

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2144

Wednesday, January 28, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle		Beach	Linker, Legal
Carnes		Dunlap	Counsel
Doherty		Huntsinger	
Gray		Matthews	
Horner		Stump	
Jackson			
Ledford			
Midget			
Pace			
Selph			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, January 26, 1998 at 10:10 a.m., in the Office of the City Clerk at 9:18 a.m., as well as in the office of the County Clerk at 9:17 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 January 14, 1998, Meeting No. 2142:**

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"; Selph "absent") to **APPROVE** the minutes of the meeting of January 14, 1998 Meeting No. 2142.

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## **Reports:**

### **Chairman's Report:**

Mr. Stump stated item 14 was mistakenly scheduled for today's agenda and will in fact be continued to the February 4, 1998 meeting. Mr. Boyle stated item 14 will be stricken from today's agenda.

### **Committee Reports:**

#### **Budget and Work Program Committee:**

Mr. Horner stated there had been a very intense and concentrated effort on the Budget and Work Program Committee. Upon conclusion of the work session he would like to present the matters concerning FY 1999 to the Mayor on Monday morning. Mr. Horner requested a vote from the Planning Commission to present the FY 1999 Budget and Work Program to the Mayor.

#### **TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted 9-0-1 (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt, "aye"; no "nays", Midget "abstention"; Selph "absent") to **SUBMIT** the Budget and Work Program for FY 1999 to the Mayor.

#### **Comprehensive Plan Committee:**

Mr. Ledford stated there is no report. Mr. Boyle stated he met with the Kendall-Whittier Task Force today and the draft update to the plan for the TU campus is March 11, 1998. Ms. Matthews replied the next Comprehensive Plan Committee is scheduled for March 4, 1998.

Mr. Boyle stated the meeting will be after the regular meeting in order to give plenty of time for input.

#### **Special Residential Facilities Task Force:**

Mr. Boyle requested Mr. Westervelt to briefly update the Planning Commission. In response Mr. Westervelt stated the first meeting went very smoothly and was unlike any other task force he has participated in. He stated the task force will tour several sites on February 26, 1998, at 3:30 p.m. Seats are available for anyone interested.

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

Mr. Stump stated there are two agenda items on the Council for zoning and one subdivision, South Town Square Extended. Both zoning items were unanimous recommendations by the Planning Commission. Mr. Boyle indicated that Mr. Doherty will be representing the Planning Commission at the Council meeting.

Mr. Stump introduced the new Planning Commission Secretary, Barbara Huntsinger, who will be replacing Janice Almy. He stated Janice Almy has accepted a job with INCOG's Financial Department.

Mr. Midget asked Mr. Westervelt if there will be notices sent to the task force members for the next meeting. Mr. Westervelt stated that meeting notices will be sent and an agenda will be sent.

### **Subdivisions:**

#### **Lot-Split(s) for Removal of Tie Restriction:**

**L-18590 John and Debbie Miggins (1993)**

(PD-6) (CD-9)

3511 South Trenton

On September 28, 1994, the Tulsa Metropolitan Planning Commission approved a lot split (No. 17958), with the restriction that two tracts be permanently attached (See Exhibits 2 and 3). On the current application, L-18590, the applicant is requesting the Planning Commission remove this restriction so these two lots may be sold separately. The northern proposed lot will not meet minimum lot width and square footage requirements and has two dwelling units. The applicant has applied to the Board of Adjustment for a variance of these non-conformities. The Board will hear this item on January 27, 1998.

Staff recommends denial, since approving the request would further increase the nonconformity of these tracts and the density in the surrounding area.

#### **Staff Comments:**

Mr. Beach stated this case went before the Board of Adjustment on January 27, 1998, and some additional information emerged which caused the staff to change the recommendation. He stated the staff now recommends approval. Previously there were two lots together and there are five lots involved in this application. Mr. Boyle asked staff how many lots will result from this lot-split request. After lengthy discussion it was determined that there will be a total of three lots as a result of this application.

Mr. Doherty clarified that all three lots will have frontage on a dedicated street; all will have frontage to meet subdivisions regulations on dedicated street; and the only variances will be for lot width, none for lot area. Mr. Beach stated the Board of Adjustment granted approval for a variance of lot width and area on Tract III.

**Applicant's Comments:**

**John Miggins** stated he owns the subject properties and the result of this action is a very logical configuration, where the property line would be consistent with all of the other lots going south. The width and area variances for the one lot are consistent with the lot on the corner. This application will make the lot conforming and the lot lines will line up.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of Lot-Split for Removal of Tie Restrictions for L-18590 as recommended by staff.

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**Preliminary Plat:**

**The Crescent (1493)**

(PD-18c) (CD-8)

Southeast corner 81<sup>st</sup> Street and Memorial Drive

**Staff Recommendations:**

This is a large single-family residential subdivision with two reserve areas, which will be dedicated for use by the Park Department.

Mr. Beach presented the preliminary plat with Glenn Wright and David Sanders present representing the developer.

The Technical Advisory Committee has reviewed this application and recommends approval subject to the following seven conditions and the standard conditions listed as number 8 through 34.

1. Property lines at all streets intersecting 81<sup>st</sup> Street or Sheridan Road should have a 30' minimum radius.
2. Contour lines at a 2' interval must be shown on the plat or a topographical map must accompany the plat.
3. Addresses must be shown for each lot.

4. Back-to-back easements should be 11' and 11'; side-to-side easements should be 11' and 5'.
5. East 86<sup>th</sup> Street South should taper to 60 feet wide where it connects at the east side of the property.
6. The covenants should have the standard language regarding restoration of landscape and paving.
7. Bicycle-safe storm drain grates are required at all curb inlets.
8. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
9. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
10. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
11. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
12. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
13. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
14. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
15. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
16. Street names shall be approved by the Department of Public Works and shown on plat.

17. All curve data, including corner radii, shall be shown on final plat as applicable.
18. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
19. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works/County Engineer.
20. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
21. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic)/County Engineer. Include applicable language in covenants.
22. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
23. Street lighting in this subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
24. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
25. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
26. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
27. The method of water supply and plans therefor shall be approved by the City/County Health Department.
28. All lots, streets, building lines, easements, etc. shall be completely dimensioned.

29. The key or location map shall be complete.
30. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
31. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
32. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
33. All other Subdivision Regulations shall be met prior to release of final plat.
34. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

**TMAPC COMMENTS:**

Mr. Ledford requested staff to clarify condition number 4. In response, Mr. Beach stated the requirement was suggested by Technical Advisory Committee. In some cases there will be places where there are two easements across the rear property line. The easements should be 11' on each for a total of 22' wide. Easements on the side property lines are recommended to be 11' on one side and 5' on the other side for a total of 16'.

Mr. Beach referred to Lots 19 and 20 on Block 11, along the west boundary of the subject property, as one example of two 5' utility easements side by side. He stated the Technical Advisory Committee recommended that the easements be changed to 11' and 5'.

