area and 12 feet in height. Wall sign is permitted not to exceed two square feet per lineal foot of building wall to which attached on east-facing wall; two square feet of display surface area per lineal foot of building wall to which attached shall be permitted on remaining walls.

Lots 2-3, Block 1, 169 Business Park:

No ground signs shall be permitted. Wall signs shall be permitted at three square feet of display surface area per lineal foot of building wall to which attached on east-facing walls; two square feet of display surface

area per lineal foot of building wall to which attached shall be permitted on remaining walls.

**Lots 4, 5, 16, 17 & 18, Block 1
169 Business Park:**

One ground sign permitted per lot not to exceed 50 square feet of display surface area and 12 feet in height. Wall signs are permitted not to exceed two square feet per lineal foot of building wall of tenant space. No west-facing wall signs permitted on Lots 17 & 18.

Sign standards for Lots 6-15, Block 1, 169 Business Park shall remain as originally approved.

3. Reduce minimum lot area requirements from 0.5 acres to 0.39 acres for Lots 12, 13, 14 and 15, Block 1, 169 Business Park.
4. Increase maximum building heights for Lots 16, 17 and 18, Block 1, 169 Business Park (west half of Lots 5, 6 & 7, Block 6, Union Gardens) from two stories to five stories for hotel uses, only; further providing that minimum setback from the east ROW of 103rd East Avenue (west property line) be increased to 50 feet; that orientation of hotel buildings be restricted to an east/ west configuration with rooms facing north and south so as to prevent hotel rooms from looking directly into the residential area to the west; and providing that a stagger planted evergreen screen be installed along the west property line in addition to the required eight foot screening fence.
5. Clarify that screening requirements for the **north** boundary of Z-6277-SP-3 shall apply to Lots 11-15, Block 1, only.

Mr. Midget out at 2:11 p.m.

Applicant's Comments:

Dennis Blind, 4645 South 83rd East Avenue, 74145, stated that he would like the Planning Commission to consider allowing Lot 1 to have a ground sign, which would be located by the entryway and farthest away from the existing billboard in the southeast corner. Lots 2 and 3 would not have a ground sign and he agrees with staff on this condition.

TMAPC COMMENTS:

Mr. Ard asked Mr. Blind if he is in agreement with the other conditions of staff. In response, Mr. Blind stated that he is in agreement with the balance of the staff recommendation.

Mr. Marshall asked Mr. Blind to explain how the advertising sign was approved on the subject property. In response, Mr. Blind stated that when the property was acquired by the landowners the sign was pre-existing. There was litigation

and then it was settled without going to a jury trial. The intent of the landowners was for the billboard to be removed, but it didn't happen during the settlement agreement. That is when he came to staff with this problem.

Mr. Marshall asked Mr. Blind if he owned the subject property. In response, Mr. Blind stated that the outdoor advertising sign is on an easement on the subject property that he does own. Mr. Blind indicated that this is a perpetual easement.

Mr. Marshall asked Mr. Blind what is planned for Lot 1. In response, Mr. Blind stated that it would be commercial and a restaurant has approached his client for Lot 1.

Mr. Marshall stated that he doesn't believe the one ground sign will clutter the signage as long there is no signage for Lots 2 and 3.

Mr. Blind thanked the staff for working with him on this project and they have had a "can do" attitude through the entire process.

Mr. Marshall asked Mr. Blind if any of his other clients will come back requesting a ground sign for Lots 2 and 3. In response, Mr. Blind stated that they would not be requesting a ground sign on Lots 2 and 3. He explained that the owners for Lots 2 and 3 are good with the wall signage as staff has recommended.

Mr. Harmon asked Mr. Blind if he is asking for 125 SF display surface for Lot 1. In response, Mr. Blind answered affirmatively.

Mr. Harmon agreed that one ground sign on Lot 1 would be appropriate and wouldn't be cluttering the signage.

Ms. Matthews suggested that if the Planning Commission is willing to allow the 125 SF display surface ground sign, then the applicant should also adhere to the original recommendation of two square feet per lineal foot of building wall of tenant space for Lot 1.

Mr. Blind agreed with Ms. Matthews for Lot 1.

Interested Parties Comments:

Brian Ansell, 1234 South Birmingham Avenue, 74104, stated that he is the interested party in Lot 3 and he is in agreement with the wall signage, as he is not planning to have a ground sign. He will have a small internet/video game business with a restaurant.

Ms. Cantrell asked Mr. Ansell if he had any problem with Lot 1 having a ground sign. In response, Mr. Ansell answered negatively.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Midget, Miller "absent") to **APPROVE** the corridor minor amendment for Z-6277-SP-3a, subject One ground sign shall be permitted for Lot 1 **only** not to exceed 125 square feet of display surface area and 12 feet in height. Wall sign is permitted not to exceed two square feet per lineal foot of building wall to which attached on east-facing wall; two square feet of display surface area per lineal foot of building wall to which attached shall be permitted on remaining walls, and the balance of the application is per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

* * * * *

Application No.: Z-7064

RS-3 TO CH

Applicant: QuikTrip Corporation/Charles Norman (PD-6) (CD-9)

Location: Northeast corner of East Skelly Drive and South Newport Avenue

STAFF RECOMMENDATION:

Z-6971 February 2005: All concurred in approval of a request for rezoning a .20± acre tract of land from RS-3 to OL for a small office on property located on the northwest corner of East 49th Street and South Peoria Avenue.

Z-6905 October 2003: All concurred in approval of a request for rezoning a 114' x 170'± square foot tract of land from RS-3 OL for office use, on property located on the southeast corner of East Skelly Drive and South Madison Avenue.

Z-6752 March 2000: All concurred in approval of a request for rezoning a 1.33+ acre tract of land from RS-3 to RM-2 on property located west of the northwest corner of East 48th Street and South Peoria Avenue.

BOA-10305 January 18, 1979: The Board of Adjustment approved a Special Exception to establish off-street parking for the Camelot Inn in an RS-3 District, subject to: a 6 foot screening fence on the west and north, no access to Newport Avenue, the lighting directed inward toward the parking lot and not toward the neighboring property either to the west or the north, the fence to line up with the existing fence (not on public right-of-way), and that additional trees and landscaping be provided on property located and the subject property.

BOA-5755 February 6, 1968: The Board of Adjustment approved a Variance to permit extending a U-3E (Office High) use 16'6" on the west side of the building into the U-1C (RS-3) district, on property located and a part of the subject property.

BOA-4557 February 17, 1965: The Board of Adjustment approved permission to establish off-street parking for Camelot Inn on Lots 13-18, Block 16, Riverview Village addition subject to a five foot screening wall and landscaping to beauty be erect to keep out lights and that no access be permitted on Newport on subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.25+ acres in size and is located at the northeast corner of East Skelly Drive and South Newport Avenue. The property is the vacant Camelot Inn Hotel and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Skelly Drive	N/A	N/A	2 (one way)
South Peoria	Secondary arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by a fried chicken restaurant, possibly vacant, zoned CH; on the north by a parking lot and single-family residential uses, zoned RS-3; on the south by an expressway, zoned RS-3; farther south by commercial and office uses, zoned CH, CS and OM; and on the west by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within the Brookside Study Area, a Special District and Consideration Area. According to the Zoning Matrix, the requested CH zoning may be found in accord with the Plan due to this location.

STAFF RECOMMENDATION:

Staff cannot support the requested CH zoning due to the location adjacent to single-family residential areas on two sides. There is no doubt that this property will redevelop as a commercial or office use or some combination thereof. However, single-family residential uses front the site on the west side of Newport Avenue and straight commercial zoning adjacent to it would be incompatible. Residential zoning (RS, RT, or RD)* would be appropriate there, as would off-street parking or OL (light office) in order to protect the adjacent single-family residential neighborhood.

Staff can recommend CS on the frontage of the service road (Skelly Drive) aligning with the existing CH on the east 50' of the property, and either PK or OL on the balance of the property except for the western 5', which staff recommends remain in RS-3 as a buffer to the existing single-family residential development and requiring screening and allowing no access to Newport.

*Note: any residential redevelopment beyond that already residentially zoned will require additional notice and public hearing.

Applicant's Comments:

Charles E. Norman, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103; representing QuikTrip Corporation, stated that his client has purchased the Camelot Inn property, which consists of approximately 5.9 acres, including the parcel that is before the Planning Commission today. QuikTrip is proposing a prototype QuikTrip Company Store, which he hopes will be located at the southeast corner of the subject property and include part of the Church's Chicken restaurant tract. The subject application only involves approximately 1.25 acres and he was not involved when this application was filed. There has never been any intention of having any access to Newport Avenue and he apologizes for any misunderstanding. Mr. Norman cited the history of the Camelot Inn and its zoning districts granted by the BOA. Due to the BOA action the subject property before the Planning Commission today was approved for the location of the hotel, which encroached 50 feet into the property and was intended for parking. QuikTrip has taken a significant risk to try to accomplish several things: 1) rezoning the western strip of land that is not already zoned; 2) acquisition of the remaining parcel being taken by ODOT (Church's Chicken), which has not been accomplished, and 3) what property may or may not be taken by ODOT regarding the Moss Seat Covers and the automobile repair shop.

