

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2138

Wednesday, December 3, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Dick	Almy	Linker, Legal
Carnes		Beach	Counsel
Doherty		Dunlap	
Gray		Matthews	
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 Wednesday, November 26, 1997 at 2:03 p.m., in the Office of the City Clerk at 1:59 p.m., as well as in the office of the County Clerk at 11:43 a.m.

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

Minutes:

Approval of the minutes of November 12, 1997, Meeting No. 2136 and November 19, 1997, Meeting No. 2137:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-1** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Horner "abstaining"; Dick, Midget "absent") to **APPROVE** the minutes of the meeting of November 12, 1997 Meeting No. 2136.

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-2** (Boyle, Carnes, Doherty, Gray, Jackson, Pace, Westervelt "aye"; no "nays"; Horner, Ledford "abstaining"; Dick, Midget "absent") to **APPROVE** the minutes of the meeting of November 19, 1997 Meeting No. 2137.

Reports:

Chairman's Report:

Chairman Boyle requested Mr. Westervelt to give a brief update on the Special Residential Facilities Task Force.

Mr. Westervelt reported that letters have been distributed to interested agencies and organization informing them of the Task Force and requesting representatives. He reported that Ms. Matthews and he attended the City Council Work Session for directions and input. He noted the legal requirements that will have to be met under the Fair Housing Act and the Americans with Disabilities Act.

Mr. Westervelt stated the Task Force is attempting to schedule their first meeting near to the first of the year. He stated he will keep the Commission updated on their progress.

Committee Reports:

Comprehensive Plan Committee:

Mr. Ledford stated the Comprehensive Plan Committee has an item, Resolution No. 2138-801, on today's agenda in regard to the allowable uses of Tax Incentive District #1.

Director's Report:

Mr. Stump stated there are two zoning items scheduled for the December 4, 1997 City Council meeting. He stated Mr. Dunlap would represent staff at the meeting. Chairman Boyle he would also be attending.

Mr. Midget asked the status of Infill Development Study work item. Mr. Stump stated staff anticipates the study to begin of the first of the year.

Subdivisions:

Lot-Splits for Ratification of Prior Approval:

L-18553 31st and Memorial Drive (2393) (PD-17) (CD-5)

7800 East 3rd Street South

L-18556 Warehouse Market (102) (PD-24) County

6230 North Peoria Avenue

L-18576 City of Tulsa (3093) (PD-6) (CD-9)

1920 East 41st Street

Staff Comments:

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

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

Final Plat:

County Jail Addition (292)

(PD-1) (CD-4)

West side of North Denver, north of West Archer Street

Staff Comments:

Mr. Beach noted that the Preliminary Plat for the County Jail Addition has expired. Therefore, staff recommends reinstatement of the Preliminary Plat and approval of the Final Plat, subject to review and approval of the Deed of Dedication language by Legal staff.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **REINSTATE** the Preliminary Plat for the County Jail Addition and **APPROVE** the Final Plat for the County Jail Addition, subject to review and approval of the Deed of Dedication language by Legal staff.

Country Oaks (PUD-551) (3392)

(PD-8) (CD-2)

Northwest corner West 57th Street South and South 33rd West Avenue

Staff Comments:

Mr. Beach stated everything is in order and all release letters have been received. Therefore, staff recommends approval, subject to review and approval of the Deed of Dedication language by Legal staff.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the Final Plat of Country Oaks, subject to review and approval of the Deed of Dedication language by Legal staff.

Continued Zoning Public Hearing:

Items Z-6608 and PUD-577 were heard simultaneously.

Application No.: Z-6608

Applicant: Kevin Newport

Location: 4923 South College

Presented to TMAPC: Kevin Newport

Staff Recommendation:

RS-1 to OL

(PD-6) (CD-7)

Relationship to the Comprehensive Plan:

The District Six 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 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 requested OL zoning is not compatible with the Comprehensive Plan and if approved would redefine the office boundary established by the Comprehensive Plan. Staff recommends **APPROVAL** of OL zoning for Z-6608 if the accompanying PUD is approved and would also recommend that the District Six Plan be amended to reflect this change.

Application No.: PUD-577

Applicant: Kevin Newport

Location: 4923 South College

Presented to TMAPC: Kevin Newport

(A Planned Unit Development for an appraisal office and a secondary residence for the appraiser's family.)

RS-1 to OL/PUD

(PD-6) (CD-7)

Staff Recommendation:

The applicant proposes to use the existing structure on this 100' x 154' tract for an appraisal office and a second residence for the appraiser's family. The subject tract has 154' of frontage on South College Avenue, and has a total area of 15,430 SF. The tract abuts office use on the east and south, and single-family residential use on the north and across College Avenue to the west.

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-577 as modified by staff 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-577 subject to the following conditions:

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

2. Development Standards:

Land Area (Net): 15,430 SF

Permitted Uses: Uses as a matter of right in Use Unit 6, Single-family Dwelling; and the following uses in Use Unit 11, Appraisal Office, Artist's Studio, Computing Service, Data Processing Service, Drafting Service, Interior Design Consultant (no retail sales) and Photography Studio only.

Maximum Building Floor Area: 2,000 SF

Maximum Building Height: One story

Off-Street Parking: As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum Building Setbacks for any new construction:

From the west boundary of the PUD 38 FT

From the south boundary of the PUD 5 FT

From the east boundary of the PUD 5 FT

From the north boundary of the PUD 50 FT

Minimum Parking Setback:

From the north boundary of the PUD 10 FT

From the west boundary of the PUD 25 FT

There shall be no additional parking directly in front of the existing structure.

Signs:

One, non-illuminated monument sign shall be permitted on the south 40 feet of the lot with a maximum of 12 square feet of display surface area and four feet in height.

Exterior Appearance:

The exterior appearance of the existing structure shall not be altered, except normal maintenance, without TMAPC approval and any alterations will retain the residential appearance of the structure.

Screening and Buffering:

Whenever possible, the existing landscaping and trees will be preserved. The existing screening fence on the north, east and south boundaries of the PUD will be maintained in a good state of repair. All new parking areas will be screened from South College Avenue by a four-foot high screening wall or fence (or equivalent landscaping as approved by TMAPC) immediately west of the parking area.

3. No currently unpaved areas of the PUD will be paved without site plan approval.
4. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings with elevation drawings of any building additions, and parking and landscaping areas, have been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

5. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval prior to issuance of a building or occupancy 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 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.
6. No sign permit shall be issued for erection of a sign within 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.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
8. 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 eight feet in height and all such lights shall be set back at least 25 feet from an RS district.
9. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
10. No Building or Occupancy Permit shall be issued until the requirements of Section 1170-F of the Zoning Code have been satisfied and approved or waived by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

Kevin Newport, 708 Martin Circle, Sand Springs, 74063, stated he agrees with staff recommendation with the exception of the additional parking spaces. He also questioned what type of screening fence is required.

Mr. Newport questioned what other processes or applications he would have to file and noted he desires to maintain the residential appearance of the property.

Interested Parties Comments:

Mary Kimbrough, 4924 South College, 74105, presented pictures in regard to the proposed parking area and expressed concern with the removal of the trees. She also presented pictures of other vacant commercial buildings in the area instead of intruding into a well-established neighborhood. She expressed her and the neighborhood's opposition to the proposed PUD and zoning change.

Ms. Kimbrough expressed the desire to maintain the integrity of the neighborhood. She stated the proposed PUD and zoning change goes against the harmony and character of the neighborhood. She again expressed opposition to the proposal.

Ms. Kimbrough presented pictures of her home and property located across from the subject property. She stated she does not want a business located across the street. She pointed out the applicant, Mr. Newport, has no ties or commitments to the neighborhood.

Ms. Kimbrough expressed concern with the additional parking area. She questioned the need for additional parking if as the applicant stated, there will not be an increase in the traffic due to his business.

Victoria Tuell, 2868 East 49th Street, 74105, stated there is other commercial property available within walking distance of the subject property. She feels the applicant should consider another site already zoned commercial.

Mary Ferguson, 2869 East 49th Street, 74105, presented pictures of the residences that abut commercial property along 49th Street.