**Applicant's Comments:**

Robert D. Sanders, Sanders Engineering, representing 81<sup>st</sup> & Sheridan L.L.C., stated essentially the conditions are acceptable, but where there are back to back easements the standard easements are 11' and 11', which is correct. Where there is a utility in the back of a lot that also abuts a side lot, then there will be 11' in the back lot and 5' on the side lot. He commented that PSO and other utility companies may require easements along side lot lines and those will be 5' and 5'. He concluded that there will not be 5' and 11' easements everywhere there is a side lot, but only where there is a public utility.

Mr. Stump stated the wording should be back to side rather than side to side.

**Interested Parties Comments:**

**David Clare**, 8616 South 73<sup>rd</sup> East Avenue, which is east of the proposed subdivision. He requested clarification on Lot 10, Block 8. He stated he cannot determine if this will be a single lot or part of the Reserve B.

**Mr. Sanders** stated that the east 100' of Lot 10 will be PSO's easement. It is being determined now if the easement will be contained in a platted reserve or whether remain as an easement. The east 100' appears likely to be a part of Lot 10 at this time.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES** the TMAPC voted **11-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the Preliminary Plat for the Crescent (1483), subject to the conditions noted by the TAC.

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**Pecan Creek Estates (2383)**

(PD-26) (CD-8)

Southwest of Creek Turnpike and Memorial Drive

**Staff Recommendations:**

This is a one lot, one block re-subdivision of Lot 2, Block 1, 9600 Memorial. It is PUD 581, which will be an upscale multifamily residential development.

The Technical Advisory Committee recommends approval of the preliminary plat subject to the following comments and/or recommendations:

1. Extension of the pedestrian trail will be required along Memorial per PUD conditions.
2. East 98<sup>th</sup> Street South will be set aside as a Reserve Area to be dedicated as public right-of-way at a future date per PUD conditions.
3. All other conditions of PUD-581 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.

4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
5. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
10. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
11. Street names shall be approved by the Department of Public Works and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
14. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
15. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
16. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

17. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
18. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
19. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
20. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
21. The method of water supply and plans therefor shall be approved by the City/County Health Department.
22. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
23. The key or location map shall be complete.
24. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
25. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.
26. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
27. All other Subdivision Regulations shall be met prior to release of final plat.
28. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **11-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none abstaining"; none "absent") to recommend **APPROVAL** of the Preliminary Plat for Pecan Creek Estates (2383), subject to the conditions noted by the TAC.

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**South Tulsa Christian Church (2083)**

(PD-18b) (CD-2)

This a one-lot, one-block subdivision containing 7.25 acres. It is an expansion of a church in PUD 306A.

**Staff Comments:**

**Technical Advisory Committee recommends approval** of the preliminary plat subject to the following comments and/or recommendations:

1. All conditions of PUD-306A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
17. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)

18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefore shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. All other Subdivision Regulations shall be met prior to release of final plat.
26. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES** the TMAPC voted **11-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of Preliminary Plat for South Tulsa Christian Church (2383); subject to the conditions noted by the TAC.

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**9100 Yale (1583)**

(PD-18b) (CD-8)

Northeast of East 91<sup>st</sup> Street and South Yale Avenue

**Staff Comments:**

This subdivision consists of two lots in one block on 3.12 acres. Lot 1 will be developed as a retail tire store. There are no finalized plans for Lot 2.

**The Technical Advisory Committee recommends approval** of the preliminary plat subject to the following comments and/or recommendations:

1. An overland drainage easement is required on Lot 2.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
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7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
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9. Street names shall be approved by the Department of Public Works and shown on plat.

10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
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14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
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19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.

22. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. All other Subdivision Regulations shall be met prior to release of final plat.
26. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

**TMAPC Action; 11 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of Preliminary Plat for 9100 Yale (1583), subject to the conditions noted by the TAC.

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**Final Plat:**

**Sunchase II (2483)** (PD-18) (CD-8)  
Northwest corner South Memorial Drive and U.S. Highway 169

**Staff Comments:**

Mr. Beach stated everything is in order for this plat and staff recommends approval subject to Legal comments.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the Final Plat for Sunchase II as recommended by staff.

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**Plat Waivers, Section 213:**

**81<sup>st</sup> Street and Memorial Mini-Storage (1283)** *911D-571* (PD-18) (CD-8)

**Staff Recommendations:**

The subject tract will be developed as a mini-storage facility on 3.44 acres. It is part of Lot 2, Block 1, Anderson Addition.

**Mr. Beach** opened discussion of the plat waiver request and Ted Sack made a presentation.

There was discussion of the circulation/access requirements of fire protection equipment.

On **motion** of Pierce, the Technical Advisory Committee voted unanimously to support approval of the plat waiver.

Based on the suitability of the site and infrastructure for the use and the fact that it is already platted, staff would recommend approval of the plat waiver subject to the installation of a minimum 14' wide emergency access with crash gates on the west side of the property and a fire hydrant.

**Applicant's Comments:**

**Mr. Sack**, 111 South Elgin, stated he would like to make the recommendation that the specific location for the 14' wide emergency access with crash gates be approved as long as the Fire Marshall is amenable to it, as opposed to a specific location.

**TMAPC Comments:**

**Mr. Doherty** asked Mr. Sack if the access and crash gate should be a concern to any, one but the Fire Marshall. Mr. Sack stated he is here for a Plat Waiver, which is a PUD and is subject to a detailed site plan approval. The Planning Commission will have an opportunity to see the detail plan before approval. He explained that he does not have access to the west and does not own the property to the west. He suggested reconfiguring the access toward the south. The Fire Marshall did not think that he would need a second point of access in the early stages of planning, but changed his mind at TAC. He stated that he would like to leave the location open in order to work it out with the Fire Marshall. The access is private and traffic is not a concern since there is no public access; the issue is a matter of fire protection.

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the Plat Waiver, Section 213 for 81<sup>st</sup> Street and Memorial Mini-Storage (1283); subject to the exact location of the crash gates being determined on the detailed site plan.

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**BOA-16181, East Side Christian Church** <sup>993</sup> ~~9930~~  
1438 South Indianapolis

(PD-4) (CD-4)

**Staff Comments:**

The subject tract was approved by the Board of Adjustment in 1992 for church use. It will be developed as a playground and picnic area.

Staff administratively waived formal TAC review and recommends approval of the plat waiver based on the fact that it is already platted and the nature of the development will have no significant impact on the streets and utility systems.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the Plat Waiver, Section 213 for BOA-16181, East Side Christian Church Property.

**Continued Zoning Public Hearing:**

**Z-6602 Merl Whitebook**  
439 South Sheridan  
**Stricken from the Agenda.**

CS to IL  
(PD-5) (CD-4)

\*\*\*\*\*

**Zoning Public Hearing:**

**Application No.: Z-6616:**  
**Applicant:** Monte Beerbower  
**Location:** North of northwest corner East Apache and North Toledo

**RS 3 to IL**  
(PD-2) (CD-2)

**Staff Recommendations:**

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Industrial - Special District 3.

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 4.58 acres in size and is located north of the northwest corner East Apache Street and North Toledo Avenue. The property is gently sloping, non-wooded, vacant, and zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the south, west and east by vacant land, zoned RS-3 and to the north by a single-family dwelling, zoned RS-3; beyond the dwelling to the north is an industrial business, zoned IL.

