

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2084

Wednesday, September 25, 1996, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard	Gray	Almy	Linker, Legal
Boyle		Gardner	Counsel
Carnes, Chairman		Jones	
Dick		Matthews	
Doherty, 1st Vice Chairman		Stump	
Horner			
Ledford			
Midget, Mayor's Designee			
Pace, Secretary			
Westervelt			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, September 24, 1996 at 8:43 a.m., in the office of the County Clerk at 8:38 a.m., as well as in the Reception Area of the INCOG offices at 8:58 a.m.

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

### **Minutes:**

#### **Approval of the minutes of September 11, 1996, Meeting No. 2082:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of September 11, 1996, Meeting No. 2082.

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**REPORTS:**

**Committee Reports:**

**Comprehensive Plan Committee**

Mr. Ledford stated there are several items on the agenda today, including resolutions pertaining to the housekeeping amendments, that the Commission approved last week.

**Director's Report:**

Mr. Gardner reported there are two zoning items scheduled for the September 26th City Council meeting. Mr. Stump will be in attendance. Mr. Doherty stated he will be unable to attend, but due to both items being approved unanimously, he feels a TMAPC representative is not needed.

**SUBDIVISIONS:**

**Plat Waiver, Section 213:**

**BOA-17502 (Granada & Albert Pike) (2193)**

(PD-6)(CD-4)

South Jamestown between East 32nd Street & East 32nd Place

**Staff Comments:**

Mr. Stump stated the applicant is in agreement with TAC's recommendation and conditions; therefore, staff would recommend approval.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Plat Waiver for BOA-17502 as recommended by TAC.

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**Lot-Split for Ratification of Prior Approval:**

- L-18346 Roba Lee Thompson Ministries (1593)** (PD-5)(CD-4)  
4936 East 21st Street
- L-18352 H. H. Dukes (863)** (PD-21)(County)  
191st Street South & South Lewis
- L-18353 James & Sharon Slack (593)** (PD-4)(CD-4)  
2547 East 1st Street
- L-18354 John Hardison (3492)** (PD-8)(CD-2)  
2500 West Skelly Drive
- L-18356 Rockhurst, Inc. (2783)** (PD-26)(CD-8)  
6307 East 105th Street
- L-18356 Rockhurst, Inc. (2783)** (PD-26)(CD-8)  
6308 East 105th Street
- L-18358 S. Kansas & Okla. Railroad (2003)** (PD-2)(CD-3)  
3123 East Apache

**Staff Comments:**

Mr. Jones informed the Commission that these lot-splits for ratification of prior approval are in order and meet Subdivision Regulations. Staff recommends approval.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Lot-split for Ratification of Prior Approval, finding them in accordance with Subdivision Regulations.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** CZ-227 (PD-19)(County)  
**Applicant:** Stephen Carr **AG to RE/CO**  
**Location:** Southeast of East 101st Street & South Garnett  
**Presented to TMAPC:** Stephen Carr

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 19 Plan, a part of the Broken Arrow Comprehensive Plan, designates the northwest corner of the subject tract as Low Intensity - Residential with the balance being

in the floodplain. The October 1995 Tulsa Metropolitan Area Major Street and Highway Plan shows the proposed Broken Arrow Expressway Loop going through Tract I.

According to the Zoning Matrix the requested RE is in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 25 acres in size and located south of East 101st Street South and east of South Garnett Road. It is gently sloping, wooded, vacant and zoned AG. All of Tract I is within the regulatory floodplain of Haikey Creek. The southwest portion of Tract II is within this same floodplain. Neither tract has frontage on a public street.

**Surrounding Area Analysis:** The subject tract is abutted on the north, south and west by vacant property, zoned AG; and to the east by vacant property within the Broken Arrow City Limits.

**Zoning and BOA Historical Summary:** The most recent rezoning action in the area was in 1986 which approved CS zoning of 5.8 acres located on the southeast corner of East 101st Street South and South Garnett Road.

**Conclusion:** RE zoning is in conformance with the Comprehensive Plan and appears to be of a low enough density to provide site options for some development in portions of the flood-prone area. Therefore, staff recommends **APPROVAL** of the RE zoning for Tract I and II.

**Applicant's Comments:**

**Steve Grey**, 2865 East Skelly Drive, Suite 205, stated he is in agreement with staff's recommendation for RE zoning and will submit the plat.

**Interested Parties Comments:**

**Jerry Glenn**, P. O. Box 91, Broken Arrow, stated that his property is immediately west of the proposed project tract. Mr. Glenn presented a case map with color-coding to indicate areas he referred to. He stated the northeast area, indicated by green, is suitable for building residential dwelling; however, the balance of the tract, indicated by orange, is in floodplains. He feels development in the floodplains will cause flooding problems in the future.

Mr. Glenn stated the elevation of the southeast corner of the R-2 zoned area, indicated by yellow, is 630 feet above sea level. On several occasions, the water has been three feet above that level.

Mr. Glenn feels the zoning in the northeast is acceptable because it is consistent with the area immediately to the north. However, Mr. Glenn expressed concern that if all the tract is zoned residentially, the zoning will allow development of islands and residential houses that will create flooding problems for everyone in the area.

Mr. Glenn stated he understands the southeast corner has been built up five feet. However, he feels the construction of homes will divert the water, increase its runoff velocity and direct it on to adjacent properties.

Mr. Glenn presented an article titled "Fruits of Past Tragedies" which references Mingo Creek and the shortsightedness of development. Mr. Glenn requested the Commission consider the flooding problem.

**TMAPC Comments:**

Mr. Doherty reminded the Commission that flooding is a platting issue and would be better addressed at the platting stage. In terms of zoning, staff recommended approval of RE, which he feels is the least dense. Mr. Jordan, Tulsa County Engineer, is requiring compensatory storage for any building in the floodplain.

Mr. Gardner stated Mr. Glenn will be notified in the event that the applicant tries to develop the property.

Mr. Dick assured Mr. Glenn that Mr. Jordan will research any flooding problems the development may cause.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to recommend **APPROVAL** of the RE zoning for Tracts I and II of CZ-227 as recommended by staff.

