

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2102

Wednesday, February 26, 1997, 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>
Boyle	Ballard	Almy	Romig, Legal
Carnes, Chairman		Gardner	Counsel
Dick		Jones	
Doherty, 1st Vice Chairman		Matthews	
Gray		Stump	
Horner			
Ledford			
Midget, Mayor's Designee			
Pace			
Westervelt, Secretary			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 21, 1997 at 2:31 p.m., in the office of the County Clerk at 2:45 p.m., as well as in the Reception Area of the INCOG offices at 2:50 p.m.

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

### **Minutes:**

#### **Approval of the minutes of February 12, 1997, Meeting No. 2100:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-1** (Boyle, Dick, Doherty, Horner, Ledford, Westervelt "aye"; no "nays"; Carnes "abstaining"; Ballard, Gray, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of February 12, 1997 Meeting No. 2100.

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## **REPORTS:**

### **Committee Reports:**

#### **Rules and Regulations Committee**

Mr. Doherty stated that Rules and Regulations Committee met today to discuss regulation of cellular communication towers. A Rules and Regulations Committee meeting has been scheduled for next Wednesday at 1:00 p.m., in the Francis Campbell City Council Room, to review the final draft. A recommendation will be presented at the Public Hearing that is also scheduled for that day.

### **Director's Report:**

Mr. Gardner informed the Commission there are two zoning cases and one subdivision case scheduled for the February 27 City Council meeting. Also the requests for TMAPC to reclassify the Elm Creek Basin Project and the Whittier School Acquisition Project were pulled from the City Council agenda to allow review by City Council Committees. He stated Jay Stump and Jim Doherty will attend the meeting.

## **SUBDIVISIONS:**

### **Lot-Splits for Ratification of Prior Approval:**

<b><u>L-18390 Zeligson (293)</u></b>	North 67th and East Admiral	(PD-5) (CD-3)
<b><u>L-18414 Rita Schluneger (194)</u></b>	177th and East 11th Street	(PD-17) (CD-6)
<b><u>L-18415 Larry Jenkins (2283)</u></b>	5243 East 93rd	(PD-18) (CD-8)
<b><u>L-18417 Jerry Hall (983)</u></b>	3413 East 71st Place	(PD-18b) (CD-8)
<b><u>L-18418 Richard Hockett (694)</u></b>	East 11th and 107th East Avenue	(PD-5) (CD-6)
<b><u>L-18419 Hutchison (693)</u></b>	1738 East 7th Street	(PD-4) (CD-4)
<b><u>L-18420 Kristin Rodriguez (1393)</u></b>	2325 South 82nd East Avenue	(PD-17) (CD-5)
<b><u>L-18425 Gary Jelinek (1890)</u></b>	26210 West Highway 51	(PD-23) (County)
<b><u>L-18426 Gary Jelinek (1890)</u></b>	26216 West Highway 51	(PD-23) (County)
<b><u>L-18427 Gary Jelinek (1890)</u></b>	26216 West Highway 51	(PD-23) (County)
<b><u>L-18428 Opal Rivers (2790)</u></b>	22400 West 41st Street	(PD-23) (County)

### **Staff Comments:**

Mr. Jones stated these lot-splits are in order and meet the Subdivision Regulations; therefore, staff recommends approval.

**TMAPC Action; 8 members present:**

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

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**Final Approval:**

**Neal Plaza (684)**

(PD-18) (CD-8)

South and west of the southwest corner of East 61st Street and South Garnett Road

**Staff Comments:**

Mr. Jones stated Neal Plaza is a 4.7-acre tract. All release letters have been received and everything is in order.

Mr. Jones pointed out that after the preliminary plat was approved, it was determined there is a one-foot strip of land on the west boundary of the tract that will be left unplatted. After some discussion with the engineer, the engineer is incorporating the one-foot strip into the final plat. This will change the east/west dimension from 299' to 300'.

Mr. Jones stated staff does not feel it is necessary to have the engineer resubmit a preliminary plat and go through the entire process again for the one-foot strip. However, TAC is routing the final plat through Public Works to make sure of the closure.

Therefore, staff recommends approval of the final plat subject to the inclusion of the one-foot strip.

**TMAPC Comments:**

Mr. Ledford asked the purpose of excluding the one-foot strip. Mr. Jones replied the one-foot strip was missed during the title search. Also, the Garnett Sixty-One Storage has a downspout located within the one-foot strip and they felt the one-foot strip would provide a drainage area.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Pace "absent") to **APPROVE** the Final Plat of Neal Plaza, subject to the inclusion of the one-foot strip of land as recommended by staff.

