

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2132

Wednesday, October 8, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, October 7, 1997 at 10:18 a.m., in the Office of the City Clerk at 10:13 a.m., as well as in the office of the County Clerk at 10:11 a.m.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:37 p.m.

Minutes:

Approval of the minutes of September 24, 1997, Meeting No. 2130:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the minutes of the meeting of September 24, 1997 Meeting No. 2130.

Reports:

Chairman's Report:

Chairman Doherty informed Mr. Carnes that he would be the chairman of the Policies and Procedures Committee. He asked the Commissioners to give ideas or suggestions for the new committee to Mr. Carnes.

Committee Reports:

Rules and Regulations Committee:

Chairman Doherty stated there is an item on today's TMAPC agenda.

Community Participation Committee:

Ms. Gray stated there will be a work session next week to plan the next community participation training/work session that is scheduled for November 4, 1997.

Director's Report:

Mr. Stump stated there are items scheduled for the October 9, 1997, City Council meeting.

Subdivisions:

Approval of Declaration of Covenants:

PUD-564 (Riverside Nissan) (PD-17) (CD-5)

South and west of Skelly Drive frontage road and 86th East Avenue

Staff Comments:

Mr. Dunlap stated staff and Legal staff have reviewed the covenants and compared them to the PUD. Therefore, staff recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the Declaration of Covenants for PUD-564 - Riverside Nissan as recommended by staff.

Final Plat Approval:

St. John Medical Park (1383) (PD-18) (CD-8)

Southeast corner East 81st Street South and South Memorial Drive

Staff Comments:

Mr. Beach stated this is a two-lot subdivision and that all release letters have been received. Staff recommends approval subject to Legal staff's approval of the final Deed of Dedication language.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the Final Plat of St. John Medical Park, subject to Legal staff's approval of the final Deed of Dedication language.

Lot-Splits for Ratification of Prior Approval:

L-18529 Stillwater National Building Corporation (793) (PD-6) (CD-4)
1639 East 16th Street

L-18549 Tulsa Development Authority (2502) (PD-2) (CD-1)
1714 North Frankfort

L-18550 Tulsa Development Authority (593) (PD-4) (CD-4)
2541 East 2nd Street

L-18551 Tulsa Development Authority (593) (PD-4) (CD-4)
2537 East 2nd Street

Staff Comments:

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

TMAPC Comments:

Ms. Pace asked whether L-18550/L-18551 is the old East 2nd Street Library site. Mr. Beach stated he is not familiar with the previous library site.

TMAPC Action; 8 members present:

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

Continued Zoning Public Hearing:

Application No.: PUD-571

CS/RM-1 to PUD

Applicant: Roy Johnsen

(PD-18) (CD-8)

Location: East of northeast corner East 81st Street and South Memorial Drive
(A Planned Unit Development for commercial use.)

Chairman Doherty stated a request for continuance has been received.

Applicant's Comments:

Roy Johnsen requested a continuance to October 15, 1997.

There were no interested parties wishing to comment.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **CONTINUE** the Zoning Public Hearing for PUD-571 to October 15, 1997.

Zoning Public Hearing:

Application No.: Z-6606/PUD-573

RT to OL/PUD

Applicant: Robert L. Wright

(PD-18) (CD-8)

Location: South of southwest corner East 76th Street and South Yale Avenue

Presented to TMAPC: Robert L. Wright

(A Planned Unit Development to allow a two-story office building.)

Staff Recommendation:

Z-6606:

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 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 2 acres in size and is located south of the southwest corner of East 76th Street South and South Yale Avenue. The property is steeply sloping, wooded, vacant and is zoned RT.

Surrounding Area Analysis: The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the east by single-family dwellings, zoned RS-3/PUD-190; and to the south are apartments, zoned RS-3/PUD-176.

Zoning and BOA Historical Summary: The subject tract was zoned RT in 1981 and in 1995 a special exception was approved to allow a 37-unit assisted living facility on the property.

Conclusion: Although the Comprehensive Plan currently does not support OL zoning for this area, staff recommends **APPROVAL** of the OL zoning for Z-6606 based on the multifamily residential development to the south. Staff recommends amending the District 18 Plan to remove the Residential Land Use designation.