Ms. Ferguson expressed concern with the continuous changes to the proposal and conditions of the proposal. She noted that the hours of operations, number of days of operation or the number of employees have not been addressed. She feels the applicant has misrepresented himself on several occasions.

Ms. Ferguson feels the zoning line has already been established and the integrity of the neighborhood should be protected. She feels encroachment into the neighborhood should be opposed and promotes the idea of protecting the beautiful neighborhood.

Ms. Ferguson reminded the Commission of the individual's right to vote on any and all issues that directly effect them. She feels since none of the Commissioners live in the area of the subject property, they will not be affected. However, the neighborhood will be affected; therefore, the neighborhood does not support the proposal.

David Ferguson, 2869 East 49th Street, 74105, expressed concern with previous applications in the area and for the same property as well. He noted a previous case for property located within the same block as the subject property dated July 24, 1996 where the Planning Commission denied the zoning requested, noting concerns with traffic and intrusion into the neighborhood. Another case dated March 25, 1981 for the subject tract, noting that if the property is zoned OL it would adversely affect the single-family home on the west side of College Avenue and pose a threat to the stability of the residential area. He provided the Commission with this case information. He feels the facts of these previous cases are clear and the zoning should be denied.

Brad Johnson, 3017 East 49th Street, 74105, stated he opposed to commercial zoning due to the large volume of traffic currently in the neighborhood. He feels commercial zoning would only increase the traffic flow.

Mr. Johnson also expressed concern with security. He feels a business would bring unfamiliar people into the neighborhood.

Gary VanHooser, 4924 South College Avenue, 74105, expressed concern with the commercial traffic in the neighborhood. He noted the character of the neighborhood and feels the character should be maintained.

Richard Gilmore, 4573 South Columbia, 74105, provided a letter expressing his concerns with the zoning request. He expressed concerns with the applicant changing his request on several occasions.

Mr. Gilmore feels, if OL zoning is approved, it would set a precedent for other businesses to encroach farther into the neighborhood and away from the established commercial line along Skelly Drive.

Mr. Gilmore stated if the subject property maintains the residential character, it does nothing to preserve the single-family residential area. He feels a business is a business, no matter what it looks like.

Mr. Gilmore recommended denying the request to secure the integrity of the neighborhood.

Charles Shirk, 2876 East 49th Street, 74105, read a letter from Herman W. Myer, 4605 South Columbia Avenue, expressing his concerns with the request. His concerns consisted of further commercial encroachment into a residential neighborhood and that the PUD and zoning change would allow other uses besides an appraisal office.

Mr. Shirk presented his own letter expressing his and his mother's concerns with the request. He feels the PUD would not maintain the residential appearance of the neighborhood and that the PUD can be changed without being subject to the entire zoning process. He stated he does not object to home offices in the neighborhood but with the zoning changes as a whole.

Mr. Shirk stated there have been discrepancies made by the applicant during the many changes to the application. He also expressed concern with the property being located in a floodplain and additional parking would only add to the flooding problems.

Mark Lawrence, 3011 East 49th Street, 74105, stated this is a wonderful neighborhood and feels the zoning change would only allow further commercial encroachment into the neighborhood. He feels this will set a precedent and open the doors for commercial progression into the neighborhood.

Mr. Lawrence urged the Commission to deny the application for rezoning, regardless of the conditions attached by the PUD.

Kelly Johnson, 3017 East 49th Street, 74105, stated when the Citation Buildings were approved and constructed, the neighborhood was told these buildings would serve as a buffer or the line for commercial development into the neighborhood.

Ms. Johnson reminded the Commission that the subject property is located within a residential neighborhood and asked that the rezoning be denied.

Michael Tramantana, 2809 East 49th Street, 74105, stated he was lived in the subject neighborhood for over 25 years and that he is proud that so many of the neighbors have joined together for the protection of their neighborhood.

Mr. Tramantana reminded the Commission that the neighborhood does not need more commercial encroachment.

Applicant's Rebuttal:

Mr. Newport reminded the Commission that the subject property is abutted on two sides by commercial and that he does not intended on changing the character of the property. He stated he does not need additional property.

Mr. Newport stated the home would be used as a second resident for him and his family. He stated his family visits him at the office and the children will play in the yard.

Mr. Newport stated he is willing to work with the neighborhood and staff on additional conditions or restrictions.

TMAPC Comments:

Mr. Doherty questioned the 25-foot minimum-parking setback from the west boundary of the PUD in regard to locating any new parking further in than the existing driveway and closer to the residential area. Mr. Stump pointed out that the residential area is to the north of the subject property and noted that the off-street parking requirement requires 24 feet of paving behind the existing spaces. Mr. Doherty feels this does not maintain the residential character.

Mr. Doherty expressed concern with the removal of mature trees to provide adequate parking as proposed. Mr. Stump stated the trees, which are located close to the street and the north property line, would not be affected.

Mr. Doherty asked whether the parking could be subject to site plan approval rather than a specified setback at this point. Mr. Stump stated staff feels the same parking setback for OL-zoning should be maintained and that the open side yard would be an appropriate location for additional parking.

Chairman Boyle noted, for the record, the receipt of a petition from interested parties.

Mr. Stump stated, in regard to Mr. Newport's questions about the screening fence, that acceptable landscaping or a four-foot wood fence would be required.

Mr. Stump explained the PUD would be forwarded to the City Council and the a site plan would have to be submitted. He stated this process would be finalized around the end of January or first part of February 1998.

Mr. Doherty pointed out that the City Zoning Code requires the additional parking area or spaces. He asked Ms. Kimbrough whether she would support the application if the additional parking were not required. Ms. Kimbrough replied she would have to reevaluate the proposal.

Mr. Midget asked for clarification of the petition. Ms. Kimbrough stated she supports only residential use with no zoning change.

Mr. Westervelt addressed the handout provided by Mr. Ferguson. He asked staff to comment on these previous cases in regard to whether these cases were submitted as a PUD or as straight zoning. Mr. Stump stated the case reports indicate the previous cases were for straight zoning.

Mr. Westervelt recognized Mr. Ferguson. Mr. Ferguson pointed out that the subject property is located within Flood Zone A.

Chairman Boyle asked whether there is a significant difference between this application and the previous application on Columbia. Mr. Stump stated staff recommended approval on the previous application on Columbia, since the property faced into office rather than residential and had office located to the south and east. He and Mr. Doherty stated the Commission denied the request due to concerns with traffic and substantial new construction. Mr. Doherty stated the present application does not propose any new construction.

Mr. Carnes stated the previous application was also a straight zoning request without a PUD.

Ms. Gray asked why Mr. Newport did not make his offer on the house contingent on the rezoning of the property. Mr. Newport replied his original offer did include the contingencies of the rezoning; however, the offer was rejected. He stated the realtor approached him later to see if he was still interested in the property. He stated at that time he made his offer subject to the property being able to be used as an office. He stated he applied for an OL originally because he was not aware of the PUD and the conditions that could be imposed to protect the characteristics of the neighborhood. He explained his work process.

Ms. Gray asked how many employees Mr. Newport is planning to have. Mr. Newport replied he would employ himself and a secretary for light typing and clerical duties.

Mr. Midget stated he has a great appreciation for what the residents are saying about the impact the zoning would have on the neighborhood. He stated at the previous hearing, he encouraged the applicant to file a PUD so that the characteristics of the neighborhood could be maintained. That is, there would be no changes to the house; no additional construction, signage, lights or additional parking areas.

Mr. Doherty stated he agrees with Mr. Midget in regard to maintaining the characteristics of the neighborhood. He feels conditions can be imposed to maintain those characteristics.

Ms. Pace expressed concerns with the project as a whole. She feels traffic and density are major concerns, as well as the property being located within the floodplain. She stated additional pavement for parking would only increase the flooding in the area.

Mr. Doherty expressed concerns with the traffic and density, but with conditions imposed, he feels they would maintain the characteristics of the neighborhood. He suggested modifying staff's recommendation to include no additions or expansion of the existing structure except by Major Amendment; no signage, no additional parking spaces, subject to the Board of Adjustment approval; and the uses limited to an appraisal office or residential dwelling only.

