

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2126

Wednesday, August 27, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle		Almy	Linker, Legal
Carnes		Dunlap	Counsel
Doherty		Jones	
Gray		Stump	
Harris			
Horner			
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 25, 1997 at 9:57 a.m., in the Office of the City Clerk at 9:49 a.m., as well as in the office of the County Clerk at 9:53 a.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:32 p.m.

MINUTES:

Approval of the minutes of August 13, 1997, Meeting No. 2124:

On **MOTION** of **HORNER**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of August 13, 1997, Meeting No. 2124.

REPORTS:

Committee Reports:

Rules and Regulations Committee:

Mr. Doherty stated Rules and Regulations Committee met today to consider amendments to the zoning code relating to outdoor advertising signs. The committee recommended a public hearing be scheduled for October 8, 1997 to consider the amendments.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** a public hearing for October 8, 1997, to consider amendment to the zoning code relating to outdoor advertising signs.

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Director's Report:

Mr. Stump stated the Stillwater National Bank final plat is scheduled for the August 28, 1997 City Council meeting.

Mr. Stump presented the proposed meeting dates for 1998. Seeing no objections, Chairman Carnes directed staff to file the 1998 TMAPC meeting schedule.

Mr. Stump also presented the receipts for the month of July, 1997 and noted an increase in zoning application.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the TMAPC Receipts for the Month of July 1997.

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SUBDIVISIONS:

Plat Waiver, Section 213:

PUD-532 (Original Townsite of Tulsa) (292)

(PD-1) (CD-4)

Northwest corner of Denver and Archer

Staff Comments:

Planned Unit Development Number 532 permitted an expansion of a transitional living center for the Salvation Army and was approved by the TMAPC on March 22, 1995 and the City Council on April 27, 1995. The approval triggered the platting requirement to which the applicant has filed an application to be heard by the Technical Advisory Committee on September 4, 1997 and the TMAPC on September 17, 1997.

In the essence of time, the applicant is requesting a waiver of the Subdivision Regulations and permit the plat waiver application to be approved by the TMAPC at this hearing without Technical Advisory Committee review. The applicant claims that all technical issues have been resolved and he is willing to meet any requirements of the TMAPC.

Because staff has not reviewed the application and has had no input from the TAC, approval without the appropriate review is not supported. Staff would point out that sufficient time existed after the City Council approval to process a waiver through the proper procedures. Staff does not support the waiver of the Subdivision Regulations to approve the plat waiver without Technical Advisory Committee review.

Staff Comments:

Mr. Jones stated the applicant has visited with each of the utility companies and has granted several easements by separation instruments. The applicant has also been meeting with all the City departments for review and input. Basically, the application has been reviewed by the TAC.

TMAPC Comments:

Mr. Midget asked whether the easements that were filed by separate instruments could be documented. Mr. Jones replied he is comfortable with Mr. Jones' dealings with the utility companies and was assured by TAC members that the utility companies received what easements they needed.

Mr. Doherty commented that after discussion at the Rules and Regulations Committee meeting last week, it may be better to ask TAC for the requirements instead of asking for a specific recommendation for easements. Let staff and TAC determine the best vehicle instead of making a political judgment.

Mr. Harris stated he is unfamiliar with the plat waiver process and asked whether a plat was previously filed. Mr. Jones replied the Original Townsite of Tulsa was filed a number of years ago. When the PUD was approved, it triggered the platting requirement again and the requirement is to let the TAC review it to determine if there is anything for the City to gain in requiring a replat, or whether the requirements can be met by separate instrument, therefore waiving the platting requirement.

TMAPC Action; 11 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** of the Waiver of the requirement for TAC review and Waiver of the Plat for the subject tract.

BOA-17795 (Unplatted) (2283)

(PD-18) (CD-8)

Northwest corner of South Canton Avenue and the Creek Turnpike

TAC Recommendation:

Jones presented the application with Kevin Coutant present.

McCormick stated that the property contains some regulatory floodplain that shall be dedicated to the City.

After discussion it was determined that substation constituted "substantial new construction".

Board of Adjustment Case No. 17795 is a special exception request to permit a PSO substation in an RS-1 zoned district. The case will be heard by the Board at the August 12 meeting. If approved, the property will be subject to the platting requirement.

Based on the size of the tract and the type of construction proposed, staff is supportive of the requested plat waiver. Staff can see no benefit to the City in a replat.

Staff recommends approval of the plat waiver for BOA-17795, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On motion of McCormick, the Technical Advisory Committee voted unanimously to recommend approval of the Plat Waiver for BOA-17795, subject to all conditions and recommendations listed above.

TMAPC Comments:

Mr. Ledford asked the size of the tract. Mr. Jones replied that it is 3.5 to 4 acres in size.

TMAPC Action; 11 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** of the Plat Waiver for BOA-17795, subject to the conditions as recommended by TAC.

Lot-Split for Waiver of the Subdivision Regulations:

L-18495 Crystal City Shopping Center (2792) (PD-9) (CD-2)
4200 Southwest Boulevard

Staff Comments:

Mr. Jones stated that Mr. Coutant has requested this item be stricken from the agenda to allow further time to work out the details on the lot-split. The item will be placed on the agenda when all details are resolved.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **STRIKE** the Lot-Split for Waiver of Subdivision Regulations for L-18495.

CONTINUED ZONING PUBLIC HEARING:

Items Z-5722-SP-10/PUD-405 and PUD-405-13 were heard simultaneously.

Application No.: Z-5722-SP-10/PUD-405 (PD-18) (CD-8)

Applicant: David Brown

Location: West of southwest corner 91st Street and South Memorial Drive

Presented to TMAPC: David Brown

(Corridor Site Plan/PUD Site Plan to permit a one-story office building on each lot.)

Staff Recommendation:

The applicant is requesting site plan approval to build an 11,700 square foot one-story office building on Lot 8 and a 8,790 square foot one-story office building on Lot 9. Lot 8 contains 32,238 square feet and Lot 9 contains 36,071 square feet.

Staff has reviewed the site plan and finds it conforms to bulk, area, setback, access, mutual access, parking, sign, circulation and landscaped area requirements of the PUD and Corridor District standards and Minor Amendment PUD-405-13 requiring the approval of a lot-tie agreement.

The applicant has demonstrated that the screening requirement for the southern boundary can be accomplished with the existing tree cover. If the City clears these trees in order to improve the drainageway, a privacy or sight-screening fence will be required.

Therefore, staff recommends **APPROVAL** of the corridor and PUD site plan with the following conditions:

1. Approval of a minor amendment combining Lots 8 and 9.
2. Sight-screen fencing be installed on the southern boundary of the lot if the existing trees are removed within the drainage reserve area B.

NOTE: Site plan approval does not constitute landscape or sign plan approval.

ZONING PUBLIC HEARING:

Application No.: PUD-405-13 (PD-18) (CD-8)

Applicant: Don Walker

Location: Southeast corner East 91st Street and South 73rd East Avenue

Presented to TMAPC: Don Walker

Minor Amendment to combine Lots 8 and 9 into one development area.)

Staff Recommendation:

The applicant is requesting a minor amendment to combine Lots 8 and 9 into one area for the purpose of applying the approved development standards. A site plan and corridor site plan are currently under review for both Lots 8 and 9.

Lot 8, however, does not meet floor area, parking and lot coverage standards of the PUD. Lot 9 contains an overland drainage easement which limits building coverage and floor area. Treating Lots 8 and 9 as a single lot in the application of the approved PUD standards would allow the fullest utilization of the two lots permitted by the PUD standards.

Staff has reviewed the application and finds that combining the two lots for the purpose of applying the approved PUD development standards for Area 6 would maintain the character of the PUD if the two lots were tied together in single ownership.

Staff, therefore, recommends **APPROVAL** of the minor amendment subject to the execution of a lot tie agreement approved by the City Attorney prohibiting the lots from being sold separately.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of Corridor Site Plan/PUD Site Plan Z-5722-SP-10/PUD-405, subject to the conditions as recommended by staff and **APPROVE** the Minor Amendment PUD-405-13, subject to the execution of a lot tie agreement approved by the City Attorney prohibiting the lots from being sold separately, as recommended by staff.

