

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2192

Wednesday, February 10, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 8, 1999 at 9:45 a.m., posted in the Office of the City Clerk at 9:34 a.m., as well as in the office of the County Clerk at 9:40 a.m.

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

Minutes:

Approval of the minutes of January 20, 1999, Meeting No. 2189:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the minutes of the meeting of January 20, 1999 Meeting No. 2189.

REPORTS:

Chairman's Report:

Mr. Boyle informed the Planning Commissioners that they have a revised version of the TMAPC meeting schedule for 1999.

Committee Reports:

Budget and Work Program Committee

Mr. Horner reported that there will be a meeting February 17, immediately following the TMAPC meeting, to discuss and review the FY 2000 Budget and Work Program.

Mr. Boyle asked staff if the Policies and Procedures Committee will be meeting next Wednesday as well. In response, Mr. Stump answered affirmatively.

Policies and Procedures Committee

Mr. Carnes reported that there will be a meeting on February 17, immediately following the TMAPC meeting, to finalize discussions regarding Code of Ethics.

Director's Report:

Mr. Stump reported that there are several items on the City Council agenda. He stated that the Infill Task Force has scheduled a meeting in March and the report should be finalized and forwarded onto the Planning Commission and the Mayor of Tulsa.

Mr. Horner volunteered to attend the City Council meeting.

Continued Zoning Public Hearings:

Z-6673-SP-1 - Ted Sack

(PD-18) (CD-8)

6336 South 105th East Avenue
(Corridor Site Plan)

TMAPC COMMENTS:

Mr. Boyle announced that the applicant has requested a continuance. Mr. Dunlap stated that there have been some minor changes to the site plan and staff would like to hear this case on March 3, 1999.

The applicant indicated his agreement with staff's request.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **CONTINUE** Z-6673-SP-1 to March 3, 1999 at 1:30 p.m.

Z-6675 - Kevin Coutant

East of southeast corner East 51st Street and South Delaware

RS-2 to RM-2
(PD-18) (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 north 200' of the tract as Medium Intensity – Office; the south 260' of the north 460' is designated as Medium Intensity – Residential; and the south 200' of the tract as Low Intensity – Residential.

According to the Zoning Matrix the requested RM-2 zoning **is** in accordance with the Plan Map on the northern 460' of the tract but **is not** in accordance with the Plan on the south 200'.

Staff Comments:

Site Analysis: The subject property is approximately 1.8 acres in size and is located east of the southeast corner of East 51st Street South and South Delaware Avenue. The property is flat, non-wooded, contains a single-family dwelling, and is zoned RS-2.

Surrounding Area Analysis: The subject tract is abutted on the south and west by an apartment complex, zoned RM-2/RM-1 and PUD-266; to the east by an office and storage facility; and to the north across East 51st Street by an apartment complex, zoned RM-2.

Zoning and BOA Historical Summary: A Planned Unit Development was approved on the property that abuts the subject tract to the east in 1994, which allowed office and mini-storage uses. Past zoning actions have established multifamily and office uses in this area.

Conclusion: The tract is abutted on the south and west by apartments zoned RM-1, RM-2/PUD-266. There are apartments to the north of the tract across East 51st Street, zoned RM-2. The tract is abutted on the east by office and mini-storage uses, zoned OM, RM-1/PUD-513. Based on the Comprehensive Plan, surrounding land uses and zoning, staff recommends **APPROVAL** of RM-2 zoning on the north 460' of the tract and RM-1 zoning on the south 200'.

The applicant indicated his agreement with staff's recommendation.

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, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the RM-2 zoning on the north 460' of the tract and RM-1 zoning on the south 200' as recommended by staff.

Legal Description for Z-6675:

The north 460' of the following described property: Beginning on the centerline of existing highway identified as 51st Street and at a point 125 feet east of the east line of Villa Grove Gardens; thence east along the centerline of 51st Street a distance of 125 feet; thence south parallel to the east line of Villa Grove Gardens a distance of 659.5 feet; thence west a distance of 125 feet; thence north a distance of 659.5 feet to the point of beginning. All of the tract or parcel above being a part of the NW/4, NE/4, Sec. 32, T-19-N, R-13-E of the IBM in Tulsa County, Tate of Oklahoma, according to the US Government survey thereof. **From RS-2 to RM-2**