PUD-573:

The PUD proposes a two-story office building on a 1.98 acre tract located south of East 76th Street South on the west side of Yale Avenue. The PUD accompanies a rezoning request (Z-6606) for OL zoning. The subject tract has 256 feet of frontage on South Yale Avenue and is 336 feet deep. Access to the property will be from South Yale Avenue at a single driveway. The tract has an average slope of 22 degrees north to south. The high point of elevation is 858 feet at the north side and the lowest is the southwest corner at 800 feet. The site slope arcs from northeast to northwest across the property and the applicant proposes to site both the building and parking along this natural arc requiring a minimum amount of disturbance to the natural grade. The PUD proposes to maintain as many of the natural trees and underbrush as possible on the north and west boundaries of the tract, allowing it to continue to provide natural screening. It is also proposed that new landscaping be provided. The applicant requests fencing not be required in order to keep this natural effect.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code with the changes listed below. Based on the following conditions, staff finds PUD-573 to be: (1) consistent with the Comprehensive Plan (if amended as recommended); (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 the PUD-573 subject to the following conditions:

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

2. Development Standards:

Land Area:		
Gross	1.98 Acres	86,065 SF
Net	1.56 Acres	68,065 SF
Permitted Uses:		Uses Unit 11 and Customary accessory uses
Maximum Building Floor Area:		18,000 SF
Building Height:		Not to exceed 861 feet Mean Sea Level *

* Architectural features exceeding this height may be approved during detail site plan review.

Maximum Number of Lots:		1
Minimum Building Setbacks:		
From centerline of South Yale Avenue		110 FT
From west boundary of PUD		50 FT
From north boundary of PUD		50 FT
From south boundary of PUD		20 FT
Minimum Parking Setbacks:		
From centerline of South Yale Avenue		65 FT
From west boundary of PUD		25 FT
From north boundary of PUD		80 FT *
From south boundary of PUD		5 FT

* Encroachment of the parking may be allowed by minor amendment.

Minimum Off-Street Parking:		As required by the Tulsa Zoning Code.
Signs:		One sign is permitted, with a maximum height of 6' if a ground sign and a maximum display surface area

of 50 SF. Wall signs are only permitted on the south-facing wall of building.

Vehicular Access:

There shall be only one (1) access point, which shall be onto Yale Avenue.

Screening:

6' screening wall or fence shall be provided on the north and west boundaries of the PUD. *

* This requirement may be deleted by TMAPC as part of the Landscape Plan approval process if it is found that there is sufficient vegetative screening provided.

Landscaping and Buffering:

As much of the natural vegetation as possible will be maintained along the boundaries of the PUD allowing it to remain a natural screen. Additional landscaping will be provided on all sides of the proposed building, parking and drive. Additional landscaping will also be provided along the Yale Avenue frontage south of the natural area.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking and landscaped areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approved prior to issuance of a building permit. 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 prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign in the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 10' in height and all such lights shall be set back at least 50' from on RS District.
8. 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 City beneficiary to said Covenants.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

Robert Wright, 710 South Yale, Suite 105, Tulsa, stated he does not oppose the staff conditions with the exception of the parking setback on the north boundary. He stated staff is requiring a 80-foot parking setback at this location and a 25-foot parking setback on the west boundary.

Mr. Wright requested the north boundary parking setback be modified to 15 feet. He stated the closest dwelling on the west boundary is located 16 feet below the parking lot. On the north boundary, the closest dwelling is located 30 feet above

the parking lot. He feels, with the proper shielding, the parking lot will not be visible by the residents. He noted the need to wrap the parking lot slightly to make the economics work for the 18,000-foot building.

Interested Parties Comments:

Gary Reall, 7644 South Winston, stated he and his wife, Stephanie, have concerns with landslides and movement of the hilltop. He noted an adjacent home previously slid off the hill and down into another resident's pool below.

Mr. Reall stated there is only a 10-foot easement behind his home and he feels if the hill is cut out to the easement line there will be a greater possibility of more landslides. He feels there is a need for additional buffering on the north boundary for erosion control and protection of his home.

Mr. Reall stated he is not opposed to the proposed development, but is concerned with design and adequate protection of residents located on top of the hill.

Applicant's Rebuttal:

Mr. Wright stated the minimum corner is 50 feet and that there will be very minor grading in the area.