Chairman Boyle stated he is struggling with the request due to the similarities with the previous application on Columbia.

Mr. Midget said he could support the PUD if the characteristics of the neighborhood are not altered in any way.

Mr. Ledford feels there is nothing gained by the PUD with all the conditions and restrictions. He suggested looking into a home occupation application. He stated he prefers refunding the applicant's PUD fees and sending him to the Board of Adjustment. Mr. Doherty stated the Board cannot approve a home occupation application due to the additional employee(s).

Ms. Gray expressed concern that the tax records would indicate the property is zoned OL, but would not show all the restrictions imposed.

Mr. Westervelt reminded the Commission that he is very pro-infill development; however, he is very uncomfortable with this proposal.

Ms. Pace recognized Ms. Ferguson and Ms. Huffman. Ms. Ferguson reminded the Commission the size of the other lots abutting commercial property in the area. Norma Huffman, 2839 East 49th Street, stated rental houses are not a threat to the neighborhood; she would prefer rental to commercial.

Mr. Westervelt stated the comment Mr. Doherty made in regard to rental use was to inform the neighborhood what could occur with the subject property.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **4-6-0** (Carnes, Doherty, Horner, Midget "aye"; Boyle, Gray, Jackson, Ledford, Pace, Westervelt "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of OL zoning for Z-6608 and PUD-577, subject to the conditions recommended by staff and modified by the TMAPC. Motion failed.

Mr. Doherty made a motion to deny the request. Mr. Westervelt recommended the PUD fees be refunded since the Commission encouraged the applicant to file a PUD.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Dick "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of OL zoning for Z-6608 and PUD-577.

Legal Description for Z-6608/PUD-577:

South 154.8' of Lot 13, Block 2, Villa Grove Subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and located south of the southeast corner of E. 49th Street South and South College Avenue, Tulsa, Oklahoma.

Application No.: CZ-238

AG to CG

Applicant: James P. Coleman

(PD-23) County

Location: East of northeast corner 265th West Avenue and U.S. Highway 51

Presented to TMAPC: James P. Coleman

Chairman Boyle stated a timely request was received for a one-week continuance to December 10, 1997.

There were no interested parties wishing to comment.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **CONTINUE** the Zoning Public Hearing for CZ-238 to December 10, 1997.

Application No.: Z-6603/PUD-576

OM to CS/PUD

Applicant: Elizabeth Southard/Kevin Countant

(PD-18) (CD-7)

Location: 6927 South Canton

(A Planned Unit Development for an English Pub.)

(Staff is requesting a continuance to December 10, 1997 for further review.)

Chairman Boyle stated staff has requested a continuance to December 10, 1997 for further review of the application.

There were no interested parties wishing to comment.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **CONTINUE** the Zoning Public Hearing for Z-6603/PUD-576 to December 10, 1997.

Application No.: PUD-571

CS/RM-1 to CS/RM-1/PUD

Applicant: Roy Johnsen

(PD-18) (CD-8)

Location: East of northeast corner 81st Street and South Memorial Drive

Presented to TMAPC: Roy Johnsen

(A Planned Unit Development for commercial use.)

Staff Recommendation:

The PUD proposes a commercial development on this 5.3-gross-acre tract. The east 200 feet (2.36 acres) of the subject tract is zoned RM-1 and the balance (2.94 acres) is zoned CS. The proposal is to establish two commercial development areas and a mini-storage area. The subject tract is abutted on the north and east by vacant property planned for apartments, zoned RM-1; to the west by a convenience store and car wash, zoned CS; and across East 81st Street by an office park which is currently under construction and zoned CS/PUD-523.

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-571 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-571 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)

5.30 acres

(Net)

4.77 acres

DEVELOPMENT AREA A (RETAIL)

Land Area (Net):	1.30 acres
Permitted Uses	As permitted by right within a CS District
Maximum Floor Area	20,000 SF
Maximum Building Height:	35 FT
Minimum Building Setbacks:	
from centerline of 81 st	100 FT
from South 160 FT of east boundary	0 FT
from other boundaries	25 FT
Parking Ratio:	As provided within the applicable use unit
Minimum Interior Landscaped Open Space:	10% of net area
Maximum Permitted Signage:	Ground signs shall be limited to one sign located on the arterial street frontage. It shall not exceed 25' in height nor 150 SF of display surface area. Wall signs shall not exceed 1.5 SF of display surface area per lineal foot of building wall to which they are attached.

DEVELOPMENT AREA B (RETAIL)

Land Area (Net):	1.03 acres
Permitted Uses:	As permitted by right within a CS district, except no Use Unit 12a uses nor dance halls.
Maximum Floor Area:	15,000 SF
Maximum Building Height:	35 FT
Minimum Building Setbacks:	
from centerline of 81 st	100 FT
from west boundary	0 FT
from north boundary	10 FT
from east boundary	50 FT
Parking Ratio:	As provided within the applicable use unit
Minimum Interior Landscaped Open Space:	10% of net area
Maximum Permitted Signage:	Ground signs shall be limited to two signs located on the arterial street frontage. One sign shall not exceed 8' in height nor 32 SF of display surface area, shall be for use by the business in Development Area C, and shall be at least 50' from the east boundary of Development Area B.

The second sign shall not exceed 25' in height nor 150SF of display surface area and must be at least 150' from the east boundary of Development Area B.

Wall signs shall not exceed 1.5 SF of display surface area per lineal foot of building wall to which they are attached and no wall signs are permitted on east facing walls.

Screening and Buffering:

A six-foot screening wall or fence shall be erected along the east boundary of the Development Area.

DEVELOPMENT AREA C (MINI-STORAGE)

Land Area (Net): 2.47 acres

Permitted Uses: Mini-storage*

Maximum Floor Area: 50,000 SF

Maximum Building Height:
storage buildings 12 FT
manager's apartment 2 Story

Minimum Building Setbacks:
from north boundary 11 FT
from west boundary ~~5 FT~~ 0 FT
from east boundary 11 FT
from other boundaries 0 FT

Parking Ratio:	As provided within the applicable use unit.
Minimum Interior Landscaped Open Space:	10% of net area
Maximum Permitted Signage	No business signs are permitted in this Development Area.
Screening and Buffering:	The TMAPC shall determine appropriate screening at the time of Detail Site Plan Approval.

* Mini-storage shall comply with the development standards required in the RM-1 district including the prohibition against any open air storage unless modified herein.

3. The requirement of Section 404I.8. requiring mini-storage to have frontage on any arterial street shall not apply.

~~3.4.~~ Each lot within the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements.

~~4.5.~~ No Zoning Clearance Permit shall be issued for a Development Area within the PUD until a Detail Site Plan for that Development Area, 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.

~~5.6.~~ A Detail Landscape Plan for a Development Area within the PUD 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 the PUD 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.

~~6-7.~~ No sign permits shall be issued for erection of a sign in a Development Area within the PUD until a Detail Sign Plan for the Development Area within the PUD has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

~~7-8.~~ All trash, mechanical and equipment areas within the PUD shall be screened from public view by persons standing at ground level.

~~8-9.~~ All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 25 feet.

~~9-10.~~ 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 within the PUD have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.

~~10-11.~~ 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.

~~11-12.~~ Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Ste. 440, 74103, stated he is in agreement with staff's recommendation.

There were no interested parties wishing to comment.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of PUD-571, subject to the conditions as recommended and modified by staff. (Language deleted is shown as ~~strikeout~~, language added or substituted is shown as underline.)

Legal Description for PUD-571:

Lot 2, Block 1, Anderson Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, less and except a tract of land that is part of Lot 2, Block 1, Anderson Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract being more particularly described as follows: beginning at the Northwest

corner of Lot 2, Block 1, Anderson Addition; thence N 89°59'59" E along the Northerly line of said Lot 2 for a distance of 300.00' to a point; thence S 0°01'11" W and parallel with the Westerly line of said Lot 2, for a distance of 185.10' to a point; thence N 89°58'49" W for a distance of 300.00' to a point on the Westerly line of said Lot 2; thence N 0°01'11" E along said Westerly line for a distance of 185.00' to the Point of Beginning and located East of the Northeast corner of East 81st Street South and South Memorial Drive, Tulsa, Oklahoma.

