

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2164

Wednesday, June 24, 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	Midget	Dunlap	Romig, Legal
Carnes		Huntsinger	Counsel
Gray		Matthews	
Harmon		Stump	
Horner			
Jackson			
Ledford			
Pace			
Selph			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 22, 1998 at 9:45 a.m., posted in the Office of the City Clerk at 9:43 a.m., as well as in the office of the County Clerk at 9:41 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 June 3, 1998, Meeting No. 2161:**

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Selph, Midget "absent") to **APPROVE** the minutes of the meeting of June 3, 1998 Meeting No. 2161.

### Reports:

#### Chairman's Report:

Mr. Boyle reported that item No. 7, Change of Access, has been stricken from the agenda. Item No. 10 will have a correction in the text of the PUD and item No. 12 will have a new staff recommendation.

Mr. Westervelt informed the Chairman that he will be abstaining from Item No. 12.

**Committee Reports:**

**Comprehensive Plan Committee:**

Mr. Ledford reported that the Comprehensive Plan Committee has an item on the agenda, which is No. 17.

**Special Residential Facilities Task Force:**

Mr. Westervelt reported that there will be a meeting on Thursday, June 25 at 3:30 p.m. He stated that the meeting will be the last group meeting and hopefully the Task Force can start on some formal recommendations. He encouraged the Planning Commissioners to attend the meeting.

**Director's Report:**

Mr. Stump stated that there are several items on the City Council agenda. He informed the Planning Commission that he would be attending the meeting. Mr. Boyle requested Mr. Ledford to attend the City Council meeting.

Mr. Selph in at 1:32 p.m.

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

**L-18668 – Tulsa Development Authority** (2502) (PD-2) (CD-1)  
545 East Reading Street

**L-18669 – Annette Shaeffer** (2890) (PD-23) (County)  
23305 West Coyote Trail

**Staff Recommendation:**

Mr. Stump stated these lot-splits are all in order and staff recommends approval.

**Lot-TMAPC Action; 10 members present:**

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

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**Change of Access:**

**Part of Lot 2, Block 1, Homeland No. 0102 (1483)**

7837 East 91<sup>st</sup> Street.

**This case was stricken from the agenda.**

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**ZONING PUBLIC HEARING:**

**Z-6643 – Ted Sack**

North of northeast corner East Archer Street and North 129<sup>th</sup>  
East Avenue

**CO to CG**  
**(PD-5) (CD-6)**

**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Corridor.

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

**Staff Comments:**

**Site Analysis:** The subject property is approximately 12.68 acres in size and is located north of the northeast corner of East Archer Street and North 129<sup>th</sup> East Avenue. The property is flat, partially wooded, has a large barn, and is zoned CO.

**Surrounding Area Analysis:** The subject tract is abutted on the north and northeast by I-244, zoned RS-3; to the west by a mobile home park and vacant land, zoned RMH and AG; and to the south by a single-family dwelling, barns and a trucking business, zoned CG.

**Zoning and BOA Historical Summary:** The subject tract was zoned CO in 1988 from AG and RS-3 and the adjoining property to the south was zoned CG at that time.

**Conclusion:** The Comprehensive Plan designates the subject tract as being within a medium intensity corridor district, but based on the surrounding zoning and development, staff recommends **APPROVAL** of CG zoning for Z-6643.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of CG zoning for Z-6643 as recommended by staff.

**Legal Description for Z-6643:**

A tract of land that is part of the SW/4 of Section 33, T-20-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, said tract of land being more particularly described as follows, to-wit: "beginning at a point" that is the Southwest corner of the SW/4 of said Section 33; thence due North along the Westerly line of Section 33 for 422.64'; thence due East for 40.00'; thence due North for 97.52'; thence due East for 70.00'; thence due North for 351.83' to a point on the Southwesterly right-of-way line of Interstate 244; thence Southeasterly along said right-of-way line on a curve to the right with a radius of 3134.05' and a chord bearing of S 55°20'04" E for 103.20'; thence S 54°23'28" E along said right-of-way line for 923.66'; thence S 52°50'15" E for 368.64'; thence S 52°15'48" E for 73.75' to a point on the Southerly line of the SW/4 of said Section 33; thence S 89°39'41" W along said Southerly line for 1297.95' to the "point of beginning" of said tract of land.

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**Z-6644 – Charles Norman**

Southwest corner East Admiral Place and South 145<sup>th</sup> East Avenue.

**AG to IL**  
(PD-17) (CD-6)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north 300' fronting E. Admiral Place N. as a Linear Development Area and the east 500' x 500' node at the intersection of E. Admiral Place and S. 145<sup>th</sup> East Avenue as Medium Intensity – No Specific Land Use. The balance of the tract is designated Low Intensity – No Specific Land Use by the Comprehensive Plan. However, an amendment to the District 17 Plan is underway. By the terms of this amendment, the subject area would be designated Medium Intensity Industrial. The TMAPC has approved the amendment and City Council will hear it shortly.

According to the Zoning Matrix the requested IL zoning **is** in accordance with the amended District 17 Plan.

Staff Comments:

**Site Analysis:** The subject property is approximately 119 acres in size and is located on the southwest corner of East Admiral Place and South 145<sup>th</sup> East Avenue. The property is gently sloping, partially wooded, vacant, and zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north by a trucking company and truck storage, zoned IL; to the south and southeast by vacant property, zoned AG; to the east a commercial business and two single-family dwellings, zoned RS-3; and to the west is a 100' strip running from north to south, zoned OL, RMH and RM-2 for road right-of-way; west beyond the strip is vacant land, zoned CG.

**Zoning and BOA Historical Summary:** The most recent zoning in this area rezoned a five-acre tract on the north side of E. Admiral and across the street from the subject tract, from RS-3 to IL.

**Conclusion:** Based on existing zoning and development patterns in the area, and the upcoming amendments to the District 17 Plan, staff recommends **APPROVAL** of IL zoning for Z-6644.

**Applicant's Presentation:**

**Mr. Charles Norman**, 2800 Mid-Continent Tower, stated that he agrees with the staff recommendation. He requested the Planning Commission to approve the staff's recommendation following the consideration of the Comprehensive Plan amendments of June 17<sup>th</sup>.

