

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2093

Wednesday, December 11, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Carnes, Chairman
Dick
Doherty, 1st Vice Chairman
Gray
Horner
Ledford
Pace, Secretary
Westervelt

Members Absent

Ballard
Boyle
Midget

Staff Present

Almy
Bruce
Gardner
Jones
Matthews
Wolfram

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 6, 1996 at 1:10 p.m., in the office of the County Clerk at 1:06 p.m., as well as in the Reception Area of the INCOG offices at 1:20 p.m.

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

REPORTS:

Committee Reports:

Comprehensive Plan Committee

Mr. Ledford stated the Comprehensive Plan Committee has an item on today's agenda in regard to Planning District 25.

Community Participation Committee

Ms. Gray reported that the Community Participation Committee met today to further discuss the Community Participation Standards within the City. The standards will be presented to the Planning Commission next week for their consideration.

Director's Report:

Mr. Gardner reminded the Commission that City Council will meet on Thursday, December 12, 1996. However, at this time staff has not received the council agenda to determine if TMAPC has any items to be heard.

Mr. Gardner presented a memorandum addressed to Max Sutter in regard to a right-of-way closing on South Peoria between 21st and 31st. As stated in the memo, staff feels this closing may set a precedent for giving up right-of-way when there is not a standard for streets that are less than 100 feet in width or secondary arterial streets. He stated it has been requested to have different standards for Peoria, 15th Street and Utica Avenue and those streets that are secondary arterials that have four lanes but do not have and never will have 100 feet of right-of-way.

Mr. Gardner suggested to the City that this situation is a policy issue. A policy should be prepared to amend the Major Street and Highway Plan before giving right-of-way back along the section line roads. This policy may become a TMAPC work item in the future.

Mr. Gardner introduced Bob Wolfram and Scott Bruce. Bob works for TMAPC two days and three days for Collinsville. Bob processes the PUDs, site plans, landscape plans and related items. Scott works for TMAPC three days and two days for Coweta. Scott is doing design work and working on the River Parks Plan Update and Subdivision Regulations.

SUBDIVISIONS:

Plat Waiver, Section 213:

BOA-17545 (Vern Subdivision) (892)
5000 West Charles Page Boulevard

(PD-10) (CD-1)

TAC Comments:

Jones presented the request with Rita Icenogle in attendance.

French pointed out that an additional 15' of right-of-way has been granted nearby.

In regards to the new site plan, French noted that a sight distance must be maintained. No landscape greater than two feet in height may be permitted for a distance of 35 feet east of the west entrance and 50 feet west of the east entrance.

French asked if any additional right-of-way could be dedicated.

The Board of Adjustment approved a special exception to permit a Use Unit 2, community center on October 22, 1996. The property is vacant and a 5,600 square foot building is proposed.

Since the tract is less than 2.5 acres in size and contained with an existing subdivision plat, staff is supportive of the plat waiver as requested, subject to the following conditions:

1. Dedication of additional right-of-way, including corner, to meet the Major Street Plan for Charles Page Boulevard. Note: additional Board of Adjustment approval may be required if parking spaces are lost or to permit parking in the designated right-of-way.
2. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
3. Access control agreement, if required by Department of Public Works (Traffic Engineering).
4. Utility extensions and/or easements if needed.

Staff would also note to the applicant that the property is subject to the landscape ordinance.

On motion of Miller, the Technical Advisory Committee voted unanimously to recommend Approval of the plat waiver for BOA-17545, subject to the conditions listed above.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent ") to **APPROVE** the Plat Waiver for BOA-17545 and waiver of Subdivision Regulations requiring dedication of additional right-of-way as recommended by T.A.C.