Legal Description for Z-5722-SP-10/PUD-405:

Lot 8 and 9, Block 1, South Springs Office Park, and located west of the southwest corner of East 91st Street South and South Memorial Drive, Tulsa, Oklahoma.

ZONING PUBLIC HEARING:

Application No.: Z-6599

Applicant: Joseph R. McGraw

Location: Northeast of East 21st Street and South Zunis

Presented to TMAPC: Joseph R. McGraw

RS-3/HP to OL
(PD-6) (CD-4)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Residential.

According to the Zoning Matrix the requested OL zoning is **not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 10' x 58.5' in size and is located north of the northeast corner of East 21st Street South and South Zunis Avenue. The property is flat, paved and is a part of the drive-through and parking for the adjoining bank. This 10' strip is zoned RS-3/HP.

Surrounding Area Analysis: The subject 10' strip of land is abutted on the north, east and west by single-family use, zoned RS-3 and to the south is part of the existing bank drive-through and parking.

Zoning and BOA Historical Summary: The most recent zoning in this area approved HP zoning on the Mapleridge Addition, which included the subject tract, and the approval of the expansion of the YWCA for parking on the southwest corner of East 20th Street and South Lewis Avenue.

Conclusion: The Comprehensive Plan designates the subject property as being within the Low Intensity - Residential area. The existing use of the property, however, is part of the parking and drive-through for the adjoining bank. The Comprehensive Plan states that OL zoning is acceptable as being Low Intensity buffering on the periphery between the office and residential use on the north. This would expand the Low Intensity-Linear Development area 10' farther north than what the Comprehensive Plan shows. Based on the existing use and the surrounding zoning, staff recommends **APPROVAL** of OL zoning for Z-6599 and amendment of the District 6 Plan to remove the residential designation.

Staff Comments:

Mr. Stump stated the neighborhood association is in support of the request with the provision that a "No Right Turn" sign be placed at the exit from the bank located on the subject ten-foot tract. The neighborhood understands that the police cannot enforce the sign, but feels it will discourage people from driving through the Yorktown neighborhood.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Doherty asked whether the removal from the HP district is a Comprehensive Plan amendment. Mr. Stump replied HP districts are adopted by ordinances. Mr. Doherty questioned whether the separate, stand-alone ordinance requires any action other than a Council ordinance amending or deleting the HP designation. Mr. Stump replied it is like removing the zoning from a PUD.

Mr. Doherty asked whether there will be input from the Preservation Commission or if any is necessary. Mr. Stump replied that the Preservation Commission designed the HP standards for residential tracts in this area and probably was not aware of the bank driveway.

TMAPC Action; 11 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of OL zoning for Z-6599 and amendment of the District 6 Plan to remove the residential designation as recommended by staff.

Legal Description for Z-6599:

The South 10' of Lot 10, Block 11, Woodward Park Addition to the City of Tulsa, Tulsa County, Oklahoma and located north and east of the northeast corner of East 21st Street South and South Zunis Avenue, Tulsa, Oklahoma.

Application No.: CZ-237/PUD-566

AG to RS/CS/OL/RM-1/PUD

Applicant: Louis Levy

(PD-9) (County)

Location: Northwest corner South 57th West Avenue and West 41st Street South

Presented to TMAPC: Louis Levy

Staff Recommendation:

CZ-237:

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - Residential - Development Sensitive.

According to the Zoning Matrix the requested RS zoning **is** in conformance with the Comprehensive Plan but the RM-2, OL and CS zoning **are not** in conformance with the Plan.

Staff Comments:

Site Analysis: The subject property is approximately 10.1 acres in size and is located in the northwest corner of West 41st Street South and South 57th West Avenue. It is flat, non-wooded, vacant, and zoned AG in the County.

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

Zoning and BOA Historical Summary: There have been no zoning actions in this area.

Conclusion: Based on the Comprehensive Plan, the existing zoning and development, staff recommends **DENIAL** of RM-2, OL zoning, but recommends **APPROVAL** of RS zoning on the subject tract.

PUD-566:

The applicant is requesting uses that include office, retail, single-family, multifamily and a church.

Staff has recommended denial of the zoning that would be necessary for these uses (See CZ-237), and therefore must also recommend **DENIAL** of the PUD-566.

Applicant's Comments:

Louis Levy, 5314 South Yale, 74135, stated he is representing Gary Herman, the applicant and owner of the subject property and other tracts in the area. He stated the ten-acre tract is under consideration for rezoning and a planned unit development for a typical neighborhood concept. This concept is where, at major intersections, commercial is located and buffered by office and then by apartments or single-family dwellings.

Mr. Levy stated the application was originally filed because there is no market for single-family dwellings on the subject tract, except to the rear of the tract where there are already homes in the northwest quadrant, due to the creek that splits the tract.

Mr. Levy feels the area is in transition due to the proposed Gilcrease Expressway and other development in the area. He noted the new Tulsa Community College Campus and the new bank building and drive-through facility. He feels the area is rapidly developing for light intensity office buildings, commercial activities and some single-family dwellings. He noted the single-family area is not at the major intersection but located to the west and northwest.

Mr. Levy stated, according to the design, that 4.3 acres will be developed as single-family dwellings. That is the property to the northwest and adjacent to the existing single-family dwellings in the area.

Mr. Levy stated the property to the east of 57th West Avenue includes some single-family dwellings and the design proposes a one-acre church site as buffering for these dwellings.

Mr. Levy noted the application for multifamily development has been withdrawn after meeting and talking with several of the neighbors in the area. The application is for two acres of low-density commercial or CS-zoning. One acre immediately adjacent to the corner and one acre on the other side of the creek which will be buffered by two acres of light office zoning. He anticipates small stores such as dry cleaners, drug stores etc. He feels the proposed expressway will allow direct access to the subject property.

Mr. Levy stated he appreciates the fact that the Comprehensive Plan has not been updated in respect to the subject corner and the proposed expressway. He feels the a simultaneous updating of the Comprehensive Plan with the rezoning of the subject tract will keep this particular corner from becoming high-density commercial once the expressway is constructed.

Mr. Levy feels the proposed development is a good plan and requested that both applications be approved.

Interested Parties Comments:

Mary Jo Armer, 5932 West 39th, 74107, stated she received the notice of the public hearing for CZ-237/PUD-566. She stated the residents of Pleasure Acreage and surrounding neighbors are opposed to this type of rezoning. She presented a petition signed by 416 people in the area opposing the zoning change.

Ms. Armer stated she received the letter from Mr. Herman that stated no apartments or duplexes are to be included in the proposed development.

Monte Hancock, 3720 South 63rd West Avenue, 74107, stated the Berryhill area has been zoned AG for several years. He feels the area has a nice atmosphere and is beautiful. He noted Mr. Herman maintains his property.

Mr. Hancock stated there are unanswered questions in regard to what uses are allowed and if the subject tract is sold, what uses will be allowed. He questioned the need for another church and feels there are sufficient churches in the area.

Mr. Hancock expressed concern with possible increase in the crime rate in the area. He also noted there is no sewer system available and problems with stormwater runoff in the area. He presented pictures of standing water in the street and ditches of South 60th West Avenue which is the street adjacent to the west side of the subject tract. He noted the problem with downstream flooding.

Mr. Hancock requested denial of the proposed development.

Charlie Stepp, 6149 West 42nd Street, expressed concerned with the lack of a sewer system in the area.

C. R. Layton, 3730 South 63rd West Avenue, expressed concern with the runoff and drainage problems in the area.

Dennette Layton, 6139 West 40th Street, 74107, signed up, but did not address the Commission.

Applicant's Rebuttal:

Mr. Levy stated an extensive study has been done to review the hydrology, water and sewer service to the subject property. He stated sewer service will be provided from the west.

