

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2190

Wednesday, January 27, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Carnes	Dunlap	Jackere, Legal
Dick	Midget	Huntsinger	Counsel
Harmon		Matthews	
Hill		Stump	
Horner			
Jackson			
Ledford			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, January 25, 1998 at 1:20 p.m., posted in the Office of the City Clerk at 1:14 p.m., as well as in the office of the County Clerk at 1:09 p.m.

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

Minutes:

Approval of the minutes of January 6, 1999, Meeting No. 2187:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **APPROVE** the minutes of the meeting of January 6, 1999 Meeting No. 2187.

REPORTS:

Committee Reports:

Budget and Work Program Committee

Mr. Horner reported that last Wednesday at the work session there was not a quorum and the work session will have to be rescheduled. Mr. Horner requested staff reschedule the work session for February 3, 1999 at 11:30 a.m.

Comprehensive Plan Committee

Mr. Ledford reported that the Comprehensive Plan Committee has item 15 on the agenda, which is a review of the Capital Improvement Projects.

Policies and Procedures

Mr. Stump reported that the Policies and Procedures Committee had a meeting earlier today. He explained that there will be another meeting with an updated draft to review. The meeting will be February 3, 1999 at 11:30 a.m.

Director's Report:

Ms. Stump reported that there will be Mayor's Urban Design Conference on February 16, 1999. He indicated that on February 8, 1999, there will be a final meeting of the Infill Task Force. February 8, 1999, there will be training session with the neighborhood associations, which is sponsored by the Mayor's office.

Mr. Stump indicated that there are several zoning cases on the City Council agenda for Thursday, January 28, 1999.

Mr. Boyle indicated that Mr. Harmon will be attending the City Council meeting.

Chairman's Report:

Mr. Boyle recognized and thanked staff for having a reception in Mr. Dunlap's honor for his 20 years of service with INCOG.

Mr. Horner out at 1:35 p.m.

ZONING PUBLIC HEARING

Z-6675 - Kevin Coutant

East of southeast corner East 51st Street and South Delaware

RS-2 to RM-2

(PD-18) (CD-9)

And

PUD-513-A - Kevin Coutant

East of southeast corner East 51st Street and South Delaware

OM, RM-1, RM-2/PUD

(PD-18) (CD-9)

TMAPC COMMENTS:

Mr. Boyle stated that there has been a timely request to continue this zoning case to February 10, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Dick, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Midget "absent") to **CONTINUE** Z-6675 and PUD-513-A to February 10, 1999.

Z-6676 - Robert C. Aldrich

East of northeast corner East 91st Street and South Memorial

AG to OM
(PD-18) (CD-8)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 20 acres in size and is located east of the northeast corner of East 91st Street and South Memorial Drive. The property is gently sloping, non-wooded, contains church and related parking, and is zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned RS-3/PUD-298; to the northeast by vacant property, zoned AG/OL/PUD-555; to the west by vacant land, zoned RM-1/PUD-448; and to the east by a church and accessory church uses, zoned AG.

Zoning and BOA Historical Summary: The most recent zoning activity was in December 1996, when approval was granted to rezone the 20-acre tract abutting the subject property on the east from AG to AG/OL/PUD for church and church-related activities. Prior to that, in 1989, approval was granted to rezone the abutting property on the west from CS and RM-1 to CS/RM-1/PUD for mixed-use development.

Conclusion: Although the proposed church use has been approved by the Board of Adjustment and has been determined to be compatible with the surrounding area, the requested OM zoning is not compatible with the Comprehensive Plan. Therefore staff recommends **DENIAL** of OM zoning and would recommend **APPROVAL** of OL zoning on the south 620' to align with the existing OL zoning to the east, with the balance to remain AG.

Horner in at 1:40 p.m.

Applicant's Comments:

Robert Aldrich, P.O. Box 54516, Tulsa, Oklahoma 74155, stated that his church received an exception from the AG to build on the subject property several years ago. He explained that under AG zoning his church has to go before the Board of Adjustment each time they expand on the subject property. He was advised that he would need to rezone to OM in order to build as a matter of right. He explained that he does not need the OM zoning on the entire property.