Zoning and BOA Historical Summary: In 1984 a .75 acre tract located north of the subject tract was approved for IL zoning and has been developed as a manufacturing company. In 1982, a 13.8-acre located to the north and west of the tract was also approved for IL zoning.

Conclusion: This area is in transition to industrial uses, and based on the existing zoning and development staff recommends **APPROVAL** of IL zoning for Z-6616.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **HORNER** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; none “absent”) to recommend **APPROVAL** of IL zoning for Z-6616.

**Legal Description for Z-6616:**

The West 240' of Block 19, all of Block 17 and the South 25' of vacated street adjacent on the North and all of Block 18 and the North 25' of vacated street adjacent on South, all in Mohawk Heights IV Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, and located north of the northwest corner of East Apache Street and North Toledo Avenue, Tulsa, Oklahoma

**TMAPC COMMENTS:**

**Mr. Doherty** stated that although this is not spot zoning; this is contiguous with other zoning. This area is in transition and is clearly shown by the Comprehensive Plan to be industrial.

\*\*\*\*\*

**Application No.: PUD-287-A**

**Applicant:** Mary Womble (PD-18) (CD-9)

**Location:** North of northwest corner East 71<sup>st</sup> Street and South Utica Avenue

**Presented to TMAPC:** Danny Mitchell

(Major Amendment to add a church and accessory uses).

**Staff Recommendation:**

The major amendment is intended to add church and accessory uses. The existing PUD allows those uses permitted by right in an OM District. The subject tract is abutted on the north and west by a drainageway, zoned RS-3; to the south and east by vacant property, zoned OM/PUD-287.

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-287-A 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-287-A subject to the following conditions:

Development Standards:

Permitted Uses: Uses allowed by right in the OM District and church uses.

1. Other development standards as required by PUD-287.

**Applicant's Comments:**

**Danny Mitchell**, 4111 South Darlington, Suite 140, stated he is the architect for the subject project. The facility is for the practice of the Jain religion, which is an organization with approximately 30 facilities in the United States. He explained that in the country of India, approximately 1% of the population attends the Jain religion. The subject facility is represented by 15 families in Tulsa with 25 members total. Normally there are five to ten people who attend the worship services every Sunday from 11:00 a.m. to 1.00 p.m.; once a month a regular

meeting on Saturday from 10:00 a.m. to 1:00 p.m.; and in the past three years, the facility has had five separate occasions when they have met from 7:00 p.m. to 9:00 p.m. The Jain facility has been in their current location for three years. Mr. Mitchell submitted a letter of support from Tulsa Jain's, the current landlord.

Mr. Mitchell stated that part of the property on the south west side abutting their neighbor is an existing drive and parking area, which is used primarily, at this point, by the office building adjacent to them. Mr. Mitchell stated today he is applying specifically for a change in use; however, he does have a detailed site plan and floor plan available. Based on the Zoning Code's requirement for a church use and a sanctuary. He explained that the worship center is used only for worship, where items of worship are maintained and no other activities take place in the worship center. He indicated the larger room within the facility is used for any pageants throughout the year. The current facility has had one gathering that included 25 couples in attendance.

The Code would require parking for the sanctuary of 28 spaces and the site plan consists of 48 spaces. Mr. Mitchell stated he believes that when he comes back for a detailed site plan and submittal, he will have met the requirements of Code. He concluded by requesting the Planning Commission to approve the church use.

#### **TMAPC Comments:**

Mr. Doherty asked the applicant if he could guarantee that the facility would never be sold to, for an example, a Baptist congregation with different use patterns. Mr. Mitchell responded, stating that another religion would find it difficult to function within a facility of this nature.

Mr. Doherty asked the applicant if the facility has 7,000 SF. Mr. Mitchell stated the total will be 7,000 SF and the sanctuary is 968 SF. Mr. Doherty commented that if a Baptist Church were to purchase the facility, which may use the entire facility as a sanctuary, it would be under the parking requirement. Mr. Doherty stated for this particular congregation, it would fit into the facility very well; however, there is no guarantee that this congregation would always be the owner and user of the facility. He explained he has a problem with trying to shoehorn this facility into a too small a tract.

Mr. Kishor Mehta stated that if the facility were sold to another church, then they would have to meet the Code requirements. If they could not meet the required parking then they should not purchase the facility.

**Interested Parties:**

**Terry Ingram**, 6940 South Utica, Tulsa, OK 74136, stated he is speaking for the partnership that owns the building adjacent to the subject property. He commented his building will be directly affected by this proposal.

Mr. Ingram stated his building has to share parking with another property. He explained that there are 24 spaces onsite and he currently has 23 employees in the building. He commented the subject property is an unusual place for a church and did not seem an appropriate location. Churches are typically in residential oriented neighborhoods and at highly visible locations.

Mr. Ingram stated there is only one access to the subject property and could turn out to be unacceptable from a traffic flow and parking standpoint. He expressed concerns as to the number of times the church would meet.

Mr. Ingram stated he has not seen the plans for the building, but has been told it will be a brick building with vinyl siding. He commented the building will not be compatible with existing buildings in the immediate area. He described the area as being an area for condominium offices or retail offices. He concluded that the use is an incompatible use for the area.

**Mr. Boyle** asked Mr. Ingram if churches are compatible with offices, because the heavy use for the church is at times when the offices are not heavily used and vice-versa. Mr. Boyle asked Mr. Ingram if he agreed or disagreed with his statement. Mr. Ingram stated his concern is more with the way the facility is proposed to be laid out. Because the parking will be shared, how will that affect the offices during normal working hours? As churches grow the parking becomes a real problem and this site may not be large enough, because the channel is cutting off a large portion of the back of the subject property. He indicated that the channel will cut off a third of the northwest corner of the subject property. He commented he does not object to the church use, but it seems incompatible based on what is in the area currently. Newer churches usually buy significant tracts of land to cover their expansion.

**Mr. Westervelt** asked Mr. Ingram if both lots will share the parking area. Mr. Ingram responded affirmatively. He explained there are 12 spaces and the access to the subject tract comes across the easement, which is the only access to the subject property. Mr. Westervelt asked Mr. Ingram if he purchased the building knowing that the easement was in place. He answered affirmatively and stated he felt that another office building would move onto the subject property because it is an office park. Mr. Westervelt stated that it would seem that another office building would actually create more of a parking problem than the proposed facility. Mr. Ingram agreed with Mr. Westervelt, but stated there would be strict requirements on the number of parking spaces that would be required

and hopefully nothing would be allowed that would be a burden on both properties.

**Jeff Scott**, 1831 East 71<sup>st</sup> Street, stated he owns the north part of South Bridge Office Park, which is a 75,000 SF office condominium and he owns 20,000'. He expressed concerns with the possibility of there being a subsequent user in the future. He stated the proposed user does not concern him, as well as the other owners in South Bridge Office Park. He questioned how he could be assured of what future use may occur on the subject site. He stated the current use does not appear to present a parking problem; however, in the future if a subsequent user moves into the subject building, parking could be a problem.

