

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2161

Wednesday, June 3, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Boyle | Ledford | Beach | Myers, Legal |
| Carnes | Selph | Dunlap | Counsel |
| Gray | | Huntsinger | |
| Harmon | | Matthews | |
| Horner | | Stump | |
| Jackson | | | |
| Midget | | | |
| Pace | | | |
| Westervelt | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, June 2, 1998 at 10:26 a.m., posted in the Office of the City Clerk on Monday, June 1, 1998 at 11:14 a.m., as well as in the office of the County Clerk at 11:11 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 May 20, 1998, Meeting No. 2159:

On **MOTION** of **HORNER** the TMAPC voted **7-0-1** (Boyle, Carnes, Gray, Harmon, Horner, Pace, Westervelt "aye"; no "nays"; Jackson "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of May 20, 1998 Meeting No. 2159.

Reports:

Chairman's Report:

Mr. Boyle stated that the Planning Commission has received a letter from Mr. Doherty, Metropolitan Tulsa Chamber of Commerce, regarding cases Z-6637 and Z-6638.

Committee Reports:

Special Residential Facilities Task Force:

Mr. Westervelt reported that there will not be a meeting on Thursday, June 4, 1998 for the Special Residential Facilities Task Force. He indicated that the task force expects to finish the project on time.

Director's Report:

Mr. Stump stated there are several items on the City Council Agenda and Mr. Dunlap will be attending the meeting. Mr. Boyle indicated that Mr. Horner will be attending the City Council meeting for the Planning Commission.

Mr. Midget in at 1:33 p.m.

Subdivisions:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18633 Sue Poplin (2982) (PD-9) (County)
4830 West 41st Street

L-18655 Evangelical Lutheran Church (693) (PD-4) (CD-4)
Northwest corner of 7th Street and South Xanthus

L-18661 Mary Junk (1293) (PD-5) (CD-5)
8338 East 13th Street

Staff Recommendation:

Mr. Beach stated these lot-splits are in order.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

Subdivisions:

Plat Waiver:

Z-6547 – (684)

(PD-18c) (CD-8)

West of South 104th East Avenue and East 62nd Street South

Staff Recommendation:

This property was rezoned to Office Light on March 24, 1997. No building permit can be issued until the property is platted or replatted or the platting requirement is waived. The current proposal for the property is an office building.

If a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk’s office.

Staff recommends **approval** of the plat waiver subject to the filing of a 17.5’ utility easement along the 62nd Street side of the property (per request of Oklahoma Natural Gas).

There were no interested parties wishing to speak.

Applicant was present and indicated he was in agreement with the staff recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Ledford, Selph “absent”) to **APPROVE** the Plat Waiver for Z-6547 subject to conditions as recommended by staff.

Continued Zoning Public Hearings/Special Requests:

Z-6638 – C. Bales/R. Springer

RS-3 to IH

West of northwest corner East Apache and North Yale

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.

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

Staff Comments:

Site Analysis: The total of three separate tracts are located west of the northwest corner of East Apache Street and North Toledo Avenue. The tracts are flat, non-wooded, contain a single-family dwelling, a bait shop and are used for storage of fireworks stands, and are zoned RS-3.

Surrounding Area Analysis: The tracts fronting East 26th Place North are abutted on the north by vacant property, recently rezoned from RS-3 to IL; to the west by the vacant land, zoned RS-3; to the south by vacant land, zoned RS-3 and to the east by a tavern/restaurant and single-family dwelling and non-conforming salvage yard, zoned CH and RS-3.

Zoning and BOA Historical Summary: A 4.5-acre tract located abutting a part of the subject tract was rezoned from RS-3 to IL in January 1998, but up to that point the only rezoning in this area was in 1984 when a .75-acre tract, located north of the subject tract, was approved for IL zoning and has been developed for manufacturing.

Conclusion: This area is in a transition to industrial uses. The Comprehensive Plan does not support IH zoning for this tract but would support IL zoning. Therefore, staff recommends **DENIAL** of IH zoning and **APPROVAL** of IL zoning in the alternative.

Staff Comments:

Mr. Dunlap stated that the staff received a letter from the owner of the ten-acre tract requesting to be withdrawn from this application.

TMAPC Comments:

Mr. Midget asked if the two applicants are still making this application together. In response, Mr. Dunlap stated that the applicants originally made an application together; however, the ten-acre tract has been removed. Mr. Dunlap explained that there were two separate owners for the four separate tracts. The ten-acre tract has been removed as requested by the property owner.