Zoning Public Hearing:

Application No.: Z-6612

RM-1 to PK

Applicant: Curtis J. Shacklett

(PD-2) (CD-3)

Location: Northeast corner East Haskell Street and North Wheeling Avenue
(Applicant is requesting a continuance due to error in notification.)

Chairman Boyle a timely-request has been received for continuance to January 7, 1998.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **CONTINUE** the Zoning Public Hearing for Z-6612 to January 7, 1998.

Zoning Public Hearing:

Application No.: Z-6609

RS-3 to IL

Applicant: Jack L. Kelley

(PD-18) (CD-8)

Location: North of northeast corner East 61st St. and South 107th East Avenue

Presented to TMAPC: Jack L. Kelley

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 Special District 1 – Industrial.

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

Staff Comments:

Site Analysis: The subject property is approximately .99 acre in size and is located north of the northeast corner of East 61st Street South and South 107th East Avenue. The property is flat, non-wooded, has a single-family dwelling, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and east by vacant property, zoned IL; to the west by a single-family dwelling, zoned IL; and to the south by a single-family dwelling, zoned IL.

Zoning and BOA Historical Summary: Several tracts have been rezoned from residential zoning to light industrial zoning in this immediate area and along South 107th East Avenue.

Conclusion: Based on the Comprehensive Plan and the existing zoning patterns and development, staff can support the requested IL zoning. This area is in transition from residential to industrial. Staff, therefore, recommends **APPROVAL** of IL zoning for Z-6609.

There were no interested parties wishing to comment.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of IL zoning for Z-6609 as recommended by staff.

Legal Description for Z-6609:

Lot 8, Block 1, Golden Valley Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except the following: Beginning at the Northeast corner of said Lot 8; thence S 01°21'01" E a distance of 161.50 feet along the East line of said Lot 8; thence S 88°40'33" W a distance of 266.93 feet along the South line of said Lot 8; thence N 01°50'44" W a distance of 140.37 feet to a point for corner; thence N 40°53'29" W for a distance of 27.41 feet to a point on the North line of said Lot 8; thence N 88°40'27" E a distance of 285.60 feet to the Point of Beginning.

* * * * *

Application No.: CZ-239

Applicant: Ben Thompson

Location: 13216 East 103rd Street North

Presented to TMAPC: Ben Thompson

Staff Recommendation:

AG to CH

(PD-15) County

Relationship to the Comprehensive Plan:

The City of Owasso Comprehensive Plan designates the subject property as Special District 6 – Industrial.

Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classifications are consistent with the land use and other existing physical facts in the area and supported by the policies of the District Comprehensive Plan.

Staff Comments:

Site Analysis: The subject property is approximately 5.5 acres in size and located on the southeast corner of East 103rd Street North and North 135th East Avenue. It is flat, non-wooded, contains a single-family dwelling, a large storage barn, other accessory agricultural buildings, and is zoned AG in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by scattered single-family dwellings, zoned AG; to the southeast by single-family homes, zoned RE; to the south and east by vacant land, zoned AG; and to the west by U.S. Highway 169, zoned AG.

Zoning and BOA Historical Summary: The most recent zoning action was in 1994 which rezoned a 19-acre tract that is located south of the subject property to RS.

Conclusion: Based on the Comprehensive Plan Map the requested CH zoning may be found in accordance with the Plan, however, it is staff's opinion that the requested CH zoning is not compatible with the existing uses and development in this area. Therefore, staff recommends **DENIAL** of CH zoning for CZ-239.

Applicant's Comments:

Ben Thompson, 13821 East 100th Street North, 74055, stated that when he filed his application, INCOG staff suggested he contact ODOT in regard to access and the City of Owasso. He stated he spoke with Ed Kellogg of ODOT, who indicated access on the frontage road would be acceptable. He also spoke with Rodney Ray and the City Planner, City of Owasso, in regard to future plans for this area. He indicated the City of Owasso supports his development. He stated a letter is being sent to INCOG in that regard.

Mr. Thompson presented his proposal and indicated the location of the proposed facility, as well as the location of residential structures in the area and the highway.

Interested Parties Comments:

Terry Hogan, 13705 East 100th Street North, 74055, questioned the impact the proposed zoning would have on the property in this area. He stated he does not oppose the proposed use.

Applicant's Rebuttal:

Mr. Thompson stated the majority of the land surrounding the subject property is agricultural, but he noted that the major function of his business is an agricultural one.

Mr. Thompson pointed out that the land zoned agriculturally is not currently being used for agriculture and a large portion is for sale. He feels this area will be used commercially. He noted other proposed businesses or commercial development in the area. Therefore, he requested approval of the application.

TMAPC Comments:

Mr. Doherty asked whether access to the subject property is derived from the frontage road. Mr. Stump replied currently the driveway is located on 135th West Avenue, but the applicant may have rights of access for the frontage road.

Mr. Doherty noted CH zoning is a heavy zoning category and asked why the applicant is requesting CH. Mr. Thompson stated he understood CH zoning to be the zoning he needed for general retail purposes. Mr. Thompson stated his retail business is for feed and pet supplies.

Ms. Pace asked whether the applicant would agree to CS zoning. Mr. Thompson replied in the affirmative.

Mr. Carnes asked staff to comment if the application was for CS zoning. Mr. Stump replied this is a special industrial district and CS zoning is not a part of the plan. Mr. Stump stated the area may develop as commercial; however, with the agricultural zoning abutting residential, staff is cautious about establishing a very large commercial tract.

Mr. Doherty asked whether any information was received from the City of Owasso. Mr. Stump stated they have informed the City of Owasso of staff's recommendation and no formal comments have been received.

In reply to Mr. Hogan's question, Mr. Stump stated the approval of the zoning would set a precedent for commercial along the entire frontage.

Mr. Midget clarified that the Comprehensive Plan is for special industrial.

Mr. Doherty stated he would like some input from the City of Owasso. Chairman Boyle questioned whether the input would be helpful since staff used the City of Owasso's Comprehensive Plan when preparing the recommendation.

Ms. Pace suggested filing for a use variance.

Mr. Doherty feels this is classic spot-zoning, noting this is the first commercial zoning away from the node, in the middle of residential uses. The only reasons for approving the zoning is that the Owasso Comprehensive Plan chose this area as a non-residential corridor. He feels this area will be developed as commercial.

Ms. Pace asked whether the proposed Highway 20 will affect this application. Mr. Doherty replied in the negative.

Mr. Ledford stated the highway design indicates the location of the frontage road and that this area will be stripped out for commercial development.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **DENIAL** of CH zoning and **APPROVAL** of CS zoning for CZ-239.

Legal Description for CZ-239:

SE/4, SE/4, NW/4 and Beginning Southeast corner of E/2, SW/4, SE/4, NW/4 thence West 151.23, Northeast 363.48, South 330.44, to Point of Beginning less .58 acres County Road and less Beginning Northwest corner SE/4, SE/4, NW/4, thence 151.2,, Southwest 363.41, North 330.44,, Point of Beginning Section 16, T-21-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, and located on the southeast corner of 103rd Street North and North 135th East Avenue, Owasso, Oklahoma.

Zoning Public Hearing:

Application No.: CZ-240

Applicant: Virginia Fitzgerald

Location: 4916 West 50th Street South

Presented to TMAPC: Virginia Fitzgerald

Staff Recommendation:

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 Special District 6 – Industrial.

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

IL to RS

(PD-9) County

Staff Comments:

Site Analysis: The subject property is approximately one acre in size and located west of the southwest corner of West 50th Street South and South 49th West Avenue. It is flat, non-wooded, contains a single-family dwelling, and is zoned IL in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by an industrial business, zoned IL; to the south and east by a trucking business, zoned IL; and to the west by a vacant, unkempt single-family dwelling, zoned RS.

Zoning and BOA Historical Summary: The most recent zoning action in this area was in 1982 which rezoned the subject tract and the adjoining tract to the south from RS to IL.