The south 200' of the following described property: Beginning on the centerline of existing highway identified as 51st Street and at a point 125 feet east of the east line of Villa Grove Gardens; thence east along the centerline of 51st Street a distance of 125 feet; thence south parallel to the east line of Villa Grove Gardens a distance of 659.5 feet; thence west a distance of 125 feet; thence north a distance of 659.5 feet to the point of beginning. All of the tract or parcel above being a part of the NW/4, NE/4, Sec. 32, T-19-N, R-13-E, IBM, Tulsa County, State of Oklahoma, according to the US Government Survey thereof. **From RS-2 to RM-1.**

PUD-513-A - Kevin Coutant

(PD-18) (CD-9)

East of southeast corner East 51st Street and South Delaware
(Minor Amendment)

Staff Recommendation:

The Major Amendment to PUD-513 proposes to expand the existing PUD by including a 1.8-acre tract contiguous to the west of the existing PUD. The proposal would expand the development concept and generally continue the development standards originally specified for PUD-513. The PUD proposes office and mini-storage uses on 4.5 acres located on the south side of 51st Street just west of Harvard. The street frontage would be used for office structures and balance of the property is proposed for mini-storage.

To the north of the tract are apartments (zoned OL and RM-2). To the west is a multi-story office building (zoned RM-2/PUD). To the south is a large apartment project with covered parking along the common property line. To the east is an office building and an improved drainage channel. The subject tract is zoned OM, RM-1 and RS-2. Concurrently an application has been filed (Z-6675) to rezone the west 125 feet of the tract from RS-2 to RM-2.

If Z-6675 is approved and the west 125 feet of the tract is rezoned from RS-2 to RM-1 and RM-2, 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-513-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-513-A subject to the following conditions:

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

DEVELOPMENT AREA A

Land Area (Gross):	209,490 SF
(Net):	196,240 SF
Permitted Uses:	Use Unit 11 uses; Use Unit 16 uses and customary accessory uses.
Maximum Floor Area:	
Use Unit 11 uses	30,000 SF
Use Unit 16, Mini-storage uses	68,000 SF*
Maximum Floor Area Ratio per Lot:	.50
Maximum Building Height:	
Use Unit 11 uses	35 FT
Mini-storage uses	12 FT**
Minimum Lot Frontage for Lots Abutting 51 st Street:	75 FT
Minimum Building Setbacks:	
From centerline of 51 st Street	
Use Unit 16, Mini-storage use	250 FT
Use Unit 11 uses	100 FT

From the east and west boundaries of the PUD within 250' of the centerline of 51 st Street	10 FT
From the east and west boundaries of the PUD more than 250' from the centerline of 51 st Street	5 FT
From the south boundary of the PUD	3 FT
From the centerline of private streets	32 FT

*Any building floor area not used for mini-storage may be added to the permitted building floor area for Use Unit 11 uses, if a Minor Amendment to the PUD is approved by TMAPC.

**Exterior perimeter walls of mini-storage buildings shall not exceed eight (8) feet in height.

Minimum Landscaped Open Space:	
Use Unit 11 uses	15%
Mini-storage uses	10%

Maximum Permitted Signage: As permitted in the OL District

Screening and Buffering: The perimeter of the PUD (excluding 51st Street frontage) will be screened by either the existing fencing, new screening fence, or the walls of the buildings to be built on the property. The TMAPC shall determine appropriate screening at the time of Detail Site Plan approval.

- Each lot within the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements.
- The mini-storage shall be designed so that all openings to storage buildings are screened from view by persons standing at ground level at the boundaries of the PUD. This screening shall be accomplished by the use of the exterior building walls of storage units. Building walls on the exterior of the development shall consist of masonry construction using brick, stone, stucco or concrete tilt-up panels. Metal or standard (smooth) concrete block exterior walls are not

permitted on such exterior. Access gates shall be opaque if needed to screen interior door openings.

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 12 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. All private roadways shall be a minimum of 24' in width for two-way roads and 18' 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 which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
12. 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.

13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. 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.
15. There shall be no outside storage of boats, vehicles, trailers or other items. 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.
16. An external public address or pager/speaker system is prohibited.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Tulsa, Oklahoma 74103, stated that he is in agreement with the staff's recommendation, but has a comment. He explained that the application is a continuation of an existing project, which came before the Planning Commission approximately four years ago. He stated that the concept is consistent with the existing project, with office development in the front of the subject property and mini-storage to the south.