Mr. Norman stated that it is not unusual in the past to have CH, CS and RM-2 adjacent to stable neighborhoods. This is not an unprecedented development pattern and has existed for many years in quality neighborhoods to the south of the subject property. He explained that QuikTrip needs approximately two acres for the prototype store. This is part of their 50th Corporate Anniversary for the QuikTrip Corporation. This will be achieving a community goal of removing blight (the Camelot Hotel) from the subject area. Mr. Norman concluded that the application doesn't represent anything other than an effort on the part of a local corporation that has its headquarters here to solve a community problem, acquire a site for a store and redevelop the rest of the property for uses that are compatible with QuikTrip's store borders.

Mr. Norman stated that the suggestion has been made by the Brookside Neighborhood Association that a PUD would be acceptable, but what he wants the Planning Commission to understand by presenting the QuikTrip alternative is to provide in essence what would occur in a PUD by creating an appropriate

transition and a buffer zone from the residential area along Newport. Mr. Norman submitted pictures of the subject property (Exhibit A-2). Mr. Norman indicated that he is suggesting five feet of RS-3 on the left and 20 feet of parking.

Mr. Norman submitted a site plan regarding the properties that ODOT will be taking for the expansion of I-44 (Exhibit A-5). He explained that the CS zoning that staff is recommending for the south portion is almost irrelevant because that portion of the subject property is being taken by ODOT. Mr. Norman cited the properties that QuikTrip does own and property that they do not own. Mr. Norman indicated that he has no objection to the proposed five feet of RS-3; on the south where staff recommends the extension of CS zoning to the ownership line, which is within the take line, he would suggest as an alternative that in addition to the RS-3, then a 20-foot wide boundary of PK zoning, which only permit parking and requires 10% landscaping, and the remainder of the property be zoned CS. Mr. Norman suggested that the PK be wrapped around to the south boundary of the home that is located on Lot 11 to provide some protection to the homeowner. Mr. Norman explained that there would only be 45 feet that he is requesting for CS zoning. Mr. Norman stated 45 feet of OL zoning that staff is recommending will probably never develop and is insignificant to the overall picture. The QuikTrip alternative provides a step-down of RS-3/PK and CS on 6/10 of an acre in order to plan the rest the subject property in an appropriate way. Mr. Norman commented that CS does not allow any objectionable uses that the CH district would allow.

Mr. Norman stated that he agreed two weeks ago to a continuance in order to meet with the Brookside Neighborhood. He indicated that he had presented these same exhibits at a previous meeting with the neighborhood that followed about one hour and half discussion regarding motorcycle traffic along Peoria and not action was taken at that time. Two weeks ago he met with staff and Herb Beattie and was informed that there would be a meeting with the Brookside Association and he requested that he be allowed to attend. Mr. Norman indicated that he had no objection to Mr. Marshall participating and he would also like to be there; however, he was not invited and has not had any opportunity to visit with those who might disagree with the QuikTrip alternative. Mr. Norman commented that he believes he is effectively achieving all of the requirements that the Planning Commission would expect to see if there was a PUD presented on this property. At this point any kind of exercise for a PUD would be truly imaginary because he can't present a PUD on land his client doesn't own or own land his client hopes to acquire. Mr. Norman stated that it is a pleasure on his part to represent QuikTrip and he knows QuikTrip to be a quality company and considered to be one of the finest places to work. Mr. Norman concluded that the Cadieux family is extremely active in the community and they have nothing but the best interest for the City of Tulsa.

TMAPC COMMENTS:

Mr. Ard stated that this is a small area and all of the main body of the tract is zoned CH so nothing would be gained by having the extra 10,000 SF be CS versus OL. The density that is allowed in CH is unlimited and he wonders how much would be gained to have even have OL or CS. In response, Mr. Norman stated that one could build a building within that area and it would have to comply with the setbacks that are required and have to provide the screening. The staff recommendation for OL would only allow that portion to be used for parking after meeting the RS-3/PK requirements before reaching the OL portion.

Mr. Carnes out at 2:44 p.m.

Ms. Cantrell asked Mr. Norman if he anticipates coming back with a PUD once his client acquires the property they hoped to acquire. In response, Mr. Norman stated that if the zoning is approved as presented, then a PUD wouldn't be necessary. If the Planning Commission accepts the staff recommendation, then his client is deprived of any use of the subject area and would only be useful for parking. In response, Ms. Cantrell stated that she would prefer to see a PUD and it was contemplated in the Brookside Plan that development would be through PUDs. Mr. Norman stated that there was some dispute regarding the Brookside Plan and that was resolved and it is not in conflict with the Brookside Plan. Mr. Norman asked Ms. Cantrell what a PUD would accomplish that is different from the rezoning.

Interested Parties Comments in support of staff recommendation:

Guy deVerges, 1343 East 35th Place, 74105, representing the Brookside Neighborhood Association, stated that he was asked to come and speak before the Planning Commission. He indicated that the association is in support of the staff recommendations. Mr. deVerges stated that there was a neighborhood meeting and neighbors and affected businesses were invited on July 26, 2007. Mr. Alberty came to the meeting and explained this change to everyone very carefully. The neighborhood considered it and voted unanimously to accept staff's recommendation. Mr. deVerges stated that the zoning change is not insignificant as Mr. Norman commented. Zoning changes are never insignificant because the change will affect the property forever. QuikTrip may come and may go, but the zoning change will remain with the property. He explained that the neighborhood would be in support of the staff recommendation whether it was QuikTrip, Texaco or anyone. Mr. deVerges submitted a petition (Exhibit A-1) in support of the staff recommendation. He believes, and the Brookside Association believes, that if this zoning change was a good idea then staff would be approving it and they are not. It is important to maintain the line between residential and commercial that has been established in the Brookside Infill Plan.

John Huffines, 256 East 46th Street, 74105, stated that it would make it easier for the residents if the boundary line is maintained. QuikTrip is taking a risk, but it is a calculated risk and he is confident that QuikTrip will continue moving

forward. It is more important that the people living in their homes are able to enjoy a peaceful neighborhood.

Peggy McBride, 4966 South Newport Avenue, 74105, stated that this application affects her directly. She explained that she lives across the street from where this proposal is. Ms. McBride requested that the Planning Commission approve the staff recommendation for RS-3/PK/OL.

Louise Mannis, 4972 South Newport Avenue, 74105, directly behind the Camelot Hotel, stated that she has lived there for 25 years. Ms. Mannis stated that she is opposed to any encroachment on her street. She indicated that she is not looking forward to the noise of parking. This is a large property and it seems that there would be plenty of room to put parking somewhere else. She commented that ODOT may be coming farther into the neighborhood and if this happens, her house would be taken in the next five to ten years.

Applicant's Rebuttal:

Mr. Norman stated that this is not a question of denying a rezoning and he hoped that the Planning Commission wouldn't consider denying the recommendation of staff at the very least. The Planning Commission should have confidence in the QuikTrip Corporation to not allow any use adjacent to their store that would be contrary to the best interest of Brookside or the entire neighborhood. QuikTrip Corporation has been one of the major private contributors to the River Development Fund and they have an interest in whatever impact that would occur throughout the Brookside area. They have demonstrated by their past community actions their commitment to the quality of life in this community. His client is trying to achieve this rezoning through a staged plan that would require so much of the parking. At the very least the parking of commercial should be allowed to be extended to the north that the staff has already recommended to the south. Mr. Norman questioned why the CS wouldn't be allowed from the south to the north or from one point to the other point.

TMAPC COMMENTS:

Mr. Harmon stated that if this didn't make economic sense to QuikTrip, they wouldn't be pursuing it. Based on what staff is recommending he asked if that would be an impediment to QuikTrip proceeding with this. Mr. Harmon further stated that to get rid of the Camelot Hotel is doing the City a great service. In response, Mr. Norman stated that there is a critical dimension between the land required and the depth for the QuikTrip store that would front onto Peoria and what is to be left east and west. The west side is likely to be parking for whatever the use might be and he is not in disagreement with the RS-3 and PK recommendation of the staff. He can't say that 45 feet is absolutely essential. Mr. Norman commented that he regrets that he wasn't given the chance to accomplish what the Planning Commission intended to happen when this case was continued for two weeks. He feels that perhaps there could have been some misunderstanding about the QuikTrip alternative. He requested that the

Planning Commission exert the faith in the QuikTrip Corporation that they would not allow anything to happen in the west 120 feet that would be detrimental to its own interest and certainly not to the interest of this part of Brookside.

Mr. Harmon stated that he doesn't have any problem with the alternative plan since they are providing a strip of parking around the perimeter. He firmly believes that QuikTrip is a good corporate citizen and they wouldn't do anything that would potentially cause a problem in the neighborhood.

Ms. Cantrell reminded Mr. Harmon that QuikTrip might not always own the subject property. Personally, if staff is recommending what the neighborhood is comfortable with, then she doesn't see any reason not to approve the staff recommendation. She doubts that QuikTrip will not go forward with this proposal. Ms. Cantrell concluded that she is more comfortable with staff's recommendation.