**Interested Parties:**

**Paul Wood**, 145 South 145<sup>th</sup> East Avenue, stated he lives directly east of the subject property. He expressed concerns about the egress and ingress into the subject property. He indicated that it would be preferable if there were no driveways into the subject property from 145<sup>th</sup> East Avenue and entrances/exits to Admiral were restricted.

**Applicant's Rebuttal:**

Mr. Norman stated there will be two access points on 145<sup>th</sup> East Avenue and approximately 2,000 feet of frontage. He explained that the development concept for the subject property will result in far fewer access points than normally seen if the subject property were developed in smaller tracts. He indicated that there will be one access point south of Admiral for employee parking from 145<sup>th</sup> as indicated on the plat.

**TMAPC Comments:**

Ms. Pace asked Mr. Norman if the access point on 145<sup>th</sup> will be for employee parking, with no semi-trucks and trailers entering or exiting. In response, Mr. Norman stated that it is planned to have one driveway access point for heavy traffic on a boulevard-type street.

Ms. Pace questioned if there will be three access points on 145<sup>th</sup>, with some of those access points having semi-trucks and trailers entering and exiting. In response, Mr. Norman stated that semi-trucks and trailers will be using the access point on 145<sup>th</sup>, which is the southernmost access. Mr. Norman stated that the bottom line, with the Comprehensive Plan amendment, is that in the platting process the Planning Commission will regulate access appropriately along the entire corridor that is being established, including the east side of 145<sup>th</sup>, which is south of the two residential units.

Mr. Norman stated there will be employee parking on the outside of the structure. He explained that the heavier traffic will be in the interior and confined to the corners.

Ms. Gray asked Mr. Norman how many employees his client anticipates employing at this site. In response, Mr. Norman stated there will be several hundred employees.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of IL zoning for Z-6644 as recommended by staff.

**Legal Description for Z-6644:**

Lots 7 and 8 and the South Half of the Northeast Quarter of Section 4, T-19-N, R-14-E, Tulsa county, State of Oklahoma.

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**Z-6645/PUD-591 – Wayne Alberty**

South of southwest corner East 47<sup>th</sup> Street and South Gary Avenue.

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

(PD-6) (CD-9)

**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

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

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

**Staff Comments:**

**Site Analysis:** The subject property is less than one acre in size and is located south of the southwest corner of E. 47<sup>th</sup> Street South and South Gary Avenue. The property is flat, partially wooded, contains one single-family dwelling and is zoned RS-1.

**Surrounding Area Analysis:** The subject property is abutted on the north, south and west by single-family dwellings, zoned RS-1 and to the east by property zoned RS-1.

**Zoning and BOA Historical Summary:** The most recent zoning action in this area, rezoned a .85 tract located on the northeast corner of E. 47<sup>th</sup> Street S. and S. Gary Avenue from RS-1 to RS-2 in order to split the tract into three separate lots.

**Conclusion:** Based on the Comprehensive Plan designation and the surrounding land uses, staff recommends **APPROVAL** of RS-3 zoning for Z-6645.

**AND**

The PUD proposes four single-family dwellings on 0.95 acres located 310' south of the southwest corner of 47<sup>th</sup> Street and South Gary Avenue, having 180' of frontage on South Gary Avenue. The proposed development would have a single private roadway providing access from South Gary Avenue. Related zoning case Z-6645 is requesting a change to RS-3.

The subject tract contains an older frame home, which the new owner proposes to remove. There are single-family homes zoned RS-1 to the north, south and west. The French Villa Apartments, which are zoned RM-2 and RS-1, are located to the east across South Gary Avenue.

If the property is rezoned to RS-3, 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-591 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-591 subject to the following conditions:

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

**2. Development Standards:**

Land Area: (Gross)	0.95 acres
(Net)	0.85 acres

Permitted Uses:	Use Unit 6, Detached single-family residences
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Maximum Number of Dwelling Units:	4
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Minimum Width of Private Street right-of-way	24 FT
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Minimum Width of Required Yards:

From the west boundary of the PUD	25 FT
From the north boundary of the PUD	20 FT
From the south boundary of the PUD	20 FT
From the Private Street right-of-way	20 FT
From the <del>right-of-way</del> <u>centerline</u> of South Gary Avenue	50 FT
From internal side lot lines	5 Ft

Minimum Parking spaces per lot:

Enclosed	2
Open off-street	2

Other Bulk and Area Requirement: as provided within an RS-3 District

3. The Department 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.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas within the PUD.
5. All private roadways shall be a minimum of 20' in width for two-way roads and 12' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
6. 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.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. Entry gates or guard gates, if proposed, must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit.
9. Approval of the PUD is not an endorsement of the layout. This will be done during the subdivision platting process.

**Applicant's Presentation:**

**Mr. Robert Nichols**, 111 West 5<sup>th</sup>, Tulsa, Oklahoma, representing the applicant, stated he has two design standards, a proposed site plan and an architectural rendering of the gates, which will encircle this community once it is developed.

Mr. Nichols stated the application is a typical application for infill development of an older home site. He indicated that the subject property is approximately one acre and has a single-family residence, which has been in place approximately 40 or 50 years. The design standards submitted address Lots 2 and 3, which are the westerly two lots. The staff recommendation has included a setback in excess of 15 feet for Lots 1, 2, and 3. He stated that the property to the west of the subject property is zoned RS-1, and those setbacks that staff has recommended are the RS-1 standards. However, in this application the project will be a walled community, which will be part of the restrictive covenants. He explained that the proposed project will be single-family homes in single-story developments.

Mr. Nichols stated that the design standard that he has suggested to be imposed as part of the restrictive covenants would be to limit the height of the properties to single-stories if they are going to be built within 15' of the west line. However, if the units are built as two-story units on either Lots 2 or 3, then the second story will have to be located at least 25' from the lot line, in accordance with the staff's recommendation.

Mr. Nichols stated that the second design standard is that staff recommended a 20' setback from the private street. He commented that he recognizes the staff's concerns of being able to park two automobiles in the driveways of each unit. He suggested a 20' setback for any garage in order to park vehicles in the driveways of each unit.