Mr. Coutant stated that when the PUD was originally zoned, it was required to have CS zoning in order to support mini-storage. The staff recommendation is essentially what he requested; however, he may have to come back with another proposal at the time of the site plan review. He stated that the setback requirements as specified in the staff's recommendation does create nonconformity with regard to existing buildings. He explained that the 100' setback requirement on 51st Street would result in nonconformity. He requested that the Planning Commission consider being specific in the development standards to allow for an exception for the redevelopment for the existing structures as a nonconforming structure.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Coutant if the development standards to allow an exception for the redevelopment of existing structures is something that he wants changed in the recommendation. Mr. Coutant asked that his suggestion be made part of the record as an acknowledgement that the setback requirements may not be satisfied by the existing structures if they are part of a redevelopment project and would not be considered a violation.

Ms. Pace asked Mr. Coutant if he will no longer have a residence next to the development. In response, Mr. Coutant stated that when he initially applied for the existing part of the PUD, there was a neighbor next to the development who was concerned about landscaping and setbacks. He explained that his client is purchasing the residence and it will fill in the gap between the existing project and the Brittany Square Office Building.

Mr. Harmon asked Mr. Coutant if he is asking the Planning Commission to pre-approve a setback requirement that has not been violated yet. In response, Mr. Coutant stated that he will return with a detail site plan that will show the existing buildings and it will show that the existing buildings do not set back exactly as per the development standards. Mr. Coutant stated that he is anticipating the questions that would arise as to why the existing buildings do not meet the setbacks exactly. Mr. Boyle questioned if the setback issue should be considered at the detail site plan level. Mr. Westervelt asked staff if this issue should be considered at this time. In response, Mr. Stump stated that the record would be clearer if under the minimum building setback it is stated that from the centerline of 51st Street for Use Unit 11 or any of the other Use Units, the standards apply to new construction only. Mr. Stump explained that if the applicant is remodeling the interior of an existing building for office uses, then he will not have to comply with building setbacks because it is an existing nonconforming structure. Mr. Stump stated that if the applicant makes any additions to the existing building would have to comply with the development standards. Mr. Coutant stated that the change in wording would achieve the same objective that he is requesting. Mr. Harmon asked staff if the building is only being remodeled and the applicant would not have to comply, what the Planning Commission is supposed to approve. Mr. Stump stated that it should be noted strictly for clarity. Mr. Westervelt stated that clarity may be for a good reason for title insurance purposes.

Mr. Boyle asked Mr. Stump to clarify what changes would be made in the staff recommendation regarding the setback for the existing building. In response, Mr. Stump stated that under "minimum setbacks from the centerline of 51st" it should be stated that this applies only to new construction. Mr. Stump stated that the Zoning Code is administered if new construction enlarges an existing building. Then there is no longer the nonconforming status and the applicant will have to meet the development standards regarding the setbacks.

Mr. Jackere stated that the proposed clarity or condition seems to parrot the ordinance and he does not see any reason for the change.

Mr. Coutant proposes to discuss the setback issue for the existing nonconforming building at the detail site plan hearing and if the existing building is enlarged, then he will request an amendment at that time.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of PUD-513-A subject to conditions as recommended by staff.

Legal Description for PUD-513-A:

Beginning on the centerline of the existing highway identified as 51st Street and at a point 125' East of the East line of Villa Grove Gardens; thence E along the centerline of E. 51st Street a distance of 125'; thence South parallel to the East line of Villa Grove

Gardens a distance of 659.5'; thence West a distance of 125'; thence North a distance of 659.5' to the Point of Beginning. All of the tract or parcel above being a part of the NW/4, NE/4 of Section 32, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; and Lots 1 through 5, Block 1, Storage Station, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof,

ZONING PUBLIC HEARING

Z-6678 - Robert J. Nichols
816 North Mingo Road

RS-3 to IL

Staff Recommendation:
Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential.

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 150' x 165' in size and is located south of the southwest corner of East Latimer Street North and North Mingo Road. The property is flat, non-wooded, contains non-conforming storage of new and used roofing supplies, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by non-conforming commercial/storage use, zoned RS-3; to the south and west by a mobile home park, zoned RMH; to the east by a roofing business office, shop and storage, zoned CH; and across Mingo Road to the east by an office complex for Quik Trip, zoned IL.

Zoning and BOA Historical Summary: The most recent activity on the subject tract was a request to the Board of Adjustment for a special exception to allow a roofing contracting business (Use Unit 25) on the subject tract. The request was withdrawn by the applicant prior to public hearing.

The most recent rezoning activity was a request to rezone a .8 acre tract located north of the subject tract and west of Mingo Road but fronting on E. Latimer Street from RS-3 to CH. This request was denied commercial zoning.