TMAPC Comments:

Mr. Boyle noted that staff recommends approval of RS zoning for the entire tract and that would necessitate denial of the PUD. Mr. Stump stated there would be no need for a PUD if RS zoning is approved.

Mr. Harris asked what direction the stormwater runoff flows. Mr. Doherty replied that it flows from south to north.

Mr. Harris asked how the runoff from the new development will be addressed. Mr. Levy replied the engineer, Tom Meshek, is currently working on the plan for stormwater drainage for the subject tract. He stated there is a preliminary design for the revision of the Berryhill Creek tributary that splits the subject property, but occupies approximately three acres of the total subject property. He feels the creek will have to be improved and that will be done at the owner's expense.

Mr. Harris asked how any additional runoff from the area south of 41st will be addressed. Mr. Levy replied the property to the south has recently been purchased and will be developed in the near future. Plans for that will include a drainage plan that is consistent with the proposed plan.

Mr. Harris stated the drawing indicates only one ramp from the proposed expressway will be involved on the subject tract of land, and he questioned whether any land would be reserved to accommodate any changes for the layout of the proposed expressway. Mr. Levy replied that he has been informed by the County Engineer that the proposed expressway plan has been updated and revised and that the entire right-of-way for the proposed expressway will be to the east of 57th West Avenue. However, if the State needs additional right-of-way, his client is willing to donate the additional right-of-way.

Mr. Doherty explained to Mr. Hancock the process in zoning change and uses allowed. He said that any future owner wanting to construct apartments would have to apply for the change and a public hearing would be scheduled after appropriate notice was given.

Mr. Doherty informed Mr. Hancock that bars or adult entertainment fall under Use Unit 12a and suggested a restriction on this type of use. Mr. Boyle stated these types of uses are prohibited according to the applicant's submittal.

Mr. Doherty noted there is not a church designation in the Zoning Code, but that the tract could be reserved for church uses. He stated restrictions can be made a part of the PUD to restrict certain types of uses.

In regard to flooding, Mr. Doherty stated that Ray Jordan, County Engineer, is very strict on allowing extra runoff. In most cases, on-site detention is required.

Mr. Doherty stated since the applicant is planning to sewer the subject tract and not use a septic system, it should be a condition of approval.

Mr. Boyle suggested omitting Use Unit 12 altogether. Mr. Levy stated he can concur with the suggestion.

Mr. Doherty stated he has had previous conversations with Mr. Herman approximately two years ago in regard to the subject tract. He stated he walked the subject tract and is very familiar with it. He feels multifamily is inappropriate and the lots fronting 57th West Avenue are so narrow it will be hard to develop. He feels this is a rural area without the expressway, and feels with a PUD and care given to the sensitivity the proposed development is workable. However, he expressed concern with the tract reserved for church since there is no zoning for churches.

Mr. Boyle feels the proposed development may bring in some additional development to this area, but noted there is currently no commercial in the area. He is reluctant to start commercial development without the expressway.

Mr. Harris stated planning is not to prevent development. It is meant to work together in a way that will benefit everyone. He stated that a PUD will shape or guide the development. He feels if the project is carefully constructed; the runoff problems and other questions and/or problems will be taken care of.

Mr. Horner feels excluding Use Unit 12, the PUD will guide the development.

Mr. Harris feels the proposed sewer system from the west will benefit the entire area and allow for further development.

Mr. Boyle feels there are items in the proposal that are not appropriate for the corner of the subject tract and suggested a one-week continuance to allow in-depth review of the PUD submittal.

Mr. Ledford feels, since staff recommended denial of the zoning change and therefore denial of the PUD, that the PUD requirements should be reviewed and a recommendation presented based on approval of the underlying zoning.

Mr. Doherty stated he would support rezoning non-residentially the corner of the tract and tracts isolated by the drainage channel since there is no practical development for the subject property. He feels the PUD seems straightforward in regard to setbacks. He feels a one-week continuance is inappropriate without a consensus that the Planning Commission is in support of the underlying zoning and the whole idea of a PUD is supported.

Chairman Carnes agreed that the tract on the east side of the creek will never be developed as residential. He stated he would support the application if developed through a PUD and with a proposed sewer system and drainage plan.

Mr. Harris questioned the need for a continuance. He feels the concerns and issues have been addressed and resolved. Mr. Boyle stated he would like staff to review the PUD submittal in regard to the building setbacks on 41st Street and the other requirements based on approval of the zoning change.

Mr. Levy stated he would be unavailable next week and requested a two-week continuance.

Mr. Boyle explained that the Commission has expressed that the underlying zoning concept is one that is appropriate, but have not expressed any opinion in regard to the PUD standards and requirements. Therefore, the Commission should continue the public hearing to allow time for staff to review the PUD standards and requirement and for the residents and Mr. Levy to work out any disagreements between them in regard to the proposed development.

TMAPC Action; 11 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the Zoning Public Hearing for CZ-237/PUD-566 to September 10, 1997.

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Application No.: Z-6078-SP-4

(PD-18) (CD-8)

Applicant: Jerry Ledford, Jr.

Location: South and east of East 61st Street and South Mingo Rod

Presented to TMAPC: Jerry Ledford, Jr.

(Corridor Site Plan for a mobile home.)

Mr. Ledford left the dais and indicated he would be abstaining.

Staff Recommendation:

The applicant is requesting approval of a Corridor Site Plan for a mobile home dwelling on a 158' x 577' lot located north of 66th Street South on the west side of 101st East Avenue. The area is in transition from single-family residential to more intense uses. Corridor Site Plan Z-6078-SP-2 approved a mobile home on a tract fronting 101st East Avenue approximately 240' north of the subject tract. Z-6078-SP-3 approved a mobile home on a tract that abuts the subject tract on the south.

The application for Z-6078-SP-4 states that the type of development proposed is a mobile home. The plat of survey accompanying the application shows an RV trailer on wheels. Because the area is in transition, staff recommends **APPROVAL** of Z-6078-SP-4 subject to the following conditions and modifications:

1. Show dimensions of all structures and distances from property lines;
2. Mobile home proposed meets all requirements for a permanent dwelling;
3. Minimum of two (2) paved parking spaces and a paved access drive be provided (site plan shows gravel);

4. The site be approved for a septic tank by the City-County Health Department, and;
5. Adequate tie-downs and skirting be provided.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-1** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; Ledford “abstaining”; none “absent”) to recommend **APPROVAL** of the Corridor Site Plan Z-6078-SP-4, subject to the conditions as recommended by staff.

Legal Description for Z-6078-SP-4:

The East 120.00' of Lot 8, Block 7, Union Gardens, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded Plat thereof, and located on the northwest corner of East 66th Street South and South 101st East Avenue, Tulsa, Oklahoma.

Application No.: PUD-234-B

(PD-4) (CD-4)

Applicant: O. E. Barron

Location: Northeast corner East 15th Street and South Evanston

Presented to TMAPC: Bob Gardner

(Major Amendment for expansion of an auto body shop.)

Staff Recommendation:

The major amendment is intended to allow expansion of the existing body shop by including a 50' wide residential lot in the PUD. Directly across from this lot is an existing non-conforming warehouse and parking lot in an RS-3 district. The lots immediately north of the PUD on both sides of Evanston Avenue contain single-family dwellings and are zoned RS-3.

Because of the existing non-conforming uses across the street, Staff can support the expansion if adequate buffering is provided.

1. 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-234-B 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-234-B 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:

Development Area A
(All the PUD except the north 55')

Permitted Uses: Use Units 10, 11, 12, 13, 14, 15 and 17 and automobile painting.
Outdoor repair of vehicles is permitted only in CH-zoned area

Maximum Building Floor Area: 15,800 SF
Maximum Building Heights: One Story

Minimum Building Setbacks:

From the South property line: 0 FT
From the Centerline of South Evanston: 75 FT
From the East property line: 5 FT
From the North boundary of Area A: 0 FT

Development Area B
(North 55' of PUD)

Permitted Uses: Use Unit 10 and storage of vehicles waiting to be repaired or in the process of being repaired. No repair of vehicles (work) shall occur in this development area.