Conclusion: The Comprehensive Plan designates this area as being within an industrial development area. The subject tract lies just west of South 49th West Avenue, which appears to be the boundary of the industrial uses. All of the land on the east side of South 49th West Avenue is zoned IM and is in transition to industrial. The southern half of the property is currently being used for truck storage and is compatible with other development in the area. There is little possibility that this area will transition back to residential uses; therefore, staff recommends **DENIAL** of RS zoning for CZ-240.

Staff Comments:

Mr. Stump noted the Commission would have to consider the 75-foot setbacks from residential boundaries for any buildings in an industrial district. Therefore, if approved, it will impose significant setbacks on the surrounding industrial area.

Applicant's Comments:

Virginia Fitzgerald, 4916 West 50th Street South, 74107, stated she has lived at this located for over 37 years. She requested the zoning due to the property being used as a residence. She stated she is currently attempting to sell her home and has been notified that lending institutes will not finance the home since it is zoned commercially.

Ms. Fitzgerald stated the property was previously zoned residentially, but when her family inherited additional property to the north of the subject property, they decided to rezone the entire tract, including their home, to be able to sell the property.

Ms. Fitzgerald stated the property is too much for her to maintain and she decided to sell the entire tract. She stated she has offered the property to AKT on several occasions with no success. She in turn placed the property on the real estate market. At this time she has a buyer for her home if the zoning is changed back to residential.

Interested Parties Comments:

Brenda Robinson, AKT, 4901 West 51st, 74157, stated that AKT abuts the subject property on the south. She stated AKT is looking at expanding and is concerned with the zoning change request and the effect it would have on their commercial property.

Ms. Robinson stated she would like to see the entire area change to or remain industrial or commercial.

Applicant’s Rebuttal:

Ms. Fitzgerald stated that AKT is the most logical buyer. However, they have had several opportunities to purchase the property. She feels she should not be penalized and the property should be rezoned to residential.

TMAPC Comments:

Mr. Midget asked Ms. Robinson if AKT has considered purchasing the subject property. Ms. Robinson replied in the affirmative. She noted there is currently a buyer pending.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-1-0** (Boyle, Carnes, Doherty, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; Ledford “abstaining”; Dick, Gray, Horner “absent”) to recommend **APPROVAL** of RS zoning for CZ-240.

Legal Description for CZ-240:

Lot 2, Block 2, Austin’s Subdivision of Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and located west of the southwest corner of West 50th Street South and South 49th West Avenue, Tulsa, Oklahoma.

Application No.: Z-6613

RM-2/OL to CH or OH

Applicant: Charles Norman

(PD-4) (CD-4)

Location: Northwest corner East 12th Street and South Trenton

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Hillcrest Hospital – Special District.

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

Staff Comments:

Site Analysis: The subject property includes two tracts. The larger tract is approximately 4.4 acres in size and is located on the northeast corner of East 12th Street and South Trenton Avenue. The smaller tract is located south of the southeast corner of East 11th Street South and South Utica Avenue. The large tract is flat, non-wooded, contains a large manufacturing building that is in the process of being razed, and is zoned RM-2 and OL the small tract is vacant, flat and zoned CH.

Surrounding Area Analysis: The subject tract is abutted on the north by a convenience store and commercial businesses, zoned CH; to the south and west by hospital uses, which include offices and parking, zoned RM-2 and PK; and to the east by a parking lot, zoned OH. The smaller tract is abutted on the north, south and east by parking lots. The north and south boundaries of the these lots are OH zoning; the east border is within PUD-432-B.

Zoning and BOA Historical Summary: Previous rezoning actions have permitted medium intensity zoning designations associated with hospital and medical uses in this area.

Conclusion: Based on the surrounding zoning pattern and uses, staff recommends **APPROVAL** of OH zoning for Z-6613.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, 74103, stated he is in agreement with staff's recommendation.

There were no interested parties wishing to comment.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to recommend **APPROVAL** of OH zoning for Z-6613.

Legal Description for Z-6613:

A tract of land in the NW/4, Section 7, T-19-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, said tract of land being described as follows: All of Lots 1 through 7, inclusive, Block 2, McNulty Addition, the W/2 of vacated Troost Avenue adjacent to said Lots, the alleyway lying Westerly of and adjacent to said Lots and the N/2 of South 12th Street adjacent to said Lot 7 to the centerline of vacated Troost Street; All of Lots 3 through 7, inclusive, Block 2, Hopping Heights Addition, and the W/2 of vacated Troost Avenue adjacent to said Lots; All of Lots 4, 5, 6, 11, and 12, Block 1, Re-amended Plat of Forest Park Addition, and the E/2 of Trenton Avenue adjacent to said Lots and the alleyway lying Easterly of and adjacent to said Lots; and Lots 1 through 6, inclusive, Block 2, Re-amended Plat of Forest Park Addition, and the alleyway lying Easterly of and adjacent to said Lots; the E/2 of Trenton Avenue adjacent to said Lots and the N/2 of 12th Street

adjacent to said Lots to the centerline of Trenton Avenue; and all of vacated 11th Place right-of-way which lies between Lot 6, Block 1 and Lot 1, Block 2, Re-amended Plat of Forest Park Addition; and All of Lots 5 and 6, Block 2, Perryman Heights Addition, an Addition to the City of Tulsa County, and the W/2 of the vacated Utica Place adjacent to said Lots, and located on the northeast corner of East 12th Street and South Trenton Avenue, Tulsa, Oklahoma.

* * * * *

Application No.: PUD-578 **CS/OL/RM-1/RS-3 to CS/OL/RM-1/RS-3/PUD**
Applicant: Charles Norman (PD-26) (CD-8)
Location: Northwest corner East 111th Street South and South Memorial Drive
Presented to TMAPC: Charles Norman
(A Planned Unit Development for commercial and residential uses.)

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

Staff Recommendation:

The PUD proposes commercial and residential uses on 35.71 acres located at the northwest corner of East 111th Street South and South Memorial Drive. The subject tract has approximately 660' of frontage on Memorial and approximately 1200' of frontage on 111th Street. The property is zoned CS, RM-1 and RS-3. Approximately 2.75 acres adjacent to the site at the northeast corner is zoned CS and approved for commercial development as PUD-570. The Champions Indoor/Outdoor Athletic Center, zoned AG, CS/PUD-485-A abuts the east 650' of the north boundary of the subject tract. The remainder of the north boundary abuts vacant property zoned AG. The northeast, southeast and southwest corners of the South Memorial Drive and East 111th Street intersections across from the proposed PUD are within the Bixby city limits. The property to the east and southeast is zoned CS, and the properties to the south and west are zoned AG.

Development Area A, located at the intersection of South Memorial Drive and East 111th Street, would allow 175,000 SF of commercial on 14.38 acres. Development Area B, north and west of A, proposes a mix of dwelling unit types (duplexes, townhouses and apartments) not to exceed 310 units.

Staff can generally support the proposed PUD, but has some concerns with the unplanned nature of Area B and the adequacy of the buffer provided for potential single-family residential subdivisions abutting the PUD to the north and west. Staff proposes modifications and additions to the applicant-proposed development standards to address these concerns.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code with the modifications set forth below. Based on the following conditions, staff finds PUD-578 as modified by staff 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-578 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

LAND AREA:

Gross	14.38 Acres	626,426 SF*
Net	11.37 Acres	495,297 SF*

PERMITTED USES:

Those uses permitted as a matter of right in the CS district, excluding Use Unit 12A, Adult Entertainment, and Use Unit 18, Drive-in Restaurants.

MAXIMUM BUILDING FLOOR AREA: 150,000 SF

MAXIMUM BUILDING HEIGHT: 35 FT

Architectural features may exceed 35 feet with detail site plan approval.

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the west property line of South Memorial Drive	50 FT
From the centerline of East 111 th Street	100 FT
From the internal boundary of Area A	35 FT

BULK TRASH CONTAINER SETBACKS:

All boundaries of Development Area A 25 FT

*The internal boundaries of Development Area A may be adjusted by a minor amendment to the Southern Crossing Planned Unit Development by the Tulsa Metropolitan Area Planning Commission.

SIGNS:

Ground signs shall be limited to two for each arterial street frontage with a maximum of 160 square feet of display surface area and 25 feet in height. No ground sign shall be within 150 FT of Development Area B.