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**Change of Access on Recorded Plat:**

**Stacey Lynn Third Annex (894)**

(PD-17) (CD-6)

North of the northwest corner of East 21st Street South and South 129th East Avenue

**Staff Comments:**

Mr. Jones stated the purpose of changing the limits of access that was originally platted is to align with the existing access point. Staff and Traffic Engineering have reviewed and signed off on the request. Therefore, staff recommends approval subject to the document submitted.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Pace, Westervelt "absent") to **APPROVE** the change of access on recorded plat of Stacey Lynn Third Annex subject to the document submitted and as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** PUD-413-B-2

(PD-10) (CD-4)

**Applicant:** Dick Zoutendy

**Location:** 2316 West Cameron

**Presented to TMAPC:** Dick Zoutendy

*(Minor Amendment to permit an additional sign.)*

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to allow a sign within Development Area 4. The only allowed signage for Development Area 4 is one project identification sign to be located within Development Areas 1 and 2, to be of monument style and no greater than 4' in height with 32 SF of display surface area. The proposal submitted by the applicant is for a 60' pole sign with an unspecified amount of display surface area at an unknown location in Development Area 4.

The applicant provided additional information on February 18 indicating the proposed sign will be 50 feet in height, 15 feet off the right-of-way of the Keystone Expressway and will contain 180 SF of display surface area. The proposed sign location is approximately 170 feet from both the east and west property lines and some 200 feet east of an existing 50 foot high QuikTrip/Braums sign which is 20 feet from the right-of-way.

Staff has reviewed the request and finds the addition of a sign of equal height and location on Lot 4 might be supported by the sign of similar height and location on Lot 1. The rationale in prohibiting signage on Lot 4 may have been to prevent adverse effects on residential uses to the east. Staff is of the opinion that further development of the site for a restaurant as shown on the map sheets submitted may, however, bring additional signage requests along the expressway, which staff would oppose.

Based on the information provided staff could **SUPPORT** the request for signage on Lot 4 with the following conditions:

That the sign be set back 20' from the expressway right-of-way and at least 160' from the east and west property lines of Lot 4; be no greater than 50' in height; and contain a total of not more than 180 SF of display surface area.

**NOTE:** Detail Plans must be submitted and approved, showing the exact locations, bulk and area dimensions of all proposed signage, structures, landscaping and parking lots for Lot 4 before a building permit can be issued for any improvement on the site.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent") to **APPROVE** the minor amendment to allow a sign within Development Area 4 of PUD-413-B-2, subject to the conditions as recommended by staff.

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**ZONING PUBLIC HEARING:**

**Application No.:** CZ-231

**Applicant:** Lindsay Perkins

**Location:** Southeast corner East 131st Street and South Garnett Road

**AG to RS**  
(PD-19) (County)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The Broken Arrow Comprehensive Plan designates the property as Low-Intensity - Residential. According to the Zoning Matrix, the requested RS zoning is in accordance with the Plan Map.

**Staff Comments:**

Site Analysis: The subject property is located on the southwest corner of East 131st Street South and South 121st East Avenue and is approximately 10 acres in size. It is flat, non-wooded, vacant and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned AG; to the east by single-family dwellings, zoned RS; and to the south and west by vacant land, zoned AG.

Zoning and BOA Historical Summary: None.

Conclusion: The Comprehensive Plan designates the property as Low Intensity-Residential. Based on the surrounding zoning and development, staff recommends **APPROVAL** of RS zoning for CZ-231.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DICK**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent") to recommend **APPROVAL** of the RS zoning for CZ-231 as recommended by staff.

**Legal Description for CZ-231:**

East Half of the East Half of the Northeast Quarter of the Northwest Quarter, Section 8, T-17-N, R-14-E, Tulsa County, State of Oklahoma, and located on the southeast corner of East 131st Street South and South Garnett Road, Tulsa, Oklahoma.

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**Application No.: Z-6586**

**Applicant:** Roy Johnsen

**Location:** 7311 South Lewis Avenue

**Presented to TMAPC:** Roy Johnsen

**RS-1 to CS**  
**(PD-18) (CD-2)**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 18 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 CS zoning is **not** in accordance with the Plan Map.