Lot Split for Ratification of Prior Approval:

- | | |
|--|------------------|
| <u>L-18264 Robert David</u> (2283) 9505 South Canton | (PD-18B) (CD-8) |
| <u>L-18359 Arkansas Valley Petro.</u> (1884) Mingo & 81st Street | (PD-18) (CD-8) |
| <u>L-18365 Kim Shott</u> (3523) 129th Street North & Sheridan Road | (PD-14) (County) |
| <u>L-18385 Quapaw Investments</u> (1703) NE corner Columbia & 36th N. | (PD-25) (CD-1) |

Staff Comments:

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

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget "absent ") to **RATIFY** these Lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6563

RS-3 to IL

Applicant: D. D. Davie

Location: East of northeast corner of North Zion Street and Kingston Avenue

Presented to TMAPC: Darlene Crutchfield

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 16 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 IL zoning is **not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 1.6 acres in size and is located east of the northeast corner of East Zion Street and North Kingston Avenue. It is flat, non-wooded, has two single-family dwellings and several accessory buildings in conjunction with the storage of automobiles and vehicles and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and east by the Gilcrease Expressway right-of-way, zoned RS-3; to the west by residential dwellings, zoned RS-3; and to the south by vacant land, zoned RS-3.

Zoning and BOA Historical Summary: In 1993 a request to rezone the subject tract from RS-3 to IL was denied by TMAPC and the City Council. In 1990 and 1988 approval was given for IL zoning on property that is located on the west side of Kingston Avenue extending south from East Apache to no farther than East Zion Avenue, which was established by TMAPC as being the zoning line separating the RS-3 from further industrial uses until a study was completed for the area.

Conclusion: The area has a significant amount of industrial zoning which is contrary to the Comprehensive Plan. However, history indicates that approval was granted for rezoning of property on the north side of Zion which established a zoning line for industrial use in this area. Therefore, staff recommends **APPROVAL** of IL zoning for Z-6563.

Applicant's Comments:

Darlene Crutchfield, 616 South Main, stated she is in agreement with staff's recommendation.

Interested Parties Comments:

Pandora Parsons, 6010 East Apache, stated she owns the property abutting the subject property. She presented pictures showing the current condition the subject property is in. She stated the property has not improved over the past three years.

Ms. Parsons stated the applicant is still operating her business illegally. There are trucks pulling cars in and out of this location at all hours. She feels without any improvements in operation of the business the zoning request should be denied.

Applicant's Rebuttal:

Ms. Crutchfield stated the applicant installed the privacy fence at Ms. Parsons' request. She stated the property has been cleaned up and maintained.

TMAPC Comments:

Mr. Doherty asked whether Ms. Parsons owns all the lots that front on Apache including the lot zoned CS. Ms. Parsons replied in the affirmative. She stated her home and business face Apache and she maintains her property.

Ms. Pace questioned if Code Enforcement has been notified in regard to the zoning regulation that would require the applicant to install a privacy fence. Ms. Parsons stated she has notified Code Enforcement on several occasions. Ms. Parsons stated she was not aware of the requirement of a privacy fence. However, the applicant has installed a section of privacy fence adjacent to her home. Ms. Pace stated a privacy fence is not required in the area of her home, but the balance of the lot should have been.

Ms. Pace asked whether the applicant is aware of the fence requirement if this request is approved. Mr. Gardner stated the requirement is for the entire property to be fenced with the exception of one access point.

Ms. Pace and Mr. Gardner pointed out that if IL zoning is approved, this does not permit a salvage yard.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget "absent ") to recommend **APPROVAL** of IL zoning for Z-6563 as recommended by staff.

Legal Description for Z-6563:

Beginning 355.86' south of the northwest corner W/2, E/2, E/2, NW/4, NE/4, thence East 165.10', thence North 196.24'; Northwest 197.69'; thence South 306.03' to the point of beginning; and beginning 354.92' south of the northeast corner E/2, E/2, E/2, NW/4, NE/4; thence West 165.06'; thence North 196.24'; thence Southeast 198.03'; thence South 86.26' to the point of beginning; and beginning 268.66' south of the Northwest corner, NE/4, NE/4; thence Southeasterly 116.00'; thence Southwesterly 26.5'; thence West 81.8'; thence North 76.84' to the point of beginning, Section 27, T-20-N, R-13-E, Tulsa County, City of Tulsa, State of Oklahoma, and located west of the southwest corner of East Apache Street and North Sheridan Road, Tulsa, Oklahoma.

Application No.: Z-6573

RM-1 to IM

Applicant: Darryl Hawkins

(PD-4) (CD-4)

Location: Southwest corner 4th Place and South Trenton Avenue

Presented to TMAPC: Scott Chaney

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 1 - Industrial area.