**Legal Description for CZ-227:**

The SE/4, SE/4, NW/4 and the S/2, SW/4, SE/4, NW/4, and the NE/4, SE/4, NW/4, less and except the NW/4, NE/4, SE/4, NW/4, Section 29, T-18-N, R-14-E, of the IBM, Tulsa County, Oklahoma, subject to a roadway grant, **and** The NW/4, NE/4, SE/4, NW/4, of Section 29, T-18-N, R-14-E, of the IBM, Tulsa County, subject to a roadway grant, containing 25 acres more or less,

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**ZONING PUBLIC HEARING:**

**Application No.: PUD-275-3**

(PD-18)(CD-8)

(Minor Amendment to reduce front yard setback)

**Applicant:** Michael E. Coulter

**Location:** 9405 South Vandalia

**Presented to TMAPC:** Michael E. Coulter

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to allow reduction of the front yard setback of a single-family residential lot from 24.25' to 23.90'. The purpose of the request is to allow the installation of a brick face on the existing unit.

Staff has reviewed the request and finds that single-family detached units were allowed in the PUD by Minor Amendment in March of 1992 with the setback defined by the plat. The plat at that time required a minimum 25' setback as did the PUD Restrictions which were filed as a part of the Deed of Dedication and Restrictive Covenants. In April of 1993 the Commission approved a request for Minor Amendment to allow a reduction of the front setback from 25' to 24.25'.

The current request is for a .35' reduction to the front yard setback. Based on the minor nature of the request, staff recommends **APPROVAL**.

Staff notes that the unit has significant area in the rear yard and could have been set back off the property line, providing a "cushion" to accommodate minor changes to the structure. Staff remains uncomfortable with reductions to setbacks which are not created by physical factors unique to a particular lot, such as topography or severely limited size. One answer to the need for setback amendments may be foundation or footing surveys, identifying issues early in the construction process.

Staff would also note that the restrictive covenants should be amended to reflect this change.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-1** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; Midget "abstained"; Gray "absent ") to **APPROVE** the Minor Amendment PUD-275-3 to reduce front yard setback as recommended by staff.

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**Application No.: PUD-541-A**

(PD-6)(CD-9)

(Major Amendment to add a single-family residential lot at the northwest corner of Quaker Avenue and 44th Place to the PUD.)

**Applicant:** Roy Johnsen

**Location:** 4300 South Peoria

**Presented to TMAPC:** Roy Johnsen

**Staff Recommendation:**

The applicant is proposing to add a residentially-zoned lot at the northwest corner of 44th Place South and Quaker Avenue to PUD-541 and use it for off-street parking for uses in the PUD. Staff can support the proposed use, but only if adequate screening from the residential area is provided.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-541-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-541-A subject to the following conditions:

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

2. Development Standards:

Land Area (Net)	10,448 SF
Permitted Uses	Off-street parking (surface only)
Minimum Landscaped Area	10%

3. An 8' masonry screening wall shall be provided along the east and south boundaries of PUD-541-A. The southern wall shall be placed 5' north of the south boundary of PUD-541-A. The masonry walls previously required on the south boundary of Area E and the east boundary of Area F would be deleted from PUD-541. The design of the wall shall be approved by TMAPC pursuant to review of detail site plans.

4. No access is permitted to or from PUD-541-A to 44th Place South or to Quaker Avenue.

5. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. A Detail Landscaped Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

7. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet.

8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.

9. No Building Permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.

10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**Staff Comments:**

Mr. Stump pointed out the petition that was received and included in the agenda packets.

**Applicant's Comments:**

**Roy Johnsen** stated he is representing the developers of Brooktowne. He feels staff has sufficiently identified and explained the proposal. In regards to the eight-foot wall, Mr. Johnsen stated it was his client's intention to have a four foot wall along the south boundary. However, with it being the parking area and the developer is allowed to construct a four-foot wall to the west, Mr. Johnsen concurs with the eight-foot wall as recommended by staff.

**Interested Parties Comments:**

**George Matson**, 4424 South Quaker, stated he is in concurrence with the eight-foot wall.

**TMAPC Action; 10 members present:**

On **MOTION** of **BALLARD**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray "absent ") to recommend **APPROVAL** of the Major Amendment PUD-541-A as recommended by staff.

**Legal Description for PUD-541-A:**

Lot 4, Block 6, Wilder Addition to the City of Tulsa, and located on the northwest corner of East 44th Place and Quaker Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6558**

(PD-5)(CD-5)

**Applicant:** Jerry Ledford, Jr.

**OL to CS**

**Location:** Northeast corner East 21st Street & South Memorial

**Presented to TMAPC:** Jerry Ledford, Jr.

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CS is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 200' x 292.97' in size and located east of the northeast corner of East 21st Street South and South Memorial Drive. it is gently sloping, non-wooded, being used as off-street parking and zoned OL.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned OL; and to the south, east and west by commercial development, zoned CS.

Zoning and BOA Historical Summary: CS zoning has been approved in the area.

Conclusion: Based on the Comprehensive Plan, the surrounding land uses and existing zoning, staff recommends **APPROVAL** of CS zoning for Z-6558.

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

**TMAPC Comments:**

Mr. Ledford, Sr. informed the Chairman that he would be abstaining from this item.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-1** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Gray "absent ") to recommend **APPROVAL** of CS zoning for Z-6558 as recommended by staff.

**Legal Description for Z-6558:**

The East 200' of the South 292.97' of the West Half of Block 9, O'Connor Park Addition to the City of Tulsa and located east of the northeast corner of East 21st Street South and South Memorial Drive, Tulsa, Oklahoma.

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Items Z-6559 and PUD-550 were heard simultaneously.

**Application No.: Z-6559**

(PD-5)(CD-5)

**Applicant:** Charles Norman

**OL/RS-3 to CS/IL**

**Location:** Northeast corner East Skelly Bypass & South 87th East Avenue

**Application No.: PUD-550**

(PD-5)(CD-5)

**Applicant:** Charles Norman

**PUD**

**Location:** Northeast corner East Skelly Bypass & South 87th East Avenue

**The following people signed-up as interested parties:**

Mary Ann Holcomb, 2313 South 82nd East Avenue and Mary Krutsch, 2329 South 82nd East Avenue.

**TMAPC Comments:**

Chairman Carnes informed the Commission that a timely request for continuance had been received. He stated the applicant is requesting a three-week continuance to October 16, 1996.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget, Pace "absent ") to **CONTINUE** the Zoning Public Hearing Z-6559 and PUD 550 to October 16, 1996.

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**Application No.: Z-6560**

(PD-1)(CD-4)

**Applicant: Stanley Synar**

**IM to CDB**

**Location: Northwest corner East 3rd Street & South Lansing**

**The following person signed up as an interested party:**

W. C. Tomsen, 4990 East 114th Place.

**TMAPC Comments:**

Chairman Carnes informed the Commission that a timely request for continuance had been received. He stated the applicant is requesting a three-week continuance to October 16, 1996.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget, Pace "absent ") to **CONTINUE** the Zoning Public Hearing on Z-6560 to October 16, 1996.