TMAPC Comments:

Chairman Doherty reminded Mr. Reall that staff recommended an 80-foot parking setback on the northern boundary and the applicant is requesting a 15-foot setback. He asked Mr. Reall to comment on what he feels would be an adequate setback. Mr. Reall replied he was not sure what an adequate setback would be, but asked whether the natural vegetation would remain in place. Mr. Stump stated the facility is required to be set back 50 feet from the northern boundary and feels there may be some construction in that area.

Chairman Doherty asked what the slope is on the northern boundary. Mr. Wright replied the slope is 22 degrees, and noted the solid line on the plan is the grass line and the dashed line is the existing slope.

Chairman Doherty asked how much excavation would be done. Mr. Wright replied half the distance of the building or approximately 80 feet.

Mr. Westervelt requested the applicant to bring the plan up to the dais. Chairman Doherty invited Mr. and Mrs. Reall to also review the plan. Mr. Wright explained in detail the existing grade and what excavation would take place. He said that two feet of fill dirt would be added in the area of Mr. Reall's home. After further discussion the Planning Commission went into review session.

Chairman Doherty asked Mr. Ledford to comment on the setback as to whether it is adequate to not exacerbate a slump. Mr. Ledford replied if there is a reasonable buffer it should be adequate.

Chairman Doherty again reminded the Commission that staff is recommending an 80-foot parking setback and the applicant is requesting a 15-foot parking setback on the northern boundary.

Mr. Carnes stated, in looking at the site plan, it appears that for the architect to get a portion of the parking to the east and west, the setback will have to be modified. Therefore, he made a motion to approve per staff recommendation, with the parking setback on the northern boundary reduced to 40 feet.

Chairman Doherty suggested approving staff's recommendation for the 80-foot setback, but with the condition that an encroachment could be allowed by a minor amendment. He feels this would allow the site plan to be developed more specifically. He stated he is not comfortable with allowing the applicant to slide the parking around at this time, but with additional study it may be appropriate.

Mr. Stump stated the applicant is also requesting the setback on the west boundary be reduced to 15 feet to allow development on the flat area.

Mr. Carnes stated his motion was to allow the applicant an additional 40 feet to work with. In regard to the setback on the west boundary, he agrees with staff's recommendation of 25 feet.

Mr. Horner stated he is in favor of approving the application as recommended by staff with the condition that encroachment on the northern boundary could be allowed by a minor amendment.

Mr. Carnes amended his motion.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to recommend **APPROVAL** of OL zoning for Z-6606 and **APPROVAL** of PUD-573, subject to the conditions as recommended by staff and modified by the TMAPC. (Language deleted by TMAPC is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

Legal Description for Z-6606/PUD-573:

Lot 15, Block 1, Southern Heights Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located south of the southwest corner of East 76th Street South and South Yale Avenue, Tulsa, Oklahoma.

Application No.: PUD-435-C

(PD-18) (CD-7)

Applicant: Roy Johnsen

Location: East of northeast corner East 68th Street and South Yale Avenue
(Major Amendment to amend boundaries of PUD-435-B to include PUD-285-B and modify signage limitation.)

Chairman Doherty stated a request for continuance to October 15, 1997, has been received.

Interested Parties Comments:

Amy Rice, 6575 South Fulton, 74103, stated she does not object to the continuance.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **CONTINUE** the Zoning Public Hearing for PUD-435-C to October 15, 1997.

Application No.: Z-6607

IL to CBG

Applicant: David P. Sharp

(PD-1) (CD-4)

Location: Between North Main and Denver; East Archer and Cameron

Presented to TMAPC: David P. Sharp

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tracts as High Intensity - Special District.

According to the Comprehensive Plan the proposed land uses within District 1 are to be high intensity, mixed-use development to provide a diverse, economically viable and active Central Business District.

Staff Comments:

Site Analysis: The subject property is approximately 6 acres in size and is located between North Main Street and North Denver Avenue; East Archer to East Cameron Street. The property is flat, non-wooded, contains several commercial business, storage and warehouse facilities and offices and is zoned IL.

Surrounding Area Analysis: The subject tracts are abutting or near parking lots, commercial establishments, two restaurants, light industrial uses, active and used warehouses, as well as vacant warehouses. All are zoned IL.

Zoning and BOA Historical Summary: A request for approval of rezoning from IM to CBD of 2.2 acres in this area was approved in 1986, and the most recent rezoning application that approved CBD in this area occurred in 1996, rezoning the area to be developed for the County Correctional Facility.