### Staff Comments:

**Site Analysis:** The subject property is located south of the southeast corner of East 71st Street South and South Lewis Avenue and is approximately 165' x 264' in size. It is sloping, non-wooded, has a single-family dwelling and large accessory building, and is zoned RS-1.

**Surrounding Area Analysis:** The subject tract is abutted on the north and east by a condominium complex, zoned RS-3/PUD-124; to the south by an office building, zoned OM/PUD-329; and to the west across South Lewis Avenue by offices, zoned OM.

**Zoning and BOA Historical Summary:** Previous zoning actions in this area have established OM zoning south of the subject tract when accompanied by a PUD and on the east side of South Lewis Avenue without a PUD.

**Conclusion:** The subject property is within an area that is designated as Low Intensity - Residential by the Comprehensive Plan. The property to the north and east is zoned RS-3/PUD for a condominium development. The Comprehensive Plan does not support the requested CS zoning, however the existing zoning patterns and development along South Lewis Avenue are for offices. Based on this, staff recommends **DENIAL** of the requested CS zoning and recommends **APPROVAL** of OL zoning for Z-6586 since the request is not accompanied by a PUD and immediately abuts RS-3 zoning on two sides. Staff also recommends that the District 18 Comprehensive Plan be amended to reflect the change.

### Applicant's Comments:

**Roy Johnsen** stated he is representing the Davis Group, the owner of the subject property. He stated the application was filed for CS zoning.

Mr. Johnsen presented pictures that indicated the present use of the property and the relationship to surrounding property. He stated the property is currently zoned as residential, but it has been a non-conforming use for a very long time. He stated it is difficult to track all of the uses that had been made of the property. He noted a 1967 BOA case that allowed the modernization and enlargement of an existing non-conforming use to permit the storage and sale of assets from bankruptcy courts.

Mr. Johnsen stated past zoning case maps noted the use of the property. Such uses included the selling of wooden blinds, travel trailers, antiques and landscaping. At the present time it is occupied as a martial arts training facility. This is a use that is considered a commercial use, Use Unit 18, and requires a CS zoning to be permitted.

Mr. Johnsen feels there is some complexity in the City Ordinance as to what extent a non-conforming use continues and to what extent it can be changed. He stated an application has also been filed with the Board of Adjustment for a special exception or variance. However, he feels it is important to come before this Commission to request the appropriate zoning for the property, given its non-conforming history.

Mr. Johnsen pointed out several uses surrounding the subject property. Those uses included Esplanade Condominiums, Office Depot, Med-X, office buildings, Seven Oaks Office Building, a fire station and others. He feels the characteristics of the uses along Lewis are non-single-family-type uses.

Mr. Johnsen feels the request involves determining what is the appropriate zoning, given the property's physical facts. He stated he requested CS to be consistent with the uses of the property over the past years; however, he would agree with OL zoning as recommended by staff. He feels the subject property is not residential in regards to the facts.

Mr. Johnsen stated his client is anxious to continue the use for the martial arts facility. He feels the use is limited, the hours are restrictive and not a nuisance to the neighborhood. He stated there are some questions as to whether the parking should be paved or not paved and whether signage is allowed. He feels the parking issue and signage will be addressed by the BOA.

#### **Interested Parties Comments:**

The following persons signed up as interested parties:

Judy Jones, 2421 East 73rd Place, 74136  
Selman Kremer, 2481 East 73rd Place, 74136  
Dianne Cline, 2436 East 72nd Place, 74136  
James H. and Dorothy C. Kelly, 2433 East 73rd Place, 741136  
Dorothy Lengacher, 7212 South Atlanta Place, 74136  
Gertrude H. Taylor, no address listed  
Don E. Welch, 7202 South Atlanta, 74136  
Renee Neuwald, 2416 East 72nd Place, 74136  
Phyllis Fist, 2422 East 72nd Street, 73136  
J. J. Nomell, 7209 south Atlanta, 74136  
John D. Sting, Jr., 7224 South Atlanta Place, 74136  
Donald Baker, 7206 South Atlanta, 74136  
Duncan C. Brown, 2473 East 73rd Place, 74136  
Julius M. Bancoff, 2424 East 72nd Place, 74136  
John T. Barry, Jr., 2407 East 72nd Place, 74136  
Darla Hall, City Council

**Judy Jones**, 2421 East 73rd Place, stated she is a resident of Esplanade and on the Board of Directors. She presented petitions from Esplanade, Southern Oaks Acre and Rockwood Hills Park and stated the petitions consist of approximately 165 signatures. She stated Esplanade has 100 percent of the homeowners' signatures protesting the rezoning of the subject property.