Mr. Aldrich stated that the church does not intend to exceed the intensity of OL zoning. He explained that the church would like to eliminate having to go before the Board of Adjustment each time it expands. Mr. Aldrich indicated that currently the church would like to build a portico and cannot without obtaining a special exception.

Inaudible.

Mr. Aldrich commented that his church does not foresee using more than 30,000 SF in its long-range goals.

TMAPC COMMENTS:

Mr. Boyle asked staff why the applicant needs OM rather than OL zoning. In response, Mr. Stump stated that under the current zoning the church uses are allowed by special exception and this is the way the vast majority of all churches in residential districts do this. In this case the Board of Adjustment approved the church use per plot plan and any time the church deviates from the plot plan there has to be another review by the Board of Adjustment. Mr. Stump stated that the review is to find if the proposal is compatible with the area. Mr. Stump explained that the church could go before the Board of Adjustment and request that the approval not be per plot plan and approve the church use generally. Mr. Stump stated that what the church would like to do through zoning is to go to an intensity of use which allows churches by right without review.

Mr. Boyle asked Mr. Stump if OM zoning is the lowest zoning. In response, Mr. Stump answered affirmatively. Mr. Boyle asked Mr. Stump whether, if the Planning Commission were to deny the request, then the church could go to the Board of Adjustment and seek another way around the reviews each time they expand. Mr. Stump answered affirmatively.

Applicant's Comments: continued

Mr. Aldrich stated that if OM is not approved he will not need OL because it would require that the church go before the Board of Adjustment for review each time they expand. Mr. Aldrich stated that currently the church cannot install a single-wide trailer on the subject property for a Sunday school class. He indicated that the church cannot change their sign, nor install a portico without a review by the Board of Adjustment. He stated that the church cannot afford to submit a PUD because they do not know how large a building they will finally build.

Mr. Aldrich stated that he would not have filed a request for OM zoning if he knew that there was going to be a problem.

TMAPC COMMENTS:

In response to Mr. Ledford, Mr. Stump stated that the applicant would like to be able to have all Use Unit 5 uses by right without having to be approved by the TMAPC or Board of Adjustment. Mr. Stump stated that one needs intensive zoning to approve OM and the subject area is not planned to be intensively zoned. Mr. Stump indicated that once

the subject property is zoned OM, it remains with the land and the church could decide to move.

Mr. Horner stated that it is hard to determine what a church will need in five to ten years. He commented that he is acquainted with the church and it is difficult financially to go before the Board of Adjustment each time there is an expansion. He stated that he doubts the church will move from the subject property.

Inaudible

Ms. Pace suggested that the Planning Commission follow the staff's recommendation.

Mr. Stump stated that if he were advising the applicant, he would advise that they go back to the Board of Adjustment with some liberal setbacks from the perimeter of their property and request approval of church use within the building envelope without restrictions on specific buildings. For this particular location this would be a reasonable proposal.

Mr. Boyle asked staff if the Planning Commission could apply the zoning fees to the Board of Adjustment application fees. In response, Mr. Stump stated that fees could be transferred.

Mr. Harmon stated that in driving through the subject area, one gets the feeling that the area is being developed intensively. He suggested granting the OM zoning on the platted portion of the lot.

TMAPC Action; 9 members present:

On **MOTION** of **PACE** to recommend **APPROVAL** of the OL zoning for Z-6676 as recommended by staff. Fees for the zoning should be applied to the Board of Adjustment application if applicant chooses to file.

TMAPC COMMENTS:

Mr. Westervelt recognized Mr. Aldrich.

Mr. Aldrich stated that if the church was granted OM zoning in the platted area, the maximum building is 21%, which is below OL.

Mr. Boyle stated that the Planning Commission has some concerns with zoning the subject property to OM. He explained that in the future if the church should move to another location the OM zoning remains with the land and an opportunistic developer might try to take advantage.