Conclusion: The requested CBD is consistent with the District 1 Plan and the Plan Implementation for this area. The Comprehensive Plan states that much of the land within the Inner Dispersal Loop is zoned CBD and it is assumed that eventually will all be zoned CBD. The Plan recommends that properties not currently zoned CBD be rezoned CBD when appropriate. The requested CBD zoning is compatible with the Comprehensive Plan and the existing uses and development. Therefore, staff recommends **APPROVAL** of CBD zoning as requested for Z-6607.

Applicant's Comments:

Douglas Jones, 2102 North Vancouver, 74127, stated he is in agreement with staff's recommendation.

Interested Parties Comments:

Loyd Samples, 103 North Denver, 74101, stated he had just a few questions in regard to the application. He asked what the projected development is for this area and what effect the development will have on adjacent properties.

Mr. Samples questioned the procedures on the notification process.

Jim Norton, Downtown Tulsa Unlimited, 320 South Boston, Suite 101, 74103, stated he is in support of the application since it is located within the Brady Village Tax Increment Financing District.

Mr. Norton stated that DTU requested previously that all of the property north of the tract be rezoned CBD. He stated no response has been received to that request. He feels if all the tracts were rezoned, it would be better than piecemealing the remaining tracts separately.

Don Scott, 3424 East Blue Street, Claremore, 74017, stated his questions had been answered.

TMAPC Comments:

Chairman Doherty noted there are several tracts of property included in this request and asked whether Mr. Jones has authority from all of the owners to bring this application. Mr. Jones replied in the affirmative, but pointed out the requested is only for the shaded areas as indicated on the map, and that there area only two owners involved.

Ms. Pace asked what the heavy outline on the case map represents. Mr. Stump replied it indicates the zoning boundary between the CBD and light industrial.

In regard to Mr. Samples' questions, Chairman Doherty stated the applicant does not have to disclose his development plans at the time of a zoning change. He noted the Comprehensive Plan for this entire area shows it ultimately as CBD, which has in some cases more restrictions than the IL and fewer restrictions in regard to density.

Chairman Doherty informed Mr. Samples of the notification process.

Chairman Doherty suggested Mr. Norton contact his liaison in regard to the rezoning the remaining tracts.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to recommend **APPROVAL** of CBD zoning for Z-6607 as recommended by staff.

Legal Description for Z-6607:

Part of Lot 1 Beginning at the northeast corner; Thence southeasterly 50'; Thence southwesterly 57'; Thence northwesterly 25'; Thence southwesterly 39'; Thence northwesterly 25'; Thence northeasterly 96' to the Point of Beginning Block 29, Tulsa Original Townsite; AND; North 25' Lot 5 and South 25' Lot 6 Block 29, Tulsa Original Townsite; AND; South 50' Lot 1 and North 70' Lot 2, Block 29, Tulsa Original Townsite Lot 1 and the North Half of Lot 2, Block 38, in the Original Town of Tulsa, Tulsa County, State of Oklahoma, according to the Original Plat and survey thereof. The East 76' of the South 50' of Lot 2, and the East 76' of Lot 3, Block 38, Original Town of Tulsa, Tulsa County Oklahoma; and the South 50' of Lot 2 and all of Lot 3, Block 38, Original Town of Tulsa, Tulsa County, Oklahoma; and the West 64' of the South 50' of Lot 2, and the Westerly 64' of Lot 3, Block 38, Original Town of Tulsa, Tulsa County, Oklahoma. A part of Lot 4, Block 38, of the Original Town of Tulsa, County of Tulsa, State of Oklahoma, described as follows: Beginning at a point 50' West of the Southeast corner of said Lot 4; Thence northerly parallel with the alley and at right angle to Archer Street, a distance of 100'; Thence parallel to Archer Street in a Westerly direction a distance of 32'; Thence at right angle to said Archer Street in a Southerly direction a distance of 100'; thence along the South Boundary of Lot 4 a distance of 32' in an Easterly direction to the place of beginning. Lot 5, Block 38, Original Town of, now City of Tulsa, County of Tulsa, State of Oklahoma, according to the Official Plat thereof. All of Block 30, Tulsa Original Townsite of Tulsa, Tulsa County, Oklahoma, according to the Official Plat thereof. Lots 1 and 2, and the North Half of Lots 3 and 7 and all of Lots 8 and 9, Block 18, and the Southerly 30' of vacated Davenport Street adjacent on the North to said Block 18, of the Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the Official Plat thereof; AND that portion of the 20'

alley in Block 18, Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the Official Plat thereof lying between Lots 1 and 2 and the North Half of Lot 3 on the East and Lots 8 and 9 and the North Half of Lot 7 on the West, and located between North Main Street and North Denver Avenue; East Archer Street to East Cameron Street, Tulsa, Oklahoma.