Mr. Boyle asked if staff's recommendation would still be denial of IH zoning and approval of IL zoning. In response, Mr. Dunlap answered affirmatively.

Applicant's Presentation:

Mr. Claude Bales, 1513 North Vandalia Avenue, stated that he agrees with the staff recommendation for IL zoning.

TMAPC Comments:

Mr. Midget asked Mr. Bales what his intentions are for the subject tracts. In response, Mr. Bales stated he is next to IL-zoned property currently and he is trying to get something going.

Ms. Gray asked staff what would be allowed to be stored in IL zoning. In response, Mr. Stump said the applicant could store non-salvage or non-junk items. He explained that old tires are considered salvage material or junk and are not allowed to be stored. He stated that junk cars are not allowed to be stored in IL, either. If the applicant is storing merchandise that is going to be sold wholesale to someone else, then that it permitted.

Ms. Gray asked staff what type of fencing will the applicant have to install. In response, Mr. Stump stated that where the subject property abuts residential zoning it will be required to have a 75-foot setback from any residential boundary for a building. It would require a screening fence on any boundary in common with the residential district.

Ms. Gray asked staff if the applicant will have to maintain the grounds, such as no grass over 12". In response, Mr. Stump stated that the grass issue would be addressed by Code Enforcement.

Ms. Gray stated she would like the description of IL zoning available to interested parties. She requested the staff to inform the City Board of Adjustment that the Planning Commission will not tolerate screening that is done with the woven fence and there will be no exceptions with the subject property.

Interested Parties:

Ms. Jane Knox, 422 ½ East Apache, Tulsa, Oklahoma 74115, stated she is in agreement with the staff recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to recommend **APPROVAL** of IH zoning.

Further TMAPC Comments:

Mr. Midget stated he wanted to make sure that Commissioner Gray's comments are recorded for the minutes. He commented that is aware of some the kind of things that one of the applicants have been involved with. He stated he did not want that type of outside storage started, because it is a problem to clean up.

Mr. Midget informed the interested parties to call his office at 596-7411 if they see anything illegally stored on the subject property.

Mr. Stump informed the Planning Commission that the applicant had requested IH zoning and staff recommended IL.

TMAPC Action; 9 members present:

On **Amended MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to recommend **DENIAL** of IH zoning and **APPROVAL** of IL zoning in the alternative as recommended by staff.

Legal Description for Z-6638:

Lots 6, 7, 8, 11, 12, and 13, Block 15, Mohawk Heights Addition and Lots 1 through 7, Block 16, Mohawk Heights Addition, Tulsa County, State of Oklahoma.

CZ-244 – Stephen Gray

South and east of southeast corner East 101st Street and South Garnett

RE TO AG
(PD-19) (CD-0)

Applicant’s Presentation:

Mr. Stephen Gray stated he is requesting a one-week continuance. He explained that there has been some confusion and his client needs an additional week to work the issues out with the City of Broken Arrow and interested parties.

TMAPC Comments:

In response to Mr. Boyle, Mr. Stump recommended that the case be continued for two weeks. He explained that the City Council for Broken Arrow will have a public hearing on the subject property June 15 and they may take action on annexation of the subject property.

Mr. Boyle asked Mr. Gray if he had an objection to a two-week continuance. In response, Mr. Gray stated that his client has specifically requested one week and so he objects to a two-week continuance.

Interested Parties:

Tom Watterson, 3808 S. Butternut Avenue, Broken Arrow, 74011, stated that he represents South Trails. He indicated that he would prefer a two-week continuance. The City of Broken Arrow will have the first reading June 15 and on the July 6th meeting the case will actually go before the City Council for action.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Ledford, Selph “absent”) to **CONTINUE** Case CZ-244 to June 17, 1998.

Z-6637 – Jerry L. Smith

3322 North Yale (Northeast corner East 33rd Street North and North Yale)

IL to IH
(PD-2) (CD-3)

Applicant's Presentation:

Mr. Smith, 1424 Terrace Drive, Tulsa, OK 74104, requested a continuance for one week.