Mr. Nichols stated that the third issue deals with the setbacks on the subject properties to the north and south. He indicated that the tract immediately to the south is owned by Mrs. Foley, who is a co-partner in this development. He stated that Mrs. Foley conveyed 20 feet of her lot to his client prior to this application being submitted. He explained that the 20 feet was necessary in order to have enough frontage on Gary Avenue. Both north and south tracts are single-family homes on one acre. The north and south tracts will be ultimately be a part of the infill development. The concern of imposing an RS-1 setback requirement to protect the properties to the north and south is really an antiquated standard. He recommended that the setback standards for both the north and south tracts be the 15-foot setback that has been suggested in the development text that was submitted with this application.

Mr. Nichols stated that the two design standards that he has suggested to the Planning Commission would be additional requirements that would be imposed in reaction to the staff's recommendation.

**TMAPC Comments:**

Ms. Pace asked if the entrance to the garages would be from within the development if this is a gated community. In response to Ms. Pace, Mr. Stump stated the setback would be from the private roadway or drive. He explained that there would be a setback from the centerline of Gary of 50' for all structures.

Mr. Nichols stated that the entire project will be set 50 feet back from the centerline of Gary Avenue.

Mr. Boyle asked staff their position on the two design standards that Mr. Nichols submitted and the additional 15-foot request on the north and south boundary. In response, Mr. Stump stated that the setback from the private street, because of the low volume of only four units is no problem. Mr. Stump commented that on the Lot 2 and 3 change, staff would like some type of design assurance that it will function as a side yard rather than a rear yard. If the applicant could assure that there will be no exterior windows on the side yard, then that would be acceptable. Mr. Stump stated that staff feels that the north and south boundaries actually function as a rear yard and that is a smaller rear yard than is required by the surrounding zoning. He explained that staff does not understand why the rear yard does not need be the same as in the standard zoning. He stated that the applicant has not provided any design specialties or unusual measures that would mitigate the need for the 20-foot setback.

**Interested Parties:**

**Danette Gallatin**, 3123 East 48<sup>th</sup> Street, stated that she purchased her property approximately six weeks ago. She explained that she was attracted to the subject area because of the homes and expansive lots that are throughout this neighborhood. She expressed concerns with the potential of commercial and multifamily development encroachment.

Ms. Gallatin stated before signing a contract on her new home, she contacted INCOG to find out what the area was zoned. She explained that staff informed her that the surrounding zoning was RS-1. She stated that staff informed her that there were no new applications for zoning or Board of Adjustment for the subject area. She explained that with Harvard being close to her home, the subject property is a barrier to preserve the serenity of the neighborhood.

Ms. Gallatin stated that if this application is granted it will set a precedent in the subject area. She expressed concerns regarding abutting properties following the same example as the proposal. She commented that the proposal would be the most profitable use of the subject property; however, it does not make it the right decision for the neighborhood.

Ms. Gallatin explained that using the same specifications for the subject property, there would be the ability to build six or more units on the property immediately to the north of the subject property, which is directly behind her property. She stated that then there would be ten or more houses in an area where there are currently two houses.

Ms. Gallatin stated that it seems reasonable to assume that whenever someone buys a piece of property, they would use the property based on the zoning whenever they purchased it. She commented that the current zoning would allow two homes to be built on the subject property, which would be reasonable.

Ms. Gallatin concluded by stating that the subject property is currently zoned in a way that is consistent with the rest of the neighborhood. She commented that the proposal will be a detriment to the neighborhood. She requested the Planning Commission to deny this application.

**TMAPC Comments:**

Ms. Gray asked Ms. Gallatin if there was a neighborhood association for her neighborhood and if anyone from the development contacted any of the neighbors. In response, Ms. Gallatin answered negatively.

**The following Interested Parties expressed similar or the same concerns as listed below:**

**Charles Cook**, 4815 South Florence Place; **Frank Cox**, 4815 South Florence Place; **Hubert Ore**, 3140 East 47<sup>th</sup> Street; **Bob and Betty Hill**, 3144 East 49<sup>th</sup> Street; **Pat Kimmel**, 3204 East 47<sup>th</sup> Street, submitted letter of protest from **Teresa Miller**, Florence Place; **Saxon Moore**, 3035 East 49<sup>th</sup> Street;

**The Interested Parties listed above expressed the following concerns:**

Flooding from Joe Creek; stormwater runoff onto adjacent neighbors; concerns with the private drive causing flooding; increased density; safety of children with increased traffic; breach of covenants if rezoned;

**TMAPC Comments:**

Mr. Westervelt commented that the Planning Commission is interested in stormwater and concerned about it. However, the Planning Commission does not deal with stormwater issues. He explained that Public Works, Stormwater Management, will be the ones to deal with stormwater issues. He stated that if the Planning Commission approved the requested zoning change, the criteria to keep the adjacent neighbors from being affected would have to be met at Stormwater Management. He commented that the Stormwater Management standards are very stringent. Mr. Westervelt concluded that the Planning Commission does not impose the restrictions or standards of Stormwater Management.

Mr. Harmon asked Mr. Moore whether, if the stormwater issues were addressed he would still be against the rezoning. He stated he had no comment.

**Interested Parties:**

**Councilor Brady Pringle**, City Council, District 9, stated the original zoning is RS-1 and the zoning should remain RS-1. He commented that the proposal is not in harmony with the established neighborhood. Mr. Pringle concluded that the neighborhood is against this proposal and no one has supported this proposal but the developer. He stated that he is opposed to this application.

**TMAPC Comments:**

Mr. Selph asked Mr. Pringle if there were other specific questions that he would like the Planning Commission to ask the applicant. In response, Mr. Pringle stated the flooding needs to be addressed. Mr. Pringle indicated he had concerns with the lot size, height of homes and number of homes being proposed.

**Applicant's Rebuttal:**

Mr. Nichols stated in regard to the flooding, Mr. Boyd fully understands his responsibilities to comply with the requirements of stormwater management, not only after the project is complete, but also during the development of the project.

Mr. Nichols stated that the subject property was part of a farm before statehood. He commented that all of the interested parties' subdivisions were platted prior to the subject property becoming the City of Tulsa. He indicated the subject area was platted when it was still Tulsa County. He stated that at the time of platting, Tulsa County had no zoning code. When the City of Tulsa annexed the subject area, RS-1 was applied because it was the zoning classification that most closely fit. He explained that the subject property owner never went before anyone and requested RS-1. Mr. Nichols stated that in regard to violating any zoning covenants or spirit of the community, that is certainly not the case with the subject proposal.