Mr. Ard stated that he would tend to agree with Ms. Cantrell. The neighborhood association, as well as the neighbors, makes a good point. If QuikTrip developed the corner and sold off the remainder, then it would be out of their hands as to what could possibly happen with the balance of the tract. He agrees that QuikTrip is a wonderful corporate citizen and Tulsa is lucky to have them headquartered here. Mr. Ard concluded that he is in agreement with staff's recommendation.

Ms. Cantrell moved to approve the staff recommendation. Mr. Harmon seconded the motion with some hesitation.

Mr. Harmon recognized Mr. Norman.

Mr. Norman requested that the Planning Commission keep in mind that the staff recommendation was in the alternative of PK or OL. He requested that the Planning Commission ask the staff if it would be appropriate to zone according what QuikTrip has proposed and then the remainder to OL. Mr. Norman clarified that he would prefer to leave the west five feet at RS-3, then zone the next west 20 feet and the north 20 feet (Lot 11) PK and the remainder in the OL.

Ms. Matthews stated that staff would agree with Mr. Norman's suggestion.

In response to Ms. Cantrell, Mr. Norman stated that it would be five feet of RS-3, 20 feet of PK and 20 feet along the north boundary of Lot 11 and the remainder in OL.

Mr. Ard asked staff to clarify the zoning recommended and modified by the Planning Commission. In response, Mr. Alberty stated that the only difference in the alternative is that staff recommended PK or OL. There would be no

recommendation for CS. Where Mr. Norman has requested CS staff is willing to rezone to OL.

Mr. Norman asked staff if they were taking away the CS zoning next I-44. In response, Mr. Alberty stated that the CS along the service road would remain.

TMAPC Action; 7 members present:

On amended **MOTION** of **CANTRELL**, TMAPC voted **6-0-1** (Ard, Cantees, Cantrell, Harmon, Shivel, Sparks "aye"; no "nays"; Marshall "abstaining"; Carnes, Midget, McArtor, Miller "absent") to **APPROVE** the CS zoning on the frontage of the service road (Skelly Drive) aligning with the existing CH on the east 50' of the property, the west five feet to RS-3, then 20 feet of PK, 20 feet of PK along the north boundary of Lot 11, and the remainder being OL for Z-7064 per staff recommendation and as modified by the Planning Commission.

Legal Description for Z-7064:

EXISTING RS-3 ZONE LEGAL DESCRIPTION (NO CHANGE)

THE WEST 5.00 FEET OF LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), AND EIGHTEEN (18), BLOCK SIXTEEN (16), RIVERVIEW ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

PROPOSED PK ZONE LEGAL DESCRIPTION (PARKING)

THE EAST 20 FEET OF THE WEST 25 FEET OF LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), AND EIGHTEEN (18), BLOCK SIXTEEN (16), AND THE EAST 95 FEET OF THE NORTH 20 FEET OF LOT TWELVE (12), BLOCK SIXTEEN (16), RIVERVIEW ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

PROPOSED OL ZONE LEGAL DESCRIPTION

A TRACT OF LAND BEING A PART OF LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), AND EIGHTEEN (18), BLOCK SIXTEEN (16), RIVERVIEW ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 18; THENCE NORTH 88°53'51" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 18 FOR 25.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 01°11'45" WEST PARALLEL WITH AND 25.00 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO THE WESTERLY LINE OF SAID BLOCK 16 FOR 438.27 FEET; THENCE NORTH 88°51'33" EAST PARALLEL WITH AND 20.00 FEET SOUTHERLY OF AS MEASURED PERPENDICULARLY TO THE NORTHERLY LINE OF SAID LOT 12 FOR 95.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 12; THENCE SOUTH 01°11'45" EAST ALONG THE EASTERLY LINE OF SAID LOTS 12, 13, AND 14 FOR 130.50 FEET; THENCE SOUTH 88°48'15" WEST FOR 50.00 FEET; THENCE SOUTH 01°11'45" EAST PARALLEL

WITH AND 50.00 FEET WESTERLY OF AS MEASURED PERPENDICULARLY TO SAID WESTERLY LINE FOR 307.75 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 18; THENCE SOUTH 88°53'51" WEST ALONG SAID SOUTHERLY LINE FOR 45.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND..

PROPOSED CS ZONE LEGAL DESCRIPTION

A TRACT OF LAND BEING A PART OF LOTS SEVENTEEN (17), AND EIGHTEEN (18), BLOCK SIXTEEN (16), RIVERVIEW VILLAGE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 18; THENCE SOUTH 88°53'51" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 18 FOR 50.00 FEET; THENCE NORTH 01°11'45" WEST PARALLEL WITH AND 50.00 FEET WESTERLY OF AS MEASURED PERPENDICULARLY TO THE EASTERLY LINE OF SAID LOTS 18 AND 17 FOR 110.75 FEET; THENCE NORTH 88°48'15" EAST FOR 50.00 FEET TO A POINT ON SAID EASTERLY LINE; THENCE SOUTH 01°11'45" EAST FOR 110.83 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

EXISTING CH ZONE LEGAL DESCRIPTION (NO CHANGE)

A TRACT OF LAND BEING A PART OF LOTS FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17), BLOCK SIXTEEN (16), RIVERVIEW VILLAGE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT EIGHTEEN (18), BLOCK SIXTEEN (16), RIVERVIEW VILLAGE ADDITION; THENCE NORTH 01°11'45" WEST ALONG THE EASTERLY LINE OF SAID LOTS 18 AND 17 FOR 110.83 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 88°48'15" WEST FOR 50.00 FEET; THENCE NORTH 01°11'45" WEST PARALLEL WITH THE EASTERLY LINE OF SAID LOTS 17, 16, 15, AND 14 FOR 197.00 FEET; THENCE NORTH 88°48'15' EAST FOR 50.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 14; THENCE SOUTH 01°11'45" EAST ALONG SAID EASTERLY LINE FOR 197.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

* * * * *

Application No.: Z-7067

RS-3/IL to OL

Applicant: Cramer Construction Co., Inc.

(PD-16) (CD-6)

Location: Southwest corner of North Garnett Road and East Newton Place (RS-3 portion) and southeast corner of North Garnett Road and East Newton Street (IL portion).

STAFF RECOMMENDATION:

Z- 7000 October 2005: All concurred in approval of a request for rezoning an 8.9± acre tract of land from RS-3 to IL for light industrial on property located north of the northeast corner of East Independence Street and North Garnett Road.

Z-6996 September 2005: A request to rezone a 14.7-acre tract from RS-3 to IL on property located on the southwest corner of East Independence Street and North Garnett Road.

Z-6918 February 2004: Approval was granted on a request to rezone a 2.2-acre tract located north of the northwest corner East Newton Street and North Garnett Road from RS-3 to IL for light industrial use.

Z-6917 January 2004: All concurred in approval of a request to rezone a 2.2-acre tract located east of the southeast corner East Pine Street and North Garnett Road from RS-3 to IL.

Z-6808 March 2001: All concurred in approval of a request to rezone a 7.3-acre tract from RS-3 to IL on property located on the northeast corner of East Independence and North Garnett Road extending from North Garnett Road to North 177th East Avenue.

Z-6687 June 1999: All concurred in approval for a request to rezone the 4.5-acre tract located south of the southwest corner of East Pine Street and North Garnett Road, from RS-3 to IL for a machine shop.

Z-6651 October 1998: Approval was granted for a request to rezone a 4.5-acre tract located north of the northwest corner of East Newton Street and North Garnett Road, from RS-3 to IL.

Z-6583 March 1997: All concurred in approval of a request to rezone a tract of land located east of the southeast corner of East Pine Street and North Garnett Road from RS-3 to IL for light industrial uses.

Z-6392 April 1993: All concurred in approval of a request for rezoning a .8± acre tract of land from RS-3/IL to OL on property located on the southeast corner of Newton Place and Garnett Road and abutting the subject property.

Z-6325 October 1991: All concurred in approval of a request to rezone a 70' x 167' tract from RS-3 to OL on property located south of the southeast corner of E. Newton Street and North Garnett Road and abutting south of the subject property.

Z-6288 August 1990: A request to rezone a 1.25-acre tract from RS-3 to CG located south of the southwest corner of East Independence and North Garnett

Road. Staff and TMAPC denied CG zoning and recommended approval of CS zoning in the alternative. City Council concurred with TMAPC for CS zoning.

Z-6237 March 1989: All concurred in approval of a request to rezone a 10-acre tract located south of the southeast corner of East Newton Place and North Garnett Road from RS-3 to IL and abutting the subject property on the south and east.

BOA-13467 February 1985: The Board of Adjustment approved a special exception to permit a home occupation, office machine repair business, in a RS-3 zoned district on property located east of the southeast corner of E. Newton Place and N. Garnett Road and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.1± acres in size and is located at the southeast corner of North Garnett Road and East Newton Place, wrapping around an OL-zoned property and also lying at the southeast corner of North Garnett Road and East Newton Street. The property appears to be vacant, in residential and industrial uses and zoned RS-3/IL.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Garnett Road	Secondary arterial	100'	2
East Newton Place	N/A	N/A	N/A

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

SURROUNDING AREA: The area is in transition, and was likely part of a residential development that was outside of the City of Tulsa earlier. The residential uses seem to be older and now exist in isolated pockets surrounded by industrial and office uses. The subject tract is abutted on the east by single-family residential uses on the northern end, zoned RS-3 and by industrial and related uses, zoned IL on the southern end; on the north by vacant land and single-family residential uses, zoned RS-3; on the south by single-family residential uses, zoned RS-3; and on the west by industrial and related uses, zoned OL. Farther west across North Garnett Road are large industrial/office uses.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being in Special District 2, primarily planned for industrial and related uses due to its location near many transportation facilities. According to the Zoning Matrix, the requested OL zoning

may be found in accord with the Plan because of its location within a Special District.