Maximum Building Floor Area: 0 (No buildings are allowed)

3. A 5' landscaped strip shall be provided in the north 7' of the PUD and along the north 65' of the Evanston Avenue frontage. The northwest corner of the PUD shall be landscaped covering a triangular area extending from 25' east of the northwest corner to 30' south of the northwest corner. An 8' screening fence shall be provided along the east property line where it abuts an R district. A 6' screening fence shall be provided along the north side of the

PUD setback 7' from the property line to the beginning of the required triangular landscaped area. The 6' screening fence shall then extend along the southeast boundary of the landscaped area to the right-of-way line of Evanston Avenue. From this point, a black vinyl-clad chain link fence shall be used to the north end of the curb-cut onto Evanston Avenue. Behind this area of chain link fence appropriate plant materials shall be planted to produce a 5' high hedge.

4. Wall and ground signs are only permitted in the CH-zoned portion of the PUD and shall not exceed the size limitation of the PUD Chapter. Only building walls in the CH-zoned portion of the PUD shall be used to calculate the maximum size of permitted wall signs.
5. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, 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 Landscape Plan for each development area 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 for that development area 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. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Site Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. 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 in Development Area B.

10. 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 serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
11. No Building Permit shall be issued until the requirements of Section 1107E 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/County beneficiary to said covenants.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting or plat waiver process which are approved by TMAPC.
13. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.
14. The days of operation shall be limited to Monday through Friday.
15. The maximum storage time of vehicles shall be limited to 60 days.

Applicant's Comments:

Robert Gardner, 1928 South College, 74104, stated he was unable to comment or work on the previous application due to Mr. Barron being a friend, which would be viewed as a conflict of interest.

Mr. Gardner stated he is representing Barron and Hart, Incorporated and noted that Mr. and Mrs. M.I. Barron are present and that their son, Bryan, currently operates the business.

Mr. Gardner noted that he lives in the subject neighborhood, Florence Park. He stated he has supported and helped protect the residential neighborhood in this area of the City for 30 years as former member of the staff. He feels approval of the request will not adversely affect the residential neighborhood. It would stabilize the neighborhood and will not set a zoning precedent based on the existing physical facts in the area.

Mr. Gardner stated the purpose of the application is to extend the present use 50 feet into what is now a parking area and then use the vacant lot to the north as a parking area. He stated this particular industry is changing; state-of-the-art painting is changing due to new technology and techniques. Also, Barron and Hart is required to meet the EPA standards and regulations for the painting of automobiles. He noted filter systems are being improved and paints are now

water-based product paints that requires longer processing time. Therefore, there is a need to increase the number of paint booths within the facility, which will result in a much better product more in harmony with the environment.

Mr. Gardner stated the applicant is wanting to construct an underground water-filtering paint booth within the north 50-foot extension in order to meet EPA requirements and be able to process the new paint product.

Mr. Gardner noted Barron and Hart employees have a safe working environment and the neighbors should not have anything to fear in that respect. Therefore, there should be no health problems for the employees or neighbors.

Mr. Gardner stated the applicant has no other options at this time other than to leave the neighborhood. Other sites have been considered, but due to the substantial investment in the current location, the applicant does not desire to relocate. He noted Barron and Hart has spent 50 years building the business and being a good neighbor.

Mr. Gardner noted that Mr. Barron personally cleaned up an old bar site and converted it into a restaurant, which has been a tremendous benefit and help to the neighborhood. He also noted that Mr. Barron previously purchased property to provide off-street parking on the west side of Evanston for employee parking. This allows parking in a lot off the street and out of the neighborhood. This shows Mr. Barron's willingness to be a good neighbor.

Mr. Gardner presented pictures that show the existing facility and the surrounding area. He noted the former Pitcock Electric building, duplexes and single-family dwellings that are included in the surrounding area.

Mr. Gardner stated his research indicates two areas outside of the recognized commercial nodes that extend more than 150 feet in depth as called for by the District Four Comprehensive Plan along either 11th, 15th or 21st Street in the mile section between Lewis and Harvard Avenue. The first site, Taco Bueno, consisted of commercial and office zoning that extended 250 feet south into the neighborhood. The second site is the subject development with off-street commercial parking 200 feet in depth and a non-conforming business that is 250 feet in to the neighborhood.

Mr. Gardner feels approval of the request will not set a precedent nor lead to other commercial intrusion into the surrounding area based on the physical facts and the research he performed. He pointed out five existing physical facts. The 50-foot building expansion lines up with Mr. Barron's own employee parking lot; the auto-storage use of the vacant subject lot aligns with the non-conforming Pitcock Electric facility and parking area to the west; the duplex for sale to the west is zoned OL; the proposed fencing and trees will make an excellent buffer for the residential area to the north; and the proposed landscaped triangular area will enhance the residential area and make an eye-pleasing front door into the neighborhood.

Mr. Gardner pointed out the view for a person looking south will be a six-foot solid fence, the top of the one-story expansion of the building, the present building, and a landscaped entryway that is approximately 400 SF and located on the northwest corner of the proposed project.

Mr. Gardner noted that Mr. Barron has agreed to move the screening fence seven feet back onto his property. There was a shared driveway that accessed the garage for the duplex and house that was formerly on the lot. The relocation of the fence will allow a two-foot expansion of the driveway and provide a landscaping strip that will be maintained by the applicant.

In closing, Mr. Gardner stated pointed out that if the proposed development was not a quality proposal and the physical facts did not support the proposal, he would not be the representative. TMAPC staff would not have recommended approval, TMAPC would not have approved the request previously, and Councilor Watts would not have written his letter requesting review.

Mr. Gardner stated that Mr. Barron is prepared to meet all the conditions and that there will be no other applications in this area.

Mr. Gardner presented a petition in support of the application.

Interested Parties Comments:

Sue Cunningham, 1430 South College, 74104, expressed concern that the proposed development is considered heavy commercial and will be within 25 feet of her home. She stated there is currently a noise problem and feels the hours of operations should be restricted and an 8-foot screening fence for buffering.

William Weinrich, 1916 South Knoxville, 74114, stated he is representing the Sunrise Terrace Association which is south of 15th Street. He expressed concerns with future nuisance problems and environmental issues.

Sheila Swearingen, 1131 South College Avenue, feels the proposal is further intrusion into the neighborhood and feels approval will establish a precedent. She noted other auto body and paint shops in the area will have to meet the same EPA requirements and in turn make a request for expansion.

Ms. Swearingen feels time is needed to examine the proposal more closely and to allow the neighborhood to apply for status as a conservation district. A conservation district would require that the neighborhood work with the surrounding businesses to establish some rules. She feels this would allow communication and make reasonable agreements.

Doug Morrison, 2403 South Boston Avenue, 74114, stated he is one of the owners of the duplex just north of the proposed site. He stated he is attempting to guide the development that has already begun. He expressed concerns with future proposals if this development is not approved.

Mr. Morrison stated if conditions are met and carried out now and in the future then he would be in support of the proposal. He previously requested an eight-foot screening fence on north side of the property and would like for the request to be carried out. He also requested more trees along the fence for further buffering.

Harold Bergon, 1424 South Evanston, stated his property is approximately 20 feet from the proposed project. He stated Mr. Barron's business started out small and has increased in stages over the years.

Mr. Bergon presented a petition with 104 signatures of persons living on Evanston Avenue, Delaware Place and College in opposition to the proposed development.

Mr. Bergon feels Barron and Hart is not expanding to meet EPA regulations, but to double their current capacity for repairing and painting automobiles. He stated the process is noisy and that the garage doors are left open during the operations. This allows the noise and odors to intrude into the neighborhood.