Mr. Nichols commented that there are property owners who are not present. He stated Mrs. Foley, which lives immediately south of the subject property and sold 20' of her property to the applicant, is in support of the subject application. He indicated that the neighbor to the north is also in favor of the subject application.

Mr. Nichols stated the subject proposal will be walled; however, the decision to install gates has not been made at this time. He commented the gates probably will not be necessary in the subject neighborhood. He explained that the proposed gates are for security reasons and that is probably unnecessary in this neighborhood.

Mr. Nichols stated that the subject project is almost within the RS-2 standards. He explained that with four units on one acre or more come within 1/100 of being at RS-2 standards. He commented that the subject project could be approved for RS-2 if the applicant had approximately 20' of total area. He stated that the subject project is not injecting something overwhelming. The Comprehensive Plan for the subject area calls for low-intensity residential. He commented that the subject project fits the low-intensity residential category.

**TMAPC Comments:**

Mr. Ledford asked Mr. Nichols if he agreed with the staff's recommendation that all private roads shall be a minimum of 20' in width. In response, Mr. Nichols stated he does not have an objection to the 20' width.

Mr. Boyle asked Mr. Nichols to address the issue that the subject project is proposed on a short dead-end street and there will be a significant impact on the traffic-way. In response, Mr. Nichols stated that Gary Avenue in its current condition is narrow; however, he drove down Gary Avenue with his car and did not have to go into the ditch to pass an oncoming car. The issue with traffic is a zoning issue that the staff has analyzed. The staff has made recommendations that the RS-3 application is in compliance with the proposed plan and within compliance with the recommendation of the subject area. Mr. Nichols stated that the subject area would allow up to 5.3 units per acre. The subject proposal is for lower density and potentially generating less traffic into today's market place.

Mr. Nichols stated that the subject project is being designed for elderly persons who are looking for a single-story home. He commented that the subject proposal is not designed for families with teenagers, and therefore, the traffic impact will not be that great.

Mr. Ledford asked Mr. Nichols if his client has discussed the subject project with Stormwater Management and what decisions were made in order to mitigate the downstream flow from increasing. In response, Mr. Nichols stated he does not have that information with him. He explained that the platting process has not begun, but he has started the preliminary plat process.

Mr. Ledford stated that what he is most concerned about is, what stormwater has recommended in terms of on-site detention or fee-in-lieu of. In response, Mr. Nichols stated that those issues have not been fully addressed or determined by Stormwater Management.

Mr. Nichols stated that his client is not asking the Planning Commission to waive solutions to any of the problems that exist with the flooding in this neighborhood. He further stated that his client is not asking permission to add to the flooding problem.

Mr. Westervelt asked Mr. Nichols if he and staff have come to any conclusions on the one setback issue that he requested concessions on. In response, Mr. Nichols stated that Mr. Stump has injected some language that is acceptable to his client.

Mr. Stump stated that, in regard to the setback issue on the west-facing walls, if the single-story unit is within 15' the condition is that there will be no windows. In response, Mr. Boyle asked staff if the conditions are that if there are no windows, the single-story unit can be within 15'. Mr. Stump answered affirmatively.

Mr. Westervelt asked the applicant if he is willing to accept staff's recommendation with the minor change of the 15' setback. Mr. Nichols stated he is not in agreement with staff in regard to the setback lines on the north and south sides of the subject project.

Mr. Westervelt asked the applicant whether, if he had the option of having the zoning with staff's requirement or being denied with the ones he is asking for, he would be inclined to accept staff's recommendation. Mr. Nichols answered affirmatively.

**Ms. Gray recognized Ms. Hill.**

**Interested Parties:**

Ms. Hill stated that the applicant indicated that the neighbors to the north and south are in favor of this project; however, the neighbor to the north does not exist. She explained that the neighbor to the north died and his estate has recently went through probate. She indicated that the property to the north is for sale at this time.

**TMAPC Comments:**

Mr. Boyle stated that this is a very difficult application. He referred to the project at the 18<sup>th</sup> and Peoria, which has a similar look as the proposed project. He explained that 18<sup>th</sup> and Peoria project has direct access onto Peoria. It also was abutting the multifamily and some other uses that seemed to be compatible with this type of project. He commented that the subject project does not have the same issues as the 18<sup>th</sup> and Peoria, and therefore it makes it a difficult issue.

Mr. Ledford asked staff to review the rear yard and side yard setbacks on RS-1, RS-2, and RS-3. Mr. Stump stated that in RS-1 and -2, the rear yard is required to be at least 25' and in RS-3 it is 20'. Mr. Stump stated the side yards in RS-1 and -2 are 10' on one side and 5' on the other side. For RS-3, it is five feet on both sides.

Mr. Carnes stated the RS-3 zoning would be spot zoning. He expressed concerns with the run-off water. He indicated that he would oppose RS-3.

Mr. Selph stated he is concerned with the flooding problems. He asked staff what type of precedent would the Planning Commission be setting by approving this infill, if it were to be approved. In response, Mr. Stump stated he agreed that the tract to the south and every property that fronts on Gary Avenue will be eligible for RS-3 zoning and redevelopment. Mr. Stump commented that RS-3 development along Gary Avenue would not overload Gary Avenue. He explained that it is a very low-traffic-volume area at this time.

Ms. Pace stated that it would seem that since the subject project is close to RS-2 requirements, it would be best to purchase the 20' of property necessary and request the RS-2 zoning. This would prevent spot zoning and would be more appropriate for the subject area. She expressed concerns with flooding in the subject area.

Mr. Westervelt stated that regardless of the outcome of the vote today, it would be important that the minutes reflect that Stormwater Management should look into the situation. He explained that there may be increasing densities in the subject area that do not require the Planning Commission's actions and there would be not control. Mr. Westervelt informed Councilor Pringle that the City Council actually has a tougher job than the Planning Commission. He reminded the interested parties that the Planning Commission is a recommending body and the City Council will make the final decision. He stated that the Planning Commission should consistently look at the Zoning Code for the City of Tulsa, and for that reason, he will be supporting the application to continue to defend staff's recommendation and the integrity of the Code. He commented that when this application reaches the City Council level, then the Council will have the opportunity to make more intuitive and political decisions about the vote.