Ms. Jones stated the homes of Esplanade are built around patios and atria which look onto and are a part of their living areas. These are integral parts of their quality of life and enjoyment of their homes. If there are noise, lighting, odors and rodents from commercial areas, she feels it would affect their property negatively.

Ms. Jones stated her property abuts the rear of the subject property. She stated the current use has already negatively impacted their properties in Esplanade due to the large signs, used cars for sale, bed frames, boats and numerous trucks on the subject property. She feels the owner of the subject property has no regard for the neighborhood and has not been in compliance with zoning for a very long time.

Ms. Jones stated Esplanade prefers the denial of the zoning request; however, she asked the Commission to assist them in protecting their neighborhood by not allowing anything other than OL zoning.

**John T. Barry, Jr.**, 2407 East 72nd Place, stated he has lived at Esplanade for ten years and enjoys the development. He stated Esplanade consists of 65 units with over 100 residents. He presented pictures of properties surrounding Esplanade. He pointed out the subject property and the current condition. He noted a boat and trailer, bed frame and other items.

Mr. Barry feels a one-story office building, with limited hours, would be preferred by the neighbors.

**Selman Kremer**, 2481 East 73rd Place, stated he is very pleased and comfortable at this location. He stated he desires the area to remain quiet and peaceful with an unobscured view.

Mr. Kremer stated he would agree with OL zoning if the facility is no higher than one story and non-commercial.

**Phyllis Fist**, 2422 East 72nd Street, asked for clarification of parking allowances for OL zoning. Mr. Doherty stated it depends on the use; typically, one parking space is required per 300 square feet of building area. He stated that for new construction, landscaping requirements would be required. This is an existing building and the parking requirement is not enforceable. However, there is a replatting requirement that is triggered by zoning. The applicant would have to plat the property or come before the Commission to request a plat waiver. Sometimes conditions are imposed to the plat waiver.

Ms. Fist asked if, after being approved for OL zoning, the owner decides to convert to residential zoning and develop residentially, he would be allowed to do so. Mr. Doherty stated the owner would have to apply for rezoning or a special exception. He informed her that if the Commission approves the OL zoning, it will then be sent to the City Council for their consideration. If approved by City Council, the applicant would still have to go to the Board of Adjustment for the current use to be allowed.

**Julius Bancoff**, 2424 East 72nd Place, feels the non-conforming use should be corrected and the TMAPC should not just change the zoning to accommodate the existing non-conforming use. He feels CS zoning would lower the surrounding property values greatly.

Mr. Bancoff stated he has discussed the zoning request with Darla Hall and she indicated she was opposed to CS zoning.

**Councilor Darla Hall** asked whether the parking lot will be required to be paved under the OL zoning. Mr. Doherty stated the owner could request a variance and will have to demonstrate that the paved parking would be a hardship.

Councilor Hall feels if the property is being established as a business, then it needs to look and act like a business.

Councilor Hall stated it appears her constituents agree that if it is a one-story office building, then it would be better than its current use. She stated she is opposed to CS, and since her constituents agree to accept the OL, she would also. She stated when the case is heard by the Board of Adjustment, she will request the parking lot be paved.

**TMAPC Comments:**

Mr. Boyle asked Ms. Jones if he understood correctly that Esplanade would not be opposed to OL zoning. Ms. Jones replied they would prefer the zoning to remain as residential, but agree to OL since it seems to be the least offensive.

Commissioner Dick asked Ms. Jones how long she has resided at Esplanade. Ms. Jones replied one year.

After Mr. Kremer spoke, Chairman Carnes questioned the interested parties whether they are in agreement with OL zoning. Several interested parties requested explanation of OL zoning. Mr. Doherty explained what is applied and the restrictions of OL zoning, pointing out that the office light district is the next step up from residential use.

Chairman Carnes asked whether any of the interested parties would like to speak in opposition to OL zoning. Ms. Fisk indicated she had questions in regards to OL zoning.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Horner "absent") to recommend **DENIAL** of CS zoning and **APPROVAL** of OL zoning for Z-6586 and recommend that the District 18 Comprehensive Plan be amended to reflect the change as recommended by staff.