The following Interested Parties opposed the request for a continuance for one week:

Mike Townsend, 4942 East 41st Street North, Willie Jackson, 3610 North Winston, John Wilson, 3838 North Winston; Debbie Crutcher, 4938 East 41st Street North; Polly Wilson, 3202 North Winston;

The interested parties expressed the following concerns:

The interested parties would have to take another day off work; the project will lower the neighbors' property value; unsightly business; set a precedent; roads are already deteriorating and the proposed project will create more traffic; difficult to get the neighbors together for another meeting; North Tulsa is a gateway to the zoo, Mohawk Park, the nursing home and Lake Yahola and this proposed project will be the first thing visitors will see; Tulsa does not need another salvage yard as there are currently 60 in the city; it was on the agenda and the applicant should be prepared to discuss the issue; many of the interest parties cannot make the next meeting; salvage already in the area; eye sore for the neighborhood; the existing salvage yard does not have a fence up to hide the unsightly cars.

TMAPC Comments:

Mr. Horner asked staff if the continuance request was a timely request. In response, Mr. Stump answered negatively.

Mr. Stump stated that it appears that there is an illegal salvage yard in the neighborhood. In response, Mr. Boyle stated the neighbors need to call Code Enforcement regarding the salvage.

Applicant's Rebuttal:

Mr. Jerry Smith stated he has been out of town for the last two weeks and has not had the opportunity to discuss this project with staff. He explained that he is expected to go back into session another week and he needs a continuance for one week to review this case.

TMAPC Comments:

Mr. Horner stated that the request is untimely, and having listened to the interested parties, he supports denial of continuance.

Mr. Boyle stated that he is in support of giving Mr. Smith additional time to work out this proposal. The Planning Commission is fully capable of taking account of the opposition that has been expressed today. He stated he sympathizes with the interested parties who have taken the day off from work and he understands the motion.

Ms. Gray stated she cannot support a continuance for the fact that it is an untimely request and there is enough notification process, minus the two weeks the applicant was busy. This is a sparsely-populated area and it is difficult to get the neighbors together at one time. The interested parties have explained that they have taken off work, just like the applicant was in session for two weeks, and the applicant knew he had longer than two weeks to prepare for the hearing. She stated that she would assume that there are fax machines in order to communicate with staff.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **7-2-0** (Gray, Harmon, Horner, Jackson, Midget, Pace, Westervelt “aye”; Boyle, Carnes “nays”; none “abstaining”; Ledford, Selph “absent”) to **DENY** the request for a one week continuance.

Z-6637 – Jerry L. Smith

3322 North Yale (northeast corner East 33rd Street North North Yale).

IL to IH

(PD-2) (CD-3)

Staff Recommendation:

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 High Intensity – No Specific Land Use – Corridor – Special District 3.

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

Staff Comments:

Site Analysis: The subject property is approximately 8.8 acres in size and is located at the northeast corner of E. 33rd Street North and North Yale Avenue. The property is sloping, partially wooded, contains a non-conforming salvage yard, and is zoned IL.

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

Zoning and BOA Historical Summary: The most recent rezoning in this area approved IL zoning on the southwest corner of North Yale Avenue and E. Gilcrease Expressway and on an 8.8 acre tract located north of E. Apache Street on the west side of North Toledo.

Conclusion: The Comprehensive Plan designates the subject tract as High Intensity – Corridor – Special District 3 and the requested IH zoning may be found in accordance with the Plan Map. The surrounding property is zoned IL in all directions and approval of IH zoning would represent spot zoning. The Comprehensive Plan has established a guide for land use with regard to compatibility, topography, and environmental factors. The western half of the subject tract contains a large drainage basin. The high intensity industrial uses could have adverse environmental effects on the adjoining properties. With the extension of the Port Road to Yale Avenue, this area could be a prime airport-oriented industrial area. A heavy manufacturing or salvage operation in this area would be detrimental to the future industrial development of the area. Therefore, staff recommends **DENIAL** of IH zoning for Z-6637.

Staff Comments:

Mr. Stump informed the Planning Commission that the subject area is where the Port Road is supposed to be extended and then down to the expressway. He stated that staff expects the subject area to be a major entry and exit point to the subject area of town. He expressed real concerns with appearances that this proposal will produce on a major entry/exit point.

Applicant's Presentation:

Mr. Jerry Smith stated that the request for a zoning change is based on two reasons, and one is that the subject property has been zoned IL for the last 25 years. He explained that the subject property has been for sale for the last 25 years and has never received an offer. He stated the owners of the property are elderly and in poor health. He explained that the property owners were trying to sell the subject property prior to the time of their demise.