Mr. Horner stated he will be supporting the application.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON** the TMAPC voted **4-6-0** (Harmon, Horner, Jackson, Westervelt "aye"; Boyle, Carnes, Gray, Ledford, Pace, Selph "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of RS-3 zoning for Z-6645 and **APPROVAL** of the PUD-591, subject to the design standards changes; subject to the Stormwater Management reviewing the stormwater run-off and flooding; subject there being no windows on single-story units within the 15' setback on the west side; subject to the north and south setback lines being 20'; subject to the project being a walled community, as recommended by staff.

**The motion failed due to the lack of a majority vote.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES** the TMAPC voted **5-5-0** (Boyle, Carnes, Gray, Pace, Selph "aye"; Harmon, Horner, Jackson, Ledford, Westervelt "nays"; none "abstaining"; Midget "absent") to recommend **DENIAL** RS-3 zoning for Z-6645 and **DENIAL** of PUD-591.

**The motion failed due to the lack of a majority vote.**

Chair Boyle announced that the zoning request for Z-6645/PUD-591 will be sent to the City Council without a recommendation from the Planning Commission.

**Legal Description for Z-6645/PUD-591:**

The North 165' of the East 212' and the North 15' of the East 200.00' of the South Half of Lot 15, Claypool Subdivision, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; less and except the East 5' thereof dedicated to the public.

\* \* \* \* \*

Mr. Horner out at 2:50 p.m.

**PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENTS:**

**Resolution (TDA) finding amendments to the Kendall-Whittier Urban Renewal Plan in accord with the Comprehensive Plan for the Tulsa Metropolitan Area.**

**Staff Recommendation:**

Ms. Matthews stated these are proposed amendments to the Urban Renewal Plan for the Kendall-Whittier Neighborhood. She explained that the amendments involve acquisition of two properties at the southeast corner of Admiral and Lewis.

Ms. Matthews stated staff does find the amendments in accord with the Kendall-Whittier Neighborhood Master Plan. Staff recommends that the Planning Commission find the amendments in accord. She explained that staff reviewed the amendments with the Comprehensive Plan Committee June 17, 1998.

**Presentation:**

See Insert.

**TMAPC Comments:**

Mr. Westervelt stated he applauds TDA for looking for additional parking because it is one of the issues that tends to stimulate infill development. He explained that there is a shortage of parking in the older areas of Tulsa.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget "absent") to recommend **APPROVAL** of the Resolution (TDA) finding amendments to the Kendall-Whittier Urban Renewal Plan in accord with the Comprehensive Plan for the Tulsa Metropolitan Area.

\*\*\*\*\*

**Zoning Public Hearing (continued):**

**Z-6646 – Ellen L. Collier**  
5874 South Mingo Road

**RS-3 to IL**  
**(PD-18) (CD-7)**

RESOLUTION \_\_\_\_

**A RESOLUTION FINDING THAT THE SECOND 1998 AMENDMENTS TO THE URBAN RENEWAL PLAN FOR THE KENDALL-WHITTIER NEIGHBORHOOD IN CONNECTION WITH FUNDING FROM 1996 THIRD PENNY SALES TAX FUNDS ARE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN OF THE CITY OF TULSA.**

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

**WHEREAS**, said Comprehensive Plan contains sections dealing with the needs and desirability of Urban Renewal Programs; and,

**WHEREAS**, on November 17, 1959, The City of Tulsa appointed the Tulsa Urban Renewal Authority, now known as the Tulsa Development Authority, in accordance with house Bill No. 602, Twenty-Seventh Oklahoma Legislature (1959), now cited as the Urban Redevelopment Act Title 11, Oklahoma Statutes, 38-101 et seq.; and,

**WHEREAS**, said Urban Redevelopment Act requires that the Tulsa Metropolitan Area Planning Commission certify to the City of Tulsa as to the conformity of any proposed Urban Renewal Plans and/or major Plan amendments to the Comprehensive Plan of the City of Tulsa; and,

**WHEREAS**, the Tulsa Development Authority has prepared the Second 1998 Amendments to the Urban Renewal Plan for the Kendall-Whittier Neighborhood area in connection with funding from 1996 Third Penny Sales Tax Funds; and,

**WHEREAS**, said Kendall Whittier Neighborhood Urban Renewal Plan Amendments for the area have been submitted to the Tulsa Metropolitan Area Planning Commission for review in accordance with the Urban Redevelopment Act.

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

The following Second 1998 Amendments to the Kendall-Whittier Neighborhood Area Urban Renewal Plan in connection with funding from 1996 Third Penny Sales Tax Funds are hereby found to be in conformity with the Comprehensive Plan for the City of Tulsa, to-wit:

Revising Appendix I "Land Acquisition Status Maps" to reflect the additional acquisition scheduled;

Revising Appendix II "Relocation Plan" to show the feasibility of relocation and assistance to anyone displaced because of the additional acquisition; and

Revising Appendix III "Financial Plan" to include the additional funds received to carry out the aforementioned activities as follows:

Funding from 1996 Third Penny Sales Tax Funds:

Acquisition/Relocation/Demolition	\$ 328,000
Construction of Improvements	<u>\$ 272,000</u>
	\$ 600,000

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

**APPROVED and ADOPTED** this \_\_\_\_ day of June, 1998, by the Tulsa Metropolitan Area Planning Commission.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

TULSA METROPOLITAN AREA PLANNING COMMISSION

The undersigned hereby certifies that:

1. He/she is the duly qualified and acting Secretary of the Tulsa Metropolitan Area Planning Commission (hereinafter called the "TMAPC") and the custodian of the records thereof, including the minutes of its proceedings; and is duly authorized to execute this certificate.

2. Attached hereto is a true and correct copy of a resolution entitled:

A RESOLUTION FINDING THAT THE SECOND 1998 AMENDMENTS TO THE URBAN RENEWAL PLAN FOR THE KENDALL-WHITTIER NEIGHBORHOOD IN CONNECTION WITH FUNDING FROM 1996 THIRD PENNY SALES TAX FUNDS ARE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN OF THE CITY OF TULSA.

including the recitals, adopted at a meeting of the TMAPC held on the 24th day of June, 1998.

3. The resolution has been duly recorded in the minutes of the meeting and is now in full force and effect.

4. The meeting was duly convened and held in all respects in accordance with law and by-laws, due and proper notice of the meeting was given. A legal quorum of members of the TMAPC was present throughout the meeting and legally sufficient number of members of the TMAPC voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, the by-laws, or otherwise, incident to the proper adoption of the resolution, including any publication (if required by law) have been duly fulfilled, carried out and otherwise observed.