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**Application No.: Z-6561**

(PD-25)(CD-1)

**Applicant: Roy Johnsen**

**Location: West of northwest corner 36th Street North & North Cincinnati**

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

**TMAPC Comments:**

Chairman Carnes stated that due to a change in the area to be included in the request, this item will need to be continued for three weeks to October 16, 1996 to provide new notice.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget, Pace "absent ") to **CONTINUE** the Zoning Public Hearing Z-6561 to October 16, 1996.

**Staff Comments:**

Mr. Stump informed the Commission that due to the required 20-day notification, Mr. Johnsen is requesting Z-6561 be continued to October 23, 1996 to allow him ample time.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **RECONSIDER** the previous action to continue the Zoning Public Hearing Z-6561 to October 16, 1996.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **CONTINUE** the Zoning Public Hearing Z-6561 to October 23, 1996.

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Items Z-6562 and PUD-551 were heard simultaneously.

**Application No.: Z-6562**

(PD-8)(CD-2)

**Applicant:** Ronald E. Smith

**RS-3 to RM-0**

**Location:** Northwest corner 57th Street South & South 33rd West Avenue

**Presented to TMAPC:** Bill Major

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

According to the Zoning Matrix the requested RM-0 zoning **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 4.54 acres in size and located on the northwest corner of West 57th Street South and South 33rd West Avenue. It is flat, non-wooded, contains one single-family dwelling on the southernmost lot and is vacant on the northern lot, and zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and east by scattered single-family dwellings; to the west by single-family dwellings in the County, zoned RS; and to the south by a mini-storage facility that is partially developed and zoned RS-3/CS;PUD-483.

Zoning and BOA Historical Summary: Recent zoning actions in this area have established CS zoning along South 33rd West Avenue extending as far north from the intersection of West 61st Street and South 33rd West Avenue as on the lots to the south of the subject tract.

Conclusion: The requested RM-0 zoning based on the Tulsa City Zoning Code is the lowest density classification for multifamily development and would provide a compatible buffer from the commercial zoning to the south for the residential homes to the north, east and west. Therefore, staff recommends **APPROVAL** of Z-6562 if the accompanying PUD is approved.

**Application No.: PUD-551**

(PD-8)(CD-2)

**Applicant:** Ronald E. Smith

**RS-3 to RM-0**

**Location:** Northwest corner 57th Street South & South 33rd West Avenue

**Presented to TMAPC:** Bill Major

**Staff Recommendation:**

The applicant is proposing 56 unit elderly housing project (persons 62 years old or older) on a 4.54 acre site at the northwest corner of 57th Street South and 33rd West Avenue. A rezoning application (Z-6562) for RM-O zoning is concurrently being considered. To the south of the PUD across 57th Street is a planned mini-storage area in PUD-483 and to the east north and west are single-family homes, many on large lots. In staff's opinion the proposed development would act to halt any future extension of non-residential uses north of 57th Street. The heavily treed low area on the north side of the site also provides a natural buffer for the single-family residential to the north.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-551 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-551 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 (Gross):

4.54 acres

Permitted Uses:

Multi-family elderly housing for persons 62 and older and accessory uses to include a senior nutrition site for residents and community participants and a beauty shop for residents\*

Maximum Number of Units:

56

Minimum Building Setbacks:	
From centerline of 33rd West Avenue	85'
From centerline of 57th Street	50'
From north boundary of PUD	200'
From west boundary of PUD	25'
Maximum Building Height:	
	2-storys, not to exceed 35' in height (If more than 1-story an elevator is required and no 2nd story west facing windows are allowed within 50' of the west boundary of the PUD.)*
Minimum Setback of Parking Spaces:	
From centerline of 33rd W. Ave.	60'
From centerline of 57th Street	35'
From north boundary of PUD	150'
From west boundary of PUD	25'
Maximum Signage:	
	As permitted by Section 1103.B.2. of the Tulsa Zoning Code

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being compliance with the approved PUD Development Standards.

4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

5. No sign permits shall be issued for erection of a sign the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

7. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet.

8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.

\* Amended by staff at the TMAPC Public Hearing.

9. No Building Permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.

10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**Applicant's Comments:**

**Bill Major**, Executive Director of Vintage Housing and Tulsa Senior Services, stated he is representing these services, as is Ron Smith. Mr. Major informed the Commission that the Tulsa Senior Services is a non-profit organization that has been serving seniors in this community since 1973. During the last two years, Mr. Major stated he has been working to develop affordable housing for seniors. Currently, there is a similar project being completed in Jenks.

Mr. Major stated he contacted the neighborhood with his proposal and intentions. He feels that any change in zoning should be subject to scrutiny and concern. Mr. Major hoped the neighborhood reviewed his plans and that they will be supportive of his efforts to build this housing project in the area.

Mr. Major stated his goal is to provide a community that will encourage an independent lifestyle for today's older adults. This is achieved with a one-building design that has a quarter-load internal, significant common area for congregation of the seniors, a nutrition site, arts and craft area, library and other amenities for the residents. The facility is designed and located to allow the seniors to live within their community. This facility will enable seniors on the west side to continue living on the west side.

Mr. Major requested three changes in the zoning application as presented by staff. The original application did state a two-story instead of one-story. Staff recommendation stated 1-story with a 35 feet maximum height and Mr. Major stated he would be able to meet that 35-foot requirement. However, it is a two-story facility with an elevator. He informed the Commission that all the windows on the second story located on the west side would be more than 50 feet from the property line. Mr. Major requested usage permitted to allow for a nutrition site and a beauty shop to be located within the facility.

Staff stated they could support these changes.

**Interested Parties Comments:**

**Roy Heim**, 6303 South 30th West Avenue, stated he is representing Planning District 8 as their chairman. He stated he has been contacted by people from the neighborhood who are concerned about the proposed development. Mr. Heim informed the Commission that the neighborhood had recently gone through another similar proposal in the Mountain Manor area and the developer of that project has agreed to postpone the project for approximately one year due to federal funding.

Mr. Heim stated this project was a surprise to him. Although he receives the notices, he feels they do not contain enough detailed information. Mr. Heim informed the Commission there is a negative reaction from the neighbors in this area. He feels this project does not comply with the district plan because this is a single-family area.