Mr. Smith stated that the proposal is not a customary salvage yard. He explained that the gas tanks are removed from the cars and they are stacked. He informed the Planning Commission that the salvage sells the parts off the cars.

Mr. Smith indicated that the subject property will be paved and fenced. He commented that this will be a first-class salvage. He stated that the subject property has had problems with people dumping on the property. He reiterated that the subject property has not sold for the last 25 years and the property owners need to sell it.

Mr. Smith submitted photographs of the subject property and current operation similar to the proposal. He stated that a new corporation wants to come to town and they are currently operating in Sand Springs, Oklahoma. He commented that for the utilization of the property, this is a first-class proposal.

TMAPC Comments:

Mr. Boyle asked the applicant to address the fact that there isn't any IH anywhere near the subject property. In response, Mr. Smith stated he does not know if any of the property owners have tried to rezone to IH. He commented that there are several properties in the subject area that has been for sale for 20 years. He indicated that the IL zoning may be the reason the properties have not sold.

Mr. Jackson asked Mr. Smith if there are signs up stating that the subject property is for sale. In response, Mr. Smith stated that there have been signs up, but the subject property has run out of agents to list it.

Mr. Jackson stated he is familiar with the subject area and he has never seen a for-sale sign on the subject property. He further stated he had seen a for-sale sign on the corner of Apache and Yale (northeast corner), but he has never seen a for-sale sign on the southwest corner of the expressway. In response, Mr. Smith stated he is familiar with this subject property because he has been involved with the efforts to sell the property for the last 20 years. He stated that he has seen signs on the subject property.

Ms. Gray asked the applicant whether, if the IL zoning were enforced across the street from the subject property and cleaned up, it would help sell the subject property as IL. In response, Mr. Smith stated the salvage across the street is a dump. Ms. Gray stated she understands that it is a dump at this time; however they are illegally functioning under IL zoning. If the Code were enforced and the illegal dump cleaned up, along with the Port Road being developed, the applicant may be able to get a purchaser for the subject IL-zoned property.

Mr. Smith stated that the road is deteriorating because it has no base. He did not know if the property would ever sell being zoned IL.

Staff Comments:

Mr. Stump stated that sanitary landfills had to be licensed by the State and this is not licensed. It is not allowed to continue either as a landfill or as a salvage.

Interested Parties:

Mr. John Wilson, 3838 North Winston, stated the subject area is the gateway to the zoo. He commented that the areas does not need another salvage yard. He stated that vacant property is better than a salvage.

Mr. Eabert McGehee, 3912 North Winston, stated he has lived at his home for 50 years. He explained that the reason there is dumping along Yale is because there has been a dump on the east side of Yale, approximately three blocks from the subject property. He indicated the dumping is not as often as it use to be in the past. He concluded that there are enough eyesores in the subject area without permitting another salvage.

Eric Paschall, P.O. Box 47217, stated he is the realtor involved with this proposal. He indicated that there are IH buildings in the subject area. He questioned how heavy industry could be operating in an IL zone.

In response, Mr. Stump stated he does not know if the major industry in the subject area is complying with IL requirements.

Mr. Paschall stated that the major industries in the subject area are steel plants. He commented that they are large buildings and they have high cranes with heavy industrial use. Mr. Paschall indicated that there are several heavy industries in the immediate area. He stated that since there is heavy industry in the area, then it should be zoned IH. He commented that with the Port Road going in, the entire area should be zoned IH for the potential of development in the subject area.

Mr. Paschall stated that the subject property has no improvements on it. He indicated that the subject area has old concrete and junk that has piled up over the years. He stated that the subject property does not have city utilities except water.

Mr. Midget asked Mr. Paschall if he felt that the subject property would sell as IL if the old Spartan dump were cleaned up. In response, Mr. Paschall stated that if the Spartan dump were cleaned up, it would improve the chances of selling all of the property in the subject area.

Mr. Stump stated that the heavy industry that Mr. Paschall referred to sounds like a steel fabricating plant, which is a medium industrial use and can be allowed by special exception in an IL district. He pointed out that the front of the steel plant building appears to have a parking lot and a building front. He commented that the back of the property may not be the most attractive. He indicated that staff would prefer uses similar to the steel fabricating plant with the building front and a parking lot. He commented that this type of front will not be part of a salvage operation.