5. He/she is duly authorized to execute this certificate. The TMAPC does not have and is not legally required to have an official seal.

IN WITNESS WHEREOF, the undersigned has hereunto

set their hand this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Secretary

Exhibit "A"

Summary of Second 1998 Amendments to the Urban Renewal Plan for the  
Kendall-Whittier Neighborhood

The proposed amendments and modifications to the Urban Renewal Plan for the Kendall-Whittier Neighborhood area are the result of funding of additional program activities by the City of Tulsa in connection with the City's 1996 Third Penny Sales Tax Funds.

The specific amendments and modifications to the Urban Renewal Plan include the following:

1. Revise Appendix I, Land Acquisition Status Map, to reflect acquisition scheduled under the 1996 Third Penny Sales Tax Funds, specifically:

a. The acquisition of the two parcels fronting Admiral Boulevard on the southeast corner of Lewis Avenue and Admiral Boulevard;

2. Revise Appendix II, Relocation Plan, to include additional relocation resulting from said added acquisition and showing feasibility of relocation in accordance with State and Federal law; and

3. Revise Appendix III, Financing Plan, to include the funding necessary to accomplish the aforementioned activities, specifically:

a. Funding from the 1996 Third Penny Sales Tax Funds:

Acquisition/Relocation/Demolition	\$ 328,000
Construction of Improvements	<u>\$ 272,000</u>
	\$ 600,000

APPENDIX III  
KENDALL-WHITTIER NEIGHBORHOOD  
URBAN RENEWAL PLAN  
FINANCING PLAN SUPPLEMENT  
SECOND 1998 AMENDMENT

Funding from City of Tulsa 1996 Third Penny Sales Tax Funds:

Acquisition/Relocation/Demolition	\$ 328,000
Construction of Improvements	<u>\$ 272,000</u>
	\$ 600,000

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 1 – Industrial Area.

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 100' x 240' in size and is located north of the northwest corner of East 61<sup>st</sup> Street South and South Mingo Road on the west side of S. Mingo Road. The property is flat, non-wooded, contains a single-family dwelling, and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north by a commercial business, zoned IL; to the east by a mini-storage facility, zoned IL; to the west by a drainageway, zoned RS-3; and to the south by a single-family dwelling, zoned RS-3.

**Zoning and BOA Historical Summary:** The tract abutting the subject property was rezoned from RS-3 to IL in 1993.

**Conclusion:** The subject property is identified as being within a future industrial development area. The Comprehensive Plan recommends that new development or redevelopment in this Special District 1 be planned and prepared specifically in accordance with the overall industrial development policy of the metropolitan area and in accordance with the Metropolitan Development Guidelines of the Comprehensive Plan of the City of Tulsa. This area is in transition into industrial zoning and uses; therefore, staff recommends **APPROVAL** of IL zoning for Z-6646.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Jackson, Ledford, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Horner, Midget “absent”) to recommend **APPROVAL** of IL zoning for Z-6646 as recommended by staff.

**Legal Description for Z-6646:**

Lot 6, Block 2, Andersen Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

\* \* \* \* \*

Mr. Westervelt announced he will be abstaining from Z-6647.

**Z-6647 – Stephen Schuller**  
16114 East Admiral Place

**CS to IL**  
(PD-17) (CD-6)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity - Linear Development Area.

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

Staff Comments:

**Site Analysis:** The subject property is approximately 228' x 303' in size and is located on the southeast corner of East Admiral Place and South 161<sup>st</sup> East Avenue. The property is flat, non-wooded, vacant, and is zoned CS.

**Surrounding Area Analysis:** The subject tract is abutted on the north by an RV and trailer sales and storage, zoned IL; to the west by an automobile auction and storage, zoned CS and SR; to the south by a church, zoned RS-3; and to the east by vacant land, zoned CS.

**Zoning and BOA Historical Summary:** There have been some rezonings to IL on properties that are west of the subject tract and that front on E. Admiral Place, but only to a depth of 350'. The property directly north of the subject tract across E. Admiral Pl. has been zoned IL since 1977.

**Conclusion:** The Comprehensive Plan supports IL zoning on tracts between Admiral Place and I-44. The Plan has not supported IL zoning on the south side of Admiral Place, but a number of recent requests for IL zoning west of 161<sup>st</sup> East Avenue on the south side of Admiral Place have been approved to a depth of 350'. Last week the TMAPC approved a revision to the Comprehensive Plan that designates this IL area Medium Intensity-Industrial. The 330' immediately west of 161<sup>st</sup> Street was not, however, changed to Medium Intensity-Industrial. If 330' west of Admiral Place is as far east as the TMAPC intends industrial to be allowed, staff recommends **DENIAL** of Z-6647. If, however, the Comprehensive Plan was amended to allow Medium Intensity-Industrial to extend to the flood plain area east of 161<sup>st</sup> East Avenue, staff would recommend **APPROVAL** of the application.

**TMAPC Comments:**

Mr. Boyle asked staff where the area is located that the Planning Commission voted to have included in the Comprehensive Plan as industrial. In response, Mr. Dunlap stated the area would be west of the automobile auction.

Mr. Boyle asked staff if the property to the east of 161<sup>st</sup> has been addressed, from a Comprehensive Plan standpoint. In response, Mr. Dunlap stated the subject property to the east of 161<sup>st</sup> has not been addressed in the amendment to the Comprehensive Plan.

Mr. Boyle asked staff if the Comprehensive Plan should be amended for the subject area. In response, Mr. Stump stated that even though the area on the west side of 161<sup>st</sup> is CS and SR, it is probably more reasonable to extend the industrial to that point. Mr. Stump indicated the first natural barrier is the floodplain land on the east side of 161<sup>st</sup>. He explained that would create industrial facing industrial on all four corners of the intersection.

Mr. Boyle asked if the Planning Commission were to approve this application, then staff would automatically submit a Comprehensive Plan Amendment. In response, Mr. Stump stated staff would submit an amendment as a housekeeping amendment.

Mr. Boyle stated that if the Planning Commission approves this application, then the Planning Commission would be telling staff what their preference is for the Comprehensive Plan. In response, Mr. Stump answered affirmatively. Mr. Stump explained that if the Planning Commission has no preference to for the Comprehensive Plan, then staff does not recommend rezoning the subject property.