Mr. Heim discussed the mini-storage that was allowed. He feels this proposal is another intrusion of commercial in to residential area. Mr. Heim stated that the area along 33rd West Avenue should be maintained as residential and not allowed to become commercial like the area around 61st.

Mr. Heim feels the proposal needs to be researched by all those involved, working together with the neighborhood and the developer to make it a good project if it is approved. Mr. Heim stated he is opposed to the project.

**Kay Price**, 5815 South 31st West Avenue, stated she is representing the Summit Park Homeowners Association. She stated that 27 members oppose the project and submitted a petition in that regard. Ms. Price informed the Commission that an additional twelve people by telephone also oppose the project.

Ms. Price stated the HOA's primary issue is the funding of the project. She feels the funding was not disclosed. She stated that she specifically asked Mr. Smith what type of funding was proposed. Due to federal funding, she feels there will be a loss of control over the project and will cause an adverse effect of the neighborhood. The HOA's expressed concerns in regards to the building, maintenance and operation of the facility.

Ms. Price stated that the neighborhood is also concerned about the future uses or change in zoning due to it being federally funded. She expressed concern that the power and control of the restrictive guidelines set at the local level will be impacted or overruled when dealing with federal funding. Ms. Price informed the Commission that the neighborhood is surrounded on all four sides with federally-funded or federally-subsidized housing projects for low-income persons.

**Betty Cartwright**, 5905 South 31st West Avenue, expressed concern for the safety of the senior citizens living too close to high-crime apartments complexes. She feels senior citizens are very vulnerable to crime and easily intimidated.

Ms. Cartwright stated Hewgley Towers were originally built for senior citizens but now also house the mentally-ill, and drug and alcohol-dependent persons. Although Mr. Smith has assured the neighborhood that this project will only house the elderly, she feels in the future it will be a mixed residential complex.

Ms. Cartwright expressed concern over the visual impact that a large project like the proposed one will have on the surrounding residential area. She feels it has taken years to get 33rd West Avenue in the current condition. She stated the impact of the project will over-power and break the continuity of the neighborhood.

Ms. Cartwright stated as a senior citizen she is concerned with the entrance being located at the top of a blind hill and dangerous for the residents and their visitors accessing 33rd West Avenue. She feels a better location would suit this project.

**Mark Benton**, 5740 South 31st West Avenue, stated he lives just around the corner of the proposed facility. Mr. Benton stated he built his home approximately two years ago, but before doing so he contacted INCOG and other agencies in regards to the future development and uses in the area. Mr. Benton stated he was assured that nothing like the proposed project would happen. He stated this type of project is happening.

Mr. Benton stated he is very active in the community and in this immediate area. He expressed concerns for the safety in this area. Mr. Benton questioned if this is the type of atmosphere that would appropriate for senior citizens.

**Marilynn McGee**, 5331 South 32nd West Avenue, stated she is the Vice-President/Secretary of the Mountain Manor Neighborhood Association. She thanked Bill Major and Ron Smith for their efforts to inform their neighborhood of the proposed project. However, Ms. McGee stated the neighborhood association opposes the proposed project.

Ms. McGee stated there are several reasons for their opposition. The major reason is the Mooser Creek flooding problems that have not been addressed by the City and the impact the proposed project would have on the flooding. She stated Mr. Smith assured her that he would work with the City to minimize any water drainage problems that might occur from his facility. However, she feels with the current flooding problem, anything that Mr. Smith does will not fix it, but would only make it worse.

Ms. McGee feels this will set a precedent and encourage more low-income apartments. She feels this will affect the property value of her home and other homes in the neighborhood. Ms. McGee requested the Commission to deny the proposed project and to limit low-income and other projects of this type in this area.

**Charles Gruse**, 3224 West 56th Street, stated he owns the entire end of the block. He stated he is opposed to the project due to future change in uses and the federal funding. He feels that when the tax credit are used up and the profit has been made, the developer will bail out and leave the neighborhood "holding the bag." He feels this will encourage crimes, drugs and other things that is not needed in the neighborhood.

Mr. Gruse stated he is not opposed to the mini-storage, but he does not want the proposed project or any like it. He feels it will lower property values in the neighborhood. Mr. Gruse stated he has visited with neighbors and wants to stop further intrusion into the neighborhood.

Mr. Gruse stated that a developer had just attempted to develop a similar project in the same subdivision located behind the school. Mr. Gruse questioned why development is not considered next to the project where the property is cheaper and land available. He questioned its development in the middle of the neighborhood.

Mr. Gruse stated he does not have anything against elderly people. He feels the elderly people need a place and this proposal needs to be done in a way to protect the uses in the future.

**Lois Ridgway**, 5820 South 31st West Avenue, informed the Commission that she is the chairman of the Summit Park Addition. Ms. Ridgway expressed concern over the proposed project due to the number of housing complexes already in the area. She feels this will encourage more vandalism and crime and the effect it will have on the value of homes and the surrounding area.

**Rosemary Gray**, 5348 South 33rd West Avenue, stated when she saw the zoning change she contacted Mr. Smith. Mr. Smith came and visited with her in regards to the project. She informed the Commission that her home is three doors from the proposed site. She stated she is very much opposed to the project due to the effect the project will have on her property.

**Eve Dobkins**, 5502 South 33rd West Avenue, stated her property is immediately to the north of the proposed site. Ms. Dobkins stated that she and her husband are relatively new residents of the neighborhood and do not have the ten years that most of them have. She expressed that she does not want her new neighbors to think that she is deaf to the concerns that they have expressed.

However, Ron Smith and Bill Major came and spoke to her husband and her on two different occasions in regards to the project. Ms. Dobkins feels obliged to share her conclusions even though they differ from most of her neighbors. She stated that her husband, Brook, and she favors the project.

Ms. Dobkins stated she is very much concerned about property values due to her home being her largest investment. She stated she favors the project because of the understanding that this is not a standard low-income housing project in the classic sense. The rents are not subsidized by the government. People have to have a low-to-moderate income to live there and the age limits will be maintained. Ms. Dobkins stated that she was informed that the federal funding was contingent on a 50-year promise that the project will not differ significantly from the one that is proposed.

Ms. Dobkins stated she likes the concept of the project, Tulsa Senior Services, and the ideal of having elderly people as her neighbors. She informed the Commission that she visited the Pioneer Village Project in Jenks and she feels it is an attractive facility. She stated that ideally, she would like to have all single-family residences on the property. However, the property has been on the market for quite some time and she feels the opportunity is diminishing because of the concerns everyone has already expressed.