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

Staff Comments:

Site Analysis: The subject property is located on the southwest corner of East 4th Street and South Trenton Avenue and is 140' x 150' in size. It is flat, partially wooded, contains two single-family dwellings and is zoned RM-1.

Surrounding Area Analysis: The subject tract is abutted on the northeast by a church, zoned RM-1; to the northwest by an industrial business, zoned IL; to the east by vacant property and single-family dwellings, zoned RM-1; to the south by a single-family dwelling, zoned IL; and to the west by a parking lot, zoned IM.

Zoning and BOA Historical Summary: The history of zoning actions in this area indicate that several lots to the north and west of the subject tract have transitioned to industrial uses.

Conclusion: The subject property is located within an area currently developed with a mixture of commercial, industrial and residential uses. The Comprehensive Plan encourages industrial development in this area, but the subject tract is bordered on the east by residential. Therefore, staff recommends **DENIAL** of IM and **APPROVAL** of IL zoning for Z-6573.

Applicant's Comments:

Scott Chaney, 2651 East 21st Street, stated he is representing the owner and agrees with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget "absent") to recommend **DENIAL** of IM and **APPROVAL** of IL zoning for Z-6573 as recommended by staff.

Legal Description for Z-6573:

Lots 1, 2, and 3, Block 3, Hackathorn Addition to the City of Tulsa, and located on the southwest corner of East 4th Place and South Trenton Avenue, Tulsa, Oklahoma.

CONTINUED PUBLIC HEARING ON AMENDMENT TO THE COMPREHENSIVE PLAN:

Public Hearing to amend the Planning District 25 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Recommendation:

Proposed Plan Amendments, Text and Map, District 25

TEXT:

Change 2.1.11 to "Continue and complete the widening of North Peoria through Planning District 25, including related streetscaping, lighting and beautification improvements."

Change 2.1.12 to add, following the current text, "Alternatively, encourage the City to revise its zoning code to require spacing of automotive and related uses."

Change 4.1.3.2 to "Continue to coordinate land use and growth and update specific policies as changes require." (Last sentence which calls for a major update is deleted.)

Add as 4.1.3.4 "Encourage the City of Tulsa to consider adoption of a Uniform Property Maintenance Code and a rental property inspection program."

Add as 4.3.3.7 "Consider creating cul-de-sacs on residential streets, particularly those that currently feed into the District's arterial, to inhibit through-traffic in residential areas."

Add as 4.3.3.8 "Encourage quality infill single-family residential development by identifying target areas and working with organizations and individuals to develop this type of use."

Add as 4.3.3.9 "Work with law enforcement agencies to identify such neighborhood problems as crack houses and alleviate them."

Change 4.4.3.5 to "Encourage stronger code enforcement for deteriorated commercial properties in this District."

Add as 4.4.3.6 "Encourage the City to consider adoption of a Uniform Property Maintenance Code and a rental property inspection program."

Add as 4.4.3.7 "Encourage the City to develop and enforce a program for the forced removal of abandoned business signs, including the sign structure as well as the sign face."

Add as 4.4.3.8 "Encourage the City to revise its zoning code to require screening of all outdoor storage."

Change 5.4.3.3 to "Encourage the implementation of the Tulsa Transit Regional Mobility Plan, including a grid system which efficiently serves North Tulsa."

Add as 5.4.3.4 "Encourage the provision of attractive and comfortable bus shelters at major stops. These shelters could also include amenities such as convenience commercial and service and the properties could include, where appropriate, vest-pocket parks and public art."

Change 6.2.3.6 to "Bike paths should connect the parks and major open spaces within the District, as indicated in the Tulsa Trails Master Plan."

Change 6.3.3.1 to "Continue to provide a technology training center in the District."

Change 6.3.3.7 to "Reuses of any Tulsa Public Schools properties should be compatible with the neighborhoods in which they are located and in accord with any recommendations in the Tulsa Public Schools Site Reuse Study(ies)."

Change 6.6.3.4 to "Stormwater drainage will be managed in accordance with the Citywide Master Drainage Plan."

MAP:

Remove the large area of designated Medium Intensity Land Use at the southwest corner of the intersection of East 56th Street North and the Cherokee Expressway and redesignate it Low Intensity.