**Applicant's Presentation:**

Mr. Stephen Schuller stated he does not need to do a presentation if the Planning Commission is inclined to approve the zoning request.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, second of **SELPH**, to recommend **APPROVAL** of the IL for Z-6647, the following discussion ensued.

**TMAPC Comments:**

Ms. Gray stated that there were several people who lived in the subject area who did converse with Councilor Justis regarding this application. Because the recommendation of staff, prior to today, was for denial, the interested parties did not attend today's meeting. Ms. Gray stated the Planning Commission needs to reassess this application and continue it for one week in order to notify the interested parties.

In response to Ms. Pace, Mr. Stump stated that changes to the Comprehensive Plan would not be before the Planning Commission. He explained that it would require public notice and a public hearing.

Ms. Pace asked if the Planning Commission were to approve this application today, it would require an amendment to the Comprehensive Plan. In response, Mr. Stump stated it would not require the Planning Commission to amend the Comprehensive Plan, but it would make sense to do so.

Ms. Pace commented that the Comprehensive Plan should be amended first before changing the zoning.

Mr. Romig informed the Chair that the motion and second will need to be withdrawn and then deal with the continuance.

Mr. Ledford stated that there is only one tract that could be utilized as IL, which would be immediately south of the tract that is being considered today. The rest of the property will be a detention pond and a buffer consisting of a drainage area between the IL and everything zoned to the east.

Mr. Schuller stated the Planning Commission could vote and approve the zoning. He commented that he is not certain that the change in the staff's recommendation should have any effect on whether or not any interested parties would appear. In response, Mr. Boyle stated that it would give the interested parties a sense of quietude and safety if they were informed that the staff was recommending denial.

Mr. Selph withdrew his second of Mr. Carnes' motion to approve the IL zoning for Z-6647.

Mr. Carnes withdrew his motion to approve the IL zoning for Z-6647.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE** the TMAPC voted **8-0-1** (Boyle, Carnes, Gray, Harmon, Jackson Ledford, Pace, Selph "aye"; no "nays"; Westervelt "abstaining"; Horner, Midget "absent") to **CONTINUE** Z-6647 to July 1, 1998.

**Further TMAPC Comments:**

Mr. Boyle requested staff to notify the interested parties for the subject area. He stated that the interested parties should be brought up-to-date on the recommendation.

\*\*\*\*\*

**Z-6648 – Roy D. Johnsen**

Northwest corner East Admiral Place and Mingo Valley Expressway.  
6)

**CS to CH or CG**

(PD-5) (CD-

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – No Specific Land Use – Corridor.

According to the Zoning Matrix the requested CH zoning **is not** in accordance with the Plan Map; the requested alternative CG zoning **may be found** in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 26.3 acres in size and is located on the northwest corner of East Admiral Place and Mingo Valley Expressway. The property is flat, non-wooded, contains a vacant shopping center, and is zoned CS.

**Surrounding Area Analysis:** The subject tract is abutted on the north and east by I-244 and the S. Mingo Valley Expressway right-of-way, zoned RS-3; to the west by a Mingo Creek and beyond Mingo Creek is a truck sales and storage, zoned CG; and to the south across E. Admiral Place is vacant property, zoned CS.

**Zoning and BOA Historical Summary:** The most recent action in this area rezoned a 9.7 acre tract located west and across Mingo Creek from the subject tract, from CS to CG for truck sales.

**Conclusion:** The Comprehensive Plan designates this area that is bounded by the Crosstown Expressway and west of the Mingo Valley Expressway as a medium intensity corridor requiring site plan review and serving the entire district. The property has been zoned CS since 1970 and has been developed as a shopping center complex that has not been utilized for a few years. Based on the Comprehensive Plan and the adjoining zoning and development to the west, staff recommends **DENIAL** of CH zoning for Z-6648. Staff could; however, support CO zoning on this property or would be inclined to support CG zoning if accompanied by a PUD.

**TMAPC Comments:**

Mr. Westervelt asked staff if the denial of the CH zoning and approval of CO or CG would enable Mr. Johnsen to achieve what he needs. In response, Mr. Dunlap answered affirmatively.

**Applicant's Presentation:**

**Mr. Roy Johnsen**, 201 West 5<sup>th</sup>, Suite 440, Tulsa, Oklahoma, 74103, stated he is representing Saul Centers, Inc., which is a Maryland based developer of commercial properties. He explained that his client has owned the subject property for several years and it presently contains a shopping center building. He stated that the center is in an unusual location; the north and east boundaries are the expressway interchange.

The south boundary is Admiral and the west boundary is Mingo Creek, and properties west of the Mingo Creek are zoned CG.

Mr. Johnsen indicated that there is a substantial amount of CG as well as CH zoning in this subject area. He stated that his clients are experiencing a decline in tenancy and currently has one tenant in the 197,000 SF complex on approximately 22 acres.

Mr. Johnsen stated that his clients have tried to find tenants for the subject property and have been unable to do so. He explained that after some market analysis, his client has concluded that an office warehouse or commercial park would be adaptable to the subject property. He stated that his client intends to use the existing buildings and there will be re-modification of the façade area parking lot, and some overhead doors will be required. He commented that this is an excellent use for the subject property and will probably one of the superior facilities in the subject area.

Mr. Johnsen stated that he filed the application with the alternative for CH zoning. He explained that his client would like to request CG zoning and then immediately file a Board of Adjustment application seeking several of the exception uses that are permitted in CG, but are not permitted in CS. He indicated that the Board of Adjustment has the authority to approve, by special exception, the uses of warehousing light manufacturing.

Mr. Johnsen commented that he reviewed the Matrix and the text of the Comprehensive Plan. He indicated that he did not find where the Comprehensive Plan requires a PUD. He stated that in his opinion it states that CG may be found to be in accordance with the Comprehensive Plan. He commented that he is basically doing a PUD because when he goes to the Board of Adjustment, they will require a site plan and impose conditions.

Mr. Johnsen stated he objects to the staff recommendation that he is required to file a PUD. He commented that the PUD is not necessary in view of the facts of the subject area. He stated that the property immediately to the west was zoned CG in 1994 and received a favorable staff recommendation by which no PUD was required. He further stated that the same property was before the Board of Adjustment in 1996 and received authorization for light industrial use, Use Unit 25, by special exception. He indicated that the same property is presently being used for some type of manufacturing.