Ms. Dobkins feels the proposed project would not significantly deteriorate the neighborhood and she would support the project.

**Darla Hall** stated she has a call in to Mr. Hagger regarding the mini-storage. In regards to the proposed project, Ms. Hall expressed concerns about the impact of flooding due to the current flooding problem in the Mountain Manor area with Mooser Creek. There is a drainage project funded by the City to deal with the flooding. However this project will begin at Union and will take time to get in the Mountain Manor area.

Ms. Hall feels if this size of a project is built on top of the hill, the water runoff will only increase the flooding. She expressed opposition to "fee in lieu of detention" and feels that is what will happen when the developer goes through Stormwater Management. She feels the impact of flooding should be looked at in advance and not allow "fee in lieu."

Ms. Hall stated that Districts One and Two have the highest percentage already of multifamily in the districts and requested the Commission to take that in to consideration when deciding this request.

Ms. Hall informed the Commission there is zoning at the east end of Mountain Manor on 53rd Street which is for duplexes and housing for elderly. The zoning is already in place and she does not know of any way to stop the development. She stated the developer has delayed the project for one year to try to work with the people in Mountain Manor and alleviate some of their concerns of traffic.

Ms. Hall stated that if this proposed project is approved, and with the project at the east end of Mountain Manor under construction, this area will be inundated with elderly housing. She feels that most elder people on the west side are widows or widowers will live in their homes and not move into a elderly complex.

**Milford Reagle**, 3333 West 57th Street, signed up as an interested party.

#### **Applicant's Rebuttal:**

Mr. Major stated he will continue to work with the neighborhood. He stated this is not similar to other projects that the neighborhood had to contend with in the past. There have been documented changes and other changes dealing with funding and maintaining the project. Mr. Major stated he is involved because he has been involved in this community for twenty-three years and has no intentions of "pulling up stake" and leaving after a few years.

Mr. Major stated the financing that is involved with this project will maintain this elderly facility for a minimum of fifty years according to the agreements that he is working with. He apologized for that fact that there is not a guarantee after the fifty years. He feels if the individuals would spend time with the development and understand how the facility is designed and produced, that it is designed for the elderly and not other people.

Mr. Major feels this would be a service to this area and the community.

#### **TMAPC Comments:**

Mr. Doherty stated that he has looked at the proposed site and he understands Mr. Heim's concerns with the proposal. However, it will be difficult to deny the request due to the proposed project being a residential use and not a commercial use. Mr. Doherty agreed that during the site plan process and the other process there needs to be good dialogue in shaping the project so it does fit.

Mr. Doherty feels the mini-storage will be better once it is complete.

Mr. Midget pointed out that some of the apartment complexes Ms. Price made reference to are project-based apartments. The proposed project is not a project-based apartment.

Mr. Boyle stated that it is beyond their role of the TMAPC to consider the nature of the funding for a zoning request. He feels this is not a part of the Commission's responsibility. Chairman Carnes concurred and stated that the TMAPC can only rezone for land uses and cannot take funding into account.

Mr. Doherty asked Mr. Benton to point out his property on the map. Mr. Benton indicated he was on the east side of 33rd West Avenue.

Mr. Doherty clarified the location of Ms. Dobkin's home.

Mr. Doherty stated he also has concerns with Mooser Creek and the flooding problems. Mr. Doherty questioned if the Commission could place a condition of approval to require on-site drainage improvements instead of "fee in lieu." Mr. Gardner stated that the BOA had placed this condition on a case in the past.

Chairman Carnes stated the Commission has been working on reports in regard to densities of multifamily residences and he would vote to deny the request due to the apartment-zoned land available.

Mr. Boyle addressed the question in regard to requiring detention. Mr. Linker stated that making a detention a requirement is contrary to anything that the TMAPC has done. Mr. Linker feels this is an engineering question and they should make the determination on that basis.

Mr. Doherty questioned what if the applicant offered the detention. Mr. Linker replied the applicant is given the options of a detention or "fee in lieu". Mr. Ledford stated that in some circumstances, on-site detention can be more harmful. Mr. Ledford feels flooding needs to be evaluated. Mr. Boyle questioned if the TMAPC can impose on-site detention as a condition. Mr. Linker replied it would be improper.

Mr. Doherty stated that Mr. Gardner indicated the BOA has imposed the on-site detention and questioned if it is also improper. Mr. Linker replied he has never seen it done. Mr. Gardner replied that the question should be asked "if the TMAPC found the development to be inappropriate unless it has on-site detention because it was too intense," then the TMAPC could approve with the condition. There has to be a valid reason to place the conditions on approval. Mr. Gardner stated the BOA determined that there were flooding problems and the detention was needed and made a condition of approval, because otherwise it would be too intense and create too much runoff.

Mr. Doherty questioned whether this facility could revert to something other than elderly housing. Mr. Gardner stated that staff's recommendations for permitted uses are for multifamily elderly housing for persons 62 and older. Mr. Doherty stated that if approved, then the recommendation would become a condition of approval and could be changed without a major amendment and a hearing before the City Council. Mr. Gardner stated that the age limitation that the tax credit proposal sets is 62 years of age. Mr. Doherty stated

the tax credit proposal has nothing to do with the land use and he feels it should not be considered. Mr. Doherty questioned whether the project would be an appropriate use, with or without the tax credit.

Mr. Boyle questioned whether the age limitation, as listed in the development standards, becomes a condition of the occupancy and limited to that use. Mr. Linker stated it would be and is proper for elderly housing projects. Mr. Boyle feels the Commission should avoid considering how the project is financed and look at the use.

Mr. Midget stated there is a 50-year deed restriction and questioned how it would be enforced. Mr. Linker replied that the TMAPC would make the recommendation to approve, the City Council would have to adopt the condition in the approval of the PUD and then it would be a zoning requirement and enforced as a zoning requirement.

Ms. Pace questioned exactly how it would be enforced. Mr. Linker replied it would be difficult and gave the example if someone moved in who did not meet the age requirement, a violation would have to be proved, therefore making it difficult. Ms. Pace expressed concern in regards to the enforcement of the conditions.

Ms. Pace asked Ms. Hall if it would make her more comfortable knowing that Tulsa Senior Services will be the operator. Ms. Hall replied that she does not have a problem with Tulsa Senior Services but has concerns when the age limit is violated who will be penalized and how will it be enforced.