Remove the large area of designated Medium Intensity at the northwest corner of East 36th Street North and Lewis Avenue and redesignate it to either reflect the existing zoning pattern or as a five-acre medium Intensity node.

Show Lakeview Tract Park south of Lindsey School and west of the Cherokee Expressway.

Reduce the area shown as Medium Intensity north of the Gilcrease Expressway between Cincinnati and Peoria to reflect existing zoning.

Show expanded boundaries for the Vo-Tech Airport Special District.

Staff Comments:

Dane Matthews reviewed the proposed plan amendments to District 25 that was included in the agenda packets. She pointed out that the amendments include changes to both the text and map sections. She stated that the proposed amendments have been discussed in length by the Comprehensive Plan Committee.

Dane Matthews reminded the Commission that letters and memos have been received from the planning team noting differences in staff recommendation. Ms. Matthews summarized the noted differences and indicated room for negotiations on these differences.

Interested Parties Comments:

Algerita Brooks, 4726 North Frankfort Avenue, stated the items cited in her letter were issues that were addressed by the persons in District 25. She requested that the planning team be given time to plan for the area or implement changes for the area prior to amending the District 25 Plan.

Ms. Brooks feels the Comprehensive Plan should attract people to the Tulsa area, including District 25. She stated District 25 has began to work on planning and feels the district is in a "beginning" stage on planning.

Maxine Johnson, 345 East 36th Place North, reviewed her letter dated December 8.

TMAPC Comments:

Mr. Westervelt asked whether the modifications proposed in the letter from Algerita Brooks, dated December 4, are textual changes that will not have significant impact on staff's recommendation. Ms. Matthews replied the modifications are semantic changes and staff does not have a problem with deleting the word "any" on one specific policy. She stated the purpose was to be all-encompassing due to the school-site reuse studies that have been done.

In regard to stormwater drainage, Ms. Matthews stated the planning team has requested the language to be retained regarding the Dirty Butter Creek Master Plan, which has been incorporated into the City-wide Master Drainage Plan. She pointed out that Dirty Butter Creek is not the only basin in the area, that Flat Rock Creek Basin is also in this area.

Ms. Matthews stated the term "crack house" was language adopted from another district plan. She feels if the planning team does not want this term included then it can be deleted.

Mr. Horner questioned how long these amendments have been pending. Ms. Matthews replied four years.

Mr. Doherty stated he was unable to attend the Comprehensive Plan Committee meeting; however, he reviewed the correspondence and staff's recommendation and suggested some modifications.

Mr. Doherty addressed item 4.3.3.7 of the proposed plan amendments. He stated this item encourages the consideration of creating cul-de-sacs on residential streets as a design alternative.

Mr. Doherty also addressed item 6.6.3.4. He suggested the wording, "including Flat Rock Creek and Dirty Butter Creek," should be added to this item.

Mr. Doherty expressed concern with the map changes in regard to 56th Street North because of the nature of the soil and being located in the Bird Creek floodplain.

Mr. Doherty questioned whether the amendment is suggesting that expansion should not occur in the area shown as Medium Intensity north of the Gilcrease Expressway between Cincinnati and Peoria. Ms. Matthews replied in the negative and indicated on the area on the map zoned as RS-3 and surrounded by multifamily uses.. She feels it is inappropriate to designate the area as medium intensity if the area is zoned single-family.

Mr. Doherty addressed item 4.3.3.9. He suggested striking the words "such" and "as crack houses." Ms. Pace feels if this is a specific problem, she would recommend using the words "unlawful uses which advocate anti-social behavior."

Mr. Ledford stated that cul-de-sac should be considered and he feels that cul-de-sacs would not deteriorate the neighborhood in any way. Homes located on cul-de-sacs tend to sell for higher prices.

Ms. Pace commented if the expansion of the Vo-Tech takes place there should be some type of language included in the amendment to keep the Vo-Tech a regional airport instead of a major airport. Ms. Matthews replied this is only a map change item. Ms. Matthews pointed out the small area, less than two acres, on the map that will be affected.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget "absent ") to recommend **APPROVAL** of amendments to the District 25 Plan Map and Text as proposed by staff and modified by TMAPC as set forth in Attachment A, attached and made a part herein.