**Mr. Doherty** asked Mr. Scott if the Planning Commission were to impose a condition on the subject property to restrict the possibility of a parking variance being sought would that satisfy his concerns. Mr. Scott stated his only concern is the parking overflow and if the overflow problem can be controlled, then he has no concerns.

**Paul Petersen**, 6966 South Utica, Tulsa, OK 74136, representing Rice, Vowel & Elliott, located three lots immediately south of the subject property. Mr. Petersen submitted a written statement objecting to the proposal. He expressed similar concerns as previous interested parties concerning the shared parking and the possibility of a subsequent user in the future. Mr. Petersen submitted photographs of the surrounding buildings in the immediate area. He commented that of the 12 parking spaces in question, eight are needed to meet the minimum requirements in order to meet the requirements for prior TMAPC approval. Mr. Petersen reiterated that there is only one way into and out of the office park, which is bordered on the north and west by Joe Creek. He indicated the land is landlocked because of the creek and the single access and exit.

Mr. Petersen gave a lengthy presentation depicting the subject property and Joe Creek. He indicated the easement that has been dedicated to the property adjacent to the subject property. He stated the typical church in the Tulsa community uses the sanctuary as the largest room or area in the church. This proposed church use, apparently pursuant to its religious traditions, has the sanctuary, or what they are calling the sanctuary, as a small room of 968 SF or 14% of the proposed building. He stated the assembly hall consumes 57% of the proposed building, which requires 1 parking space for every 40 SF. He commented that out of the 3,962 SF of assembly room, 113 parking spaces would be required. The subject property has 48 parking spaces; however 12 of the 48 parking spaces are not available because of the perpetual easement. He stated eight of the 12 parking spaces are necessary to meet the minimum requirements for the zoning next door. At the most there are 36 to 40 parking spaces available for the church use. Mr. Petersen stated use dictates the parking, not the zoning and so the critical question is the use capacity of the

subject property. He commented that the churches use and capacity is closer to the 113 parking spaces versus the 40 parking spaces that would be available.

**Mr. Stump** reminded the Planning Commission that they are not considering any details at this time. The site plan is not before the Planning Commission and is not proposed. Mr. Stump concluded that the presentation Mr. Petersen is conducting is not part of the request before the Planning Commission.

**Mr. Petersen** suggested that sometimes site plan reviews happen on an informal basis after the initial meeting with the Planning Commission. He stated the site plan review gets lost in the shuffle and notices are not sent. He indicated the staff, which has already made a recommendation, handles the site plan reviews.

**Mr. Petersen** reiterated that the assembly hall appears to be the primary location for the use capability. He expressed concerns with the incompatibility of the church use, a small limited access, as well as not being in harmony with the development in the immediate area. He stated the proposal will have an adverse effect on the completion of the office park. He commented the proposed building is to be of inferior construction compared to the existing properties. He expressed concerns with on street parking and creating safety risks.

**TMAPC Comments:**

**Ms. Gray** asked Mr. Petersen if, during his extensive investigation into the background of PUD-287-A if there are any restrictive covenants regarding masonry and siding. Mr. Petersen stated that the restrictive covenants limit the use of the property to professional offices. Ms. Gray asked if there is anything within the restrictive covenants about the type of building, how much masonry and how much siding is in the structure. Mr. Petersen stated he is not certain if there is anything in the covenants addressing masonry or siding.

**Applicant's Rebuttal:**

**Mr. Mitchell** stated the building adjacent to the subject property is all wood siding. He reminded the Planning Commission that the issue is a request to modify the PUD to allow church use. The amount of area that is used in any church in Tulsa can be argued. With regard to how the church uses their facilities and how they grow has to be looked at by the church in question. What may happen to the church in the future is always a consideration. If the church were to be sold and someone wanted to change the use of the rooms, they would have to meet the Codes. He commented that the City of Tulsa is very active in seeing that the requirements of the Code are met. He informed the Planning Commission that he does have a site plan and it will have to be presented for approval. He explained that the exterior appearance of the building will have to meet the requirements of the PUD. He commented that the proposed building will be a complement to the area. The use of the proposed facility will be primarily on Sunday, when the remainder of the office park is used.

the least. He reiterated that the facility in question would fit on the site, and if it were an office building, using the 1 to 250 SF, it would require 28 parking spaces. The site provides 48 parking spaces including the spaces in the mutual parking and access agreement area. It is a mutual access easement, which goes both ways. He concluded that a facility that is used primarily on Sundays and occasionally in the evenings would prove to be the best neighbor to an office park. Their uses occur at different times, which means, the proposed facility will be providing more off-street parking that would more than likely be used by the office building if needed. He requested the Planning Commission to consider the request in order to allow the two lots to be utilized as church use.

**TMAPC Comments:**

**Mr. Doherty** stated he realizes the issue before the Planning Commission today is the use itself and the amendment of the use. He reminded the Planning Commission that recently the staff recommended denial of a PUD application in which it was believed parking requirements could not be met because of the site plan. He stated the Planning Commission and City Council disagreed, although City Council did have concerns with parking. He asked staff if, in their opinion, the Code provides for the 14% small sanctuary area as the principal sanctuary of the facility or if the Zoning Clearance Officer will ultimately have to decide that the 4,000 SF assembly hall requires either its own parking or is the principal worship area. In response, Mr. Stump stated the Code is intended to say that the number of required parking spaces depends on the size of the crowd the facility will have attending. The Code tries to measure the size of the crowd by the size of the largest meeting room that typically occurs in a church use. The Zoning Administrator would look for the largest assembly room, whatever it is named or called. He stated the staff does not find this application to be similar to the previous PUD, which had a pub, because in that PUD they guaranteed they would use the existing building. This would mean they would have an existing site with only so much area left. He explained that PUD-287-A has a vacant piece of land with more than an acre of useable land, and the Zoning Code requires an acre of land for churches in residential areas. There are churches built all over Tulsa that are built on tracts this small or smaller. He stated that to review what will work for their particular use is more properly addressed when the detail site plan is submitted. The staff did not find the vacant piece of property to be insufficient for church use.

**TMAPC Action; 11 members present:**

On **MOTION** of **DOHERTY** to recommend **APPROVAL** of PUD-287-A Major Amendment to add a church and accessory use, with a condition that no parking variance ever is sought.

**TMAPC Comments:**

**Mr. Carnes** stated he does not dispute that the use is here, but is concerned with the size of the assembly room and parking. He stated he would not be able to support the motion. In response, **Mr. Boyle** stated he was having the same concerns as Mr. Carnes until Mr. Stump reminded the Planning Commission that the issue is the use of a vacant piece of property. It will be up to the church to design a building that has adequate parking and if they cannot then today's action will not have any effect. **Mr. Carnes** agreed with Mr. Boyle. Mr. Doherty agreed and stated that when the site plan is before the Planning Commission, they will have some difficult questions, but today the issue is the vacant piece of land and whether it is suitable for church use. Mr. Doherty commented he could not find any reason that this property is not suitable for church use. **Ms. Gray** requested that all interested parties be notified when the detail site plan is before the Planning Commission.

**TMAPC Action; 11 members present:**

On **MOTION** of **DOHERTY** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-287-A Major Amendment to add a church and accessory use, with a condition that no parking variance ever be sought.