**Legal Description for Z-6586:**

A tract beginning at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma, thence North 165', thence East 264', thence South 165', thence West 264' to the point of beginning, and located south of the southeast corner of East 71st Street South and South Lewis Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6587**

**Applicant:** David Canon

**Location:** East of southeast corner East Admiral Place and South 145th East Avenue

**Presented to TMAPC:** David Canon

**AG to IL**

(PD-17) (CD-6)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north 350' of the subject property as Medium Intensity Linear Development and the balance as Low Intensity - No Specific Land Use.

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 located east of the southeast corner of East Admiral Place and South 145th East Avenue and is approximately 0.09 acres in size. It is flat, non-wooded, vacant, and zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north by industrial uses, zoned IL; to the east by vacant land, zoned SR; to the south by vacant property, zoned AG; and to the west by vacant land, zoned CG and RMH.

**Zoning and BOA Historical Summary:** The tracts located between I-244 and East Admiral Place have been in transition to IL zoning. The TMAPC has recommended approval of IL zoning on the north 350' of the abutting property to the east; final action is pending from City Council and IL and CS zoning is in place to a depth of 350' south of Admiral Place, west of 161st East Avenue.

**Conclusion:** Based on the existing zoning and development in this area, staff recommends **APPROVAL** of IL zoning on the north 350' and **DENIAL** of IL zoning on the remainder.

**Applicant's Comments:**

**David Canon**, 10301 East 51st, stated the reason for the request is that an extensive drainage channel has to be installed at the back of the property. He reminded the Commission the plat was approved last week subject to the approval of the zoning change.

Mr. Canon stated there would be approximately 600 feet of usable property. He presented a drawing with the dimensions, noting the 50-foot road easement. He stated the request is for IL zoning on the front of the tract and 600 feet deep from the centerline of Admiral. This would consist of a 50-foot road easement and 550 feet deep or south from the easement.

**Interested Parties Comments:**

**John A. Lipinski**, 15239 East Admiral Place, 74116, signed up as an interested party.

**TMAPC Comments:**

Mr. Gardner stated this is a linear development area, Medium-Intensity, and the guidelines require a maximum of 330 feet of depth from the centerline of the street. He feels the guidelines may also require a mandatory filing of a Planned Unit Development to allow Medium Intensity uses. He recommended a one-week continuance to allow review of the development guideline requirements.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget "absent") to **CONTINUE** the Zoning Public Hearing for Z-6587 to March 5, 1997.

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**Application No.: PUD-554-1**

(PD-26) (CD-8)

**Applicant:** Jerry W. Ledford, Jr.

**Location:** West of northwest corner East 101st Street and South Memorial Drive  
(*Minor Amendment to revise standards for a private street.*)

**Mr. Ledford left the dais and indicated he would be abstaining from this item.**

**Staff Recommendation:**

The applicant is requesting that the private street providing access to the north side of PUD-554 (98th Street South) not be required to have a full curb and gutter cross-section as is normally required of city streets. Staff has no objection to having valley gutters to handle stormwater run-off rather than curbs and gutters.

If the City of Tulsa Public Works Department is satisfied that this type of street design will function properly in this location, staff recommends **APPROVAL** of the revised street cross-section design.

Staff continues to believe that to properly accommodate this PUD's development and other anticipated development in the area, 98th Street South should become a public street.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Ballard "absent") to **APPROVE** the minor amendment to alter the street standards for a private street for PUD-554-1 as recommended by staff.

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**Application No.: CZ-232**

**AG to RS**

**Applicant:** Pat Garner

**Location:** South of West 55th Street South and west of 164th West Ave. (PD-23) (County)

**Presented to TMAPC:** Pat Garner

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The Sand Springs Comprehensive Plan designates the subject property as Low Intensity - Residential.

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

Staff Comments:

Site Analysis: The subject property is approximately 48.5 acres in size and located south of 55th Street West and west of 164th West Avenue, north of the Creek County line within the Sand Springs fence line. It is sloping, wooded, vacant, and zoned AG in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by single-family dwellings, zoned RS; to the south, east and west by vacant land, zoned AG.

Zoning and BOA Historical Summary: The most recent action in this area rezoned a 13-acre tract located on the north and south sides of West 58th Street South and north of the subject tract from AG to RS.

Conclusion: Based on the existing zoning and development in this area, staff recommends **APPROVAL** of RS zoning for CZ-232.

**Applicant's Comments:**

**Pat Garner** stated he was in agreement with staff recommendation.

**Interested Parties Comments:**

**James Cupps**, 16704 West 56th Place South, Sand Springs, 74063, stated he is not opposed to quality development; however, he expressed concerns with safety issues that currently exist and will increase with the proposed development.