ATTACHMENT A

PLAN AMENDMENTS, TEXT AND MAP
DISTRICT 25
December 11, 1996

Text

Change 2.1.11 to "Continue and complete the widening of North Peoria through Planning District 25, including related streetscaping, lighting and beautification improvements."

Change 2.1.12 to add, following the current text, "Alternatively, encourage the City to revise its zoning code to require spacing of automotive and related uses."

Change 4.1.3.2 to "Continue to coordinate land use and growth and update specific policies as changes require, incorporating citizen participation."

Add as 4.1.3.4 "Encourage the City of Tulsa to consider adoption of a Uniform Property Maintenance Code and rental property inspection program."

Add as 4.3.3.7 "Consider creating cul-de-sacs on residential streets, particularly those that currently feed into the District's arterial, to inhibit through-traffic in residential areas."

Add as 4.3.3.8 "Encourage quality infill single-family residential development by identifying target areas and working with organizations and individuals to develop this type of use."

Add as 4.3.3.9 "Work with law enforcement agencies to identify neighborhood problems and alleviate them."

Change 4.4.3.5 to "Encourage stronger code enforcement for deteriorated commercial properties in this District."

Add as 4.4.3.6 "Encourage the City to consider adoption of a Uniform Property Maintenance Code and a rental property inspection program."

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Add as 4.4.3.8 "Encourage the City to revise its zoning code to require screening of all outdoor storage."

Change 5.4.3.3 to "Encourage the implementation of the Tulsa Transit Regional Mobility Plan, including a grid system which efficiently serves North Tulsa."

Add as 5.4.3.4 "Encourage the provision of attractive and comfortable bus shelters at major stops. These shelters could also include amenities such as convenience commercial and service and the properties could include, where appropriate, vest-pocket parks and public art."

Change 6.2.3.6 to "Bike paths should connect the parks and major open spaces within the District, as indicated in the Tulsa Trails Master Plan."

Change 6.3.3.1 to "Continue to provide a technology training center in the District."

Change 6.3.3.7 to "Reuses of any Tulsa Public Schools properties should be compatible with the neighborhoods in which they are located and in accord with recommendations in the Tulsa Public Schools Site Reuse Study(ies)."

Change 6.6.3.4 to "Stormwater drainage will be managed in accordance with the Dirty Butter and Flat Rock Creeks Master Drainage Plans."

Map

Remove the large area of designated Medium Intensity Land Use at the southwest corner of the intersection of East 56th Street North and the Cherokee Expressway and redesignate it Low Intensity.

Show Lakeview Tract Park south of Lindsey School and west of the Cherokee Expressway.

Reduce the area shown as Medium Intensity north of the Gilcrease Expressway between Cincinnati and Peoria to reflect existing zoning.

Show expanded boundaries for the Vo-Tech Airport Special District.

ZONING PUBLIC HEARING:

Application No.: Z-6051-SP-1a

(PD-18) (CD-8)

Applicant: Mark F. Riddle

Location: 8231 South Mingo Road

(Minor Amendment to a Corridor Site Plan to add a ground sign.)

Staff Recommendation:

The applicant is proposing the addition of a monument-style ground sign to a previously approved Corridor Site Plan. The proposed sign identifies the "Sterling House Assisted Living Residence," and will be constructed of sandblasted, painted wood. The proposed sign is 5' high and contains 17.5 SF of display surface area. The proposed sign is located approximately 30' from the western property boundary fronting on South Mingo Road and is 74' from the street centerline.

Staff has reviewed the sign plan and finds the area, height and setback of the sign meet the requirements of the Zoning Code for CO Corridor District. The sign is well below the allowed size and is in keeping with the character of the new single-family residential area immediately south of the Sterling House facility.

Staff; therefore, recommends **APPROVAL** of the sign plan and the addition of the sign to the Corridor Site Plan.

There were no interested parties.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget "absent") to **APPROVE** Minor Amendment Z-6051-SP-1a to a Corridor Site Plan to add a ground sign as recommended by staff.

Application No.: PUD-276-2

(PD-6) (CD-7)

Applicant: M. Katherine Dorfman

Location: East of northeast corner East 41st Street and South Hudson

Presented to TMAPC: Lou Reynolds

(Minor Amendment to reduce building setback lines in Development Area B.)