**Legal Description:** Lots 5 and 6, Block 1, South Utica Place Addition, and located north of the northwest corner of East 71<sup>st</sup> Street and South Utica Avenue, Tulsa, Oklahoma.

\* \* \* \* \*

**Application No.: Z-6620**

**Applicant:** David G. Modrak

**Location:** 8500 South Peoria

**AG to IL**

(PD-8) (CD-2)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Industrial.

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

Staff Comments:

Site Analysis: The subject property is approximately 5.8 acres in size and is located south of the southwest corner of East 81<sup>st</sup> Street South and South Peoria Avenue. The property is flat, non-wooded, is vacant, and is zoned AG.

Surrounding Area Analysis: The subject property is abutted on the north by an industrial business, zoned IL; on the northeast by single-family dwellings, zoned AG; to the east by an industrial business within the Jenks City Limits; to the south by a single-family dwelling, zoned IL; and to the west by the a public airport, zoned IL.

Zoning and BOA Historical Summary: The property adjoining the subject tract on the north was rezoned from AG to IL in 1993.

Conclusion: This area is in transition to industrial uses and the Comprehensive Plan supports the requested industrial zoning. Therefore, Staff recommends **APPROVAL** of IL zoning for Z-6620.

**Applicant's Comments:**

**David G. Modrak**, 8500 South Peoria, stated he is in agreement with the staff's recommendation.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of IL zoning for Z-6620 as recommended by staff.

**Legal Description for Z-6620:** A tract of land located in the NE/4, SE/4, Section 13, T-18-N, R-12-E, Tulsa County, State of Oklahoma, and being more particularly described to-wit: beginning at a point on the Section line and 2,008.5' North of the Southeast corner of said Section 13; thence S 89°53' W, 377.71' to a point on the East line of the Midland Valley Railroad right-of-way; thence Northwesterly along the said East right-of-way line to a point on the North line of said NE/4, SE/4; thence East along said North line a distance of 400' more or less to a point 210' West of the Northeast corner of said NE/4, SE/4; thence South 210'; thence East 210' to a point on the East line of said NE/4, SE/4; thence South to the point of beginning, and located at 8500 South Peoria Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6621**  
**Applicant: Ned Dismukes**  
**Location: 4800 North Mingo Road**

**AG to IL**  
**(PD-16) (CD-6)**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – No Specific Land Use.

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 6.75 acres in size and is located south of the southwest corner of East 49<sup>th</sup> Street North and North Mingo Road. The property is flat, non-wooded, vacant, and is zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north and west by vacant property zoned AG; to the east by an industrial business, zoned IM and to the south by vacant land, zoned IL.

Zoning and BOA Historical Summary: Several rezoning cases have been approved in this area for light industrial classifications.

Conclusion: Staff recognizes that the subject tract is part of the transition from residential to industrial. Based on the existing zoning patterns and development in this area, staff recommends **APPROVAL** of IL zoning for Z-6621.

**Applicant's Comments:**

**Ned Dismukes**, P.O. Box 1114, Tulsa, OK 74101, stated he is in agreement with staff's recommendation.

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of IL zoning for Z-6621, as staff recommended.

**Legal Description for Z-6621:** Lots 5, 6, and 7, Mingo Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and located south of the southwest corner of East 49<sup>th</sup> Street North and North Mingo Road, Tulsa, Oklahoma.

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**Applicant No.: Z-6623**

**Applicant:** Charles E. Norman

**Location:** West of the northwest corner East 71<sup>st</sup> Street and South Garnett Road.

**RS-2/OL to CO**

(PD-18) (CD-8)

**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 Low Intensity – Corridor.

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

Staff Comments:

**Site Analysis:** The subject property is approximately 5.37 acres in size and is located west of the northwest corner of East 71<sup>st</sup> Street South and South Garnett Road. The property is gently sloping, partially wooded, vacant, and is zoned RS-3 and OL.

**Surrounding Area Analysis:** The subject tract is abutted on the north, by vacant property, zoned RS-3; to the south, east and west by vacant land, zoned CO.

**Zoning and BOA Historical Summary:** A request to rezone the subject property from RS-3 and OL to CO was denied in 1987 and CO zoning was approved on the property abutting the subject tract on the east. The most recent rezoning in this area approved RS-4 zoning for residential development, on a nine-acre tract located north of the subject property.

**Conclusion:** Based on the Comprehensive Plan and the existing zoning patterns, CO zoning is now designated for this tract. Staff, therefore, recommends **APPROVAL** of CO zoning for Z-6623.

**Applicant's Comments:**

**Charles E. Norman**, 2900 Mid-Continent Tower, stated he is in agreement with staff's recommendation.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **11-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of CO zoning for Z-6623, as staff recommended.

**Legal Description for Z-6623:** South 6 acres of the E/2, E/2, SW/4, SE/4, Less beginning southwest corner thereof thence E 329.82' North 58.92', Northwest 18.21'; Northwest 315.41', South 107.15' to Point of Beginning, Section 6, T-18-N, R-14-E, Tulsa County, State of Oklahoma, and located west of the northwest corner of East 71<sup>st</sup> Street South and South Garnett Road, Tulsa, Oklahoma.

\*\*\*\*\*

**Application No.:** Z-6624/PUD-582

**RS-1 to RS-3/PUD**

**Applicant:** Charles E. Norman

(PD-18) (CD-9)

**Location:** North of the northwest corner 67<sup>th</sup> Street and South Birmingham (A Planned Unit Development for single-family dwellings on private streets.)

**Mr. Ledford announced that he will be abstaining.**

**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 Low Intensity – Residential.

According to the Zoning Matrix the requested RS-3 zoning is in accordance with the Plan Map.

**Staff Comments:**

Site Analysis: The subject property is approximately 5.61 acres in size and is located north of the northwest corner of East 67<sup>th</sup> Street South and South

Birmingham Avenue. The property is gently sloping, non-wooded, contains a large private club house, tennis courts and swimming pools, and is zoned RS-1.

Surrounding Area Analysis: The subject tract is abutted on the north by a private golf course, zoned RS-1; to the south and east by single-family dwelling zoned RS-1; and to the west by an apartment complex, zoned RM-2.

Zoning and BOA Historical Summary: The most recent rezoning in this area approved a Planned Unit Development for a multi-story office building southwest of the subject tract on the northeast corner of E. 67<sup>th</sup> Street S. and S. Lewis Avenue.

Conclusion: The Comprehensive Plan designates the subject tract as Low Intensity – Residential and based on the surrounding zoning and development, Staff recommends **APPROVAL** of RS-3 for Z-6624.

The PUD proposes a single-family development on private streets with separate lots on a 5.90 gross acre tract located on the west side of South Birmingham Avenue north of East 67<sup>th</sup> Street. The north side of the property abuts Southern Hills Country Club. An apartment project is located on the west side of the property and single-family residences are adjacent on the south and on the east side of South Birmingham Avenue.

The site has been used for more than forty years as a for-profit private club originally named The Cup Club and more recently Candlewood Club. The clubhouse, accessory buildings, two pool areas, tennis courts and paved areas are dilapidated and nearing the end of their useful economic lives.