Conclusion: Based on the Comprehensive Plan and the existing land use and zoning patterns, staff cannot support industrial zoning on the subject tract and recommends **DENIAL** of IL zoning for Z-6678.

TMAPC COMMENTS:

Mr. Boyle asked staff what the use is that is located to the east of the subject property. In response, Mr. Dunlap stated that it appears to be storage of the materials that would go with the use on the CH portion of the tract. Mr. Dunlap explained that the use is roofing supplies and it appears to be roofing supply materials.

Applicant's Comments:

Robert J. Nichols, 111 West 5th Street, Tulsa, Oklahoma 74103, stated he is representing the property owner, Benny Mont. He indicated that he received a copy of the staff's recommendation and was aware their recommendation for denial. He stated that his client received approval to operate his business on the east 590 feet of the subject tract in the mid 1960's. The east 590 feet does not include the property that is under application today, which is the south 660 feet running east and west on Mingo Road.

Mr. Nichols stated that the purpose of maintaining the 150-foot buffer district at the time was the uncertainty of what type of development that would occur to the west. He commented that his client's business is Mont Building and Tile Company. The tract immediately to the west of the subject property has been developed as a mobile home park and Interstate 244 was constructed approximately 200 yards south of the subject tract.

Mr. Nichols commented that over the years, the mobile home park was developed and his client conducted his business in accordance with the Zoning Code. This application is requesting that the tract that is currently designated as a residential buffer to be re-designated as a light industrial buffer between the commercial use on Mingo Road and the multifamily use west of the tract. Mobile home use in an IL-zoned area is a designated use by BOA exception and by placing IL use on the subject tract it would be a buffer between the RMH tract to the west and the commercial tract on which Mr. Mont operates his business.

Mr. Nichols stated that the mobile home park was platted in such a manner that in order to maintain the tract as a residential use only would, in essence, take it out of his client's land use inventory. He explained that there are no streets that are stubbed to the subject tract; however, Independence Street is stubbed into the commercial property where Mr. Mont operates his business. Neither 96th East Avenue nor 95th Place is stubbed into the tract under application. It would require Mr. Mont to run a collector street approximately 600 feet deep in order to develop the subject tract as a residential property. The subdivision regulations do not allow cul-de-sacs any deeper than 500 feet and if the Zoning Code was applied specifically to the subject tract, then it would be taking it out of operation or inventory.

Mr. Nichols stated that the approval of this application would allow his client to use the subject tract as an accessory use to his existing business, but also allow his client to build an additional storage facility and store materials, currently stored outdoors, inside.

Mr. Nichols indicated that the surrounding area of the subject tract will most likely not experience residential development in the near future. Mr. Nichols stated that most of the materials shown in the photographs have been removed within the last 30 days. Upon the rezoning of the subject tract it would be used only in compliance with the IL use. He reported that the application was precipitated by a complaint from the Division of Neighborhood Inspections and Mr. Mont was unknowledgeable of the fact that all of his property was not properly zoned for the current use.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Nichols if his client used the property for some period of time in violation of the Zoning Code and since then has removed the stored materials. In response, Mr. Nichols stated that his client is in the process of removing the materials. Mr. Nichols commented that his client has been in business for 30 years and did not knowingly violate the Code.

Mr. Boyle asked Mr. Nichols if the materials shown in the photographs are materials associated with his client's business. In response, Mr. Nichols answered affirmatively. Mr. Nichols stated that his client uses stone and gravel in his roofing business and could be stored outside if rezoned. Mr. Nichols indicated that his client realizes that there is a screening requirement. Mr. Nichols stated that there is no other use for the subject tract other than accessory use, because there is no way to access the subject property and its size and configuration would not allow residential development.

Mr. Boyle asked Mr. Nichols if his client could use the subject property effectively with a less intense zoning than IL. In response, Mr. Nichols stated that he intended to file the least intense application possible. Mr. Nichols stated that he does not know of any zoning that would be less intense than IL and still allow his client to use the property as he needs.

Mr. Nichols stated that the setback requirements use up over 50 percent of the subject tract and make it difficult to use the subject property. In response, Mr. Westervelt stated that setbacks do not apply to building materials.

Mr. Harmon stated that CH zoning would be a better choice for the subject property. Mr. Nichols indicated that he has no problem with the application being continued in order to reapply for CH zoning.