Mr. Cupps stated the current water pressure is substandard. He requested the Sand Springs Fire Department to perform flow test in the neighborhood. He submitted a copy of the test. He stated the test indicates inadequate flow. There is no water pressure in the case of a fire.

Mr. Cupps stated his other concern is with having only one access through their neighborhood to the proposed development. He stated with the development of an adjacent subdivision, there were many trucks and equipment traveling at a high rate of speed through the neighborhood. He is concerned with the traffic problems and safety of children playing in the neighborhood.

**Virginia Phase**, 6015 South 164th West Avenue, Sand Springs, 74063, stated she is the treasurer of the Three Oaks Homeowners Association. She stated her concerns were addressed by Mr. Cupps. She asked the Commission to supply the names and addresses of the interested parties to Sand Springs and stated she will be contacting Diane Fernandez.

**Norita Bridges**, 16427 West 56th Place, Sand Springs, 74063, expressed concerns with traffic problems on the single access to this area. She feels the surrounding neighborhood was not adequately notified and that the decision has already been made in regards to the development.

Ms. Bridges stated due to her experience as a fire fighter, she is very concerned with the lack of water pressure and the fire safety issues involved. She feels Sand Springs' two pumper units would not be adequate to distinguish a fire without a backup water supply.

**Kathy Hoffman**, 5121 South 164th West Avenue, Sand Springs, 74063, stated she is the secretary for the Three Oaks Homeowners Association. She feels the low water pressure and a single access to this neighborhood are very serious problems.

Ms. Hoffman stated with the recent subdivision development in the area the water pressure has decreased tremendously. She feels adding another subdivision development will only continue to decrease the pressure.

**Applicant's Rebuttal:**

Mr. Garner stated it is not the developer's intention to create a hazard in the area. It would be to the developer's benefit to have a quality development.

Mr. Garner stated the plat is being processed through Sand Springs and requires a water system that meets the standards of the City. The County has final approval over the road system. He stated the roads will be built to current County standards which consist of three inches of asphalt concrete over six inches of crusher rock over a prepared subgrade. He feels these are very strict standards.

Mr. Garner stated prior to the meeting he contacted the Sand Springs Water Department in regards to the capacity of the water tank that is located less than one mile from the proposed development. He stated the Water Department indicated 40 feet of water currently in the tank.

Mr. Garner feels all of the issues mentioned are important and are being addressed during the platting process.

### **TMAPC Comments:**

Chairman Carnes reminded Mr. Cupps that the Planning Commission can only address the land use issue. Mr. Cupps replied he understood.

Chairman Carnes asked for input from staff. Mr. Garner stated the property will have to be subdivided. He stated this is when the access and utility issues are addressed.

Mr. Doherty reminded the Commission that the tract is located within the Sand Springs fence line and that the Sand Springs Planning Commission will be reviewing the plat.

Mr. Doherty stated the question before the Planning Commission is land use and the request is in accordance with the Comprehensive Plan. The Sand Springs Planning Commission has recommended approval. He stated he would have difficulty in denying the request.

Mr. Stump pointed out that the letter from the Sand Springs Planner mentioned they are processing a preliminary plat and are requiring the water system to be looped to get better supply. Apparently there is a need for upgrade of Sand Springs' water system in this area. Mr. Cupps stated he talked with the Water Department and was told the looping of the system could possibly help, and as far as improvements, plans are being processed but the construction phase is an unfunded item at this time. He feels adding more homes in the area will reduce the already-inadequate water flow.

Mr. Doherty stated he understands Mr. Cupps' concerns; however, he feels the development of the area will encourage Sand Springs to find the funds needed to upgrade the water system. He and Mr. Midget feel the looping of the system may not have any positive impact, but would not create any negative impact.

Mr. Doherty encouraged Mr. Cupps to keep in touch with his neighbors in regards to the notification of the plat. Mr. Stump stated it is his understanding that the preliminary plat has already been approved. Mr. Garner verified the preliminary plat has been approved and that notices were mailed by the Sand Springs Planning Department.

Mr. Ledford stated the preliminary plat is just that, preliminary. The applicant will still have to design construction documents and will require approval by the Sand Springs Planning Commission, as well as the State Health Department. There will also be final plat approval required. Mr. Ledford suggested that the interested parties contact the City of Sand Springs in regards to their concerns.