Mr. Johnsen stated the subject property has no neighbors and CG zoning would be supportable based on the Comprehensive Plan. He commented that he seldom objects to the requirement for a PUD; however, in this instance, it is an unnecessary expense. He explained that the subject property is fully developed and provides parking.

**TMAPC Comments:**

Mr. Boyle asked Mr. Johnsen if CG zoning would be acceptable. In response, Mr. Johnsen answered affirmatively.

Mr. Carnes stated he agrees with Mr. Johnsen because the property is already developed. The only issue is the proposed use, which can go before the Board of Adjustment for a special exception.

Mr. Harmon asked staff why the staff recommended that there be PUD filed with the CG zoning. In response, Mr. Stump stated that in the Comprehensive Plan it calls for a site plan review of higher intensity uses. He explained that one can achieve the site plan review through Corridor zoning or a PUD. He stated the staff had concerns with uses allowed in CG, such as automotive and allied services, which could be sales. He explained that the staff was hoping to get a good-looking development for the subject property. He stated that the uses that Mr. Johnsen has proposed, done correctly, will be an asset to the subject area. He reminded the Planning Commission that CG zoning does not assure that the proposal is what will actually be on the subject property.

Ms. Pace stated that when changing the zoning, even though the buildings are in place, there is a new landscape ordinance that was adopted since the first development on the subject property. She asked staff if the development under the new zoning category have to come up to the new landscape standards. In response, Mr. Stump answered negatively. Mr. Stump stated that if the applicant tears down buildings and rebuilds, then he will be subject to the landscape ordinance. He explained that under a PUD, the applicant would have a 10% landscaping minimum.

In response to Ms. Pace, Mr. Johnsen stated there will probably be some renovation of the buildings and redoing the parking lot. He commented that one of the site plans he viewed had landscaping on it.

Mr. Johnsen stated that a PUD is intended for new developments and the subject property is already fully developed. He commented that it is an unnecessary requirement, and he will be going before the Board of Adjustment, which will make conditions.

Ms. Gray asked if Use Unit 12A, Adult Entertainment, would be allowed in CS or CG zoning. In response, Mr. Stump stated Use Unit 12A is allowed in CS or CG zoning.

Ms. Pace requested that the applicant have some trees planted along East Admiral Place.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget "absent") to recommend **APPROVAL** for CG zoning for Z-6648.

**Legal Description for Z-6648:**

All of Crosstown Center, less and except the South 120' of the West 120' thereof, a Resubdivision of a part of the Amended Plat of Van Estates No. 2, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

\*\*\*\*\*

**PUD-574-1 – Roy D. Johnsen**

(PD-18) (CD-8)

North and east of northeast corner East 18<sup>th</sup> Street and South Memorial Drive.

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to modify the required west setback for the southwesternmost building from 20 feet to 11 feet. The original approval included minimum setbacks for multifamily buildings and defined north, east, street and "other" boundary setback distances.

The setback category of "other boundaries" set a 20-foot setback distance from an abutting commercial area. The conceptual site plan reviewed indicated an 11-foot setback for the southwesternmost building and reflected an effort to increase the setback from the eastern boundary abutting a single-family residential area.

Staff has reviewed the request and finds the modification of the "other boundary" setback standard for the single multifamily building abuts the commercial area within Block 1 of the Anderson Addition. The area has built out as a mini-storage facility. Staff believes the nine-foot reduction in setback will not adversely affect the commercial area, is minor in nature and maintains the character and intent of the original approval of PUD-567

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD-574-1, Development Area A, as submitted.

**Applicant's Presentation:**

**Mr. Roy D. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 440, Tulsa, Oklahoma, 74103, stated he agrees with the staff recommendation.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget "absent") to recommend **APPROVAL** of Minor Amendment for PUD-574-1, Development Area A, as recommended by staff.

**Legal Description for PUD-574-1:**

Lot 1, Block 1, The Remington at Memorial, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

\*\*\*\*\*

**PUD-128-A-23 – Linda H. Hicks**  
1542 East 75<sup>th</sup> Place South

(PD-18) (CD-2)

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to reduce the required side yard of an existing one-story residence from the required 15 feet to 14 feet. The structure is located on a corner lot abutting South Trenton Avenue. The applicant wants to clear the title to the property. A recent mortgage survey reflects an encroachment on the South Trenton side yard.

In 1981, a Minor Amendment modified the required 25-foot side yard to 15 feet for houses on corner lots within selected blocks of the addition. Staff notes that the survey company was not aware of the minor amendment and showed a 10.2-foot encroachment into the Trenton side yard.

Staff has reviewed the request and the mortgage plat of survey submitted with the application and finds a small section of the east wall of the house is 2/10 of a foot over the 15-foot building setback line. Staff finds that the request is minor in nature and also notes that similar requests have been approved numerous times within the addition.

Staff, therefore, recommends **APPROVAL** of PUD-128-A-23 for Lot 6, Block 8, Kensington II Amended Addition per the submitted plot plan reducing the South Trenton side yard to 14 feet.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **GRAY** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Jackson, Ledford, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Horner, Midget “absent”) to recommend **APPROVAL** of Minor Amendment for PUD-128-A-23 as recommended by staff.

\*\*\*\*\*

**Zoning Text Amendment Public Hearing:**

**Consider amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code).**

**Staff Recommendation:**

Mr. Dunlap stated that staff advertised three issues. The first item is a correction to the Ordinance No. 19217 pertaining to Use Units. He explained that this portion is a housekeeping measure. There were some items left out and some items included that should not have been included.

The second item is amending the word "City" to "Governmental" for Section 1204.C.4.C., which relates to antennas.

The third item had previously been corrected and should not have been advertised.

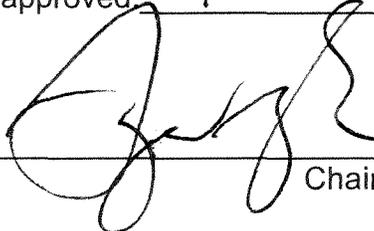
**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget "absent") to recommend **APPROVAL** of items one and two for the Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) as recommended by staff.

\*\*\*\*\*

There being no further business, the Chairman declared the meeting adjourned at 3:25 p.m.

Date approved: 7-15-98

  
\_\_\_\_\_  
Chairman

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