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-582 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-582, subject to the following conditions:

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

Development Standards:

Area:		
Gross	5.90 acres	257,004 SF
Net	5.61 acres	244,372 SF

Permitted Uses:	Those uses allowed as a matter of right in Use Unit 6, Single-Family Dwelling, including customary accessory uses such as parking and landscaped areas and security gate house.
Minimum Land Area Per Dwelling Unit:	11,000 SF
Minimum Lot Area:	7,000 SF
Maximum Building Height:	35 FT
Minimum Livability Space Per Lot:	3,000 SF
Minimum Livability Space Per Dwelling Unit:	5,000 SF
Off-Street Parking:	Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit, some of which may be provided in common parking areas.
Maximum Height:	35 FT
Minimum Yards:	
From centerline of Birmingham Avenue -	45 FT
From south boundary and south half of west boundary of PUD -	25 FT 20 FT *
Front -	
Residences	33 FT **
Garages	40 FT **
Side -	5 FT
Rear -	20 FT

- \*Amended by TMAPC
- \*\* Measured from centerline of private street

Private Streets:

Minimum width 26 FT

All base, paving and curbing materials shall be of a quality and thickness that meet the City of Tulsa standards for minor residential public streets. \*\*

\*\* The design of the private streets, including entrances, shall comply with the requirements of the City of Tulsa Fire Department to provide proper emergency service to the PUD.

Minimum Right-of-Way width: 30 FT

Entry Identification Sign:

Maximum size 16 SF (unlighted)

Maximum height 4 FT

Homeowners Association:

A homeowners association shall be created and vested with sufficient authority to levy assessments to properly maintain the landscaping, drainage structures, screening walls, entrances structures and the private streets within easements and common areas.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan for the common areas, private streets, parking, entry structures and landscaping 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 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 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.

6. 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 8 feet in height and all such lights shall be set back at least 150 feet from boundary of PUD.
7. 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.
8. No Building Permit shall be issued until the requirements of Section 1170F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City 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:**

**Charles E. Norman**, 2900 Mid-Continent Tower, stated he represents three homebuilders who intend to redevelop the subject property and build single-family homes on detached lots. He explained that the subject property has been a lawful non-conforming use and has been closed several times in the past. The property could be re-opened within three years from the time it was last used and continue to be used as a private club.

Mr. Norman submitted photographs indicating the property and improvements have reached the end of their economic life, if not their actual life. The property has become dilapidated and the clubhouse probably would not meet the building codes of today. He proposes to remove all of the club facilities and plat the subject property into 23 single-family lots. The submitted detail site plan will be resubmitted to the Planning Commission for formal approval of the exterior screening wall, entranceway and landscaping planted along the west side of Birmingham. Mr. Norman indicated the Department of Public Works has approved the sanitary sewer and stormwater drainage plans in concept. The property slopes from the east to the west and considerable surface drainage will have to be picked up on the west side of South Birmingham and conveyed to the west.

Mr. Norman explained that the purpose of the rezoning is to permit larger houses to be constructed on slightly smaller lots. He stated the staff recommended a modification that the front yards will be established as measured from the centerline of the private streets. He explained the modification would work on all of the lots except for the four corner lots, which are key lots. He requested to modify the recommendation to provide that the plat process shall establish the four corner lots' front yards. He stated he would impose a front yard building line on the plat because the corner lots project out to the private street and then turns at a right angle into the corner. He explained that it isn't possible to measure the front yard from the centerline of the private street.

**Staff Comments:**

**Mr. Stump** stated the staff has no objections to Mr. Norman's proposal with regard to the four corner lots.

Mr. Norman stated the second recommendation that he would like to consider is the minimum yards. The staff suggested, because the south side of the property backs up to the property that remains in the RS-1 district, the rear yards should be 25' rather than 20' as permitted in the RS-3 district. Mr. Norman stated he had no objection to staff's suggestion, except for the south half of the west boundary which backs up to a small pocket of RS-1 that lies between the subject property and the apartment project to the west. Mr. Norman requested to modify staff's recommendation to provide a 20' rear yard along the west boundary. He explained that the single-family use will obviously change at some point since it does not have an access to a public street. He requested the Planning Commission to approve the recommendation of the staff with the modifications requested.

**Interested Parties:**

**Jerry Stamper**, 6750 South Atlanta, 74136, President of the Williamsburg Homeowners' Association, stated he met with Mr. Norman prior to today's meeting. He expressed concerns with the traffic flow with the addition of 23 single-family homes. The traffic problem already exists and will always be a problem.

**Mr. Westervelt** asked Mr. Stamper if, other than the traffic flow concerns, he was satisfied with the PUD. Mr. Stamper responded affirmatively.

**Mr. Joseph Burns**, 2605 East 67<sup>th</sup> Street, 74136, expressed concerns with the traffic flow. He stated that Mr. Norman addressed most of his questions prior to today's meeting.

**Mr. Lawrence Bollenbach**, 6627 South Lewis, 74136, expressed concerns with the stormwater management control. He stated the City of Tulsa has requested that he convey 10% of his property for the purposes of relieving stormwater. He explained that the 10% would be on the northeast corner of his property. He indicated the was told that the water would be moved to the north and then to the west out to Lewis. Mr. Bollenbach stated he has no objections to the proposal but is concerned with the stormwater management.

**Mr. Doherty** asked the applicant if he has any concerns with the wall or screening fence being installed along the east boundary. Mr. Bollenbach stated he understands that there will be a fence along the east boundary.

**Mr. Carnes out at 3:00 p.m.**

**Applicant's Rebuttal:**

**Mr. Norman** stated he discussed the traffic problems with the neighbors and informed the neighbors that single-family homes generate the least traffic of any use that could be proposed for the redevelopment of the subject property. He indicated he assured the neighbors that the Planning Commission would require written approval of all of the utility departments before the plat would be released and no lots could be sold until all regulations were met. He requested the Planning Commission to approve the subject project.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **9-0-1** (Boyle, Doherty, Gray, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes "absent") to recommend **APPROVAL** of RS-3 for Z-6624 and **APPROVAL** of PUD-582 as recommended by staff with two amendments: 1.) Front yard of the four corner lots will be established by the plat, and 2.) The required yard along the southern boundary of the PUD and the south half of the west boundary be 20' as opposed to staff's recommendation of 25'.

**Legal Description of Z-6624/PUD-582:** All of Lot "B", Muzingo Hill Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and located north of the northwest corner of East 67<sup>th</sup> Street South and South Birmingham Avenue, Tulsa, Oklahoma.

\*\*\*\*\*

**Application No.:** PUD-179-8

**Applicant:** Roy D. Johnsen

(PD-18) (CD-8)

**Location:** South of the southeast corner East 71<sup>st</sup> Street and south 85<sup>th</sup> East Avenue.

**Presented to TMAPC:** Roy D. Johnsen

(Minor Amendment to modify the existing development standards relating to building height, minimum open space, permitted parking and required landscape buffer along the East 50' of Lot 7.)