Applicant's Rebuttal:

Mr. Gardner stated that there will not be any auto repair activities in any portion of the building other than the portion zoned CH, commercial high-intensity. The areas to the north are detailing, painting or processing areas. He noted that all painting is done within an enclosed booth. The painting process requires a controlled environment to eliminate any dust or moisture.

Mr. Gardner stated there will be a new paint booth and noted the new paint booth is not to double the business but to allow additional time for the new painting process.

Mr. Gardner stated the hours of operations have already been stated as a five day-a-week operation with the hours of 7:00 a.m. to 7:00 p.m. He noted the employees are usually gone by 6:00 p.m.

TMAPC Comments:

Mr. Boyle clarified that no changes have been made to staff's recommendation since the previous hearing where the Planning Commission approved the request.

Mr. Horner noted the nonconforming business located north of the subject tract.

Mr. Boyle noted that the eight-foot screening fence is a part of the proposal, as well as a restriction on the hours of operations from 7:00 a.m. to 7:00 p.m.

Mr. Harris acknowledged a letter from Scott Swearingen.

Ms. Gray asked whether the duplex was owner-occupied. Mr. Morrison replied in the negative.

Ms. Pace feels there have been changes in the neighborhood and noted that Steamatic Cleaning business abutting on the east has ceased to operate. She feels there was a significant amount of spot-zoning in the past which allows in excess of 150 feet intrusion into the neighborhood.

Ms. Pace noted there are currently three lots available for redevelopment.

Ms. Pace stated the Use Units have been recently modified and she feels the proposed development is a Use Unit 25 and the painting process would fall under a Use Unit 17 category. She feels these two use units are inappropriate next to a residential area.

Ms. Pace presented a three-question test for a change in zoning.

Mr. Boyle comment the vacancy of the abutting property does not alter any of the physical facts that the Commission based the decisions on previously. He feels this case is distinguishable from other cases in this area because there is no residential use across the street.

Mr. Midget feels it is still an encroachment into the neighborhood.

TMAPC Action; 11 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-4-0** (Boyle, Carnes, Doherty, Horner, Jackson, Ledford, Westervelt "aye"; Gray, Harris, Midget, Pace "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of Major Amendment PUD-234-B, subject to the conditions as recommended by staff.

Legal Description for PUD-234-B:

Lots 25 through 34, Block 7, Rosemont Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northeast corner of East 15th Street South and South Evanston Avenue, Tulsa, Oklahoma.

Application No.: PUD-568

CS to PUD

Applicant: John Moody

(PD-21) (County)

Location: Southeast corner, 206th Street South and Highway 75 South

Presented to TMAPC: John Moody

Staff Recommendation:

The applicant proposes to use the northeast 2.41 acres of the tract (Area A) for manufactured home sales, outdoor display and storage. The south east 2.13 acres (Area B) is proposed to be used for automotive sales. The remainder of the tract, 3.94 acres (Area C) is proposed to be used for an existing single-family dwelling and an accessory garage.

As can be seen from the enclosed case history report, the subject tract was zoned from AG to CS (CZ-40) for a new truck/customizing business in 1982. In April 1997, the Board of Adjustment approved a special exception to allow manufactured home sales on the property, allowing only eight mobile home units at one time and requiring a hard-surface parking and display area. In May 1997, the Board of Adjustment denied a special exception to permit manufactured home sales of more mobile home units on the lot. The proposed PUD does not place any limitation on the number of mobile homes to be displayed or stored on the site. In Area B the number of automobiles available for sale is limited to eight.

There is no sewer service in this area. There is vacant AG zoned land to the north and west; to the south is a single-family dwelling, zoned AG; and to the east, across U.S. Hwy. 75 is vacant land and a single-family dwelling zoned AG.

The subject tract is not covered by a detailed District Plan, but for areas that have not been specifically planned, the Development Guidelines are used, as well as existing conditions, to evaluate the appropriateness of a proposed development. The area surrounding the subject tract is characterized as Low Intensity-Rural Residential.

The current zoning is not consistent with the Development Guidelines of the Comprehensive Plan and conflicts with existing development in the area. The proposed PUD would allow further intensification of uses beyond that allowed by right in the CS district. Staff is of the opinion that such intensification would be detrimental to the area. Therefore, staff recommends DENIAL of PUD-568.

If the Planning Commission determines that the proposed uses and intensities of uses are appropriate, staff would recommend the following conditions:

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

Development Area A

Land Area (Net)	2.41 acres
Permitted Uses	Display storage and sales of new manufactured homes, not to exceed 25 units**

Ms. Pace feels there have been changes in the neighborhood and noted that Steamatic Cleaning business abutting on the east has ceased to operate. She feels there was a significant amount of spot-zoning in the past which allows in excess of 150 feet intrusion into the neighborhood.

Ms. Pace noted there are currently three lots available for redevelopment.

Ms. Pace stated the Use Units have been recently modified and she feels the proposed development is a Use Unit 25 and the painting process would fall under a Use Unit 17 category. She feels these two use units are inappropriate next to a residential area.

Ms. Pace presented a three-question test for a change in zoning.

Mr. Boyle comment the vacancy of the abutting property does not alter any of the physical facts that the Commission based the decisions on previously. He feels this case is distinguishable from other cases in this area because there is no residential use across the street.

Mr. Midget feels it is still an encroachment into the neighborhood.

TMAPC Action; 11 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-4-0** (Boyle, Carnes, Doherty, Horner, Jackson, Ledford, Westervelt "aye"; Gray, Harris, Midget, Pace "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of Major Amendment PUD-234-B, subject to the conditions as recommended by staff.

Legal Description for PUD-234-B:

Lots 25 through 34, Block 7, Rosemont Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northeast corner of East 15th Street South and South Evanston Avenue, Tulsa, Oklahoma.

Application No.: PUD-568 **CS to PUD**
Applicant: John Moody (PD-21) (County)
Location: Southeast corner, 206th Street South and Highway 75 South
Presented to TMAPC: John Moody

Staff Recommendation:

The applicant proposes to use the northeast 2.41 acres of the tract (Area A) for manufactured home sales, outdoor display and storage. The south east 2.13 acres (Area B) is proposed to be used for automotive sales. The remainder of the tract, 3.94 acres (Area C) is proposed to be used for an existing single-family dwelling and an accessory garage.

As can be seen from the enclosed case history report, the subject tract was zoned from AG to CS (CZ-40) for a new truck/customizing business in 1982. In April 1997, the Board of Adjustment approved a special exception to allow manufactured home sales on the property, allowing only eight mobile home units at one time and requiring a hard-surface parking and display area. In May 1997, the Board of Adjustment denied a special exception to permit manufactured home sales of more mobile home units on the lot. The proposed PUD does not place any limitation on the number of mobile homes to be displayed or stored on the site. In Area B the number of automobiles available for sale is limited to eight.

There is no sewer service in this area. There is vacant AG zoned land to the north and west; to the south is a single-family dwelling, zoned AG; and to the east, across U.S. Hwy. 75 is vacant land and a single-family dwelling zoned AG.

The subject tract is not covered by a detailed District Plan, but for areas that have not been specifically planned, the Development Guidelines are used, as well as existing conditions, to evaluate the appropriateness of a proposed development. The area surrounding the subject tract is characterized as Low Intensity-Rural Residential.

The current zoning is not consistent with the Development Guidelines of the Comprehensive Plan and conflicts with existing development in the area. The proposed PUD would allow further intensification of uses beyond that allowed by right in the CS district. Staff is of the opinion that such intensification would be detrimental to the area. Therefore, staff recommends DENIAL of PUD-568.

If the Planning Commission determines that the proposed uses and intensities of uses are appropriate, staff would recommend the following conditions:

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

Development Area A

Land Area (Net)	2.41 acres
Permitted Uses	Display storage and sales of new manufactured homes, not to exceed 25 units**

Maximum Building Floor Area*	10,000 SF
Off-Street Parking	As required by the Tulsa County Zoning Code
Building Setbacks*	
North boundary of PUD	75'
East boundary of PUD	50'
South boundary of Development Area	10'
West boundary of Development Area	10'
Manufactured Home Setbacks	
North boundary of PUD	75'
East boundary of PUD	25'
South boundary of Development Area	10'
West boundary of Development Area	25'

* Does not include unoccupied manufactured homes.