STAFF RECOMMENDATION:

Office uses are generally compatible with both industrial and residential uses and the proposed site surrounds an existing OL-zoned property on three sides. Based on these facts and the Comprehensive Plan, staff can support the requested rezoning and recommends **APPROVAL** of OL zoning for Z-7067.

Applicant's Comments:

Jake Floyd, 1303 North Garnett Road, 74116, representing Cramer Construction Company, stated that he is in agreement with the staff recommendation. Mr. Floyd submitted photographs of the subject area and surrounding properties (Exhibit A-2). Mr. Floyd described the surrounding properties and their uses. He requested that the RS-3/IL be reduced to OL zoning. He explained that the development would stop 200 feet from Garnett. He pointed out that there is a concrete company or backhoe business, which parks down the street that would impact Newton more than light office development. Mr. Floyd indicated that Nordam has an industrial facility in the subject area and there is also industrial development along north of Newton and Garnett, as well as along Pine Street. Mr. Floyd stated that his company doesn't own any property down Newton and right behind the subject property is a small mini-storage. Mr. Floyd cited the requirements for OL zoning from the Zoning Code. Due to the required additional parking, Lot 4 would need to be rezoned and is included in this application. Mr. Floyd stated that there is a company interested in possibly remodeling the house on Lot 3 and using it for their office and that is why there would be parking on Lot 4.

Mr. Floyd stated that the neighbors have raised issues with stormwater management from the mini-storage. He explained that he met Sarah Nivens, Civil Engineer for the City of Tulsa, and after surveying the property she determined that all of the existing development has been done within the requirements of stormwater management and as well as the City of Tulsa Building Permit Department.

TMAPC COMMENTS:

Mr. Ard asked Mr. Floyd if he has met with the adjacent neighbors. In response, Mr. Floyd stated that he has met with two of the neighbors and their primary concern is the impact of traffic on Newton. He further stated that he explained to the two neighbors that office zoning would preclude commercial sales and office light also puts physical constraints on the size of the building. There is no reason for the traffic to be any farther east on Newton than Lot 4, which is 200 feet into Newton.

Interested Parties for Z-7067:

Wilfriede Yarbrough, 1225 North Garnett Road, 74116; **Charles Allen**, 11350 East Newton Place, 74116 (submitted photographs Exhibit A-1 of the existing neighborhood); **Beau Boomershine**, 11424 East Newton Place, 74116; **Don Gore**, 11428 East Newton Place, 74116.

Interested Parties Comments for Z-7067:

Expressed concerns with the southern portion of the IL zoning adjacent to the RS-3 property; stormwater drainage issues; concerns that Cramer Construction hasn't followed the Zoning Code requirements in the past; the neighborhood doesn't have a good relationship with the subject property owner and do not trust him to do the right thing; what would the setbacks be between a parking lot and residential and would there be a greenbelt buffer; with a screening fence the existing neighbors will still see cars and people coming and going from the office; do not want an office behind their homes; existing mini-storage is currently not screened; parking lots are noisy and would impact the existing homes; runoff water onto residential properties due to a retaining wall; water runs 20 feet into the backyard and creates a lake; not against progress, but do not want additional water, noise and traffic on existing residential properties; prefer that there be no access on Newton Place; there are children that live on Newton, which play outside and the neighbors are concerned for their safety; Newton is a dead-end street and do not need more traffic; concerned that traffic from the subject property would use Newton to turnaround.

TMAPC COMMENTS:

Mr. Ard explained that stormwater drainage is not in the Planning Commission's purview and that Stormwater Management will address these issues during the platting process.

Ms. Matthews stated that the setback requirement for OL is slightly less than IL zoning. She explained that there would be a screening requirement as well as a setback. Ms. Matthews stated that she has spoken with the applicant and he is aware of all of the stormwater requirements, landscaping, screening and all of the process he will have to go through if the subject property is rezoned. There will be inspections every step of the way as the development proceeds.

Ms. Cantrell stated that the reason there is less of a setback is because OL is less intense than IL zoning and there will be more protection for the homeowner than with IL. OL zoning would be more compatible with the residential uses than IL zoning would be.

Mr. Ard stated that the office uses would be more complementary to residential than an industrial use.

Mr. Harmon out at 3:27 p.m.

Mr. Ard stated that there is a requirement for a screening fence between IL and RS properties and he suggested the homeowners call Neighborhood Inspections.

Mr. Marshall stated that new development is not supposed to add additional water onto neighbor's property. Neighborhood Inspections should do something about that issue.

Ms. Matthews indicated that the applicant cannot have access onto Newton; however, he can apply with the Board of Adjustment if he wishes to have an access along Newton. The applicant would have to show a hardship to approve the access onto Newton.

Ms. Matthews stated that it doesn't seem realistic that traffic would leave the major entrance off of Garnett and turn down Newton for a turnaround. They can turn around in the parking lot before exiting onto Garnett.

Ms. Cantrell stated that the best that can be done is to not allow an access point onto Newton, because Garnett will have commercial traffic and that is where the ingress/egress should be. People will turn down streets sometimes, just because they do that and there is nothing to stop it.

Applicant's Rebuttal:

Mr. Floyd stated that he shares the neighbors' concerns with stormwater because this is an extremely large area. There is a 40-acre AG tract that is sheet-flow and impacts all of the neighbors and the mini-storage. He has worked with stormwater management to install a catch basin to catch what is drained onto his property and direct it to the Nordam catch basin. It is more effective to channel stormwater runoff if there is a chance with a hard surface because it can create swales that will pickup and direct the stormwater rather than letting it find its own way or soak in.

Mr. Floyd stated that there will be limits of no access and the access will be off of Garnett. He doesn't see how this proposal would cause traffic to be on Newton, except what is already present from the company down the street.

Mr. Ard encouraged Mr. Floyd to meet with the interested parties present today and let them know what is planned.

Mr. Floyd stated that there is a dead-end sign on Newton, but it has been knocked down. He indicated that he called street maintenance and requested that the sign be put back up.

TMAPC COMMENTS:

Mr. Ard stated that the subject area is in transition and there is a lot of IL zoning and OL is less intense and more compatible use with RS-3. He commented that he understands the concerns of the neighbors on Newton, but the concerns

seem to be traffic and drainage issues that should be appropriately handled during Technical Advisory Committee and throughout the development process. Mr. Ard stated that he would be inclined to support staff's recommendation.

Ms. Cantrell stated that she did have concerns with the OL being on Lot 4 and going so deep into the residential. It is very frustrating when Neighborhood Inspections is not enforcing the Code and then neighbors oppose applications because of their distrust.

TMAPC Action; 6 members present:

On **MOTION** of **SPARKS**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Carnes, Harmon, McArtor, Midget, Miller "absent") to **APPROVE** the OL zoning for Z-7067 per staff recommendation.

Legal Description for Z-7067:

Lots 1, 3 and 4, Block 2, Modern Acres, and the west 253' of Lot 1, Block 1, Garnett North, additions to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From RS-3/IL (Residential Single-family District/Industrial Light District) To OL (Office Low Intensity District).**

* * * * *

Application No.: PUD-744

RS-3/RM-1 to RS-3/RM-1/PUD

Applicant: Charles E. Norman

(PD-6) (CD-9)

Location: East and south of southeast corner of East 41st Place and South Peoria Avenue

STAFF RECOMMENDATION:

PUD-541-C March 2004: All concurred in denial of a proposed Major Amendment to PUD-541 to add auto body painting to the permitted uses on a 150' x 345'± square foot property, located south of Southeast corner East 42nd Street South and South Peoria Avenue.

BOA-19931 October 26, 2004: The Board of Adjustment approved a Special Exception to permit Offices, Studios and Support Services in an RM-2 District; a Variance of the frontage requirement on a public street for each lot; and a Variance to reduce the landscaped area from the perimeter driveways and parking areas from 5 feet in with to 2 feet in width, subject to development standards, finding this would be less intrusive and less density in the neighborhood than the previously planned townhouse development.

PUD-541-B July 1998: All concurred in approval of a proposed Major Amendment to PUD-541 to permit an auto repair use subject to modifications on property located on the northeast corner of South Peoria Avenue and East 44th Place.

PUD-541-A October 1996: All concurred in approval of a proposed Major Amendment to PUD-541 to add a residential zoned lot to PUD-541 for off-street parking on property located on the northwest corner of 44th Place South and South Quaker Avenue.

PUD-541 January 1996: All concurred in approval of a request to rezone a 16.8± acre tract located on the east side of South Peoria Avenue between East 43rd Street and East 44th Street for a mixed use development.

PUD-480 April 1992: All concurred in approval of a proposed Planned Unit Development on a 5.35± acre tract of land for a grocery store and restaurant (Albertson's) subject to no access from 39th Street on property located north and east of northeast corner of East 41st Street and South Peoria Avenue.