**Staff Recommendation:**

The applicant is requesting minor amendment approval to modify the existing development standards relating to building height, minimum open space, permitted parking and a required landscape buffer along the east 50 feet of Lot 7. PUD 179-A included specific requirements for Lot 7 including 266 parking spaces, 28,728 square feet of open space, a building height of 1 story and the landscape buffer. The applicant is proposing a maximum building height of 4 stories, parking as required by the applicable use unit permitted in a CS District and 10% minimum landscaped open space with no change in the 65,000 square foot maximum floor area.

Staff has reviewed the request and the surrounding development, which has occurred since the original PUD approval in 1976. The anticipated residential development to the east has not occurred and multistory development has occurred to the east along 71st Street. Staff can support the modifications to the PUD standards as being consistent with development in the area and CS District requirements while still maintaining the character and intent of the original approval.

Staff, therefore, recommends **APPROVAL** of the minor amendment, which modifies the standards for Lot 7 as follows:

Maximum building height :	4 stories
Off street parking:	As required by the applicable use unit
Minimum landscaped open space:	10% of net lot area

Deletion of the requirement for a landscaped area on the East 50 feet of Lot 7 and substitution of landscape plan approval requirements as follows:

Within Lot 7, no building permit shall be issued until a Detail Landscape Plan is approved by TMAPC and no certificate of occupancy shall be issued until the approved landscaping has been installed in accordance with requirements of the Approved Landscape Plan.

**Applicant's Comments:**

Mr. Roy Johnsen stated he is in agreement with the staff's recommendation.

There were no interested parties wishing to comment.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **10-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** of PUD-179-8 as recommended by staff.

**Legal Description for PUD-179-8:**

Lot 7, Block 2, El Paseo Addition and is located south of the southeast corner of East 71<sup>st</sup> Street and South 85<sup>th</sup> East Avenue, Tulsa, Oklahoma.

\*\*\*\*\*

**Application No.:** PUD-507-8

(PD-18) (CD-7)

**Applicant:** Terry Howard

**Location:** 8722 East 71<sup>st</sup> Street

**Presented to TMAPC:** Terry Howard

(Minor Amendment to increase the maximum wall sign area.)

**Staff Recommendation:**

The applicant is requesting minor amendment approval to increase the maximum wall sign area for the *Mattress Firm* retail outlet to 2.5 SF for each lineal foot of building wall. The applicant claims that the excessive setback and the lack of available space on the existing pylon ground sign along 71st Street require greater visibility.

Staff has reviewed the request and finds the existing PUD standard allows 1.5 SF of display surface area for each lineal foot of building wall with no wall signs permitted on east or south building walls greater than 600 feet from the centerline of East 71st Street.

In 1995 the Planning Commission allowed an increase of sign size to 2 SF of display surface area for the *Computer City* retail store located approximately 100 feet closer to E. 71st than the subject storefront. At that time, the applicant requested 3 SF, citing the east-facing direction of the storefront as well as the shape of the trademark logo. However, two other retail outlets within the same retail shell as the *Mattress Firm (Old Navy & Bed, Bath & Beyond)*, were also

approved in 1995 for wall signage facing E.71st Street, but at the PUD-507 standard of 1.5 SF.

Staff cannot support the increase in signage as requested by the applicant. The sign plan submitted with the application indicates a 49-foot long sign 3.5 feet in height along a 75-foot building wall. The PUD Chapter allows a maximum wall signage display surface area of 2 SF. Any increase over the maximum allowed in the Zoning Code would require Board of Adjustment approval.

Due to the 75-foot building wall and the limits it places on display area; however, Staff could support an increase in signage to 2 SF or a maximum of 150 square feet of display surface area for the *Mattress Firm* or any future retail outlet in the same space, so long as the building wall remains at its current length of 75 feet. Any widening of the existing space for the *Mattress Firm* or subsequent tenants requiring building wall signage would return to the 1.5 SF standard of the original PUD approval.

Staff, therefore, recommends **APPROVAL** of PUD-507-8 to allow an increase of display surface area to 2 SF per lineal foot of building wall, which is no greater than 75 foot in length.

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

**Midget out at 3:06 p.m.**

**Applicant's Comments:**

**Mr. Howard** stated he is in agreement with staff's recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE** the TMAPC voted **9-0-0** (Boyle, , Doherty, Gray, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of PUD-507-8 as recommended by staff.

**Legal Description for PUD-507-8:**

Lot 2, Block 1, Woodland Hills Plaza, and located at 8722 East 71<sup>st</sup> Street South, Tulsa, Oklahoma.

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**ZONING TEXT AMENDMENT PUBLIC HEARING:**

**Proposed ordinance amending Title 42, Chapter 12, Section 1204(c)(4)(c) of the Tulsa Revised Ordinance (Tulsa Zoning Code) and a proposed resolution amending Chapter 12, Section 1204(3)(D)(3) of the Tulsa County Zoning Code permitting telecommunication antennas to be located on certain towers and structures in non-residentially zoned districts.**

**Staff Comments:**

Proposed ordinance amending Title 42, Chapter 12, Section 1204(c)(4)(c) of the Tulsa Revised Ordinances (Tulsa Zoning Code) and a proposed resolution amending Chapter 12, Section 1204(3)(D)(3) of the Tulsa County Zoning Code permitting telecommunication antennas to be located on certain towers and structures in non-residentially zoned districts.

**Chapter 12, Section 1204(c)(4)(c) of the Tulsa Zoning Code**

**Existing:**

- c. When antennas are to be attached to an existing tower, and/or city-owned buildings or structures;

Proposed:

- c. When antennas are to be attached to an existing tower or other structure not mentioned in 1204.C.4.b, neither of which is located in a residentially-zoned district;

***Chapter 12, Section 1204(3)(D)(3) of the Tulsa County Zoning Code***

Existing:

- 3. When antennas are to be attached to an existing tower, government-owned buildings or structures; and/or water storage tanks;

Proposed:

- 3. When antennas are to be attached to an existing tower or other structures not mentioned in 1204.3.D.2, neither of which is located in a residentially-zoned district;

**TMAPC Comments:**

**Mr. Doherty** stated Rules and Regulations Committee considered this issue previously and this in the nature of housekeeping and clarification. He indicated the Rules and Regulations Committee recommended approval.

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Carnes, Midget “absent”) to recommend **APPROVAL** of the proposed ordinance amending Title 42, Chapter 12, Section 1204(c)(4)(c) of the Tulsa Revised Ordinances (Tulsa Zoning Code).

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Carnes, Midget “absent”) to recommend **APPROVAL** of proposed resolution amending Chapter 12, Section 1204(3)(D)(3) of the Tulsa County Zoning Code permitting telecommunications antennas to be located on certain towers and structures in non-residentially-zoned districts.

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**OTHER BUSINESS:**

**PUD-564 Glenn Gregory**

(PD-17) (CD-5)

North and east of northeast corner East 31<sup>st</sup> Street South Memorial Drive  
(Detail Site Plan for a 5.47-acre tract to allowing paving for vehicle storage.)

**Staff Recommendations**

The applicant is requesting Detail Site Plan approval of a 5.47 acre tract to allow paving for vehicle storage. Original approval was given in August, 1997, and was conditioned on the provision of a screening fence for the west 100 feet of the eastern 180 feet of the southern boundary of the PUD and no use of an outdoor public address system before 8 AM and after 7 PM.