** Modified by the Planning Commission.

Signs - One ground sign is permitted with no greater than 150 SF of display surface area and no greater than 40' in height. It shall be set back at least 200' from the north boundary of the PUD. Wall signs are permitted only on the east face of the permanent buildings and shall not exceed two square feet of display surface area per lineal foot of building wall to which attached. No wall signs or banners are permitted on unoccupied manufactured homes.

3. Landscaping and Screening - All manufactured homes in the Display Area shown on the Conceptual Site Plan will be skirted and landscaped. The west 200' of the north boundary and the west boundary of Development Area A shall be screened by the erection of a eight (8) foot high screening fence or wall.
4. No new lots shall be created within the PUD unless they have at least the minimum frontage on a public street required of lots in a CS district.
5. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan for the development area, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. 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 for that development area 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. No sign permits shall be issued for erection of a sign in the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential area.
10. No Building Permit shall be issued until the requirements of Section 1170F of the Zoning Code has 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, making the County beneficiary to said Covenants.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

John Moody, 7146 South Canton, 74136, stated he is basically in agreement with staff's recommended development standards. He noted the application was amended based on staff's development standards. He presented an amended site plan and text.

Mr. Moody stated he is representing Katherine Rutledge and ShowMart Manufactured Homes. He noted Ms. Rutledge is the owner of the subject property, as well as some of the adjacent land to the west and south.

Mr. Moody stated the subject tract, approximately ten acres, was zoned in 1982 as CS, retail commercial. The CS commercial has been in existence for 15 years. The County Zoning Code presently permits without further approval such uses as 24-hour convenient stores, hotel/motels, Use Unit 19a, which are selected entertainment uses such as bars and taverns, retail commercial strips, restaurants and others.

Ms. Moody pointed out that a Special Exception was approved in 1982 to allow a Use Unit 17, truck customizing and business on the subject property. The property has been used for that purpose. There is also a Use Unit 17 approval by the Board of Adjustment on property located to the south of the ten-acre tract. He feels a pattern or precedent has already been established. He noted that mobile homes sales are included in Use Unit 17; therefore, Ms. Rutledge filed an application for a special exception to permit manufactured home sales on the subject property when she leased the property to ShowMart Homes.

Mr. Moody stated the approved special exception allowed eight mobile homes located on the existing concrete surface. He noted the site plan submitted at the time of application was not to scale. He presented a copy of original site plan. After recognizing that the special exception conditions could not be met, the applicant filed another application with the Board of Adjustment to permit mobile homes located on the balance of the property. That application was denied. He met with the applicant and suggested a PUD where specific site plans and conditions could be imposed governing the use of the property.

Mr. Moody stated the original application was filed for the entire ten acres with three development areas. He distributed letters and contacted several interested parties to discuss the application. In turn, the application was amended to restrict it only to the 2.41 acres where the mobile homes are currently located and to delete development areas B and C.

Mr. Moody stated the applicant is presently parking mobile homes off the concrete surface because of insufficient concrete to accommodate eight mobile homes without blocking the access to the building and leaving no concrete parking spaces. He noted a letter from the Tulsa County Inspector's office in regard to violation of the Board of Adjustment requirement and Section 1340.D of the Tulsa County Zoning Code. He presented another letter from the Tulsa County Inspector's office in regard that the applicant is not in violation of Section 1340.D of the Tulsa County Zoning Code at this time but is still in violation of the Board of Adjustment requirement.

Mr. Moody cited Section 1320.C of the Tulsa County Zoning Code stating that off-street parking spaces and loading berths shall not be used for the storage, sale, dismantling or servicing of any vehicles, equipment materials or supplies. Therefore, if the mobile homes are parked on the concrete, the applicant is in violation of the Tulsa County Zoning Code; if the mobiles homes are parked off the concrete surface the applicant is in violation of the Board of Adjustment requirement. He feels the applicant is in a dilemma.

Mr. Moody stated interested parties voiced concern with impact on current traffic or increase in traffic. He pointed out one of the conditions of the amended application is that no mobile homes will be moved from the property prior to 9:00 a.m. or after 3:00 p.m. so it will not conflict with school and/or rush-hour traffic.

He noted that the applicant cannot control a manufacturer that might deliver a mobile home prior to 9:00 a.m. or after 3:00 p.m.

Mr. Moody presented photographs of the subject property. He noted that mobile homes located on the frontage would be screened, landscaped and skirted. The mobile homes on the balance of the property will be located behind an eight-foot high screening fence and not skirted or landscaped. There will also be designated and required parking spaces. The maximum number of mobile homes is limited to 25 total, three in the display surface area along the frontage and the remainder behind the eight-foot screening fence.

Interested Parties Comments:

Johnny Rutledge, 206 South Hwy. 75, 74047, signed up but did not wish to speak.

Merle Martindale, 820 West Skelly Drive, 74107, stated he owns 240 acres just south of the proposed tract. He feels the proposed development is not appropriate and will adversely affect the value of his property.

Mr. Martindale noted there is a 50-foot easement which runs across the front of the subject property which is used as an access to his property.

Rex Bowers, Rt. 1, Box 402, Mounds, 74047, presented a letter and pictures expressing his concerns. He feels as a homeowner he has to do everything possible to improve and protect the biggest financial investment he has ever made, which is his home.

Mr. Bowers expressed that a large business of this type should be located within an industrial area and not in a rural residential area.

Mr. Bowers noted he attended the April 15 hearing and cited concerns expressed by Board Member Walker in regards to impact of the mobile homes parked on the subject property.

Mr. Bowers feels ShowMart has not adhered to the Board of Adjustment conditions or requirements, and there is no assurance that they will. He noted there is currently no fire protection or sewer system in the area and expressed concern with the land not meeting the perc test requirements.

Mr. Bowers stated 206th is a private driveway and is not wide enough to accommodate mobile homes and passing vehicles. He feels the business needs its own access.

Mr. Bowers noted for the record and as a means of notification, his intentions of using the 50-foot easement to better access his home and business.

Deroy White, Rt. 1, Box 413, Mounds, 74047, stated his biggest concern is with setting a precedent for commercial intrusion into this rural, agricultural area and the effect on property values.

Kathy Lorenzon, Rt. 1, Box 413, Mounds, 74047, stated she would like to know the specifics of the Comprehensive Plan for this area. She expressed concern with the delivery of the mobile homes in regard to the traffic, since the only access is located on a hill; she asked whether an escort service will be provided.

Eric Sontac, 20501 South U. S. Hwy. 75, stated most of his concerns have been expressed by his neighborhoods. However, he expressed concern with the current water service being inadequate and pressures being too low.

Mr. Sontac feels the Board of Adjustment condition was for eight single-wide or four double-wide mobile homes and the applicant has not complied with this requirement. He also expressed concern for the safety and movement of school children and others on the highway.

Applicant's Rebuttal:

Mr. Moody stated the property is maintained and mowed which reduces the fire hazards. He feels a PUD will limit the use on the subject property. Also the facility will have a zero or very low demand on the water supply because there will only be the office facility with a restroom(s).

Mr. Moody feels the proposed development is a less intense use of the property with the restrictions imposed under the PUD. He noted the mobile homes are used for model display, therefore mobile homes will not be moved in and out on a regular basis. He stated there are currently over 30 different floor plans available, but the applicants are limiting the number to 25.

TMAPC Comments:

Mr. Boyle questioned why staff is recommending denial, but then provides recommendations for development standards if approved. Mr. Stump replied in the past staff recommended denial when there is existing zoning and a PUD is not appropriate; however, some of the Planning Commissioners requested development standards if the Commission decides to approved the request.