Mr. Doherty stated that the Certificate of Occupancy could be revoked for enforcement purposes. He feels City Government has not been willing to revoke Certificate of Occupancy as a means of enforcement. He feels the revoking action needs to be done in both residential and commercial areas.

Ms. Pace expressed concern over uses that would be allowed in the future and asked Ms. Hall if she was concerned about the development of the property. Ms. Hall replied that she is concerned with the impact on the neighborhood. Ms. Hall stated there is not a problem with the development of the property due to 33rd West Avenue being four-lane and having access to the Skelly By-pass. Ms. Pace questioned whether Ms. Hall would support a change in zoning for development purposes. Ms. Hall replied it depended on what type of zoning. Ms. Pace questioned if Ms. Hall if she feels this property would develop as single-family. Ms. Hall replied definitely because the availability of land and water tanks being installed. Ms. Hall feels this will make the property values increase and she feels there will not be a problem with salability or developability of this property as single-family.

Mr. Midget stated he can appreciate the number of concerns raised by the neighbors on this particular project. He feels this project is small in size based on the number of units. In regard to the other development in the area, he feels at this point it is only speculative, and the issue today is one of affordable housing and not a project-based project. Mr. Midget stated he does not see anything inappropriate with the development for senior citizens if it meets a real need in the community.

Mr. Boyle stated he finds himself in agreement with staff because this proposed project is an appropriate buffer between the neighboring uses, including greenspace.

Mr. Doherty expressed concern for the drainage issue. He feels RM-0 zoning is appropriate, being the least intense, multi-family category. However, he stated with the amount of asphalt called for, it could dump water and cause flooding downstream. Mr. Doherty questioned if there was any way the TMAPC can encourage the applicant's offer of on-site detention unless there is compelling engineering reasons to do otherwise. Mr. Linker stated if the applicant is willing and there is no engineering reasons otherwise it is allowed. Mr. Major stated he is committed to on-site detention and to follow the engineering studies that would suggest how to accomplish on-site detention. Mr. Major stated he thought it was a requirement when he began the project.

Mr. Boyle stated he has a problem with including it in the approval because he feels it is not the TMAPC's role to determine whether there should be on-site detention or a fee in lieu. The applicant has stated his intention of installing a detention facility and if the engineers decided it is inappropriate, Mr. Boyle will defer to the engineers and should not be included in the motion.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-2-0** (Ballard, Boyle, Dick, Doherty, Horner, Ledford, Midget, Westervelt "aye"; Carnes, Pace "nays"; none "abstaining"; Gray "absent ") to recommend **APPROVAL** of RM-0 zoning for Z-6562 as recommended by staff.

**Legal Description for Z-6562:**

Lots 4 and 5, Campbell Hills Addition to the City of Tulsa, and located on the northwest corner of West 57th Street South and South 33rd West Avenue, Tulsa, Oklahoma.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-2-0** (Ballard, Boyle, Dick, Doherty, Horner, Ledford, Midget, Westervelt "aye"; Carnes, Pace "nays"; none "abstaining"; Gray "absent ") to recommend **APPROVAL** of PUD-551 subject to the revised conditions as recommended by staff.

**Legal Description for PUD-551:**

Lots 4 and 5, Campbell Hills Addition to the City of Tulsa, and located on the northwest corner of West 57th Street South and South 33rd West Avenue, Tulsa, Oklahoma.

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**Application No.: Z-5444-4a**

(PD-17)(CD-5)

*(Minor Amendment to a Corridor Site Plan.)*

**Applicant:** Larry Kester

**Location:** 600 South of southwest corner 41st Street & Garnett Road

**Staff Recommendation:**

The applicant is requesting revised site plan approval for Garden Courtyards Apartments. The purpose of the request is to allow a design change to the entry features and to the walls along Garnett Road, adding towers and changing column type. The request includes a change to the design of the entry signage on the north side of the entry.

Staff has reviewed the request and finds no significant changes to the previously-approved site plan - the proposed revisions fall within the character and intent of the original approval.

Staff recommends **APPROVAL** of changes to walls and sign as submitted by the applicant.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Minor Amendment to a Corridor Site Plan Z-5444-4a for changes to walls and sign as recommended by staff.

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**Application No.: PUD-298-14**

(PD-18)(CD-8)

*(Minor Amendment to reduce front yard setbacks.)*

**Applicant:** L. Glenn Shaw

**Location:** 9008 South 92nd East Avenue

**Staff Recommendation:**

The applicant is requesting approval to reduce the front setback of a residence on a single-family lot from 25' to 23'. The purpose of the request is to allow completion of the construction of the residence.

Staff has reviewed the request and notes that the present use as stated on the application is "footing poured for new home." Staff has visited that site and finds that the footing has been poured and that the plumbing is in place and covered with sand but that the slab has not yet been poured. Staff also noted that site is level and that there is significant space in the rear yard area to accommodate this dwelling unit in the appropriate location.

Based on the information provided as well as the site visit, staff finds no particular hardship associated with the lot or the construction of the unit other than construction has begun with the unit too close to the front property line. As has been previously noted a foundation survey prior to framing is beneficial in identifying deviations from the PUD standards prior to significant construction.

Staff's opinion is that the 25' setback is appropriate and recommends **DENIAL**.

**The applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Gray, Midget "absent ") to **DENY** Minor Amendment PUD-298-14 as recommended by staff.

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**Items PUD-472-2 and PUD-472 Detail Site Plan were heard simultaneously.**

**Application No.: PUD-472-2**

**(PD-18)(CD-9)**

*(Minor Amendment to increase building height.)*

**Applicant:** Paul Messick

**Location:** 1330 East 58th Street

**Presented to TMAPC:** Paul Messick

**Staff Recommendation:**

The applicant is requesting amendment to the PUD to allow an increase to the height of a portion of a building within the mini-storage facility. The existing standard restricts heights of buildings to 14' when they are more than 30' from the east or south boundaries of the PUD.

The purpose of the request is to allow the construction of a second story on a portion of the mini-storage which will be used as manager's quarters. The request is to allow the height to increase to 25' in the indicated area.

Staff has reviewed the request and finds it to be in keeping with the spirit and intent of the original approval. However, a site visit confirms the adjacent homeowner's assertion that the construction of the existing east wall is not in conformance with the standards of the PUD. Staff also notes that the second story is currently under construction as a part of the first-floor storage building.

The wall on the east side of the PUD is required to be finished with materials such as rock, brick or tilt-up concrete panels with a finished side and is to be painted with an earth tone. The maximum height of the wall is to be 10'. A recent site visit indicates that the wall is 12' to 14' feet in height and is constructed of unpainted concrete block.