Chairman Carnes stated the Planning Commission can submit the names and addresses of the interested parties to the Sand Springs Planning Commission and request them to notify the interested parties of upcoming hearings.

Mr. Doherty feels Sand Springs has always responsibly reviewed the items the Planning Commission submits to them. With the development being within the Sand Springs fence line, Sand Springs will be responsible for the proposed development.

Mr. Westervelt asked the motion to include transmittal of the names and addresses of the interested parties and copies of the minutes to the Sand Springs Planning Commission and request these interested parties be notified of future hearings.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Horner "absent") to recommend **APPROVAL** of RS zoning for CZ-232 as recommended by staff and transmittal of the names and addresses of the interested parties and copies of the minutes to the Sand Springs Planning Commission and request these interested parties be notified of future hearings of the proposed development.

**Legal Description for CZ-232:**

A tract of land that is part of the S/2, S/2 of Section 31, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, said tract of land being described as follows: beginning at a point that is the Northeast corner of the SE/4, SW/4 of said Section 31; thence S 89°51'20" W along the Northerly line of said SE/4, SW/4 for 1,320.42' to the Northwest corner of said SE/4, SW/4; thence S 00°09'50" E along the Westerly line of the SE/4, SW/4, for 1,321.48' to the Southwest corner of the SE/4, SW/4; thence N 89°48'12" E along the Southerly line of the SE/4, SW/4 for 1,319.71' to the Southeast corner of the SE/4, SW/4; thence N 00°07'59" W along the Easterly line of the SE/4, SW/4 for 730.27'; thence N 89°56'58" E parallel with the Northerly line of the SW/4 of the SE/4 of Section 31 for 289.49' to a point of curve; thence Southeasterly along a curve to the right with a central angle of 42°52'04" and a radius of 25.00' for 18.70' to a point of reverse curve; thence Southeasterly, Easterly, Northeasterly and Northerly along a curve to the left with a central angle of 169°46'52" and a radius of 50.00' for 148.16'; thence N 89°56'58" E parallel with said Northerly line of the SW/4 of the SE/4 for 274.06'; thence N 00°00'44" E along the Westerly line of Oak Haven I, an Addition in the SW/4, SE/4 of said Section 31 for 530.00' to a point on the Northerly line of the SW/4, SE/4; thence S 89°56'58" W along the Northerly line thereof for 655.99' to the Point of Beginning of said tract of land, containing 48.561 acres, and located South of West 55th Street and west of 164th West Avenue, Sand Springs, Oklahoma.

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## **OTHER BUSINESS:**

### **AC-12 Douglas Lee**

(PD-5) (CD-4)

5943 East 13th Street South

*(Alternative Landscape Compliance.)*

#### **Staff Recommendation:**

The applicant is requesting Alternative Landscape Compliance from the Landscape Requirements of the Zoning Code with regard to the number of trees in the street yard and the requirement for a sprinkler system. The applicant's request relates to a proposal to install a concrete curbed parking area containing 16 parking spaces. The application indicates that a portion of the street yard where trees should be planted contains underground gas and phone lines and a drainage ditch. The site plan submitted calls for two street yard trees and the applicant is proposing one tree. The applicant is also requesting that an existing hose bib be utilized to irrigate the installed landscaping.

Staff has reviewed the proposal and finds that the applicant is proposing five trees totally when only three are required according to the Zoning Code. The applicant, however, stated that one of the required two street yard trees cannot be placed in the street yard abutting East 13th Street due to underground utility lines and a drainage ditch.

The placement of four trees on the western edge of a 105-foot lot exceeds the 100 foot limit for use of a hose bib and does not meet the standards for irrigation of landscaped materials.

Therefore, based on evaluation of the request and the information submitted, Staff recommends **APPROVAL** of the request to reduce the required street yard trees to one tree conditioned upon a total of five trees being planted as indicated on the site plan. Staff, however, does not support the request for use of a hose bib to irrigate the landscaped material proposed.

#### **TMAPC Comments:**

Mr. Midget clarified that staff is recommending the approval of the request to reduce the required street yard trees to one tree conditioned upon a total of five trees being planted as indicated on the site plan and either install an additional faucet or provide irrigation in this area.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Horner "absent") to **APPROVE** the Alternative Landscape Compliance No. 012 as indicated on the landscape plan, except require a faucet within 100 feet of all landscaped areas on the plan or provide irrigation in these landscaped areas.