Mr. Harris questioned whether the underlying zoning would have to be changed. Mr. Moody replied in the negative. Since a zoning change is not required, then the TMAPC decision today will stand. Mr. Moody replied that the approval of this PUD will then be forwarded to the County Commission for consideration.

Mr. Doherty asked what type of surface is proposed. Mr. Moody replied the Tulsa County Zoning Code does not require a hard surface and therefore proposes parking on grass. After some discussion, Mr. Moody proposes a gravel surface.

Mr. Boyle clarified that a gravel surface will be provided.

Mr. Boyle stated Mr. Moody explained the dilemma with meeting and/or violating the requirements of the Board of Adjustment or the Tulsa County Zoning Code and asked how the Commission could be assured that any further restrictions will be adhered to if approved. Mr. Moody replied he offered to the protestants to

incorporate the conditions and requirements in a private deed restriction enforceable by the protestants. The protestants did not wish to accept such offer.

Mr. Boyle expressed concern with the access problems and the delivery of mobile homes. Mr. Moody stated, in regard to the one instance when a mobile home delivery truck broke down and blocked the road temporarily, the applicant will cooperate with interested parties in allowing the use of the 50-foot easement.

Mr. Harris clarified the protestants declined the private deed restriction contract.

Mr. Doherty stated the proposal is limited to one ground sign and asked whether the banners and other signage will be removed. Mr. Moody replied the applicant would prefer having the existing banners but will remove them if so directed and asked that the existing ground sign, which is less than 150 SF and less than 40 feet in height, be permitted.

Mr. Doherty stated the limit on mobile homes is 25 and asked whether an assembled double-wide is considered one unit. Mr. Moody stated the double-wide will be assembled and counted as one unit. He suggested a restriction could be added to the conditions. Mr. Moody stated there would be no used or repossessed mobile homes located on the subject site.

Mr. Doherty asked whether the applicant has filed for a plat waiver. Mr. Moody replied in the negative.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of PUD-568 as recommended by staff and modified by the Planning Commission.

Legal Description for PUD-568:

The North 350 feet of the West 300 feet of the East 400 feet of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE1/4, NE1/4, SE1/4) of Section Fifteen (15), Township Sixteen (16) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

* * * * *

Application No.: PUD-567/Z-4789-SP-6

CO to CO/PUD

Applicant: Charles E. Norman

(PD-18) (CD-8)

Location: South and east southeast corner East 71st Street and South Mingo Valley Expressway

(Interested parties have asked for a continuance to 9-3-97 and the applicant has agreed to the continuance.)

Staff Comments:

Mr. Stump stated interested parties had requested a continuance to September 3, 1997 and the applicant has agreed to the continuance.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Harris, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the Zoning Public Hearing for PUD-567/Z-4789-SP-6 to September 3, 1997.

Application No.: Z-6600

AG to OL

Applicant: Jerry W. Ledford, Jr.

(PD-18) (CD-7)

Location: 9119 East 61st Street South

Jerry Ledford Sr. left the dais and indicated he would be abstaining from this item.

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - Residential.

According to the Zoning Matrix the requested OL zoning **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 1.86 acres in size and is located west of the northwest corner of East 61st Street South and South 92nd East Avenue. The property is flat, non-wooded, contains a church and is zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by single-family dwellings, zoned RS-3; to the east by a children's nursery, approved by special exception by the BOA and zoned AG; to the west by a townhouse development, zoned RT; and to the south across East 61st Street by vacant property, zoned RM-1/PUD-397.

Zoning and BOA Historical Summary: The Board of Adjustment has approved a special exception use for a church on the subject property and a children's nursery on the adjoining property on the east, and OL zoning has been approved both to the east and west of the property.

Conclusion: The subject tract's existing frontage on an arterial street, the surrounding zoning patterns and development make it inappropriate for single-family residential type development. The RM-1 zoning that is present south of East 61st Street is the underlying zoning for PUD-397 and has been approved for office development. Based on the existing zoning and development, staff recommends **APPROVAL** of OL zoning for Z-6600 and amendment of the District 18 Plan to remove the residential designation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-1** (Boyle, Doherty, Gray, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Harris, Midget "absent") to recommend **APPROVAL** of OL zoning for Z-6600 and amendment of the District 18 Plan to remove the residential designation as recommended by staff.

Legal Description for Z-6600:

A tract of land in the SW/4, SE/4, Section 36, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows: Beginning at the Southeast corner of said SW/4, SE/4; thence W 135' to the Point of Beginning; thence N 209'; thence W 387'; thence S 209'; thence E 387' to the Point of Beginning, containing 1.86 acres more or less and located west of the northwest corner of East 61st Street South and South 92nd East Avenue, Tulsa, Oklahoma.

* * * * *

Application No.: Z-6601

RS-3/RM-1/CD to RS-4

Applicant: Jeffrey C. Levison

(PD-18) (CD-8)

Location: North of the northwest corner East 71st Street South and South Garnett Road

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 tract as Corridor - Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-4 zoning is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately nine acres in size and is located north of the northwest corner of East 71st Street South and South Garnett Road. The property is flat, non-wooded on the west and wooded on the east. It is vacant and is zoned RS-3, RM-1 and CO.

Surrounding Area Analysis: The subject tract is abutted on the north by single-family dwellings, zoned RS-3; to the south by vacant land, zoned CO and RM-1; to the west by vacant property, zoned RS-3; and to the east by a school, zoned R-1, within the Broken Arrow City limits.

Zoning and BOA Historical Summary: Recent actions by the TMAPC and City Commission have established zoning patterns which are in accordance with the Comprehensive Plan.

Conclusion: Based on the Comprehensive Plan and the existing zoning and uses in this area, staff recommends **APPROVAL** of RS-4 zoning for Z-6601.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Harris "absent") to recommend **APPROVAL** of RS-4 zoning for Z-6601 as recommended by staff.

Legal Description for Z-6601:

A tract of land that is part of the SE/4, SE/4, Section 6, T-18-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma said tract of land being described as follows: beginning at a point that is the Northeast corner of said SE/4, SE/4; thence S 00°00'00" E along the Easterly line of said Section 6 for 300.00'; thence N 89°42'09" W parallel with the Northerly line of said SE/4, SE/4, for 1,319.28' to a point on the Westerly line of the SE/4, SE/4; thence N 00°00'06" E along said Westerly line for 300.00' to the Northwest corner of the SE/4, SE/4,

said point also being the Southwest corner of Block 5, Southbrook II, an Addition in the City of Tulsa, Tulsa County, Oklahoma; thence S 89°42'09" E along the Southerly line of said Southbrook II and also along the Northerly line of the SE/4, SE/4 for 1,319.27' to the POB and located north of the northwest corner of East 71st Street South and South Garnett Road, Tulsa, Oklahoma.

Application No.: PUD-538-1

(PD-26) (CD-8)

Applicant: David Brown

Location: Northeast corner East 101st Street South and South Yale Avenue
(*Minor Amendment to reduce the required garage setbacks on 12 lots.*)

Staff Recommendation:

The applicant is requesting minor amendment approval to reduce the required 40-foot garage setback from a 24-foot private street right-of-way to 30 feet for 12 of 15 proposed single-family lots.

Staff has reviewed the request and finds the required 20-foot dwelling setback and 40-foot attached garage setback from the private street right-of-way limit the maximum building area and placement of dwelling units. The applicant contends the required 40-foot garage setback prohibits the construction of larger units more suited to market conditions. The PUD standard allows one side yard to be zero feet and the other side yard to be a minimum of ten feet and was intended, in combination with the 40-foot garage setback, to facilitate the provision of driveway parking areas which prevented cars from protruding past the building line and/or into the private street right-of-way and "presenting a unique street frontage appearance."¹

Staff finds the applicant's request is reasonable from the prospective of building a larger dwelling but may go further than the intent of the original approval. With a 20-foot wide paving width, cars parked one-foot from a garage which is set back 30-foot from the street right-of-way would extend past the building line.