The eastern portion of this PUD abuts the rear yards of a townhome complex. The shallow depth of these yards coupled with the height and material of the wall creates a tunnel or cave effect. The existing 6' wood screening fence has remained in place.

Staff has received comment from the adjacent Baystone Condominium Association indicating that the wall as existing is not acceptable. The association maintains that an agreement had been reached whereby the applicant would remove the existing wood screening fence and tie the sideyard fences into the masonry wall. Staff has no additional information on this agreement.

While staff supports approval of the height increase as requested, staff also recommends **CONTINUANCE** until the existing wall has been brought into conformance with the existing standards and the existing site plan approval.

**Application No.: PUD-472**

(PD-18)(CD-9)

*(Revised Detail Site Plan for mini-storage.)*

**Applicant:** Paul Messick

**Location:** 1330 East 58th Street

**Presented to TMAPC:** Paul Messick

**Staff Recommendation:**

The applicant is requesting revised detail site plan to allow an increase to the height of a portion of a building within the mini-storage facility. The existing standard restricts heights of building to 14' when they are more than 30' from the east or south boundaries of the PUD.

The purpose of the request is to allow the construction of a second story on a portion of the mini storage which will be used as manager's quarters. The request is to allow the height to increase to 25' in the indicated area.

Staff has reviewed the request and finds it to be in keeping with the standards, spirit and intent of the original approval.

Staff recommends **APPROVAL** subject to the following:

Approval of Minor Amendment 472-2

Revised site plan showing the location of off-street parking related to the manager's unit.

**Staff Comments:**

Mr. Stump stated upon field investigation and numerous calls from residents of the abutting townhouse project to the east, it appears the applicant has built a 12 to 14 foot concrete block wall for the exterior wall of his building on the property line. The applicant was limited to a maximum of 10 feet within 30 feet of the east boundary up against the residences.

Mr. Stump stated the wall appears to be as high as the second floor window sill of the townhouse units and 15 to 20 feet from their windows. He feels it is oppressive-looking. Mr. Stump requested the Commission not to consider amendments until research can be done to find out why the applicant is building contrary to the approved standards in other parts of the mini-storage development.

**Applicant's Comments:**

**Paul Messick**, 604 South Birmingham Place, informed the Commission that the height of the wall was not his idea. But due to the fill required on the property line, the wall was required to be much higher. Mr. Messick stated he will not have more than ten feet of usable wall after the raising of the ground elevation due to the floodplain.

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

**TMAPC Comments:**

Mr. Doherty questioned if staff was recommending denial or continuance. Mr. Stump replied he would like clarification from the applicant.

Mr. Boyle questioned if a one-week continuance, to allow time to work with staff to resolve the problem, would be a disservice to Mr. Messick. Mr. Messick replied that it would not be, with the rains coming.

Mr. Doherty stated the PUD conditions are very clear that there is a violation of the conditions if staff's measurements are correct. Mr. Stump expressed the need for the Commissioners to see the site. Mr. Stump stated that, based on Mr. Messick's reasoning, staff would still recommend denial.

Mr. Westervelt added that he is currently serving on a Stormwater Management Advisory Board. The Board received an appeal from the applicant to waive his stormwater requirements and the Board denied the request.

**TMAPC Action; 8 members present:**

On **MOTION** of **DICK**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Ledford, Midget "absent ") to **CONTINUE** the Zoning Public Hearing for PUD-472-2 and the revised Detail Site Plan to October 2, 1996.

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**Application No.: PUD-364-C**

(PD-18)(CD-8)

*(Detail Site Plan for a childrens nursery.)*

**Applicant:** Henry Penix

**Location:** 9625 South Mingo Road

**Presented to TMAPC:** Henry Penix

**Staff Recommendation:**

The applicant is requesting detail site plan approval for a day care center.

Staff has reviewed the request and finds that the center as proposed complies with the setback, height, square footage, parking and landscaped area requirements of the PUD.

Staff notes that the project site abuts five residential lots to the east. The proposed facility abuts three of those lots, with one of the lots adjacent to parking and two of the lots adjacent to the facility. The lots adjacent to the facility are adjacent to a play area which has been represented to staff as an area used for more passive activities such as reading. The building itself is 40' off the property line. Large play structures and active play yards are located on the west side of the building.

Staff comments area as follows:

The trash container area should be screened from public view through the use of a screening fence and a gate.

The applicant has represented to staff that the owners of the three northerly lots abutting the site on the east have requested that a screening fence not be placed along the common property line. Should the owners of these lots request the extension of the screening fence along the east property line it should be extended to the north along the full length of the property line which is adjacent to the residential lots.

Staff has reviewed the architectural elevations and the building materials. The structure will be fully bricked and roofed with asphalt shingles. Based on the elevations and the materials, staff is of the opinion that the structure is of a style and quality that is complementary to the neighboring addition.

Staff recommends **APPROVAL** subject to a revised plan showing an enclosed trash area.

**Interested Parties Comments:**

**Jim Sterk**, 9940 East 97th Street, stated he is the president of the Woodbine Homeowners Association. Mr. Sterk informed the Commission that he met with the Board of Directors of the Homeowners Association and with Mr. Penix to review the site plan. Mr. Sterk stated that the Homeowners Association members generally concur with the site plan as planned with some modifications.

The modifications includes a prohibition on any kind of screenig fencing on 97th Street other than the fencing, as presented, that is attached to the building or the playground. Mr. Sterk stated the neighborhood does not want privacy fencing, so that 97th Street will remain a "residential-looking" street into the neighborhood.

Mr. Sterk stated the association is in agreement with the fencing which extends behind the facility, from the south side up to the playground area, and leaving the remainder of the area open for the residents. He feels this will establish a green area.

Mr. Sterk stated he discussed with Mr. Penix the berming of 97th Street to raise the grade to block the view of the play area from the traffic. He stated Mr. Penix would consider the berming as a part of his drainage plan. Mr. Stump informed Mr. Penix that the berming could be considered at the landscape plan. Mr. Stump clarified that the playground area east of the building would be a reading area, a non-active area and the active areas would be on the west side of the building.

**TMAPC Comments:**

Mr. Boyle questioned if the applicant is in agreement with the modifications Mr. Sterk presented. Mr. Penix replied in the affirmative.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to recommend **APPROVAL** of the Detail Site Plan subject to the revised plan showing an enclosed trash area and the conditions on screening fences and use of play areas as previously stated.