Staff has reviewed the request and finds that the site plan meets the PUD standards as approved and revised including setback and screening. No building or area lighting is proposed with the paving site plan as submitted.

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

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

**TMAPC COMMENTS:**

**Ms. Pace** asked staff if the interested parties were notified of this request. **Mr. Stump** responded that it is policy to notify the interested parties.

**Mr. Doherty** stated the request today is simply implementing the decision from the previous meeting and the interested parties were present at that meeting. He explained that all of the conditions have been met.

**Applicant's Comments:**

**Mr. Sack** indicated that he was in agreement with staff's recommendations.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the Detail Site Plan for PUD-564, subject to the conditions as recommended by staff.

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**PUD-441 Jon Brightmire**

(PD-11) (CD-1)

Northeast corner West Pine Street and North Union

(Detail Site Plan for monopole antenna, supporting structures and a related equipment shelter.)

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a 70-foot monopole antenna and supporting structure, including a related equipment shelter, on a 3620 square foot parcel. The antenna structure will be located 109 feet north of the centerline of West Pine, 160 feet west of the nearest developed residential area, 135 feet south of an undeveloped and unplatted tract within the RM-1 District to the north and 50 feet west of a portion of the same RM-1 District to the east.

Staff has reviewed the request and finds the underlying CS zoning and proposed commercial uses of the PUD would allow Use Unit 4 uses by right. A drainage area to the east and natural vegetative cover to the northeast form a natural buffer to residential uses to the northeast. The setback from residential areas to the north and south meet the requirements of Section 1204 of the Zoning Code. The 50-foot setback from the undeveloped portion of the RM-1 District to the immediate east does not, however, meet the 110% requirement and will require Board of Adjustment approval. This area is within a 40 foot by 100 foot area which abuts a drainage channel and appears unlikely to be developed for residential purposes.

The proposal indicates a 300 square foot equipment shelter and future 300 square foot shelter, both visible from residential areas to the north, northwest and south within 300 feet. The Code requires that all exterior ground-mounted equipment occupying more than 50 square feet shall be screened from view from property used for residential purposes located within 300 feet. Further, the Code requires security fencing and anti-climbing devices. The site plan does not indicated screening, security fencing or anti-climbing devices.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan subject to the following conditions:

1. Board of Adjustment review and approval of a Special Exception allowing a 50-foot setback from the RM-1 District to the east.
2. Revision of the site plan to indicate screening for the equipment buildings and provision of security fencing and anti-climbing devices.

**Staff's Comments:**

**Mr. Beach** informed the Planning Commission that the Board of Adjustment heard a case on this subject property and it was continued. He stated that Mr. Coutant had indicated he would ask for a continuance on today's request as well, since the Board of Adjustment had to continue the Board case.

**Applicant's Comments:**

**Amy Osborn**, Representing Jon Brightmire, 320 South Boston, Suite 500, 74103, requested a continuance on PUD-441 due to the continuance of the Board of Adjustment hearing Tuesday, January 27, 1998.

**TMPAC Comments:**

**Mr. Doherty** stated the Planning Commission does not have a timely request for continuance. Ms. Osborn responded that there was a problem with the Board of Adjustment notice and the case could not be heard on January 27, 1998.

**Mr. Beach** concurred with Ms. Osborn's statement.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **CONTINUANCE** of the Detail Site Plan for PUD-441 to February 11, 1998, at 1:30 p.m.

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**PUD-562 Ricky Jones**

(PD-18)(CD-8)

North of northeast corner East 81<sup>st</sup> Street and South Memorial  
(Detail Site Plan for 157-unit multifamily apartment complex.)

**Staff Recommendations:**

The applicant is requesting Detail Site Plan approval for a 157-unit multi-family apartment complex on 8.78 (net) acres.

Staff has reviewed the site plan and finds the proposal meets the bulk, area, setback, parking, access, circulation, and total landscaped area requirements of the PUD as approved in June, 1997. The screening wall or fence that is required by the Zoning Code where Use Unit 8 uses abut an RS District is not indicated on the site plan.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD 562 with the following condition:

A screening wall or fence to be shown on the Detail Landscape Plan along the east boundary of the PUD abutting the RS District.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the Detail Site Plan for PUD-562, as recommended by staff.

\* \* \* \* \*

**PUD-108-B Douglas Huber Architects**

(PD-5) (CD-5)

Southeast corner East 33<sup>rd</sup> Street South and South 73<sup>rd</sup> East Avenue  
(Detail Site Plan for a 5,319 SF one-story building.)

**Staff Recommendations:**

The applicant is requesting Detail Site Plan approval for a 5,319 square foot one-story building on a 56,963 (net) square foot site. The proposed structure will be located on the southern portion of the site per the Major Amendment approved in October, 1997.

Staff has reviewed the site plan and find it meets the area and bulk, height, parking, circulation, access, screening and total landscaped area requirements of the PUD.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan as submitted.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the Detail Site Plan for PUD-108-B, as recommended by staff.

\* \* \* \* \*

**AC-029 Joe Westervelt**

(PD-7) (CD-2)

1630 South Boston

(Alternative Landscape Compliance to substitute two front yard trees for one required.)

**Mr. Westervelt announced he would be abstaining.**

**Staff Recommendation:**

The applicant is requesting Alternative Landscape Compliance to permit the substitution of two trees in the front of an office in lieu of the single tree required under the Landscape Chapter for a four-stall parking area in the rear of a new office building.

Staff has reviewed the site plan submitted with the application and finds the proposed office structure is within a CH district which has no street yard tree requirement but must meet the parking lot tree requirement.

Although the adjacent lot to the north contains two mature trees at or on the property line within 50 feet of the required parking, an additional tree would still be needed on the subject property to meet the technical requirements of the Code. Staff is of the opinion, however, that the rear location of the parking within a small rear yard and along an alleyway may not be the best location for a tree.

The placement of two trees along South Boston, while not required, constitutes a positive addition to the area and exceeds the requirements of the Landscape Chapter by providing additional landscaping along an arterial street.

Staff, therefore, recommends **APPROVAL** of the Alternative Landscape Compliance as submitted.

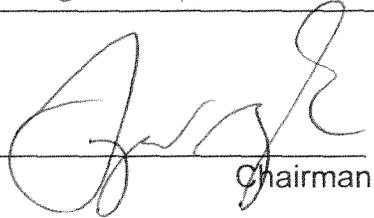
**TMAPC Action; 9 members present:**

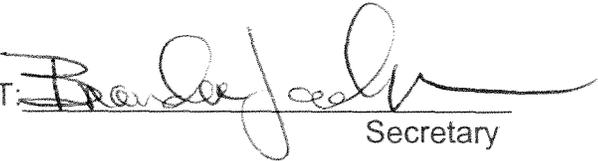
On **MOTION** of **DOHERTY** the TMAPC voted **8-0-1** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Pace, Selph, "aye"; no "nays"; Westervelt "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the Alternative Landscape Compliance for AC-209, as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 3:26 p.m.

Date approved: 2-18-98

  
\_\_\_\_\_  
Chairman

ATTEST:   
\_\_\_\_\_  
Secretary