Mr. Paschall stated that the for-sale signs on the subject property have existed. He indicated that he has had his own sign on the subject property for approximately two years.

Ms. Gray asked Mr. Paschall if he understands that the zoning goes with the land and not the ownership. She commented that if the property owner decides that he wants to close the business, then another IH business could come in with no requirements, and this is a concern with zoning issues. She stated that the Planning Commission zones the land and not the person who is buying the land. In response, Mr. Paschall indicated that he talked with other business owners in the immediate area and they felt if the heavier use were allowed, they could sell their properties.

In response to Ms. Pace, Mr. Paschall stated that the subject property used to be part of the City dump. He indicated that the Spartan dump is across the street to the east and is still operating.

Toby Parvin, 1001 Maple Avenue, Sand Springs, Oklahoma, stated he is for the rezoning because he is the person who has a contract on the subject property. He questioned if the land was rezoned IH with restrictions that if it is sold it goes back to its original zoning of IL. In response, Mr. Boyle stated that once the subject property is rezoned it will remain in that zoning. He explained that the only way he can get a special exception is to go before the Board of Adjustment.

Mr. Parvin stated his proposal will not be an eyesore. He explained that the salvage he is proposing is on the cutting edge. He commented that he would challenge anyone to view his current place of business and compare it with any business in town. He stated that looking at his business from the road, one sees a nice parking lot and building with a fence all around the property. The yard is gravel and the cars are up on stands and neatly placed in the yard.

Mr. Parvin requested the Planning Commission to have the interested parties to state their occupations, because there are people in this room who have made statements with an ulterior motive.

Mr. Boyle stated that the interested parties' occupations is not relevant to whether the subject property should be rezoned to IH. He explained that the Planning Commission is required to look at each case by looking at the facts and surrounding circumstances.

In response to Mr. Parvin, Mr. Boyle stated that the Planning Commission does not rule on issues of competition.

Ms. Pace asked Mr. Parvin if this will be an open-air operation for salvaged used parts, or in a building. Mr. Parvin stated that when the cars come in they go through a process to remove all gas, oil, antifreeze, and catalytic converters. The cars are put on a rack for viewing by customers.

Ms. Pace stated that if the applicant constructed buildings to store the cars in and operated a parts store, then the Board of Adjustment could possibly grant him a special exception. She suggested the proposal go in with a PUD so that the neighbors could see what type of screening, shrubbery, etc. She stated that people do not want to see a salvage yard going in because if it is really good, then it will stay.

Ms. Pace asked staff if the Port Road is ready to go in and whether or not the subject property will be in the way of the Port Road. In response, Mr. Stump stated that recently some amendments were made to the Major Street and Highway Plan because they did alter the turn in the subject area, where the Port Road would turn south onto Yale. He indicated that he does not know the exact time the Port Road will be improved, but it is getting reasonably close.

Polly Wilson, 3702 North Winston, reiterated that there has been trouble with dumping along the road in the subject area and the salvage will be an eyesore. She expressed concerns with the water drainage from the subject property that goes through their yards and onto the golf course.

Debbie Crutcher, 4938 East 41st Street North, stated that her property is directly across from the golf course and all of the water that runs from the pond onto the subject property runs through a creek and drains across her land then runs under the road in a culvert onto the golf course. She indicated that all of the trash from the subject property ends up on her property every time it rains. The road is deteriorating because it was previously a strip mine and the City has not kept the road in good shape.

Marcella Williams, 3606 North Winston, stated she lives at the corner of 36th and Winston, which is a very short distance from the subject property. She commented that all of the homes in the immediate area beautiful homes and the properties are kept up. She stated she opposes this application because it is a salvage.

TMAPC Comments:

Mr. Westervelt read a letter from Mr. Jim Doherty, City of Tulsa Chamber Commerce, which opposes the applicant's proposal.

Applicant's Rebuttal:

Mr. Smith stated he did not know that the Chamber of Commerce was involved with this application. The property will never sell because it will have to be piered. Both sides have been a dump and bedrock is approximately 40' down. He indicated that the sale of the land is based upon the approval of the zoning application.

Mr. Smith stated that he can see the way this application is going and he thinks that the Planning Commission's decision will be arbitrary and capricious.

TMAPC Comments:

Mr. Boyle asked Mr. Smith if wanted to state that the Planning Commission's decision will be arbitrary and capricious without hearing the decision first.