Mr. Boyle stated that since the Board of Adjustment has already approved the church use, the applicant could go before them again and have the approval for the whole use rather than the plot plan. In response, Mr. Aldrich stated that he doubts that the Board of Adjustment will allow the change in approval.

Mr. Boyle stated that if the OM was limited to the platted area or to the area north of the OL line and adjoining lot there would be sufficient protection.

Ms. Pace stated that she is concerned with the OM being approved because the change of zoning would not stay with the church use, but with the land. She commented that this could be considered spot zoning. There is nothing higher than OL in the immediate area.

Mr. Ledford stated that what staff has suggested will give the applicant everything that he will need. It will also give the Planning Commission the protection that if there is a transfer in title, then there will not be a zoning in place that could cause problems in the future.

INAUDIBLE

TMAPC Action; 9 members present:

On **MOTION** of **PACE**, the TMAPC voted **5-4-0** (Hill, Jackson, Ledford, Pace, Westervelt "aye"; Boyle, Harmon, Horner, Dick "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the OL zoning for Z-6676 as recommended by staff. The fees for the zoning application shall be applied to the Board of Adjustment application if applicant chooses to file.

Legal Description for Z-6676:

The south 620' of the W/2, SE/4, SW/4 of Section 13, T-18-N, R-13-E of the IBM, Tulsa county, State of Oklahoma, according to the U. S. Government survey thereof.

PUD-567-C/Z-4789-SP-C - Charles Norman

(PD-18) (CD-8)

Southeast corner East 71st Street and South 108th East Avenue

Staff Recommendation:

Development Area C of the PUD and corridor district site plan contains approximately eleven acres and has been platted as Lot 1, Block 2, Woodland Park Center. Recently, by PUD No. 567-B and Z-4789-SP-6b, an additional permitted use was approved to permit within the north 275 feet of the property an automobile tire and wheel store and suspension and muffler repair and service.

The applicant requests approval of an additional permitted use, within the north 275 feet of the property, light repair and service of new and used motor vehicles within an enclosed building, including the sale of parts and accessories and such other items as are incidental to motor vehicle light repair and service but excluding the sale, lease, storage and display of new and used motor vehicles and excluding paint and body work subject to additional development standards applicable to such additional uses.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-567-C/Z-4789-SP-6c 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-567-C/Z-4789-SP-6c subject to the following conditions:

Development Standards:

1. All existing requirements of PUD-567 and PUD-567-B shall continue to apply unless modified below.
2. Add the following permitted uses to the north 275 feet of Lot 1, Block 2, Woodland Park Center:
Light repair and service of new and used motor vehicles within an enclosed building, including the sale of parts and accessories and such other items as are incidental to light motor vehicle repair and service but excluding the sale, lease, storage and display of new and used motor vehicles and excluding paint and body work.
3. Minimum Building setback from south boundary of the north 275 feet of Lot 1, Block 2, Woodland Park Center:
40 feet
4. Repairs and services shall be limited to automobiles, vans and light trucks (pickup trucks).
5. Tire sales and services shall be incidental and secondary to general repair services.
6. Exterior trash receptacles shall not be used for tires, oil, batteries or other recyclable auto repairs.
7. Exterior trash receptacles shall be screened from view at ground level with the same materials used for the construction of the principal buildings.
8. Outdoor storage of partially repaired vehicles awaiting repair shall not be permitted.
9. Permitted outdoor storage must be screened from view at ground level.
10. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers or containers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers or outside containers shall not be used for storage.

11. There shall be no service bay access doors on the north facing building walls.
12. No exterior security fences shall be permitted.
13. Exterior building materials shall be glass, masonry, drivet or masonry-like materials and all sides of the building shall have a similar appearance.

Applicant's Comments:

Mr. Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, requested that the Planning Commission approve the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the Major Amendment and Corridor Site Plan Amendment for PUD-567-C/Z-4789-SP-C, subject to the development standards as recommended by staff.