Wall signs shall be permitted not to exceed 2.0 square feet of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed 75% of the frontage on the tenant space. No Wall signs are permitted on walls facing Development Area B.

Development Area B

LAND AREA:

Gross	21.33 Acres	929,093 SF*
Net	20.82 Acres	907,090 SF*

PERMITTED USES:

Those uses permitted by exception in Use Unit 2, Area-Wide Special Exception Uses (Church, Nursing Home and Schools only); and duplexes, townhouses and multifamily dwellings and similar uses; and uses customarily accessory to permitted uses.

MAXIMUM NUMBER OF DWELLING UNITS: 310 **

MAXIMUM BUILDING HEIGHT:

Multifamily	42 FT
All other dwelling type	35 FT

* The internal boundaries between Development Areas may be adjusted by a minor amendment to the Southern Crossing Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

** For each acre of land uses for a Use Unit 2 use, the maximum number of dwelling units permitted shall be reduced by 15.

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From west boundary of Development Area B		
One-story buildings		25'
Two-story buildings	50' ***	
Three-story buildings		75' ***
From the west 555' of north boundary of Development Area B		
One-story buildings		25'
Two-story buildings	50' ***	
Three-story buildings		75' ***
From the other boundaries of Development Area B		25'

All other building setbacks shall comply with the requirements of the following zoning district:

Development Type:	
Multifamily	RM-1
Townhouse	RT
Duplexes	RD

MINIMUM PARKING SETBACKS:

From west boundary of Development Area B	25'
From west 555' of north boundary of Development Area B	25'
From other boundaries	5'

MINIMUM LAND AREA PER DWELLING UNIT PER LOT:

Townhouses or duplexes dwellings	4,200 SF****
Multifamily Dwellings	2,400 SF

MINIMUM LIVABILITY SPACE PER DWELLING UNIT:

Townhouse Dwellings	1,200 SF
Duplex Dwellings	2,000 SF
Multifamily Dwellings	600 SF

*** Buildings containing seven units and above, add an additional 25'.

**** May be reduced by TMAPC at detail site plan review.

3. Landscaping and Screening:

A minimum of 10% of the net land area of Development Area A shall be improved in accord with the Landscape Chapter of the Tulsa Zoning Code as internal landscaped open space, which shall include at least five feet of street frontage landscaped area. A six-foot high or higher screening wall or fence shall be provided along the boundary between Development Areas A and B. A landscaped area of not less than 25 feet in width shall be located along the west 555' of the north boundary and all the west boundary of Development Area B and may include a six-foot high or higher screening wall or fence to be determined by TMAPC at detail site plan review. May be modified at the Detail Site Plan review depending on the type of dwellings constructed.

4. No Zoning Clearance Permit shall be issued within a development area of the PUD until a Detail Site Plan for the development area which includes all buildings and parking and landscaped areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval 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 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.
6. No sign permits shall be issued for erection of a sign within a development area of 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.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
8. 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 25 feet in height.

9. 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.
10. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any streets and stormwater detention areas within the PUD.
11. All private roadways serving townhouse or duplex development shall be constructed to the same standards as a public street in the City of Tulsa.
12. 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 and making the City beneficiary to said covenants.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, 74103, stated he is in agreement with staff's recommendation with the exception of condition no. 3 in regard to the 25-foot greenbelt. He commented there may be future development of one-story, patio-type buildings and the greenbelt may need to be modified. Therefore, he requested that a condition be included that the 25-foot greenbelt condition may be modified at the time of Detail Site Plan review.

Mr. Norman gave a brief history on the subject property. He stated the proposal is to extend the ten-acre tract by only one acre.

Interested Parties Comments:

Alan Carlton, 10770 South 77th East Avenue, 74133, stated he is speaking on behalf of an adjacent property owner, as well as a representative for the Bridle Trail Homeowners Association. He presented a document expressing their concerns.

Mr. Carlton requested the Commission to not radically change the character of the residential area surrounding 111th and Memorial as is requested in the subject PUD, since there is no current construction plan for Development Area B.

Mr. Carlton stated that a maximum of 174 dwelling units should be permitted under the current zoning. He feels this is a reasonable density and 310 units is not. He explained how he arrived at the 174 units. He also expressed concern with the proposed density per acre. He feels the dense development is not in keeping with the existing character of the area and should not be established as a precedent.

Mr. Carlton stated that the commercial development similar to that requested for Area A is the most logical use for that portion of the property. To enlarge this area from 10 to 14.38 acres is not objectionable, given the staff-recommended conditions, so long as the increase is properly reflected as a reduction of the permitted number of dwelling units on the remaining residential portion of the PUD.

In closing, Mr. Carlton requested that the TMAPC permit the enlargement of the commercial area at the northwest corner of 111th and Memorial to the requested 14.38 acres; grant the PUD with a maximum of 174 dwelling units and a minimum of 15.81 acres dedicated to single-family residences; require a minimum six-foot screening fence along the entire north and west boundaries of area B, the maintenance of which shall be the responsibility of the Area B property owners; reduce the maximum permitted building heights throughout Area B to 32 feet; and retain other non-conflicting area use limitations as recommended by staff.

Applicant's Rebuttal:

Mr. Norman stated the residential area is a net 11-acre area. He feels this is a modest PUD proposal in terms of density, both commercial and residential. The area does not have an established characteristic of single-family, especially in the southeast corner of the section. He stated there is no change in the underlying zoning.

TMAPC Comments:

Mr. Doherty asked for clarification of the six-foot screening fence along the boundaries. Mr. Stump stated single-family, townhouses or duplexes abutting single-family do not require screening fences.

Ms. Pace clarified the zoning is not being changed. Mr. Norman stated the underlying zoning is not being changed, only expanded and the uses changed in the areas of the PUD. He stated the densities are based on the underlying zoning.

Mr. Carnes verified the number of dwelling units proposed is 310. Mr. Norman replied in the affirmative, but noted the PUD development permits using the original density of the RM-1-zoned property.

Mr. Doherty noted the proposal is located in a primary arterial corridor and for the best planning purposes, the greater densities should be located within these corridors. He also noted the drainage is located away from the sensitive area of Bridle Trails and towards the river.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-1** (Boyle, Carnes, Doherty, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Gray, Horner "absent") to recommend **APPROVAL** of PUD-578, subject to the conditions recommended by staff and modified at the public hearing. (Language deleted is shown as ~~strikeout~~, language added or substituted is shown as underline.)

Legal Description for PUD-578:

The SE/4, SE/4, Section 26, T-18-N, R-13-E, Tulsa County, Oklahoma, less and except the North 565' of the East 33' thereof, and located on the northwest corner of East 111th Street South and South Memorial Drive, Tulsa, Oklahoma.

Application No.: Abandonment-PUD-545 CS/PK/RS-2/PUD to CS/PK/RS-2

Applicant: Roy Johnsen (PD-18) (CD-2)

Location: South of southeast corner East 71st Street and South Riverside Drive

Staff Recommendation:

Staff has reviewed the request to abandon PUD-545 and recommends approval of the requested amendment to the Zoning Map repealing the supplemental designation of PUD since no development occurred under the PUD and no rezoning occurred concurrently with the PUD.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 440, 74103, stated he is in agreement with staff recommendation.

There were no interested parties wishing to comment.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to recommend **APPROVAL** to Abandon PUD-545 as recommended by staff.