Mr. Midget stated he owns property around the corner from the subject property and he is familiar with the area. He asked Ms. Myers if he has a conflict of interest. In response, Ms. Myers asked Mr. Midget what the proximity of his property is regarding the subject property. Mr. Midget stated that his property is at New Haven and 36th Street, which is approximately one-half mile from Yale.

Ms. Myers stated that the issue is whether Mr. Midget feels that he can be objective and not influenced by his proximity of the subject property. She stated Mr. Midget is not within the 300' radius and he does not come under the notice requirements. Mr. Midget stated he is not within the 300' radius, but did want the issue in the open. He stated that he has no problem with his objectivity.

Mr. Midget stated he would like to make a motion to approve staff's recommendation for denial of the IH zoning.

Mr. Carnes stated that in order for this land to be used, it would probably require a PUD. He further stated that he will be supporting the motion.

Mr. Boyle stated he will be supporting the motion. He commented that there is little choice when this property is completely surrounded by IL zoning. The proposed use would be one of the most intense uses of the subject property. Under the circumstances it would be very unsound zoning to do anything but deny the application. He agrees with Mr. Carnes that if he were presented with a PUD and appropriate conditions, then he may have a different view of the particular use the applicant has in mind.

Mr. Harmon stated that he supports the motion. He commented that he feels that the IH zoning will be detrimental to the surrounding properties.

Mr. Midget stated that because of his history with salvage yards, particularly in this part of Tulsa, he thinks it would be unmitigated disaster to even consider a salvage yard in this area even with a PUD.

Ms. Gray stated that she can sympathize with Mr. Smith's clients, being elderly and not able to sell the property in 25 years. She further stated that she hopes that the City will expedite every possible avenue to cease the junkyard across the street from the subject property. She reminded the neighbors not to give up on that piece of property, because it is not zoned for a junk yard. She stated that the Planning Commission has not given up on their neighborhood, but the neighbors have to be consistent and stay together with these issues. She informed the interested parties that they should call Dwain Midget in the Mayor's office for help with the dump.

Mr. Horner stated that he will also support the motion because the corridor in question is one of the most important things of this application.

Ms. Pace stated that Senator Smith is shortchanging the value of the subject property. She urged Senator Smith to communicate with the neighbors and work with the City regarding redevelopment. This appears to be very important part of the City.

Ms. Gray urged the interested parties to form a neighborhood association and registering with the Mayor's office. She commented that there will be a lot of activity that will affect their property in the coming years. She informed the interested parties to call Jeannie McDaniels in the Mayor's office and someone would from her office would be happy to come out and visit with the neighbors.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Ledford, Selph “absent”) to recommend **APPROVAL** of staff recommendation to **DENY** the IH zoning.

Staff Comments:

Mr. Stump informed the applicant that the application will not go any further unless the case is appealed within 15 days by filing with the City Clerk.

Legal Description for Z-6637:

Lot 2, Block 8, Gilcrease Freeway Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

PUD-543-2 – Daryl Woodard

(PD-26) (CD-8)

6313 East 105th Street South

(Minor Amendment to reduce the required secondary front yard building setback)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required secondary front yard building setback on South Oxford Avenue (private) from 30 feet (45 feet from the centerline of Oxford) to 25 feet (40 feet from the centerline of Oxford) for a residential dwelling. The plot plan submitted with the application indicates the proposed modification of the setback along Oxford will occur on the northeast portion of the lot.

The owner has represented to staff that the northeast portion of the building encroaching on South Oxford is below the maximum 35 feet height requirement contained in the PUD standards. The applicant, per the deed restrictions, further represents that he has received approval from the Rockhurst Architectural Review Committee for both the design of the home as well as the five-foot reduction in the South Oxford building setback. A letter confirming this fact was not provided with the application.

Staff has reviewed the request and finds the amendment to be minor in nature and does not affect the character or intent of the original PUD approval. The height of northeastern wing of the residential structure is lower than the maximum allowed. The requested five-foot modification of the required setback will not adversely affect the future home directly to the east. Staff is of the opinion that the separation of the secondary side yard by a street will minimize any noticeable difference of building setback along Oxford.

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD-543-2 subject to the following conditions:

1. Providing an east-facing elevation, of the proposed residence showing height and showing the structure is within the 35 maximum allowed height.

Note: TMAPC approval does not override the Rockhurst Deed of Dedication/restrictive covenants requiring approval of all structures and site plans by an architectural review committee.