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**Public Hearing to amend the Major Street and Highway Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, to consider upgrading a portion of South 263rd West Avenue (also known as Coyote Trail) north of State Highway 51 from a residential collector to a secondary arterial street.**

**TTAC Recommendation:**

The Transportation Technical Advisory Committee met on February 19, 1997, to consider the proposed amendment. Based on the technical merits of the request, including:

- the existing and future land use of the area (large lots, low intensity single-family residential);
- the lack of a major attractor;
- the lack of through access (South 263rd West Avenue is currently a dead-end street); and
- the estimate of existing and projected traffic volume.

The committee determined that based on technical merits the change of classification was unnecessary, and voted to recommend that the TMAPC deny the request.

**Staff Comments:**

Ms. Matthews presented the request to consider amendments to the Major Street and Highway Plan to redesignate a portion of South 263rd West Avenue, north of State Highway 51, from a residential collector to a secondary arterial.

Ms. Matthews stated the Transportation Technical Advisory Committee is recommending denial of the request based on the merits as outlined in their memorandum. She stated this particular portion of road was downgraded in 1981 to the residential collector designation.

**Applicant's Comments:**

**Jim Coleman**, 401 East Broadway, Suite D-2, Sand Springs, 74063, stated the reason for the request is for consistency in the street right-of-way in the area and throughout Tulsa County.

Mr. Coleman stated the street had been designated as a secondary arterial street with a 100 foot wide right-of-way prior to 1980. He stated his development, Eagle Ridge, and an adjoining subdivision to the south, Cimarron Run, has the 1980 right-of-way provision.

Mr. Coleman stated the 100 foot right-of-way narrows to 50 feet for approximately one-quarter mile and then funnels out to 79.96 feet. He stated there is a boat ramp at the end of this road. He informed the Commission he is currently platting additional properties in the area and the owner of Cimarron Run is proposing a "Shangri-La"-type development with a nine-hole golf course and country club.

Mr. Coleman presented demographics he obtained from the Highway Department for daily traffic counts. He stated there are 853 vehicles currently traveling this street daily. He indicated he does not know whether this includes the seasonal boat traffic. He stated the information he obtained from the Corps of Engineers indicated a 30,000-count usage for the paid users of the boat ramp.

**TMAPC Comments:**

Mr. Doherty clarified the procedures in amending the Major Street and Highway Plan. Ms. Matthews replied in this particular case, the request would go directly to the Tulsa County Commissioners for consideration.

Ms. Gray asked for clarification of the reason for the request. Chairman Carnes stated it has to do with the consistency of the setbacks. Mr. Gardner explained the reason for the request by the applicant.

Mr. Gardner informed the Commission that in 1980, when the County began the zoning process, this street was zoned as an arterial street. Apparently in 1981, the street was reclassified.

Mr. Midget asked whether any of the homes front onto 263rd West Avenue. Mr. Coleman stated there are homes currently fronting 263rd West Avenue and there are plans for new homes to also front 263rd West Avenue.

Chairman Carnes stated the request is for conformity of the setbacks along 263rd West Avenue. He asked whether the classification of the street is the only way to accomplish conformity.

Mr. Doherty feels the request would be better addressed by the Board of County Commissioners. Mr. Stump informed the Commission since this is a proposed change to the Comprehensive Plan, TMAPC will have to take action first and, if approved, the Board

of County Commissioners may ratify the TMAPC actions or reject the amendments. The County cannot adopt the change and make the amendments prior to TMAPC's action.

**TMAPC Action; 9 members present:**

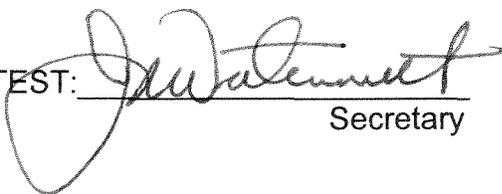
On **MOTION** of **DOHERTY**, the TMAPC voted **8-1-0** (Boyle, Carnes, Dick, Doherty, Gray, Ledford, Pace, Westervelt "aye"; Midget "nay"; none "abstaining"; Ballard, Horner "absent") to **APPROVE** an amendment to the Major Street and Highway Plan, a part of the Comprehensive Plan for the Tulsa Area, to upgrade the portion of South 263rd West Avenue (also known as Coyote Trail) north of State Highway 51 from a residential collector to a secondary arterial street.

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There being no further business, the Chairman declared the meeting adjourned at 2:55 p.m.

Date Approved: 3-12-99

  
Chairman

ATTEST:   
Secretary