Legal Description for PUD-567-C/Z-4789-SP-6c:

Lot 1, Block 2, Woodland Park Center, an Addition to the City of Tulsa, according to the recorded plat thereof.

Z-6677/PUD-306-H/Z-6677-SP-1 - Roy D. Johnsen

Southwest corner Vensel Creek and South Riverside Parkway

RM-1 to CO
(PD-18) (CD-2)

Staff Recommendation for Z-6677:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 8.4 acres in size and is located north of the southwest corner of East 101st Street South and South Riverside Parkway. The property is flat, non-wooded, vacant, and is zoned RM-1.

Surrounding Area Analysis: The subject tract is abutted on the north by the Vensel Creek drainage-way, zoned RM-1; to the south by vacant property, zoned AG; to the east by the Riverside Parkway right-of-way, zoned RM-1; beyond the right-of way and to the northeast is a vacant tract, zoned CO/PUD-306-F; to the southeast by the Oklahoma Turnpike Authority maintenance garage and parking area, zoned RM-1 and RS-3; and to the west by the Arkansas River, zoned AG.

Zoning and BOA Historical Summary: Similar corridor zoning was approved on property located to the east.

Conclusion: Because of the proximity of the site to Riverside Parkway, the Jenks Bridge, Delaware Avenue and the Creek Turnpike, the subject tract meets the Development Guideline Requirements for CO zoning. Based on the Development Guidelines, the existing zoning and surrounding uses, staff recommends approval of CO zoning for Z-6677 if the Planning Commission approves PUD-306-H and would also recommend that the District 18 Plan be amended to reflect this change.

and

Staff Recommendation for PUD-306/Z-6677-SP-1:

The Major Amendment to PUD-306/Corridor Site Plan proposes commercial uses on 8.43 acres located at the southwest corner of Vensel Creek and Riverside Parkway. Concurrently an application has been filed (Z-6677) to rezone the tract from RM-1 to CO. The subject tract has 700 feet of frontage on Riverside Parkway and the depth of the tract measured from the right-of-way, varies from 457 feet to 560 feet. The tract is currently zoned RM-1 and the north portion of the tract is part of Development Area K of PUD-306. The applicant proposes the expansion of the PUD by including the south approximately 150 feet of the subject tract. The conceptual site plan (Exhibit A) depicts retail commercial use of the tract, which includes a proposed hotel and two retail buildings. The PUD proposes 400,000 SF of floor area on this 367,210 SF tract (1.09 FAR proposed) with a maximum building height of ten stories.

The channeled Vensel Creek forms the north boundary of the site. The Arkansas River is on the west boundary of the tract and there is AG-zoned property to the south. To the east across Riverside Parkway and South Delaware Avenue is proposed multifamily development (PUD-306-F) and a maintenance facility for the Creek Turnpike.

Staff cannot support the intensity of development as proposed because of the lack of adequate access. However; if Z-6677 is approved and the property is rezoned to CO, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-306-H/Z-6677-SP-1 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.

3. The principal access to all development in the PUD shall be from a corridor collector street unless a variance of Section 804 of the Zoning Code is obtained from the Board of Adjustment. Each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements that are directed toward the existing median break on Riverside Parkway. This access point shall also be mutually accessible to the adjoining undeveloped tract to the south. Access may be limited to one point on Riverside Parkway. All access shall be approved by Tulsa Traffic Engineering.
4. If a Development Area is subdivided, uses and intensities of uses, access and development standards shall be established by Minor Amendment.
5. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height.
10. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.

11. 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 that relate to PUD conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck-trailers or containers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers or outside containers shall not be used for storage.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that the staff conditions are generally acceptable except for one modification to signage. He indicated that he discussed the modification with Mr. Stump and they have reached an agreement.

Mr. Johnsen proposed that there be one pole sign 25 feet in height and 250 SF surface display area and two monument style signs.