Z-6338/PUD-476 November 1991: All concurred in approval of a request for rezoning a .4± acre tract of land from RM-2 to CS on the for a parking lot and mini storage on property located east of northeast corner of East 41st Place South and South Peoria Avenue.

BOA-12311 December 2, 1982: The Board of Adjustment approved a Special Exception for off-street parking on a tract in an RS-3 District; and a Special Exception or a temporary waiver of the screening requirement on the north boundary of the off-street parking location to allow for fan fence or shrubbery, in lieu of screening wall for one year, subject to no access to 42nd Street and that the screening fence on the south and east boundary line be erected on the property immediately on property located at 4143 South Peoria Avenue.

BOA-4527 December 9, 1964: The Board of Adjustment approved a home beauty shop on Lot 11 Block 4, of Jennings-Robards Addition and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.98± acres in size and is located east and south of southeast corner of East 41st Place and South Peoria Avenue. The property is in the process of being cleared of single-family dwellings and is zoned RS-3/RM-1.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 41 st Place	Residential	50 FT	Two

East 42 nd Street	Residential	50 FT	Two
South Quincy Avenue	Vacated		vacated

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

SURROUNDING AREA: The subject tract is abutted on the east by single- and multifamily residential zoned RS-3 and RM-2; on the north by East 41st Place and single- and multifamily uses zoned RM-1 and RM-2; on the west by commercial and multi-family zoned RM-2, RM-1, RS-3 and CH; and on the south by East 42nd Street South and single-family residential zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low-Intensity and within a 'Special Consideration Area' of the District 6 Comprehensive Plan. According to the Zoning Matrix, the requested use **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

PUD-744 proposes a 25 unit townhouse development located between East 41st Place and East 42nd Street approximately 250 feet east of South Peoria Avenue. An Arby's restaurant and an apartment building are immediately adjacent to the west; a mix of multi-family and single-family uses are north of the property across East 41st Place; vacated South Quincy Avenue and a mix of multifamily and single-family uses are adjacent to the east; and single-family uses are south of the property across East 42nd Street South. The north half of the property is zoned RM-1, Multifamily, and the south half is zoned RS-3, Single-family Residential. Current zoning permits 35 dwelling units (RM-1 allows 29 Dwelling Units; RS-3 allows six Dwelling Units); therefore, no changes in zoning are proposed.

The proposed townhouses will face East 41st Place and East 42nd Street South with garages in front and recreational space in the center/ interior of the property. The Residential Multifamily district, RM-1, requires minimum livability space of 600 square feet per dwelling unit. PUD-744 proposes a minimum of 400 square feet of livability space be provided within each townhouse lot; the remainder of the required livability space will be provided in Reserve A, for which use will be limited to recreational amenities.

The proposed development conforms to the policies and goals of the Brookside Infill Development Design Recommendations, a component of the Brookside Infill Neighborhood Detailed Implementation Plan for the Southern Brookside Residential Area, a 'Special Consideration Area' of the District 6 Comprehensive Plan. (Components of the Plan and Design Recommendations are attached for reference.)

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-744 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-744 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:**

LAND AREA:		
Net Area:	1.98 AC	86,445 SF
Gross:	2.37 AC	103,132 SF

PERMITTED USES:

Townhouses: As permitted in Use Units 7a and 8, and uses customarily accessory to permitted principal uses.

Reserve A: Open space, pool and recreational equipment and facilities, and uses customarily accessory to multifamily dwellings.

MAXIMUM NUMBER OF DWELLING UNITS:	25
MINIMUM LOT WIDTH:	20 FT
MINIMUM LOT AREA:	2,100 SF
MAXIMUM BUILDING HEIGHT:	42 FT

*Within 35 feet of the East property line the maximum building height shall not exceed 35 feet.

OFF-STREET PARKING:
As required by the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:	
From the north boundary	45 FT **
From the south boundary	45 FT**
From the east boundary	10 FT

From the west boundary

10 FT

*For the purpose of establishing the required street yards, the front yard setback shall be considered to be 10 feet.

MINIMUM PARKING SETBACKS:

From the north and south boundaries

5 FT

LIVABILITY SPACE:

A minimum of 400 square feet of livability space shall be provided within each townhouse lot. The remainder of the required livability space calculated at 600 square feet per dwelling unit shall be provided within Reserve Area A.

SIGNS:

One project identification ground sign shall be permitted along the East 41st Place and East 42nd Street frontages each with a maximum of 32 square feet of display surface area and 12 feet in height.

LIGHTING:

Exterior light standards shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element of reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

SCREENING:

A minimum six-foot high screening fence shall be constructed along the east and west boundaries provided such screening fence shall terminate or be reduced to four feet in height 25 feet (or commensurate with the front setback) from the East 41st Place and East 42nd Street property lines.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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.

3. No sign permits shall be issued for erection of entry signs until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

4. 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.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, common and reserve areas, including any stormwater detention areas, sidewalks, trails, parks, security gates, guard houses or other commonly owned structures within the PUD.
6. No building permit shall be issued until the requirements of Section 1107.F 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.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, County Engineering and the appropriate water/ fire district, prior to issuance of a building permit for the gates or guard houses.
9. 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.

Comments from 7/19/07 TAC:

General: No comments.

Water: If the fire hydrant coverage of the building is not met then a fire hydrant may need to be installed or a looped waterline extension in a 20' restrictive waterline easement

Fire: No comments.

Stormwater: The Developer of this PUD must comply with all Federal, State, and Local Regulations for Development in the Floodplain.

Wastewater: The existing 10' U/E will not be allowed to be abandoned, unless additional easement is added to the South of the remaining easement. A minimum of 15' is required just for the sanitary sewer alone. With additional utilities using the easement, we will need more than a 15' easement.

Transportation: Sidewalks should be constructed on the street frontages where not already existing.

Traffic: Provide Mutual Access Easements for both access aisles. Design sidewalks around any large trees that will remain.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP: No comment

LRTP: S. Peoria Ave, between 41st St. S. and 51st St. S., existing four lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: No comment

Transit: Currently, Tulsa Transit operates an existing route on S. Peoria Ave. and 41st St. S. According to MTTA future plans, this location will continue to be served by transit routes. 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 the developers of the subject property, stated that the subject property is being proposed to be developed into 25 townhouse lots. The application only applies to the south half of the subject property because the north half is zoned in an RM-1 district and townhouses are allowed as a matter of right. This proposal is in accord with the Brookside Plan. Mr. Norman submitted photographs of the surrounding properties (Exhibit A-1). Mr. Norman indicated that he is in agreement with staff recommendation.

TMAPC COMMENTS:

Mr. Ard asked Mr. Norman if the units would have access from the respective streets that they front and there wouldn't be a way to access 41st Place to drive through to 42nd. In response, Mr. Norman stated that the design doesn't permit driving through from 41st Place to 42nd. There will be front garages on the lower level and will have access to on their respective streets.

Ms. Cantrell asked if Mr. Norman or his client had an opportunity to meet with the Brookside Neighborhood. In response, Mr. Norman stated that his client met with the Neighborhood Association earlier and then delivered to them a complete

set of the plans when they were filed with the staff. He believes that Mr. Foote is present to represent the association.

Interested Parties for PUD-744:

Schuyler Sharp, 4217 South Rockford Avenue, 74105 and **Phillip Hager**, 1407 East 42nd Street, 74105.

Interested Parties Comments for PUD-744:

The subject area has been improving and the property values have been increasing; do not allow this encroachment into the neighborhood; prefer single-family homes in the subject area; Mr. Norman's pictures depict homes that haven't had the opportunity to be flipped; too many cars using Rockford Avenue as a cut-through and do not want to see this type of development; no one seems to know what the plans are within the neighborhood; children play in the streets on their bikes and they do not want more traffic; townhouses is just a fancy name for apartments and eventually it becomes rental property.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Hager if he attends the Brookside Neighborhood meetings or is he involved at all with the Brookside Neighborhood Association. In response, Mr. Hager stated that he spoke with Ken Foote and he has been the best source of information for him.

Interested Parties Comments:

Ken Foote, 3935 South Madison, 74105, Brookside Neighborhood Association, stated that he doesn't have anything to say unless the Planning Commission has some questions. If the interested parties have any questions regarding the neighborhood association or the Brookside Neighborhood Association's stand on this application, he would be happy to answer their questions.

Mr. Ard asked Mr. Foote if the Brookside Neighborhood Association had a stand on this and if so, could he tell the Planning Commission what it is. In response, Mr. Foote stated that the Brookside Neighborhood Association likes the plan and it falls within the guidelines of the Brookside Plan. The existing property was not particularly attractive and it is currently anchored by two apartments. There is not much one can do as far as hoping for an RS-3 to rebuild in the subject area. Mr. Foote indicated that the owner presented the plan to the association and they are for townhouse, which means they will be individually owned.

Applicant's Rebuttal:

Mr. Norman stated that he is in agreement with the staff recommendation and it is in accordance with the Brookside guidelines and policies. The subject property will be platted as townhouse lots and designed for individual ownership. In time the Planning Commission will see the plats for these townhouses and they are individual residences. There is a common area between the units and it will be

owned by an owners' association, which also will be responsible for maintaining it.