Application No.: Z-6608
Applicant: Kevin Newport
Location: 4923 South College
Presented to TMAPC: Kevin Newport

RS-1 to OL
(PD-6) (CD-7)

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 Lot 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 150' x 154' in size and is located south of the southeast corner of East 49th Street South and South College Avenue. The property is gently sloping, non-wooded, has a single-family dwelling and is zoned RS-1.

Surrounding Area Analysis: The subject tract is abutted on the north and west by single-family dwellings, zoned RS-1; to the east by a parking lot, zoned OL; and to the south by an office complex, zoned OL.

Zoning and BOA Historical Summary: The subject tract and the lot that is located across South College Avenue from the subject tract were both denied OL zoning in 1981.

Conclusion: The request represents a non-residential intrusion into an established single-family area. The office zoning boundary lines that have been drawn on the adjoining lots to the south and east that are zoned OL front and have direct access to the I-44 service road. The subject property has access only to South College Avenue by a residential street. The property across South College was also denied OL zoning based on these reasons. The requested OL zoning is contrary to the Comprehensive Plan and would not be appropriate for this area. Therefore, staff recommends **DENIAL** of OL zoning for Z-6608.

Applicant's Comments:

Kevin Newport, 708 Martin Circle, Sand Springs, 74063, stated he is requesting the zoning change to allow him to operate his appraisal business from this location.

Mr. Newport stated he is willing to meet any requirements of the TMAPC in regard to structure and resolving the concerns of the neighbors.

Mr. Newport feels OL zoning is appropriate since the property abuts OL-zoned property on the south and east boundaries. He presented photographs of the existing structure and tract. He noted the property was on the real estate market for well over a year with no offer other than his, which was rejected. Since that time the realtor contacted him to see if he was still interested in the property. In turn he made another offer which was accepted. He noted that FHA will not finance the subject property because it has taken in water and is located in flood zone A.

Mr. Newport stated he is open for any suggestions from the Commission, such as a PUD, that would allow him to operate from this location. He stated he has no intention of changing the existing structure or erecting signage. He stated there will be no additional traffic since the appraisals are mailed to the lenders.

Mr. Newport stated the subject property faces one residential property; to the north is a large fence for screening the residence; to the east are cars parked along the street. He noted traffic is excessive when accessing the parking lot in the area. He noted the noise from the Skelly Bypass. He feels the proposed use, light office, will not adversely affect the surrounding area.

Interested Parties Comments:

Richard Gilmore, 4573 South Columbia, 74105, expressed concern with traffic. He displayed a map and indicated the flow of traffic through the neighborhood due to the Skelly Bypass.

Mr. Gilmore addressed the previous zoning request which was denied.

Herman Meyer, 4605 South Columbia Avenue, 74105, expressed concern with the precedent this application will establish in converting residential streets in the area to office light streets. He also noted the previous case.

Mr. Meyer stated there are other houses in the area that are for sale and have not sold. He feels price is a factor in the sale of the homes.

Mr. Meyer stated he would dispute the contention that office light makes good neighbors. He feels the zoning change would be detrimental to the neighborhood.

Charles F. Shirk, 2876 East 49th Street, 74105, stated the backyard of his property faces across College towards the property in question. He feels if approved, the zoning line will be crossed and break the buffer between the residential areas and office areas.

Mr. Shirk reminded the Commission that the subject property fronts a residential street and residential tracts of land. There are no other businesses fronting College.

Mary Kimbrough, 4924 South College, 74105, stated she lives directly across the street and opposes the zoning change. She stated this is a residential area and that office is inappropriate.

Ms. Kimbrough noted the debris piled up on the subject property and that there is no one except the neighbors to tend to it. She feels the applicant should purchase commercial property for his business.

Mary Ferguson, 2869 East 49th Street, 74105, stated her concern is that this is a residential area, not commercial. She noted a letter from Mr. Newport stating his intentions of the property. She stated the letter indicated that Mr. Newport would be living and working out of this location and now it is just for work purposes.

Ms. Ferguson feels this is an encroachment into the neighborhood and should not be allowed.