TMAPC COMMENTS:

Mr. Boyle asked staff if they were in agreement with the modification proposed by Mr. Johnsen. In response, Mr. Stump stated that staff is in agreement with the modification.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the Z-6677/PUD-306-H/Z-6677-SP-1 subject to the conditions as recommended and modified by staff. (Language deleted by TMAPC is shown as strikeout, language added or substituted by TMAPC is underlined.)

Legal Description for Z-6677/PUD-306-H/Z-6677-SP-1:

A TRACT OF LAND THAT IS PART OF GOVERNMENT Lot 5 AND THE NORTHERLY 50.00' OF GOVERNMENT LOT 8 IN SECTION 20, T-18-N, R-13-E, OF THE IBM, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 8, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF GOVERNMENT LOT 5; THENCE S 01°06'03" E

ALONG THE EASTERLY LINE OF GOVERNMENT LOT 8 FOR 50.00'; THENCE S 88°46'06" W AND PARALLEL WITH THE NORTHERLY LINE OF GOVERNMENT LOT 8 FOR 155.17' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF RIVERSIDE PARKWAY; THENCE CONTINUING S 88°46'06" W AND PARALLEL WITH THE NORTHERLY LINE OF GOVERNMENT LOT 8 FOR 457.83'; THENCE N 20°55'29" W FOR 159.32' THENCE N 10°37'59" W FOR 556.31'; THENCE N 88°43'50" E FOR 560.00' TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF RIVERSIDE PARKWAY; THENCE S 06°16'33" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 234.23' TO A POINT OF CURVE; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF RIVERSIDE PARKWAY ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 04°43'53" AND A RADIUS OF 5,649.50' FOR 466.53' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

PUD-112-19 - Michael Stumps
8325 East 63rd Court South
(Minor Amendment)

(PD-18) (CD-7)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required rear yard setback from 20 feet to 15 feet to allow construction of a 230-square-foot room addition to the northwest-facing building wall (rear) of an existing single-family dwelling.

Staff has reviewed the request and finds the requested increase in floor area does not exceed the livability space standards for the RS-3 Zoning District. Further, staff notes the proposed room addition will be located in that portion of the rear yard opposite the garage wall of the abutting single-family dwelling to the northwest.

Staff is of the opinion that the request is minor in nature and does not alter the character and intent of the original approval. Staff notes the restrictive covenants for *Burning Tree West* require approval by the "Design Committee" or the Burning Tree Master Association prior to construction.

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD 112-19 per the submitted plot plan.

TMAPC COMMENTS:

Mr. Harmon asked staff to explain how the rear of the lot is decided when it is on a cul-de-sac and three streets. In response, Mr. Stump explained that on a corner residential lot, which does not front an arterial street, the homeowner chooses which is his front yard and the opposite is the rear yard.

Mr. Stump stated that the uniqueness of this subject property is that it backs up to a side yard where the garage is located and that is where they want less setback. He explained that this will not be moving a house closer to a habitable portion.

Mr. Ledford asked how the Planning Commission would know if the applicant is following the Homeowner's Association's protective covenants. In response, Mr. Boyle stated that the restrictive covenants are not the Planning Commission's responsibility. Mr. Stump stated that the applicant has been informed that the approval of this PUD is not relieving him of any private covenants.

Applicant's Comments:

Mike Stumps, 8141 East 48th Street, Tulsa, Oklahoma 74145, stated that he has already satisfied the restrictive covenants and he agrees with the staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-112-19 as recommended by staff.

Z-6680 - Raymond Miller, Jr.
2525 East 51st Street

RM-2 to OM
(PD-6) (CD-9)

Staff Recommendation:

Relationship to the Comprehensive Plan:

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 Medium Intensity – Corridor.

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

Staff Comments:

Site Analysis: The subject property is approximately .51 acres in size and is located west of the northwest corner of East 51st Street South and South Harvard Avenue. The property is gently sloping, non-wooded, contains an office building, and is zoned RM-2.