Legal Description for Abandon PUD-545:

A tract of land in the NW/4, NW/4, Section 7, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, said tract being a portion of Block 1, River Port, an Addition to the City of Tulsa, according to the recorded Plat thereof, and being more particularly described as follows to-wit: commencing at the Northwest corner of the NW/4, NW/4 of said Section 7; thence along the Northerly line of Section 7 N 89°54'43" E, a distance of 340.34' to a point; thence S 00°05'17" E, a distance of 60.00' to the Point of Beginning, said point being the most Northerly Northeast corner of said Block 1, River Port; thence S 00°08'43" W, a distance of

215.00' to a point; thence N 89°54'43" E a distance of 318.00' to a point on the Westerly line of South Quincy Avenue; thence along the Westerly line of said South Quincy Avenue S 00°08'43" W, a distance of 385.00' to a point; thence departing the Westerly line of said South Quincy Avenue S 89°54'43" W, a distance of 490.29' to a point on the Easterly line of Riverside Parkway; thence along the Easterly line of said Riverside Parkway N 07°50'46" W, a distance of 350.67' to a point; thence departing the Easterly line of said Riverside Parkway N 89°54'43" E, a distance of 121.32' to a point; thence N 01°07'23" W, a distance of 37.57' to a point; thence N 89°54'43" E, a distance of 80.00' to a point; thence N 01°07'23" W, a distance of 215.00' to a point; thence N 89°54'43" E, a distance of 25.31' to the Point of Beginning; and Lot 1, Block 2, River Grove Subdivision, Tulsa County, State of Oklahoma according to the recorded Plat thereof; less and except a tract beginning at the Southwest corner of said Lot 1, thence North 164.70'; thence East 147.78'; thence Southeast 166.25'; thence West 171.99' to the Point of Beginning, and located south of the southeast corner of East 71st Street S. and South Riverside4 Drive, Tulsa, Oklahoma.

Application No.: PUD-312-A-1

(PD-18) (CD-5)

Applicant: David Seek

Location: Northwest corner East 51st Street and South Garnett Road

(Minor Amendment to increase the number of ground signs in Development Area D.)

Staff Recommendation:

The applicant is requesting minor amendment approval to increase the number of ground signs allowed within Development Area D from one to three. The application proposes one monument-style ground sign at each of the two entrances along East 51st Street. The two proposed are each six feet high with 43.42 square feet of display surface area and would be in addition to the 35 feet high, 280 square foot ground sign approved and installed along East 51st at the western edge of the site.

Staff has reviewed the application and finds the PUD standard for Development Area D allows a single ground sign along East 51st Street South. The underlying IL zoning permits one ground sign per each 150 feet arterial street frontage per lot of record. When more than one sign is erected along a non-freeway arterial in the IL District, the aggregate surface display area shall not exceed one square foot for each lineal foot of street frontage.

Development Area D contains 1,222 feet of frontage along East 51st Street and would allow seven ground signs with an aggregate surface display area of 1,222 square feet. The applicant is requesting two additional six-foot-high monument-style ground signs to be located at the two 51st Street entrances. Each proposed ground sign would contain 43.42 square foot of surface display area and be over 400 feet from the existing or other proposed ground sign. The total ground sign surface display area proposed for Development Area D, including the existing sign, would be 366.84 square feet.

Staff is of the opinion that the increase in the permitted number of ground signs as proposed by the applicant does not alter the character of the PUD, does not negatively impact surround uses and maintains the intent of the original approval.

Staff, therefore, recommends **APPROVAL** of the minor amendment as submitted.

NOTE: Minor Amendment approval does not constitute Sign Plan approval.

There were no interested parties wishing to comment.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Dick, Gray, Horner, Midget “absent”) to **APPROVE** Minor Amendment PUD-312-A-1 as recommended by staff.

Zoning Text Public Hearing:

Proposed amendments to Title 42, Tulsa Revised Ordinance (Tulsa Zoning Code) and the Tulsa County Zoning Code as they relate to categorizing of uses into Use Units, when certain uses are allowed by right or special exception, how tents are defined and regulated and when screening walls or fences are required abutting freeways.

Staff Recommendation:

Mr. Stump presented the proposed amendments in regard to Use Unit 12a and 17; when either is within 150 feet of a residential district it is allowed by special exception.

Mr. Stump presented the proposed amendments to the Tulsa County Zoning Code in regard to mini-storage. The same changes that were made to the City Zoning Code are proposed for the County Zoning Code.

RESOLUTION NO. 2138-801

A RESOLUTION FINDING THAT THE TAX INCENTIVE DISTRICT NO. ONE, CITY OF TULSA, OKLAHOMA PROJECT PLAN IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA

WHEREAS, the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma, on August 2, 1960 and August 9, 1960, respectively, adopted a Comprehensive Plan for the orderly development of the City and County of Tulsa, Oklahoma, with subsequent amendments to date; and

WHEREAS, said Comprehensive Plan contains sections dealing with the needs and desirability of Urban Renewal Programs and other economic development programs; and

WHEREAS, on December 3, 1992, the City of Tulsa established the Local Development Act Review Committee in accordance with House Bill No. 1525, now cited as the Local Development Act, 62 O.S. Supp. 1992 SS 851 et seq.; and

WHEREAS, said Local Development Act requires that the Tulsa Metropolitan Area Planning Commission review the proposed project plan, make recommendations, and certify to the City of Tulsa as to the conformity of any proposed Tax Incentive or Tax Increment Plan to the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, on September 27, 1993 the Tax Incentive District No. One, City of Tulsa, Oklahoma Project Plan was approved and adopted by the Tulsa Metropolitan Area Planning Commission; and

WHEREAS, on November 19, 1997 the Local Development Act Review Committee approved the proposed amendment to the Tax Incentive District No. One, City of Tulsa, Oklahoma, Project Plan; and

WHEREAS, the proposed amendment to the Tax Incentive District No. One, City of Tulsa, Oklahoma, Project Plan has been submitted to the Tulsa Metropolitan Area Planning Commission for review in accordance with the Local Development Act;

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that:

The Tax Incentive District No. One, City of Tulsa, Oklahoma Project Plan proposal in connection with the Local Development Act is hereby found to be in conformity with the Comprehensive Plan for the Tulsa Metropolitan Area and further recommends to the City Council the approval of the project proposal.

Certified copies of this resolution shall be forwarded to the City Council of the City of Tulsa, Oklahoma.

APPROVED AND ADOPTED this 3rd day of December, 1997, by the Tulsa Metropolitan Area Planning Commission.

TULSA METROPOLITAN AREA PLANNING COMMISSION

Gary Boyle, Chairman

ATTEST:

Fran Pace, Secretary

TMAPC Comments:

Mr. Doherty stated he participated in the discussion of the Local Development Act Review Committee. He noted the deliberations were thorough and this action was intended to stimulate all types of redevelopment in the downtown area. He recommended approval.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to **APPROVE** Resolution No. 2138-801 finding that the proposal of the Local Development Act Review Committee to expand the allowable uses of Tax Incentive District #1 to include all uses allowable under the Local Development Act is in accordance with the Comprehensive Plan for the Tulsa Metropolitan Area.

PUD-563 Roy Johnsen

(PD-18) (CD-2)

Southeast corner East 91st Street South and Riverside Parkway
(Detail Site Plan for multifamily dwelling units.)

Staff Recommendation:

The applicant is requesting detail site plan approval for 254 multifamily dwelling units on a 10.5-acre site.

Staff has reviewed the request and finds the site plan conforms to the bulk, area, setback, parking, access, circulation, livability space and total landscaped area standards of the approved development standards as amended.

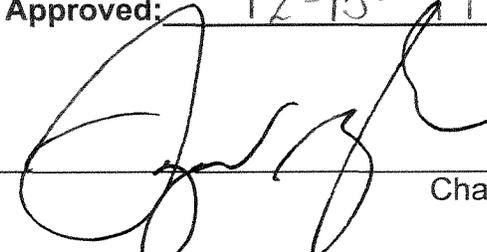
Staff, therefore, recommends **APPROVAL** of the detail site plan as submitted.

Note: Detail Site Plan approval does not constitute Landscape Plan, Landscape Phasing Plan or Sign Plan approval

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to **APPROVE** the Detail Site Plan for PUD-563 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 4:15 p.m.

Date Approved: 12-15-97


Chairman

ATTEST: Grace Pace
Secretary

Staff, therefore, recommends **APPROVAL** of the site plan as submitted for PUD-559.

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

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to **APPROVE** the Detail Site Plan for PUD-559 as recommended by staff.

PUD-389 David Smith/Ted Sack

(PD-18) (CD-8)

South and east of East 81st Street and South Yale Avenue
(Amended Detail Site Plan and Landscape Plan.)