Applicant was present and agrees with staff's recommendation.

There were no interested parties wishing to speak.

Mr. Midget out at 2:42 p.m.

Mr. Horner out at 2:42 p.m.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON** the TMAPC voted **7-0-0** (Boyle, Carnes, Gray, Harmon, Jackson, , Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford, Selph, Midget "absent") to recommend **APPROVAL** of PUD-543-2 subject to conditions as recommended by staff.

Legal Description for PUD-543-2:

Lot 3, Block 1, Rockhurst Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

PUD-516-5 – Roy D. Johnsen

(PD-26) (CD-8)

Southeast corner East 101st Street South and South Yale Avenue
(Minor Amendment to permit the re-subdivision of two office lots into seven smaller lots for individual ownership)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to permit the re-subdivision of two office lots into seven smaller lots designed for individual ownership in an office park setting with common parking and mutual access. The applicant is also requesting approval to allow transfer of the initial allocation of permitted building floor area among the seven lots and the subsequent adjustment to lot boundaries. A preliminary plat is being considered as a separate agenda item related to this request.

Staff has reviewed the request and finds the request maintains the original allocation of 18,250 square foot of floor area and sets a maximum floor area ratio of .30 per lot. The 18,250 square foot allocation on 1.7 acres of Lots 16 and 17 (74,052 SF) resulted in a

maximum building floor area of .25; the applicant's request would increase the allowable floor area by 20% on any single lot while not increasing the total floor area for the entire 1.7 acres. Finally, the applicant proposes that transfer of floor area between lots shall not exceed 10% of the initial allocation to the lot to which the transfer of floor area is made.

Staff can support the request as maintaining the character and intent of the original PUD approval while providing a mechanism to allow an increase in flexibility of the allocation of floor area and adjustment of lot boundaries. Staff is of the opinion that the marketability of lots will be increased while maintaining the requirements of the PUD and applicable portions of the Code.

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD-516-5 and proposes the addition of the following development standards per the applicant's request:

| | |
|----------------------------------------|-----------|
| Maximum Floor Area | 18,250 SF |
| Allocation of Permitted Floor Area | |
| Maximum Floor Area Ratio Per Lot (FAR) | .30 |

Transfer of Allocated Floor Area

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided, however, the allocation shall not exceed 10% of the initial allocation to the lot to which the transfer of floor area is to be made.

Adjustment of Lot Boundaries

Lot boundaries may be adjusted by approved lot-split (with accompanying tie provision) and the recording of a declaration executed by the owners of the affected lots that the resulting ownership boundaries shall thereafter be deemed the "Lot" boundaries for the purposes of the application of the bulk and area and other development standards, provided, however, no resulting lot shall have an average width of less than 40 feet.

Mutual Access

A mutual access easement shall be delineated by platted easement providing vehicular and pedestrian access to and from South Yale Avenue and connection to interior drives of adjoining commercial properties.

Common Area Parking

Required off-street parking may be provided in a common area or areas, provided, however, the common parking areas shall be delineated by platted easement and shall contain not fewer than the number of spaces required for the then occupied buildings computed on the basis of one space per 300 square feet

for general office floor area and one space per 250 square feet of medical office floor area.

Additionally, approval is conditioned on:

1. The requirement that prior to the issuance of a building permit, the project area shall be included within a subdivision replat submitted to and approved by TMAPC and the Tulsa City Council and duly filed of record.
2. The development standards established within the initial approval of PUD-516 shall remain applicable except as modified by this approval and shall include the requirement of detail site plan review for the development of each lot within the project area.

Staff Comments:

Mr. Stump stated that there is a floor area ratio for each lot that is limited to 0.3; unfortunately there is not enough floor area allocated totally for all of the subject area to allow each lot to be developed at a 0.3 floor area ratio. He asked the applicant if there was going to be an allocation of floor area for each lot in the subdivision plat. In response, Mr. Johnsen stated that he will make an initial allocation in the plat itself to each lot. He explained that what he is trying to achieve is the flexibility to adjust as a particular building is proposed but not exceed the maximum that has been allocated to the project as a whole.

Mr. Stump asked the applicant if the floor area ratio would exceed the .3 with the transfer of floor area. In response, Mr. Johnsen stated that the staff recommendation limits him to the 18,000-floor area.