Surrounding Area Analysis: The subject tract is abutted on the north by I-44, Skelly Drive, zoned RS-2; to the south, across East 51st Street by an office, zoned OL; to the east by an apartment complex, zoned RM-2; and to the west by offices and related parking, zoned OM.

Zoning and BOA Historical Summary: The most recent zoning action in this area was in 1994 when the adjoining property to the west was rezoned from RM-2 to OM.

Conclusion: The requested OM zoning is compatible with the surrounding zoning and development and the Comprehensive Plan supports office zoning for this area. Therefore, staff recommends **APPROVAL** of OM zoning for Z-6680.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that he agrees with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the OM zoning for Z-6680 as recommended by staff.

Legal Description for Z-6680:

Beginning 25' N of the SE/c of the SW/4 of the SW/4, thence W 164.28', thence N 159.93' to a point on the Southerly line of the highway, thence SE along the highway right-of-way 20.87', thence S 22', thence SE 146.7' and thence S 105' on an unplatted lot, Section 29, T-19-N, R-13-E, Tulsa County, State of Oklahoma.

PUD-378-A-1 - Roy D. Johnsen
10120 South 78th East Avenue
(Minor Amendment)

(PD-26) (CD-6)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the 25-foot setback from the centerline of East 101st Place South (private) from 25 feet to 18 feet along the west 60 feet of the north boundary of Lot 1, Block 2. The request modifies the building area indicated on the plat for Lot 1 only to facilitate a proposed single-family dwelling. The modification increases the building area by 49 SF.

Staff has examined the plot plan and finds the request is reasonable, noting the north boundary of the corner Lot 1 faces a curvature in the street. The plat failed to provide a building area for Lot 1 that recognized the street alignment. Staff notes the plot plan indicates the garage for the proposed dwelling faces north, requiring only a 15-foot setback from South 78th East Avenue.

Staff finds the request is minor in nature and does not alter the intent of the original approval. The Village Restrictive Covenants allow TMAPC to approve Minor Amendments that modify the plat.

Staff, therefore, recommends **APPROVAL** of PUD-378-A-1 modifying the outline development standards as follows:

Required Yards and Setbacks

*Front yard/Private Street Setbacks

Other building wall setback from centerline
Of private street

Lots 2 and 6, Block 1 and	
Lot 7, Block 2	25 feet
Lot 1, Block 2	18 feet

Note: Minor Amendment approval does not constitute Detail Site Plan approval required for each lot within the Village as required in the original approval.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-378-A-1, subject to the outline development standards as recommended by staff.

OTHER BUSINESS:

Review of City of Tulsa Capital Improvement Project requests for conformance with the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Recommendation:

Dane Matthews reported that staff has completed the annual review of the City of Tulsa's Capital Improvement Project (CIP) requests for conformance with the Comprehensive Plan. Some 22 projects were submitted, the majority of which involved maintenance or expansions to existing facilities or reconstruction of existing facilities. Staff finds that the requests are in accord with the Comprehensive Plan and recommends that the TMAPC do likewise.

Two project requests involve City facilities that lie outside the jurisdiction of the TMAPC. One is for a communications tower at the Port of Catoosa and the other is for conduits to accommodate water mains for the proposed Creek East Turnpike to provide City water to western Wagoner County.

Staff would direct specific comments to three project requests that involve zoning or long-range planning issues. The first is a request for a parking lot expansion for the Gilcrease Museum on museum-owned land south of Newton. City Finance Department staff correctly note that Board of Adjustment action(s) may be required, as the property is currently zoned RS-3. Staff would also note that the proposed parking lot must be designed to standards of Chapter 13, City of Tulsa Zoning Code.

The request for design and construction of a perimeter road at Fairview and Haskell is in accord with the Osage/Emerson Sector Plan update and the District Two Detail Plan. This project would facilitate OSU-Tulsa traffic movement and reduce through-traffic in the Brady Heights neighborhood.