TMAPC COMMENTS:

Ms. Cantrell stated that she would move to approve this application per staff recommendation. She believes it is a good plan.

Mr. Marshall stated that he is familiar with the Brookside Neighborhood Association and also the Infill Study and he believes that this falls within it. The businesses and residential people came together and put this plan together. The study did recommend commercial up to 200 feet, but the study went to Rockford Avenue where there could be higher density property if wanted and that is what townhouses are. Mr. Marshall stated that he will be supporting this application.

Ms. Cantrell stated that she understood that the Brookside Plan targeted the subject area for redevelopment.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Carnes, Harmon, McArtor, Midget, Miller "absent") to **APPROVE** PUD-744, subject to conditions per staff recommendation.

Legal Description for PUD-744:

Lots Six (6), Seven (7) and Nine (9), Block Four (4); JENNINGS-ROBARDS ADDITION; **AND** Lot Eight (8), Block Four (4), JENNINGS-ROBARDS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 705 **AND** That part of Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section Thirty (30), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning Four hundred sixty-three and Seven tenth (463.7) feet South of the North boundary line of the Northwest Quarter of Northwest Quarter (NW/4 NW/4) of Section Thirty (30) Township Nineteen (19) North, Range thirteen (13) East and Three hundred ninety-two and Five tenths (392.5) feet East of the West line of said Northwest Quarter (NW1/4); **THENCE** south Twenty (20) feet; **THENCE** East fifty (50) feet; **THENCE** North Twenty (20) feet; **THENCE** West Fifty (50) feet to the **POINT OF BEGINNING**, being North Twenty (20) feet of the lot formerly designated as Lot Three (3), Block One (1), **RADIO ROSE ADDITION**; **AND** Lot Ten (10), Block Four (4), JENNINGS-ROBARDS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof **AND** Part of the Northwest Quarter of the Northwest Quarter (NW1/4 NW 1/4) of Section Thirty (30), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

COMMENCING at a point 594.7 feet South and 492.5 feet East of the Northwest corner of said Section 30, Township 19 North, Range 13 East, which point is also on the North boundary line of 42nd Street and 492.5 feet East of the center of Peoria Avenue and is the Point of Beginning; thence East along the North line of 42nd Street, 57.5 feet; thence North parallel with the East line of Peoria Avenue, 131 feet; thence West parallel with the North line of 42nd Street, 57.5 feet; thence South parallel with the East line of Peoria Avenue, 131 feet to the POINT OF BEGINNING, being the same property described as Lot Five (5) and the West 7.5 feet of Lot Six (6), Block 1, RADIO ROSE ADDITION to the City of Tulsa, which Plat has heretofore been vacated; **AND** Lot Eleven (11), and the West Twenty-five feet (W 25') of the vacated portion of Quincy Street, Block Four (4), JENNINGS-ROBARDS ADDITION; **AND** Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Thirty (30), Township Nineteen(919), Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, and more particularly described as follows, to-wit: Beginning on the North line of 42nd Street at a point 290 feet measured along the North line of said 42nd Street East from the center of Peoria Avenue, both streets as located by Plat and Dedication of Radio Rose Addition filed May 6th, 1925, under Plat #733 in the office of the County Clerk of Tulsa county, State of Oklahoma, thence North 131 feet; thence East 102.5 feet; thence South 131 feet to the intersection of the North line of 42nd Street; thence West along the North line of said 42nd Street, 102.5 feet to a point and Place of Beginning; **AND** That part of the Northwest Quarter of the Northwest Quarter (NW1/4 NW 1/4) of Section Thirty (30), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, described as follows, to-wit: BEGINNING at a point 463.7 feet South and 392.5 feet East of the Northwest Corner of said Section Thirty (30), thence South 131 Feet; thence East 50 feet; thence North 131 feet; thence West 50 feet to the POINT OF BEGINNING. (Formerly Lot Three (3), Block One, (1), Radio Rose Addition, Less the North 20 feet thereof.); **AND** That part of the Northwest Quarter of the Northwest Quarter (NW1/4 NW 1/4) of Section Thirty (30), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit: BEGINNING 463.7 feet South and 442.5 feet East of the Northwest Corner of the Northwest Quarter (NW/4 NW/4); thence South 131 Feet; thence East 50 feet; thence North 131 feet; thence West 50 feet to the POINT OF BEGINNING. Tract is the same property as Lot Four (4), Block one (1), of the ORIGINAL PLAT OF RADIO ROSE ADDITION to the City of Tulsa, Tulsa County, Oklahoma, which plat has heretofore been vacated; **AND** A tract of land more particularly described as follows, to-wit: BEGINNING 594.7 ft. South and 550 ft. East of the Northwest corner of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, which point is also the North boundary line of 42nd

Street, 550 ft. East of the center line of Peoria Avenue; thence North along a line parallel with the East line of Quincy Avenue, a distance of 131 ft.; thence East on a line parallel with the North line of said 42nd Street, a distance of 50 ft.; thence South along a line parallel with the East line of Quincy Avenue, a distance of 131 ft.; thence West along the North boundary line of 42nd Street, a distance of 50 ft. to the point of beginning and the West Twenty-five feet (W 25') of the vacated portion of Quincy Street, Block Four (4), JENNINGS-ROBARDS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof **From RS-3/RM-1 (Residential Single-family District/Residential Multi-family District) To RS-3/RM-1/PUD (Residential Single-family District/Residential Multi-family District /Planned Unit Development [PUD-744])**.

* * * * *

Application No.: Z-7070

RS-3 to OL

Applicant: Charles E. Norman

(PD-17) (CD-5)

Location: East of northeast corner of East 41st Street and South 100th East Avenue

STAFF RECOMMENDATION:

Z-6776 July 2000: All concurred in approval of a request for rezoning a 15.6± acre tract of land from AG to CS, less the north 260', for commercial use on property located on the northeast corner of East 41st Street and Mingo Valley Expressway.

BOA-14089 June 1986: The Board of Adjustment denied a request for a home occupation, pecan cracking and retail business, on property located on the west side of Mingo Valley Expressway, at 10025 East 41st Street.

Z-6106 April 1985: A request for rezoning a 1.83± acre tract of land from RS-3 to OL was withdrawn on property located and the subject property.

Z-5386/PUD-230 April 1980: All concurred in approval of a request for rezoning an 18.5± acre tract of land from RM-1 to OL for an office park on property located north of northwest corner of East 41st Street and Mingo Valley Expressway.

BOA-9174 August 19, 1976: The Board of Adjustment approved a Special Exception to permit church use on property located and abutting east of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.83± acres in size and is located east of the northeast corner of East 41st Street and South 100th East Avenue. The property appears to be used residentially and is zoned RS-3. Large fences separate the property from the East 41st Street frontage, with large wrought-iron gates for ingress and egress. A central street median may require some modification for access/egress purposes if redevelopment occurs.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 41 st Street	Secondary arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by a church parking lot and vehicle storage area zoned RS-3; on the north by single-family residential development, zoned RS-3; on the south by an office park development, zoned CS; and on the west by single-family residential development, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The site is apparently within a transitional area between the single-family residential uses to the north and west and the institutional/office/commercial uses to the east and south. It is unrealistic to expect that this property will redevelop as single-family residential, given the uses to the south and east and the large exposure to East 41st Street. Office uses, particularly OL, are effective buffers in these instances and therefore staff can support this request. Staff recommends **APPROVAL** of OL zoning for Z-7070.

Applicant's Comments:

Charles E. Norman, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103; stated that this is an unusual property and it has never been platted. The existing home was constructed prior to 1970. Mr. Norman stated that he is in support of staff's recommendation. Mr. Norman submitted photographs of the subject property and the surrounding properties (Exhibit A-1), plat (Exhibit A-2)

and a 20 signature petition of support (Exhibit A-3). Mr. Norman described the surrounding properties and the subject property.

Mr. Norman stated that the subject property has been passed over by development. It is wrapped around by residential and the light office zoning district is an appropriate for a transition or buffer zone from residential areas to the church use and commercial properties.

TMAPC COMMENTS:

Mr. Marshall asked if there is an entrance to the back of the subject property off of 40th Place. In response, Mr. Norman stated that there is a driveway because the property is owned by an attorney who happens to live in the same area. That gate will not be permitted. Mr. Norman stated that the only lawful ingress/egress for the subject property is off of 41st Street. Mr. Marshall asked Mr. Norman if his client would have a problem with a condition being imposed that the ingress/egress can only be from 41st Street. In response, Mr. Norman stated that the City Attorney may have a problem with conditioning a straight zoning application.

Mr. Marshall asked Mr. Norman if his client would mind having an eight-foot privacy fence along the north and west property line. In response, Mr. Norman stated that a screening fence will be required and it would eliminate any use of the existing driveway that Mr. Marshall had referred to. The Zoning Code requires a minimum six-foot high screening fence. Mr. Norman stated that he doesn't think there is any objection to eight feet in height, but personally he has always had concerns with eight-foot high fences in backyards because they tend to make it appear to be tightly enclosed. Mr. Norman stated that he doesn't have an objection to the eight-foot fence, if the City Attorney doesn't have an objection to the Planning Commission conditioning a straight zoning application. Conditioning a straight zoning would be outside of what the Planning Commission can recommend to the City Council. Mr. Marshall stated that it is just a recommendation. Mr. Norman stated that he would pass the recommendation of an eight-foot fence onto his client.