Applicant's Rebuttal:

Mr. Newport stated he understands the neighbors' concerns, but he feels there will not be any more traffic than a residential use would create since the only employees will be him and one other full-time employee.

In regard to the buffer zone, Mr. Newport pointed out that the subject tract abuts OL on two sides and that only one property faces the subject property. He noted that he would be accessing and leaving the property from the service road of the Skelly Bypass.

Mr. Newport stated his intentions, in regard to landscaping, are to provide more landscaping and provide lawn service to maintain the property.

TMAPC Comments:

Chairman Doherty noted a similar application in this area that was denied. Mr. Stump stated that application was approximately two blocks to the west of this tract.

Mr. Midget suggested resubmitting the application as a PUD.

Mr. Carnes reminded the Commission that the subject property did not sell as residential and that if the applicant files for a PUD, restrictions can be imposed in regard to the uses, hours of operations, landscaping and parking. He feels OL zoning is a good buffer between residential and commercial since the offices are not operated on weekends or at night.

Mr. Midget expressed concern with straight zoning, but he feels a PUD would be more appropriate since it allows restrictions and conditions on the property.

Mr. Westervelt feels there is a need for buffering, but also feels this type of office use would not have a serious impact on the neighborhood. He also feels a PUD would be more appropriate.

Mr. Ledford stated, in regard to the previous request in this area, that traffic concerns and volumes were an issue.

Mr. Westervelt asked staff to comment if the request is denied today or if it can be continued and the applicant applies for a PUD. Mr. Stump stated, if denied, the applicant cannot reapply with the same application for six months unless something has in fact changed, and new fees would be required for the zoning change and the PUD. However, if continued to a date certain, the only additional fees would be for the PUD.

Chairman Doherty asked staff to comment on a proposed PUD since the only item of concern with the rezoning was the traffic issue. Mr. Stump replied that with adequate restrictions, such as limiting the operations to the existing building and sufficient space at the rear of the building for any paved off-street parking, to allow the front to retain the residential look. Mr. Stump feels the main concern is not allowing the property to be developed to the maximum of the office light zoning.

Ms. Pace noted the problem with flood run-off in the area. She feels there should be a limit on the amount of hard-surface parking.

Mr. Westervelt questioned how much time would be needed if the applicant chooses to continue his request to allow him time to file a PUD. Mr. Stump replied the earliest cutoff date would be October 24 and the request would be heard on December 3, 1997 meeting.

Mr. Westervelt recognized Mr. Newport. Chairman Doherty explained the possible actions that could be taken by the Commission today. Mr. Newport stated he is willing to work with the neighborhood and would like to consider filing a PUD.

Mr. Stump reminded Mr. Newport of the additional cost of the PUD and feels the cost would be approximately \$800.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to **CONTINUE** the Zoning Public Hearing for Z-6608 to December 3, 1997.

Application No.: PUD-561-A

RS-3 to RS-3/PUD

Applicant: Bill Holloway

(PD-6) (CD-4)

Location: 18th Street South and South Peoria

(Major Amendment to add a 50-foot wide lot to be located on the east boundary of the PUD.)

Staff Recommendation:

The applicant is proposing to add a 50-foot wide lot located on the east boundary of the PUD, fronting 18th Street. There is no proposal to change the existing development standards for the PUD and the total number of dwelling units, four, will not be increased.

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-561-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding area; (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 the PUD-561-A, subject to the following condition:

Development Standards:

The Development Standards of PUD-561 shall continue to apply, unchanged, to the area included in the new boundaries of the PUD.

Interested Parties Comments:

Bernadette Pruitt, 1640 East 17th Street, 74120, stated she is only in attendance as an observer as the editor for the Swan Lake Newspaper.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to recommend **APPROVAL** of Major Amendment PUD-561-A, subject to the conditions as recommended by staff.

Legal Description for PUD-561-A:

West 50' of the East 165' of Lot 7, Block 25, Park Place Addition to the City of Tulsa, Tulsa County, according to the recorded Plat thereof, and located on the southeast corner of East 18th Street South and South Peoria Avenue, Tulsa, Oklahoma.

Application No.: PUD-179-S-4

(PD-18) (CD-8)

Applicant: Richard Craig

Location: 9318 East 71st Street

Presented to TMAPC: Richard Craig

(Minor Amendment to increase the maximum permitted wall signage by 125 SF of display surface area to allow neon artwork.)