Mr. Stump recommended that if the applicant transfers floor area out of other lots into a single lot, the higher intensity lot will to be still be limited to 0.3 floor area. Mr. Johnsen answered affirmatively.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES** the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Horner, Ledford, Midget, Selph "absent") to recommend **APPROVAL** of PUD-516-5 subject to conditions as recommended by staff.

Legal Description for PUD-516-5:

Lots 16 and 17, Block 1, 101 Yale Village, City of Tulsa, Tulsa County, and State of Oklahoma.

AND

Ms. Gray and Mr. Midget in at 2:55 p.m.

PRELIMINARY PLAT:

101 Yale Village Office Park (PUD-516) (2783)
Southeast of East 101st Street and South Yale Avenue

(PD-26) (CD-8)

Staff Recommendation:

This subdivision contains 7 lots in 1 block on 2.26 acres. It is a re-subdivision of Lots 16 and 17, Block 1, 101 Yale Village. It will be developed as an office park on individual lots.

The Technical Advisory Committee has the following comments:

1. Lee, Water, wants a restricted waterline easement along the north side of Lots 1,2 &3.

Staff recommends approval of the preliminary plat subject to the following:

1. All conditions of PUD-516 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.
1. 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.
2. 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.)
3. 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).
4. 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.
5. 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.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. 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.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. 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.
14. 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.)
15. 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.
16. 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.)
17. 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.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)

- 22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
- 23. 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.)
- 24. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant was present and indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **7-0-1** (Boyle, Carnes, Gray, Harmon, Jackson, Pace, Westervelt "aye"; no "nays"; Midget "abstaining"; Horner, Ledford, Selph "absent") to recommend **APPROVAL** of the Preliminary Plat for 101 Yale Village Office Park (PUD-516) subject to the standard conditions and the waterline easement as recommended by staff.

AC-035 – J. M. Casey

(PD-17) (CD-5)

8181 East 31st Street

(Alternative Compliance to allow a hose bib for irrigation of required parking lot trees)

Staff Recommendation:

The applicant is requesting Alternative Landscape Compliance to allow a hose bib for irrigation of required parking lot trees. The trees were planted or existed prior to the filing of a building permit application for an expansion of existing church parking.

The landscape plan indicates that 22 additional spaces will be added to the southeast parking area. Two parking lot trees are required by the code. A total of seven existing trees are located within a substantial open space area abutting the proposed new parking area. Five of the existing trees are recently planted 4" pears which have been watered by a hose bib located approximately 180' to the northwest.

Staff has reviewed the application and reviewed the requirements of Chapter 10. The installation of new parking areas require that landscaping and irrigation comply with the Landscape Chapter. The existing trees and the large pervious surface surrounding the trees, however, exceed the minimum requirements of the code for parking lot-landscaped areas. The fact that the recently planted Bradford pears and existing

redbuds have been irrigated by hose bib and are thriving is evidence of the ongoing care given to new plantings by the church.

Staff, therefore, finds that the applicant exceeds the requirements of the code regarding the number of trees and the size of the area in which they are planted. The amount of water required to maintain the trees is reduced by the large recharge area and can be readily supplemented by the existing hose bib.

Staff recommends **APPROVAL** of AC-035 finding that although the request does not meet the strict technical requirements of Chapter 10, the proposed landscaping and method of irrigation exceed or are equal to those requirements.

Applicant was present and indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

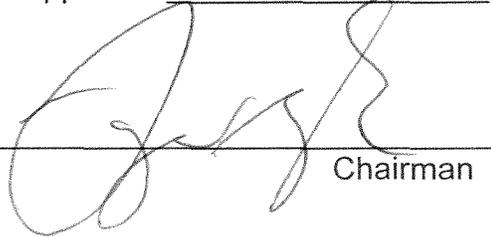
TMAPC Action; 8 members present:

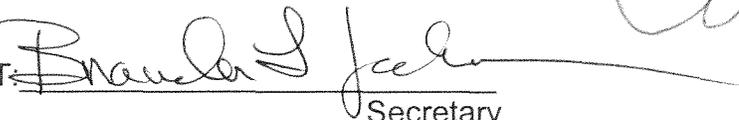
On **MOTION** of MIDGET the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford, Selph "absent") to **APPROVE** case AC-035 as recommended by staff.

Commissioner's Comments:

Mr. Midget requested staff to notify the interested parties on Z-6637 if any further action is requested on Z-6637.

There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date approved: 6-24-98

Chairman

ATTEST: 
Secretary