Staff Recommendation:

The applicant is requesting a minor to the PUD to change the building setback lines in the Outline Development Plan for Development Area "B". The applicant is seeking the change to reflect the existing building setbacks of the 10-story Mid-America Office Tower. The Mid-America Office Tower was constructed before it was incorporated into PUD-276.

The underlying zoning of Development Area "B" is OM-Office, Medium Intensity District. In June, 1978, the Board of Adjustment granted a variance of the bulk and area requirements in an Office District and for the setback requirements to permit a 10-story office building on a tract located at the northeast corner of 41st Street and Hudson Avenue.

Staff has reviewed the request and finds that in 1981, PUD-276 incorporated the tract containing the 10-story Mid-America Tower. Since no additional development was to be allowed in Development Area "B", minimum building setbacks were established by describing the existing building. The survey, however, was incorrectly scaled and resulted in an inaccurate description of the location of the 10-story building in the development area. Setbacks from the east and west property lines were corrected through a minor amendment approved on March 17, 1982.

Setbacks from the north and south property were not addressed in 1982. A Plat of Survey submitted with the current request indicates that the north and south setbacks are also incorrect.

Staff recommends **APPROVAL** of the minor amendment per the submitted Plat of Survey, dated October 31, 1996, as follows:

From the South property line - to be amended from 145' to 139'

From the North property line - to be amended from 180' to 170'

From the West property line - to be amended from 200' to 195'

From the East property line - to be amended from 120' to 110'

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Suite 200, stated he is in agreement with staff's recommendation.

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There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget "absent ") to **APPROVE** Minor Amendment PUD-276-2 to reduce building setback lines in Development Area B as recommended by staff.

Application No.: AC-008

(PD-5) (CD-5)

Applicant: Billy J. Dautton

Location: 7711 East 11th Street

(Alternative Landscape Compliance.)

Staff Recommendation:

The applicant is requesting TMAPC approval to utilize an outside water faucet to irrigate six (6) trees supposedly required in the street yard of a storage lot. The applicant plans to lease the lot as part of the expansion of his business located to the immediate west. Since this tract is zoned CH however, there is not street yard. Therefore, there are no required tree to irrigate. At the time of compiling the agenda staff had not yet been able to clarify this matter with the City Permitting Office.

Further information will be presented at the TMAPC meeting.

TMAPC Comments:

Chairman Carnes declared this item stricken from the agenda.

Application No.: PUD-411-C-5

(PD-26) (CD-2)

Applicant: John Ragan

Location: Northwest corner 99th Street and South Lewis Avenue

Presented to TMAPC: Dale Acker

(Minor Amendment to reduce required side yard.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow reduction of the south side yard setback on a single-family residential lot from 6' to 1'. The residential addition is in an RS-3 District which allows 5' minimum side yards. The applicant is seeking to accommodate a single-family residential structure that was built too close to the south side yard property line. It appears a third garage was added that infringes 5' on the abutting property.

Staff has reviewed the request and visited the site and finds the structure is more than 75% complete with final brickwork being installed. The south wall of the structure is a single car garage which adjoins a two-car garage. Construction has recently begun on the lot to the south with a recently poured footing observed by staff. The incorrect siting of the house 5' to the south will result in the subject building and the building to the south being approximately 7' apart at the walls and from 4-6' apart at the overhangs.

Staff requested information from the City Fire Inspector relating to minimum distances between residential structures and minimum side yard access required for fire fighters. Comments received from the Tulsa Fire Inspector's Office indicate that City Building Codes would require a 1 hour fire resistant wall be constructed for residential structures built closer than the side yard requirement minimums outlined in the Code. The City Building Code may require that the south garage wall be rebuilt to meet the one hour fire resistant requirement.

Staff is of the opinion that by removing the third garage entirely, the structure will come in to compliance with the side yard requirements of the code and still provide a two-car garage to the dwelling.

Staff notes the specific circumstances relating to this request and recommends **DENIAL**. Should the Planning Commission approve the Minor Amendment, such approval in no way alters, amends or provides any relief from the side yard requirements of the PUD Outline Development Plan or the Covenants of Ridge Pointe Addition.