**Legal Description for PUD-364-C:**

A tract of land that is part of the SW/4 of Section 19, T-18-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: starting at the Northwest corner of the SW/4 of said Section 19; thence S 89°52'13" E along the Northerly line of the SW/4 of Section 19 for 572.11'; thence S 30°00'00" for 476.53'; thence due West for 79.31'; thence N 56°00'00" W for 76.92' to a point of curve; thence Northwesterly and Westerly along a curve to the left, with a central angle of 34°00'00" and a radius of 128.62' for 76.32' to a point of tangency; thence due West along said tangency for 118.85' to a point on the Westerly line of Section 19; thence due North along said Westerly line for 348.98' to the point of beginning of said tract of land, and located on the northeast corner of East 97th Street South and South Mingo Road, Tulsa, Oklahoma.

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**OTHER BUSINESS:**

**Request by the Tulsa County Criminal Justice Authority to have the TMAPC initiate a rezoning request for property located north of Archer Street and west of Denver Avenue inside the IDL from RM-2, IM and IL to CBD.**

**TMAPC Comments:**

Mr. Dick questioned if the legal description includes the corner of Archer and Denver to the IDL. Mr. Gardner replied in the affirmative. Mr. Dick stated he has visited with the Salvation Army to see if the entire tract may be included in the request. Mr. Doherty stated since the Salvation Army is the owner of the property, they may participate in the application without the action by the TMAPC.

Mr. Gardner stated that staff can add the entire area if the Salvation Army and The Day Center for the Homeless wish to participate. Mr. Gardner requested the notification be submitted in writing.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; Dick "abstained"; Gray, Midget "absent ") to **APPROVE** the initiation of a rezoning request for property located north of Archer Street and west of Denver Avenue inside the IDL from RM-2, IM and IL to CBG as requested by the Tulsa County Criminal Justice Authority.

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**Resolution No. 2083:783 amending the District Two Plan Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area eliminating items 3.1.1.3.1.2 and 3.1.1.1.8 and renumber appropriately.**

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Resolution No. 2083:783 amending the District Two Plan Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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**Resolution No. 2083:784 amending the District Four Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to change the designation of the northwest corner of 6th Street and Peoria Avenue from Low Intensity-Public Land Use to Medium Intensity-No Specific Land Use and eliminate item 6.3.3.2 and renumber appropriately.**

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Resolution No. 2083:784 amending the District Four Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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**Resolution No. 2083:785 amending the District Six Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to change the designation of properties, except the existing RM-1 and RM-2 developments, fronting Riverside Drive in Special District 3 where cul-de-sacs are proposed from Medium Intensity-No Specific Land Use to Low Intensity-No Specific Land Use; change the designation of the portion of Area F west of Peoria and west of the Peoria frontage properties from Medium Intensity-No Specific Land Use to Low Intensity-No Specific Land Use; and change the designation of the former Koch Industries property on the east side of Peoria from High Intensity-Industrial Land Use to Low Intensity-Residential Land Use, except for the frontage on Peoria, which is to be designated Medium Intensity-No Specific Land Use.**

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Resolution No. 2083:785 amending the District Six Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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**Resolution No. 2083:786 amending the District Eight Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to remove reference to a proposed reservoir from the 61st Street and Elwood Avenue area and eliminate items 6.6.2.5 and 6.6.2.8 and renumber appropriately.**

**Interested Parties Comments:**

**Craig Ferris**, 1437 South Main, stated that he was not notified of the housekeeping amendments in his capacity of vice-president of District 8 Planning Team and President of the Turkey Mountain Homeowners Association. He feels this is a miscarriage of justice. Mr. Ferris expressed his disappointment; however, he feels it is futile to oppose Resolution No. 2083:786.

Mr. Ferris stated this resolution is not a housekeeping amendment and in treating it as such, he feels the TMAPC has demeaned the planning process and citizen involvement. Mr. Ferris informed the Commission that the water tanks are still on the drawing board even though the resolution to condemn the subject property was approved a year ago.

**TMAPC Comments:**

Mr. Doherty questioned if the construction site of the tanks have been adjusted on the plan map. Ms. Matthews replied the construction site will not be shown on the plan map unless TMAPC instructs staff to do so. Mr. Doherty questioned if tanks are shown on other maps. Ms. Matthews replied in the negative.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Resolution No. 2083:786 amending the District Eight Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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**Resolution No. 2083:787 amending the District Eleven Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to modify its previously adopted District Eleven Plan Map to identify the expanded boundaries of the Vo-Tech Airport Special District.**

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Resolution No. 2083:787 amending the District Eleven Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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**Resolution No. 2083:788 amending the District 18 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to change boundaries of the Oral Roberts University Special District by making Lewis Avenue the western boundary and 81st Street the southern boundary; Designate as Special District 6 the area west of Lewis Avenue to Joe Creek and the Arkansas River and south of 81st Street to approximately 86th Street; add as 3.1.6 (and renumber existing 3.1.6 and 3.1.7).**

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Resolution No. 2083:788 amending the District 18 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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**Resolution No. 2083:789 amending the Eleventh Street Corridor Revitalization Study, a part of the Detail Plan for Planning District Four, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to change the second paragraph from the bottom of page 11, third sentence, to "The first priority for its reuse is commercial retail redevelopment (similar to the reuse of Lincoln Elementary at 15th and Peoria) that would provide an anchor in the area and would encourage commercial business development east of Peoria on 6th Street."**

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Resolution No. 2083:789 amending the Eleventh Street Corridor Revitalization Study, a part of the Detail Plan for Planning District Four, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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**Resolution No. 2083:790 amending the Tulsa Metropolitan Major Street and Highway Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to designate the realignment of Quanah and Rosedale Avenues as a residential collector street.**

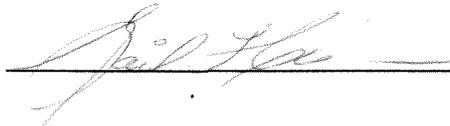
**TMAPC Action; 9 members present:**

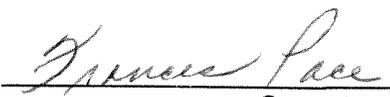
On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget "absent ") to **APPROVE** the Resolution No. 2083:790 amending the Tulsa Metropolitan Major Street and Highway Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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There being no further business, the Chairman declared the meeting adjourned at 3:16 p.m.

Date Approved: 10-9-96

 Chairman

ATTEST:   
Secretary