Interested Parties for Z-7070:

Morad Sepanvand, 4009 South 100th East Avenue, 74146; and **Morteza Nikon**, 4915 South 94th, 74146.

Interested Parties Comments for Z-7070:

Expressed concerns that this would be a commercial property and create more traffic on 100th East Avenue; concerned that the use will cause noise in the subject area; there are four houses next to the subject property that will be impacted by this application; no privacy and safety issues; do not want commercial uses in the neighborhood.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Sepanvand if he had a chain-link fence or a privacy fence. In response, Mr. Sepanvand stated that if he had a privacy fence, he would still be able to see the wall and the roof of the next building. In response, Mr. Marshall stated that Mr. Sepanvand could see the roof and wall of all of his other neighbors as well.

Ms. Cantrell explained that OL is not a commercial use. OL is a low density use and allows only one story. Mr. Sepanvand asked what office means and what type of office would be there. Mr. Sepanvand stated that currently the owner lives there and has a law office in his home. If it remains the same use he has no problem, but if it is going to be a new construction and building then it will damage his property.

Ms. Matthews read the uses that would be allowed in OL (Use Unit 11).

Ms. Cantrell stated that the subject property can't be used like a QuikTrip with people coming and going continually. Ms. Cantrell explained that this would be an office with low density use.

Applicant's Rebuttal:

Mr. Norman stated that office zoning and commercial zoning is not the same thing. The only uses permitted in OL zoning is a one-story office building and no retail businesses or restaurants will be permitted under office light zoning. Mr. Norman commented that he should have taken more time to explain the difference between commercial and office zoning. This proposal is the lightest use other than single-family residential that would be considered appropriate. The subject property is across the street from other offices and has not access to the residential streets. The subject property is an isolated tract of land and has no access except to 41st Street. Mr. Norman stated that the change in the zoning is appropriate and he requested the Planning Commission to approve the staff recommendation.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Norman if he knew what the intended use will be. In response, Mr. Norman stated that it would be a one-story office building and it would comply with all of the setbacks from the single-family area and meet the required screening. Mr. Norman indicated that he doesn't know the specific user of the office building will be at this time. He commented that it is extremely difficult to gain access to 41st from the subject property.

Mr. Shivel stated that with the combination of uses on the south side of 41st Street this is a mixed use area. He appreciates Mr. Norman's clarification on the distinction between commercial zoning and office zoning. This would be a less intrusive use next to the residential area and he could support this application.

Mr. Ard stated that the subject property has access onto 41st Street only and the requested zoning is the most compatible that one could have next to a residential area. This is the only use that makes sense for the subject property considering its location. Mr. Ard indicated that he would be in support of staff's recommendation.

Mr. Marshall stated that the subject property will be completely isolated and with a privacy fence being installed it would help the residential properties.

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Carnes, Harmon, McArtor, Midget, Miller "absent") to **APPROVE** the OL zoning for Z-7070 per staff recommendation.

Legal Description for Z-7070:

All that part of the SE/4 SW/4 SW/4 of Section 19-19-14, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Commencing at the SE corner of said SE/4 SW/4 SW/4, thence due North along the easterly line of said SE/4 SW/4 SW/4 a distance of 80.00 feet to a point in the northerly right-of-way line of East 41st Street South and the Point of Beginning, thence South 81°40'32" West along the northerly right-of-way line of East 41st Street South a distance of 104.65 feet to a point 65.00 feet north of the southerly line of said SE/4 SW/4 SW/4, thence South 89°54'58" West along the northerly right-of-way line of East 41st Street South parallel to and 65.00 feet north of the southerly line of said SE/4 SW/4 SW/4 a distance of 273.20 feet, thence North 6°09'31" East a distance of 149.65 feet to the southeast corner of Lot 44 of Block 7 of Millwood Estates, thence continuing North 6°09'31" East along the easterly line of Lot 44 of Block 7 of Millwood Estates a distance of 61.00 feet to a corner common to Lots 42 and 44 of Block 7 of Millwood Estates, thence North 86°16'53" East along the southerly line of Block 7 of Millwood Estates a distance of 354.90 feet to the southeast corner thereof, thence due South along the easterly line of said SE/4 SW/4 SW/4 a distance of 216.90 feet to the Point of Beginning **From RS-3 (Residential Single-family District) To OL (Office Low Intensity District).**

* * * * *

Application No.: CZ-387/PUD-745

AG to RS/PUD

Applicant: Tanner Consulting

(County)

Location: West of southwest corner of East 171st Street South and South Lewis Avenue

STAFF RECOMMENDATION CZ-387:

No recent zoning cases have been heard within the area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 80± acres in size and is located west of southwest corner of East 171st Street South and South Lewis Avenue. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 171 st Street South	Primary arterial	120'	

UTILITIES: The subject tract has water available through Creek County Rural Water District and no sewer available.

SURROUNDING AREA: The subject tract is abutted on all sides by what appear to be agricultural/vacant and related uses, all zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Metropolitan Development Guidelines, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designate this area as being Low Intensity. According to the Zoning Matrix, the requested RS zoning **is** in accord with the Plan.

STAFF RECOMMENDATION:

On the face of it, this appears to be “leap frog” development, which greatly contributes to urban sprawl. However, the applicant has submitted an accompanying PUD, which envisions a 320-acre development in the future. The current 80-acre development is the first phase of that PUD. Based on that, and the verbal assurance from the Glenpool Economic Development Director, Stan Ewing, that Glenpool supports this request, staff recommends **APPROVAL** of RS zoning for CZ-387, if the TMAPC finds it appropriate to approve the accompanying PUD.

STAFF RECOMMENDATION FOR PUD-745:

The eighty-acre site of the proposed PUD 745 (and related request for RS zoning per CZ-387) is located west of the southwest corner of east 171st Street South and South Lewis Avenue. The property is bordered on the north and east by floodplain and riparian areas and is the first phase of a 320 acre master planned community.

The initial phase consists of approximately 65 single-family residential lots, each a minimum of one-half acre to accommodate individual aerobic systems for sanitary sewage disposal. Public streets and cul-de-sacs are planned and will be

accessed via East 171st Street South, which will require dedication of additional right-of-way. The main north/south street is recommended for designation as a residential collector and a stub street is proposed to the southeast for access to future development. Although not proposed, access to abutting south and west properties should also be provided.

A 35-foot green space/ buffer is proposed along the south side of East 171st Street South and is to be maintained by the Homeowners Association. The existing pond will be retained for on-site detention and will incorporate walking trails and a park. The developer may be requesting a waiver of the subdivision regulations to allow trails in place of sidewalks.

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-745 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-745 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:

LAND AREA: 80 AC 3,484,800 SF

PERMITTED USES:
Those uses permitted as a matter of right in Use Unit 6, Single Family Dwellings, including landscaped features and secured entrances and recreational facilities and uses customarily accessory to permitted uses.

MAXIMUM NUMBER OF LOTS: 75

MINIMUM LOT SIZE: 21,780 SF

MINIMUM LOT WIDTH: 60 FT

MAXIMUM BUILDING HEIGHT: 35 FT

MINIMUM LIVABILITY SPACE PER LOT: 7,000 SF

MINIMUM YARDS:

Front:		
	From the street right-of-way	25 FT
Side:		
	One side yard	10 FT
	Other side yard	5 FT
Rear:		25 FT
	From East 171 st Street South	35 FT

OFF-STREET PARKING:

As required per the zoning code for the applicable use unit.

SIGNS:

One sign at each entrance from East 171st Street South shall be permitted with a maximum height of four feet and maximum display surface area of 32 square feet for each sign.

VEHICULAR AND PEDESTRIAN CIRCULATION:

Additional right-of-way for East 171st Street South shall be required in accord with the Major Street and Highway Plan. Two access points to East 171st Street South shall be permitted. The main north/south internal street shall be designated and improved as a residential collector street and stub streets to the abutting west, south and east properties shall be provided.

Sidewalks are required along East 171st Street South and along interior streets unless the County Engineer determines otherwise and TMAPC amends this requirement by waiver of the Subdivision Regulations.

3. No zoning clearance permit shall be issued for common recreational uses within the PUD until a detail site plan for the uses, which may include buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. No sign permits shall be issued for erection of entry signs until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. For purposes of platting, indicate all floodplains within and adjacent to the PUD. All floodplains within the PUD shall be included in reserve areas.
6. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate County official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance

of an occupancy permit on that lot.

7. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, common and reserve areas, including any stormwater detention areas, sidewalks, trails, parks, security gates, guard houses or other commonly owned structures within the PUD.
8. 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 Tulsa County standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
9. The County shall inspect all private streets and certify that they meet County standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the County.
10. No building permit shall be issued until the requirements of Section 1170.5 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 County beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, County Engineering and the appropriate water/ fire district, prior to issuance of a building permit for the gates or guard houses.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

Comments from 7-19-07 TAC:

General: No comments.