Staff Recommendation:

The applicant is requesting minor amendment approval to increase the maximum permitted wall signage by 125 square feet of display surface area to allow neon artwork. Each of the three development areas within the PUD permit wall signage at one square foot of signage per lineal foot of building wall. The applicant has already utilized the full 136 square feet of display surface area permitted under the existing PUD standards for a 136-foot building wall. The request for an additional 125 square feet of display surface area would change the permitted ratio of sign size to building wall from 1:1 to 2:1.

Staff has reviewed the application and finds that the two businesses in the building are owned by a single tenant and there is no interior wall division between the two businesses. The increase in the maximum wall signage would allow neon artwork which relates only to the boating business within the building.

Staff has also reviewed the maximum allowed wall signage for other PUD's along East 71st Street and finds that PUD-468, directly north across the street, allows a sign to building wall ratio of 2:1.

Staff, therefore, recommends **APPROVAL** of the minor amendment to allow an additional 125 square foot building wall signage for Development Area B. Staff further recommends the **modification** of the wall sign/building wall ratio for the entire PUD from 1:1 to 2:1 subject to the following conditions:

No wall signs are allowed on the east-, west- or south-facing walls of any building within the PUD.

Interested Parties Comments:

Ray Groat, 644 North Oak, 74012, signed up but did not comment.

TMAPC Action; 9members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to **APPROVE** Minor Amendment PUD-179-S-4 subject to the conditions as recommended by staff.

Application No.: PUD-460-2

(PD-18) (CD-8)

Applicant: Roy Johnsen

Location: North and west of northwest corner East 81st Street South and South Mingo Road.

(Minor Amendment to expand the private street system into the northern portion of Development Area C-4.)

Staff Recommendation:

The applicant is requesting minor amendment approval to expand the private street system into the northern portion of Development Area C-4. A minor amendment approved on May 14, 1997, allowed private streets in development areas C-1, C-2 and C-3. Streets in Development Area C-4 was not included in this approval.*

The applicant is proposing a fourth area be served by private streets. The area comprises a 17-acre portion of Development Area C-4 containing 59 single-family dwellings. Additionally, the application requests that all conditions imposed by the Commission (PUD-460-1) pertaining to private streets within the other gated/private street communities be applicable.

Staff has reviewed the application and finds the request consistent with the previous approval of private streets within the PUD. Staff, therefore, recommends **APPROVAL** of the minor amendment subject to the following conditions:

1. Street right-of-way will be 30 feet with 10-foot street maintenance/utility easements on each side.
2. The private streets be built to City construction standards and inspected by the City.
3. A notice appear on the face of the plat identifying private streets in the subdivision and stating that the homeowners association is responsible for all maintenance to the private streets in the subdivision.
4. That gate locations and designs entering East 77th Street South and East 78th Street South are approved prior to the approval of the final subdivision plat to ensure adequate stacking distances at each entry into the gated/private street community from the public street system.

* A preliminary plat was approved by TMAPC on August 20, 1997, indicating a public street system for all of Development Area C-4.

Applicant's Comments:

Roy Johnsen stated, in regard to adequate stacking distances, the two corner lots will be reoriented to face into the private street and noted that the gate design will be addressed at the final subdivision plat process.

There were no interested parties wishing to comment.

TMAPC Comments:

Chairman Doherty expressed concern with the stacking distance.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Horner "absent") to **APPROVE** Minor Amendment PUD-460-2 subject to the conditions as recommended by staff.

Zoning Text Public Hearing:

Zoning Text Public Hearing to allow outdoor advertising sign outside freeway corridors

(Outdoor Advertising Company has requested a one-month continuance.)

Chairman Doherty stated the Outdoor Advertising Company has requested a one-month continuance.

There were no interested parties wishing to comment.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to **CONTINUE** the Zoning Text Public Hearing to allow outdoor advertising sign outside freeway corridors to November 5, 1997.

Other Business:

PUD-539 Richard Morgan

(PD-5) (CD-6)

12331 East 11th Street

(Detail Site Plan for Phase I, the boat and mini-storage facility.)

Staff Recommendation:

The applicant is requesting site plan approval for Phase I of a 10.41-acre boat and mini-storage facility. The site plan indicates that Phase I will develop six storage buildings totaling 65,640 square feet of the overall 230,000 square feet

allowed in Area B. An existing structure containing 1,800 square feet will be renovated, with 400 square feet as office use and 1,400 square feet for the manager's residence.