Staff Comments:

Mr. Gardner stated a letter of opposition was received from an interested party.

Applicant's Comments:

Dale Acker, 11528 South 4th, Jenks, stated the construction is underway. However, approximately one month ago, a problem with the side building line was discovered.

Mr. Acker stated that he has built several homes with very minimum side yard setbacks and this not unusual. However, in this particular situation, the footing contractor spotted the house on the lot incorrectly and resulted in this sideyard encroachment. Mr. Acker stated the house would have fit on the lot if the footing would have been spotted correctly.

Mr. Acker stated the buyer of the house has no problems with the encroachment as long as a variance is approved. Other neighbors within the subdivision stated they do not oppose the side yard encroachment. He also pointed out that this is not the first encroachment in the subdivision.

Interested Parties Comments:

Michael R. Ward, 9945 South 87th East Avenue, stated he has a dual purpose for attending the meeting today. First, he lives in this neighborhood and is a builder himself. Secondly, he owns the lot that is affected to the south of the subject lot.

Mr. Ward submitted a stemwall survey of the speculatively-built house that is under construction on his lot. He has reconfigured the house he is building and the new plan would leave 8.5 feet on the north side of his house. This would enable Mr. Acker to purchase at least 3 feet of this lot as long as a he retains 5.6 feet to meet his setbacks.

Mr. Ward feels the proposal to sell a portion of his lot to Mr. Acker is a solution to the problem. He pointed out there are solutions, like the one proposed, to the problems other than granting a variance or exception. Mr. Ward expressed the need to resolve this problem before more construction is completed.

Applicant's Rebuttal:

Mr. Acker stated his lawyer was unable to attend the meeting today and requested a continuance so his lawyer may be in attendance. Chairman Carnes stated he feels a continuance would not be of any benefit. Mr. Gardner reminded the Commission that if application were to be heard by the BOA for a variance, the applicant would have to present a hardship. In this case, the hardship is a self-imposed financial hardship and is not included as a finding for a hardship under state law.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget "absent ") to **DENY** the Minor Amendment PUD-411-C-5 to reduce required side yard as recommended by staff.

OTHER BUSINESS:

PUD-495 David Brown

(PD-18) (CD-2)

Northwest corner East 81st Street and South Lewis Avenue
(Revised Site Plan to add gasoline pumps and service islands.)

Staff Recommendation:

The applicant is requesting approval of a revised site plan to add unmanned gas pumps and a service island to the eastern portion of the existing Walmart Supercenter parking area.

The 50' x 90' fueling area is 80' west of the South Lewis right-of-way and 220' north of the 81st Street right-of-way. The site plan indicates that the overall facility, including ingress and egress lanes, will be 90' x 230'. The proposed facility consists of six fueling islands placed under a 91' x 51' canopy 18' in height, a kiosk building housing electrical equipment and various barriers and traffic guards, including one with an emergency telephone. Finally, the site plan indicates a 6' monument-style ground sign which has 59.54 SF of surface display area. The sign will indicate current fuel prices, and is located 40' south of the access to South Lewis and 53' from the centerline of South Lewis.

The applicant is proposing a reduction of 64 parking spaces to facilitate the fueling area and related entry drives and exits. The application also shows elimination of two existing traffic islands containing three trees. The site plan proposes the relocation of the three trees 170' to the west to two existing landscape islands, which will be enlarged.

Staff has reviewed the revised site plan and finds the net reduction in parking spaces, relocation of landscape areas and the change in circulation patterns in the eastern edge of the parking area do not reduce the minimum requirements contained in the outline development plan. The underlying CS zoning permits a fueling facility by right and conforms to uses specified in the development plan.

Therefore, staff recommends **APPROVAL** of the revised site plan as submitted.

NOTE: Site Plan approval does not constitute Detailed Sign or Landscape Plan approval.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-1-0** (Carnes, Dick, Gray, Horner, Ledford, Pace, Westervelt "aye"; Doherty "nay"; none "abstaining"; Ballard, Boyle, Midget "absent ") to **APPROVE** the revised Detail Site Plan of PUD-495 to add gasoline pumps and service islands as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved: Jan 8, 1997

[Signature]
Chairman

ATTEST: Francis Pace
Secretary