Water: Rural Water District #2 Service Area.

Fire: Out of City of Tulsa.

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. See attached figure 508.5.1(1) from the *International Fire Code Commentary*.

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: No comments.

Wastewater: Out of service area. No Comment.

Transportation: 60 feet of right-of-way dedication will be required along 171st Street South, a Primary Arterial on the Major Street & Highway Plan.

Traffic: Discuss potential stub streets with the County Engineer.

GIS: No comments.

Street Addressing: No comments.

County Engineer: Will need access to the West and possibly South. In the narrative, reference is made to 'public streets', and in a later section, 'secured' entrances. Public streets must be open and accessible at all times, not 'gated' or 'secured'. Why was not the whole development (320 acres) included in this PUD and then platted in phases? If there are common or public areas, sidewalks will be needed.

MSHP: East 171st Street South is designated a primary arterial.

LRTP: East 171st Street South, between Lewis Avenue and Peoria Avenue, existing two lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: No comment

Transit: No current or future plans for this location.

Applicant's Comments:

Ricky Jones, Tanner Consulting, LLC, 5323 South Lewis Avenue, 74105, stated that he is in agreement with staff's recommendation. The first phase of this 80-acre development is part of a 320 overall acre master plan that has been done. This is an old horse farm that has been broken up into a residential development. Mr. Jones indicated that he has met several times with Tom Rains and Ray Jordan. He is in agreement with all of staff's conditions and the revised plan does have the stub street to the south and west. At the Technical Advisory Committee he talked with Tom Rains and he will consider in lieu of sidewalks an overall pedestrian trail. When the plat is filed he knows that he will have to ask for a waiver of the Subdivision Regulations for the sidewalk. If he is unable to please the County Engineer, then he will install the sidewalks. Mr. Jones explained the problems with installing sidewalks with borrow ditches. He believes that he can work out an alternative plan to a typical sidewalk system, which will be considered during TAC. He requested that the Planning Commission approve the staff recommendation and send to the Board of County Commission.

Mr. Jones asked Ms. Matthews if she is requesting a residential collector. In response, Ms. Matthews answered affirmatively. Mr. Jones asked if this could be made subject to Tom Rains or the County's requirement. He indicated that he discussed this with Mr. Rains and they were not in favor of a 36-foot wide paving, but if they are in agreement with it then he would add that on with the platting stage. He requested that the motion state: "...subject to County's approval of a collector system."

Ms. Matthews stated that staff would be in agreement with Mr. Jones's request regarding the collector. Ms. Matthews reminded Mr. Jones that if the Planning Commission approves this with the changes agreed to, then he would have to submit another concept plan to submit to the County before it is heard. In response, Mr. Jones stated that he has that available.

TMAPC COMMENTS:

Mr. Marshall asked if all of the lots shown on the concept map out of the floodplain. In response, Mr. Jones answered affirmatively.

In response to Mr. Marshall, Mr. Jones stated that the lots will have an aerobic sewer system and so they will have to meet half-acre minimum lot size requirements. The minimum lot width was chosen to allow for some flexibility.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MARSHALL**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Carnes, Harmon, McArtor, Midget, Miller "absent") to **APPROVE** the RS zoning for CZ-287 per staff recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Carnes, Harmon, McArtor, Midget, Miller "absent") to **APPROVE** PUD-745, subject to stub streets to the south and west properties in addition to the east; subject to the floodplain being shown; subject to County's approval of a north/south residential collector street; subject to sidewalk/trails issue pending County Engineer during the platting stage, subject to staff's recommendation as modified by the Planning Commission.

Legal Description for CZ-387/PUD-745:

A TRACT OF LAND THAT IS THE WEST HALF OF THE NORTHEAST QUARTER (W/2 NE/4) OF SECTION THIRTY-ONE (31), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID W/2 NE/4; THENCE NORTH 88°49'34" EAST AND ALONG THE NORTHERLY LINE OF THE W/2 NE/4, FOR A DISTANCE OF 1323.32 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER THEREOF; THENCE SOUTH 1°04'53" EAST AND ALONG THE EASTERLY LINE OF THE W/2 NE/4, FOR A DISTANCE OF 2641.30 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 88°48'22" WEST AND ALONG THE SOUTHERLY LINE OF THE W/2 NE/4, FOR A DISTANCE OF 1323.36 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER THEREOF; THENCE NORTH 1°04'51" WEST AND ALONG THE WESTERLY LINE OF THE W/2 NE/4, FOR A DISTANCE OF 2641.76 FEET TO THE POINT OF BEGINNING; **From AG (Agriculture District) To RS (Residential Single-family District/Planned Unit Development [PUD-745]).**

* * * * *

Application No.: Z-7069

OM to OL

Applicant: Dryer & Associates, PC

(PD-18b) (CD-2)

Location: Southeast corner of East 73rd Street and South Lewis Avenue

STAFF RECOMMENDATION:

Z-6980/PUD-128-G May 2005: All concurred in approval of a request for rezoning a 23.8± acre tract of land from RS-3 to RM-1/OM/PUD and a proposed Major Amendment to PUD-128 for multi-family and office uses on property located on the southeast corner of East 73rd Street South and South Wheeling Avenue.

Z-6790 November 2000: All concurred in approval of a request for rezoning a 1± acre tract of land from OL to OM for dental office/facility on property located on the northeast corner of East 74th Street South and South Lewis Avenue.

Z-6586 April 1997: A request to rezone the subject tract from RS-1 to CS in order to continue a martial arts school. All concurred in denial of CS and OL zoning was approved.

BOA-17635 April 1997: An appeal of the Code Enforcement official's decision for the determination and the continued use of a non-conforming martial arts school on the subject tract. The Official's decision was upheld.

Z-5942 May 1984: All concurred in approval of a request to rezone a one-acre tract located on the northeast corner of East 75th Street South and South Lewis Avenue from RS-1 to OM.

Z-5672/PUD-293 September 1983: A request to rezone a 2.5-acre tract located east of the northeast corner of East 75th Street South and South Lewis Avenue and abutting the subject tract on the southeast corner from RS-1 to RM-2 for multifamily use was denied. All concurred in approval of RD zoning of the property subject to a PUD being filed which would reduce the density of units to 26.

Z-5805/PUD-329 August 1983: All concurred in approval of a request to rezone the tract located south of the subject property on the southeast corner of East 74th Street and South Lewis Avenue from RS-1 to OM with a PUD for office development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .81± acres in size and is located at the southeast corner of East 73rd Street and South Lewis Avenue.

The property appears to have an office building on it and is zoned OM. The applicant desires to split the property and construct a similar office building on the split-off site. The BOA denied a variance of the required frontage for an OM-zoned property that would have enabled the split to occur, which forced the applicant to seek this rezoning. (See attached BOA minutes excerpt from 6/13/06.)

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Lewis Avenue	Secondary	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east and north by the Esplanade residential development (a private, gated community, zoned RS-3/PUD-124; on the south by office uses, zoned OM/PUD-329; farther south by a City of Tulsa fire station, zoned RS-1; and on the west by a private school and grounds zoned OM; and to the southwest by the school and grounds, zoned RM-1/PUD-128G. Southeast of the subject property is apparently vacant land, zoned RD/PUD-298.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18-B Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific land use. According to the Zoning Matrix, the requested OL zoning **is** in accord with the Plan.

STAFF RECOMMENDATION:

The use of the Lewis Avenue frontage as offices has long been established. This proposal is to enable splitting of a portion of the site for the development of an office building that is similar to the existing facility. Staff recommends **APPROVAL** of OL zoning for Z-7069.

Applicant's Comments:

David Dryer, Dryer & Associates, 5110 South Yale, Suite 430, 74135, representing the applicant, stated that he is in agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

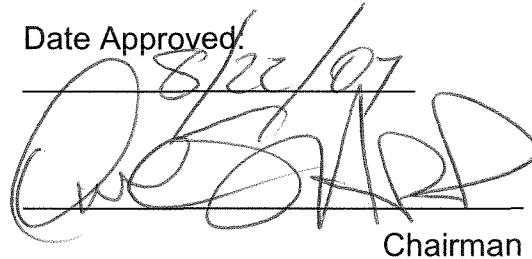
On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Carnes, Harmon, McArtor, Midget, Miller "absent") to **APPROVE** the OL zoning for Z-7069 per staff recommendation.

Legal Description for Z-7069:

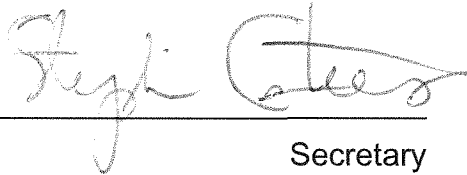
BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION 8, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATE GOVERNMENT SURVEY THEREOF; THENCE NORTH ALONG THE WEST LINE OF SECTION 8 FOR 165'; THENCE EAST 264'; THENCE SOUTH 165'; THENCE WEST 264' TO THE PLACE OF BEGINNING, LESS THE WEST 50' THEREOF; **From OM (Office Medium Intensity District) To OL (Office Low Intensity District).**

There being no further business, the Chair declared the meeting adjourned at 4:41 p.m.

Date Approved:

8/22/07

Chairman

ATTEST:


Secretary