Staff has reviewed the request and finds the site plan meets all PUD-539 standards for bulk, area, setback, access, parking, building height, site screening, sign location, visible building wall materials, lighting and total landscaped area.

Staff, therefore, recommends **APPROVAL** of the site plan as submitted.

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

Applicant's Comments:

Richard Morgan, 7798 East 24th Street, 74129,

There were no interested parties wishing to comment.

TMAPC Comments:

Mr. Horner asked for clarification on the previous zoning case. Mr. Stump replied there were previous concerns with the PUD in regard to the floodplain. He noted the proposed development is in the southern portion of the tract and not the flood area.

Mr. Midget clarified the request for boat storage and an office building. Mr. Stump stated it also includes mini-storage.

Ms. Gray questioned whether residences are allowed in this type of zoning. Mr. Stump replied a residence would be allowed if it is specified in the PUD as an accessory to the principal use, such as for a guard. Mr. Morgan stated there is currently a residence for the guard and no new structure will be constructed.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to **APPROVE** the Detail Site Plan for PUD-539 as recommended by staff.

Items PUD-572 and AC-026 were heard simultaneously.

Chairman Doherty left the dais and indicated he would be abstaining from this items.

PUD-572 Joe Hanes

(PD-25) (CD-1)

Southwest corner North Peoria and East 50th Street North
(Detail Site Plan for a restaurant and convenience store.)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 4,130 square foot sandwich shop and convenience/gasoline sales on a 39,200 square foot parcel.

Staff has reviewed the request and finds the site plan meets the approved PUD-572 standards for bulk, area, setback, parking, access, site screening and total landscaped area.

Staff, therefore, recommends **APPROVAL** of the detail site plan submitted subject to the following conditions:

The granting of a City of Tulsa License Agreement to locate a bus stop kiosk and landscape materials in the public street right-of-way along North Peoria.

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

AC-026 Joe Hanes

(PD-25) (CD-1)

Southwest corner North Peoria and East 50th Street North
(Alternative Compliance to eliminate one required parking lot tree and provide additional trees and landscaping.)

Staff Recommendation:

The applicant is requesting alternative landscape plan approval to eliminate one required parking lot tree within a landscaped area and provide additional trees and total landscaped area on the site. The applicant proposes additional landscaping to the rear of the building to provide a screening buffer from the residential areas to the west and northwest.

Staff has reviewed the request and finds the underlying CH zoning does not mandate a required streetyard: the provision of parking lot trees is the primary landscape requirement for this site. The applicant's request is to eliminate a landscaped area with a single tree at the southeast corner of the building in order to provide the required parking and line-of-sight visibility to gas pumps. Staff finds the provision of additional trees along East 50th Street and behind the proposed buildings, while not meeting the technical requirements of the code, are an adequate substitute for a single parking lot tree and are equivalent to the requirements of the Landscape Chapter.

Staff, therefore, recommends **APPROVAL** of the alternative compliance request and the landscape plan subject to the following conditions:

Removal and elimination of the two dwarf maples proposed on the eastern property boundary which are located in the street right-of-way unless a City License Agreement is granted.

TMAPC Action; 9 members present:

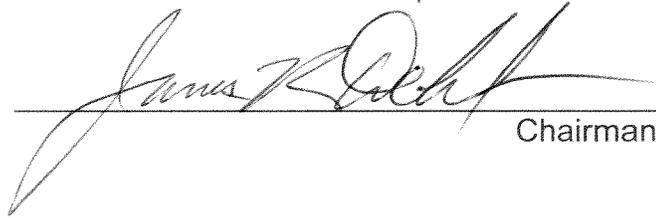
On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Carnes, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Doherty "abstaining"; Boyle, Dick "absent") to **APPROVE** the Detail Site Plan for PUD-539, subject to the conditions as recommended by staff and **APPROVE** Alternative Compliance AC-026, subject to the conditions as recommended by staff.

Ms. Pace feels the streetscape, in regard to trees, should be reviewed. She feels there should be more trees in the streetscape.

Ms. Gray reminded the Commissioners to have suggestions and ideas for next week's Community Participation Committee meeting in regard to the "mock" TMAPC meeting.

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

Date Approved: 10/22/97


Chairman

ATTEST: 
Secretary