The third request is for Crow Creek channel rehabilitation. Staff notes that channel problems have been voiced by that neighborhood in recent years and this project should alleviate that situation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **APPROVE** the City of Tulsa Capital Improvement Project requests and find them in conformance with the Comprehensive Plan for the Tulsa Metropolitan Area.

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AC-046 - Willie Grimes/North Peoria Church of Christ

(PD-2) (CD-1)

2317 North Quaker

(Alternative Landscaping Compliance)

Staff Recommendation:

The applicant is requesting Alternative Landscape Compliance approval to eliminate two required parking lot trees, and in substitution, provide additional street yard trees along North Quaker Avenue for a church parking lot.

Staff notes the applicant received 1998 Board of Adjustment approval for a Special Exception to permit church-related accessory parking use in an RS-3 District. The approval of the Special Exception was conditioned on meeting all landscaping and screening requirements of the Code.

Staff review of the Landscape Plan indicates the applicant has met parking lot design and paving, access, street yard area and tree quantity, site screening, irrigation and side yard setback/landscape strip requirements of the Code. The applicant, in order to provide 37 parking spaces and minimize irrigation installation expenses, however, does not meet the 50-foot distance requirement for parking lot trees.

The applicant is proposing three additional street yard trees in substitution for three required parking lot trees. Staff is of the opinion that the alternative is equal to or exceeds the requirements of the Landscape Chapter and recommends **APPROVAL** subject to the following condition:

The drip irrigation system will be installed in a manner that provides irrigation to all installed sodded areas indicated in the street yard and perimeter of the tract.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **APPROVE** of the Alternative Landscape Compliance for AC-046, subject to conditions as recommended by staff.

PUD-580 - Ronald Bebee

(PD-18) (CD-8)

East of southeast corner East 91st Street South and South Yale
(Detail Site Plan)

Mr. Ledford announced that he will be abstaining.

Staff Recommendation:

The applicant is requesting partial site plan approval to allow the placement of two temporary modular classroom buildings within Development Area B for up to 1 year. The applicant has represented to staff that the temporary buildings will be used for classrooms while the Final Plat, Detail Site Plan and interior renovations and other on-site construction is completed. Staff notes that no Detail Site or Landscape Plans have been submitted for TMAPC review and approval.

Staff has reviewed the request and finds the temporary placement of the two modular buildings between buildings that existed at the time of 1998 PUD approval will not alter the character or intent of that approval. Sufficient parking for users as well as access for emergency vehicles exists to allow temporary use of the site. The modular buildings will not be visible from a public street. Further, staff is of the opinion that the modular educational buildings will allow use of the site while facilitating interior renovation of the

existing buildings for classrooms, chapel and reception uses as shown on the Conceptual Site Plan.

Staff, therefore, recommends **APPROVAL** of the placement and size of two temporary buildings as depicted on the plot plan submitted with the application subject to the following conditions:

1. Removal of the buildings by January 27, 2000.
2. Approval by Development Services indicating that the buildings meet building, safety and emergency and fire vehicle access requirements.

NOTE: Approval of a Site Plan to locate temporary structures does not constitute Detail Site, Sign or Landscape Plan approval.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DICK**, the TMAPC voted **8-0-1** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Midget "absent") to **APPROVE** the Detail Site Plan for PUD-580, subject to conditions as recommended by staff.

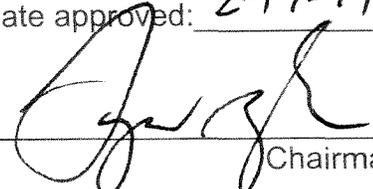
Commissioners' Comments:

Mr. Alan Jackere, City Legal Department, announced that he has been reassigned as the attorney for zoning matters. He indicated that there will be a staff, which includes him and three additional attorneys.

Mr. Jackere introduced Mark Swiney as a member of the legal staff.

There being no further business, the Chairman declared the meeting adjourned at 2:20 p.m.

Date approved: 2-17-99



 Chairman

ATTEST: 

 Secretary