In the original PUD Development Concept Plan which indicated 16 lots, ten lots shared driveways. The reduction of lots to 15 increases the lot size of eight lots shown in the concept plan as having shared driveways. Staff is of the opinion that a reduction of the garage setback to 30 feet should ensure that all lots have driveway widths to allow two cars to be parked side-by-side.

Staff, therefore, recommends **APPROVAL** of the minor amendment to reduce the required garage setback from 40 feet to 30 feet for Lots 3 - 14 conditioned on all driveways being double width.

¹ Winbury Center Development Concept, June, 1995, page 1

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harris, Midget "absent") to **APPROVE** Minor Amendment PUD-538-1 to reduce the required garage setback from 40 feet to 30 feet for Lots 3-14 conditioned on all driveways being double width as recommended by staff.

Application No.: PUD-199-8

(PD-17) (CD-6)

Applicant: Katherine Le

Location: 2911 South 123rd East Avenue

Presented to TMAPC: Thomas Le

(Minor Amendment to reduce the front and side yard setbacks requirements to allow a carport in a front yard and street right-of-way.)

Staff Recommendation:

The applicant is requesting minor amendment approval to reduce the front and side yard setback requirements to allow a carport in a front yard. The carport has already been built and at least one neighbor has complained to Customer Service about the side yard encroachment. Code enforcement is seeking removal of the carport and has related to staff that the structure was built without a building permit.

Staff explained to the applicant that accessory buildings are not permitted in front yards and that a variance application to the Board of Adjustment and/or minor amendment application to TMAPC would not be advised. The applicant, however, was insistent on attempting to seek approval from TMAPC.

Staff has reviewed the request and accompanying site plan and finds the carport appears to encroach on the abutting property to the north and on the street right-of-way of South 123rd East Avenue. Staff has reviewed the PUD standards as well as the permitted uses in RS-3 Districts areas and finds that no accessory uses are allowed in front yards and the minimum front yard setback is 20 feet. Construction in a public right-of-way and across abutting property boundaries is also not allowed. Finally, no other front yard accessory uses are found in the addition and the structure is not in keeping with the character and intent of the PUD.

Staff, therefore, recommends **DENIAL** of the request.

Applicant's Comments:

Thomas Le stated he had a carport constructed to protect his automobiles.

Interested Parties Comments:

Tracy L. Tereza, 2912 South 123rd East Avenue, signed up but did not speak.

Scott Carron, 2908 South 123rd East Avenue, signed up but did not speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harris, Midget, Westervelt "absent") to **DENY** Minor Amendment PUD-199-8 as recommended by staff.

OTHER BUSINESS:

PUD-413-B Dick Zoutendyke (PD-10) (CD-4)

East of the northeast corner of Gilcrease Museum Road and Keystone Expressway
(Detail Site Plan for a motel.)

Staff Recommendation:

The applicant is requesting site plan approval to build a 29,486 square foot four story motel on 1.93 acres.

Staff has reviewed the site plan and finds it conforms to the PUD and Development Area 4 standards and requirements for bulk, building floor area, setback, access, parking, circulation and total landscaped area.

Grading details and soil replacement and stabilization plans, engineered by the Breisch Company and approved by Public Works, were included with the site plan. The grading plans cover Lot 3 and the reserve drainage area abutting Development Areas 3 and 4 where the applicant performed substantial earthwork including filling and removal of natural vegetative cover. The approved grading plans involve removing fill and restoring the reserve area to its original condition as well as stabilizing the fill on Lots 3 and 4.

Based on the site plan submitted by the applicant on August 22, 1997 and the Lot 3 and 4 and reserve area grading details prepared by Breisch Engineering (dated July 8, 1997 as approved by Public Works), staff recommends **APPROVAL** of the site plan for PUD-413-B subject to the following conditions:

1. That there be no changes to the approved grading plans for the reserve area which would modify the site plan for Development Area 4.

2. That Breisch Engineering provide a letter of certification prior to occupancy stating that the re-establishment of the original grades for all of the reserve area and the regarding of Lot 3 was completed in accordance with the plans approved by Public Works.
3. That the motel not be approved for occupancy until the reserve area is landscaped and reforested in accordance with plans approved by TMAPC.

Applicant's Comments:

Kevin Coutant, stated he is in agreement with staff recommendation.

TMAPC Comments:

Mr. Ledford requested, since the filled-in or reserved area is drainage, a certified "as-built" survey to allow staff and the Public Works Department to compare the old survey with the new survey. Mr. Coutant indicated agreement.

Mr. Midget asked what method would be used to ensure that the occupancy permit is not granted prior to the applicant meeting all the requirements. Mr. Stump replied Kurt Ackerman, with the Public Works Department, has to sign off for zoning compliance prior to the permit being issued.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Carnes, Harris, Westervelt "absent") to recommend **APPROVAL** of the Site Plan for PUD-413-B, subject to the conditions as recommended by staff and to provide a certified "as-built" survey upon completion of the surface work in the reserve area.

Request by Mr. Charlie Burris to discuss Kelly Ann subdivision plat

Staff Recommendation:

Kelly Ann subdivision is a residential single-family subdivision plat which has an underlying zoning of RS and in is part of Planned Unit Development No. 469. The development is located outside, but abutting the City of Owasso and proposes to utilize the Owasso water and sewer service.

Mr. Charles Burris has requested to be heard before the TMAPC in regards to Kelly Ann subdivision plat. Attached is a chronological history of the plat which is found in the subdivision file for your review. Please note that over 11 months

passed from the time the TMAPC approved the preliminary plat and the time the draft final was submitted. Also note, nearly 7 months passed from the time the TMAPC approved the final plat and the time the plat with signature and seals was submitted.

The City of Owasso has recently adopted a policy requiring all subdivisions located outside the city limits which utilized their water and sewer service to meet of their regulations, including lot size and infrastructure construction standards. Owasso has not provided TMAPC staff with a letter assuring water and sewer service and therefore, staff cannot sign the plat for filing. Approval of a subdivision plat without water and sewer service would be a violation of the Subdivision Regulations. Several meetings have been held to try and resolve this issue.

Applicant's Comments:

Mr. Burris addressed the Planning Commission in regard to a plat approval for Kelly Ann subdivision. In regard to the City of Owasso's policy requiring all subdivisions located outside the city limits which utilized their water and sewer service to meet their regulations. He, in turn, addressed a letter from Owasso City Manager Ray, in regards to requirements or conditions that would have to be met prior to Owasso issuing a letter assuring water and sewer service would meet the requirements.

Mr. Burris requested that the original plat be approved and that he would provide a revised plat within two- to- three weeks.

Staff Comments:

Mr. Jones reviewed the items that were included in the agenda packets. He noted the plat process schedule and pointed out that approval of a subdivision plat without water and sewer service would be a violation of the Subdivision Regulations.

TMAPC Comments:

Mr. Boyle feels a plat cannot be release without water and sewer service.

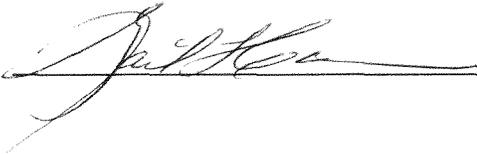
Mr. Linker advised that signing the plat would violate the Subdivision Regulations.

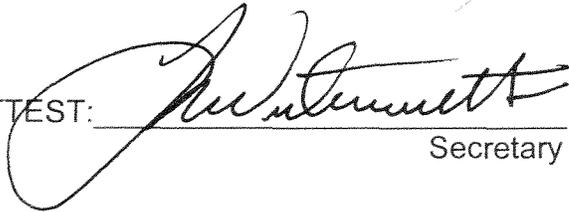
Mr. Ledford suggested that Mr. Burris bond the cost of the utilities with the municipality of the City of Owasso, then the municipality would issue the letter of release.

After further discussion, the Planning Commission decided to take no action on Mr. Burris' request.

There being no further business, the Chairman declared the meeting adjourned at 4:50 p.m.

Date Approved: 9-8-97


Chairman

ATTEST: 
Secretary