TMAPC Comments:

Amended Detail Site Plan

The applicant is requesting amended site plan approval for a 31-acre site reviewed and approved on July 16, 1997 and as amended on November 5, 1997. The revised site plan proposes a reconfiguration of the southeast portion of the site which abuts Lots 13-16 of the Signal Hill Addition. The site plan indicates that 72% of the entire area will be maintained as natural or landscaped open space.

Staff has reviewed the amended site plan and finds it conforms to bulk and area, setback, access, circulation, landscaped area and parking requirements of the PUD. The amended site plan modifies the 25-foot garage setbacks in the southeast corner of the site (approved by minor amendment on November 5) to 50 feet with minimal grading of the slope areas and retention of the natural vegetative cover. The revision also repositions three of the four buildings in the southeast area. Two of the buildings are proposed to be turned from a north-south axis to an east-west axis to allow for greater garage setback while retaining the required parking.

In the original approval, Staff noted that the ends of buildings facing south would preserve the privacy of the single-family residential areas to the south. The amended site plan and elevations of buildings in the southeast portion of the site indicate that buildings will be turned to expose an even greater number of windows facing south. Existing and proposed landscaping, however, and the proposed three 8-bay garages located with an additional 25 feet of setback, would appear to provide substantial line-of-sight screening from view and preserve the privacy of both the apartment and single-family residences.

Staff has also reviewed the site plan for conformance to slope and grading plan requirements and finds that the detailed grading plans submitted conform to site grading standards relating to slope, cross-slope, parking area and driveway grades approved by the commission on 7/16/97 and 11/5/97. The detail grading for the modified portion of the site as well as a line-of-sight diagram were not received by Staff at the time of mailing of the agenda but will be distributed to the Commission on December 3.

Staff, therefore, recommends **APPROVAL** of the amended site plan for PUD 389 as submitted subject to the following conditions:

1. That the grading and erosion control plan be made a part of the amended detail site plan approval.
2. That there be no third-story windows on the south face of buildings 14 and 15.

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

Detail Landscape Plan

The applicant is requesting detail landscape plan approval for the wooded and heavily-sloped 31-acre site. A detail site plan was first approved on 7/16/97. A minor amendment and amended site plan were approved on November 5, 1997. The current landscape plan conforms to the amended site plan which is currently being considered as a separate agenda item.

The landscape plan indicates that 72% of the entire area will be maintained as natural or landscaped open space consisting of native trees and understory vegetation. In addition to maintaining the existing natural vegetative cover, the landscape plan indicates extensive tree, shrub and bedding plantings around buildings, garages and along parking and drive areas.

The plan indicates that most of the natural vegetative cover and slope is being retained in the southeast portion of the site which abuts single family residences in the Signal Hill Addition.

The plan calls for all new plantings to be irrigated with an underground sprinkler system.

Staff has also reviewed a site grading plan and compared the submitted landscape plan to the grading plan, with special attention being paid to slope stabilization and grading as it affects the retention of existing vegetative cover and placement of new landscaped materials.

Staff review indicates that the landscape plan meets all requirements of the Landscape Chapter as well as conforms to the grading and erosion plan details submitted as part of the amended detail site plan.

Staff, therefore, recommends **APPROVAL** of the landscape plan for PUD 389 subject to the following condition:

That the grading and erosion control plan be made a part of the detail landscape plan approval.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, 74103, stated he has discussed the Detail Site Plan and Landscape Plan with the interested parties and requested a one-week continuance to address some concerns.

Mr. Norman also requested that the accompanying minor amendment be scheduled for the December 17, 1997 meeting.

TMAPC Comments:

Mr. Stump reminded the Commission that the minor amendment requires a 10-day notice per City Ordinance.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to **CONTINUE** the Detail Site Plan and Landscape Plan for PUD-389 to December 10, 1997.

Resolution No. 2138-801

Review and finding that the proposal of the Local Development Act Review Committee to expand the allowable uses of Tax Incentive District #1 to include all uses allowable under the Local Development Act is in accordance with the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Comments:

Ms. Matthews presented Resolution No. 2138-801, noting that any changes have to be certified by the Planning Commission to be in accordance with the Comprehensive Plan.

RESOLUTION NO. 2138-801

A RESOLUTION FINDING THAT THE TAX INCENTIVE DISTRICT NO. ONE, CITY OF TULSA, OKLAHOMA PROJECT PLAN IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA

WHEREAS, the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma, on August 2, 1960 and August 9, 1960, respectively, adopted a Comprehensive Plan for the orderly development of the City and County of Tulsa, Oklahoma, with subsequent amendments to date; and

WHEREAS, said Comprehensive Plan contains sections dealing with the needs and desirability of Urban Renewal Programs and other economic development programs; and

WHEREAS, on December 3, 1992, the City of Tulsa established the Local Development Act Review Committee in accordance with House Bill No. 1525, now cited as the Local Development Act, 62 O.S. Supp. 1992 SS 851 et seq.; and

WHEREAS, said Local Development Act requires that the Tulsa Metropolitan Area Planning Commission review the proposed project plan, make recommendations, and certify to the City of Tulsa as to the conformity of any proposed Tax Incentive or Tax Increment Plan to the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, on September 27, 1993 the Tax Incentive District No. One, City of Tulsa, Oklahoma Project Plan was approved and adopted by the Tulsa Metropolitan Area Planning Commission; and

WHEREAS, on November 19, 1997 the Local Development Act Review Committee approved the proposed amendment to the Tax Incentive District No. One, City of Tulsa, Oklahoma, Project Plan; and

WHEREAS, the proposed amendment to the Tax Incentive District No. One, City of Tulsa, Oklahoma, Project Plan has been submitted to the Tulsa Metropolitan Area Planning Commission for review in accordance with the Local Development Act;

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that:

The Tax Incentive District No. One, City of Tulsa, Oklahoma Project Plan proposal in connection with the Local Development Act is hereby found to be in conformity with the Comprehensive Plan for the Tulsa Metropolitan Area and further recommends to the City Council the approval of the project proposal.

Certified copies of this resolution shall be forwarded to the City Council of the City of Tulsa, Oklahoma.

APPROVED AND ADOPTED this 3rd day of December, 1997, by the Tulsa Metropolitan Area Planning Commission.

TULSA METROPOLITAN AREA PLANNING COMMISSION

Gary Boyle, Chairman

ATTEST:

Fran Pace, Secretary

TMAPC Comments:

Mr. Doherty stated he participated in the discussion of the Local Development Act Review Committee. He noted the deliberations were thorough and this action was intended to stimulate all types of redevelopment in the downtown area. He recommended approval.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to **APPROVE** Resolution No. 2138-801 finding that the proposal of the Local Development Act Review Committee to expand the allowable uses of Tax Incentive District #1 to include all uses allowable under the Local Development Act is in accordance with the Comprehensive Plan for the Tulsa Metropolitan Area.

PUD-563 Roy Johnsen

(PD-18) (CD-2)

Southeast corner East 91st Street South and Riverside Parkway
(Detail Site Plan for multifamily dwelling units.)

Staff Recommendation:

The applicant is requesting detail site plan approval for 254 multifamily dwelling units on a 10.5-acre site.

Staff has reviewed the request and finds the site plan conforms to the bulk, area, setback, parking, access, circulation, livability space and total landscaped area standards of the approved development standards as amended.

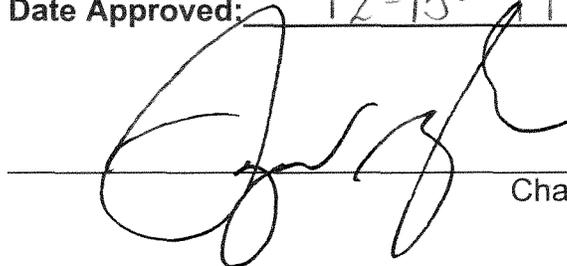
Staff, therefore, recommends **APPROVAL** of the detail site plan as submitted.

Note: Detail Site Plan approval does not constitute Landscape Plan, Landscape Phasing Plan or Sign Plan approval

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to **APPROVE** the Detail Site Plan for PUD-563 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 4:15 p.m.

Date Approved: 12-15-97


Chairman

ATTEST: Grace Pace
Secretary