Mr. Stump stated that CH and IL zoning both have good points and the big advantage to IL zoning is that there is a 75-foot building setback, whereas, CH has 0-foot setback. Both, with a special exception, allow outdoor storage. However, CH and IL do not allow recyclable materials, junk, etc., which appears to have been filling the subject property

for many years. He commented that it appears that the materials scraped off of roofs were stored on the subject property and not roofing materials for a new roof.

Ms. Pace stated that IL seems to give more protection with the setbacks. It appears the only R property is the park and an IL zoning with the proper screening would be appropriate for the use.

Inaudible

Interested Parties:

William Tetrick, 6116 East 30th Street North, stated that he manages the mobile home park adjacent to the subject property. The mobile home park is currently at 75% occupied with 230 residences. He explained that several of the mobile homes back up to the subject property.

Mr. Tetrick submitted photographs, which were taken on the 28th of January and the 9th of February. He requested the Planning Commission to deny the zoning change.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Tetrick if people are continuing to move into the mobile home park. Mr. Tetrick answered affirmatively. Mr. Harmon stated that the fact that the mobile home park is next to a CS-zoned property has not hindered the park. Mr. Tetrick stated that it has made it very difficult to rent the area next to the subject property. Mr. Harmon asked if there were residences backing up to the subject property currently. In response, Mr. Tetrick stated that there are several that do, but there are lots that rent easier than the lots backing up to the subject property.

Ms. Pace asked Mr. Tetrick if a requirement of a solid wood fence between the mobile home park and the subject property would change his mind regarding the application. In response, Mr. Tetrick stated that there are visual problems, as well as noise and odor.

Applicant's Rebuttal:

Mr. Nichols stated that the Comprehensive Plan and the facts would compel that the subject property be placed legally into the land inventory as an accessory use to the existing commercial business to the west.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, to recommend **APPROVAL** of the IL zoning for Z-6678.

TMAPC COMMENTS:

After a lengthy discussion regarding setbacks, screening and outside storage, it was determined that the application should be continued to April 7, 1999 in order to allow the applicant to meet with the surrounding neighborhood and address the issues of buffers and setbacks.

Mr. Harmon withdrew his motion for approval of IL zoning.
Mr. Westervelt withdrew his second on the motion for approval of IL zoning.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **CONTINUE** Z-6678 to April 7, 1999 at 1:30 p.m.

TMAPC COMMENTS:

Mr. Boyle encouraged the applicant and adjacent neighborhood to meet and address the issues discussed in order to reach an agreement.

Baker Horner out at 2:30 p.m.

Z-6679 - Johnnie Satterfield

AG to IL

East of northeast corner of West 81st Street South and Elwood Avenue (PD-8) (CD-2)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Industrial and Development Sensitive on the south 500’.

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

Staff Comments:

Site Analysis: The subject property is approximately 9.8 acres in size and is located east of the northeast corner of West 81st Street South and South Elwood Avenue. The property is gently sloping, partially wooded, contains a single-family dwelling and accessory building, and is zoned AG.

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

Zoning and BOA Historical Summary: The most recent zoning or Board of Adjustment activity in this area was to allow a special exception for a private school on the subject property which was granted by the Board of Adjustment in 1998.

Conclusion: The tract abuts the R. L. Jones Airport Special District to the west, which recommends industrial zoning for this area. The Comprehensive Plan supports IL zoning for the subject tract; therefore, staff recommends **APPROVAL** of IL zoning for Z-6679.

Applicant's Comments:

Stephen Schuller, 100 West 5th Street, Suite 100, Tulsa, Oklahoma 74103, stated that he agrees with the staff recommendation. Mr. Schuller indicated several properties that have been rezoned IL in the subject area. He stated that his client proposes a small auto dealership on the subject property. He explained that his client lives on the subject property and plans to work out of this home.

Mr. Schuller submitted letters from neighbors in favor of the rezoning.

Interested Parties:

Ms. Madelyn Lundmond, 201 West 81st Street, Tulsa, Oklahoma 74132, stated that she lives next to the subject property. The neighborhood is small and to place an auto sales business on the subject property would be very unattractive. She expressed concerns with the number of cars that would be allowed on the subject property and what type of surface the cars would be parked on. She questioned if there would be an office building, fence, screening and setbacks. Ms. Lundmond concluded that she objects to the rezoning to IL.

Ms. Ann Duvale, no address given, stated that she lives on the property next to Ms. Lundmond. She stated that she has lived on her property for 35 years. She explained that she has attended several TMAPC meetings to retain the area as residential.

Ms. Duvale concluded that she objects to the IL zoning and auto sales.

Applicant's Rebuttal:

Mr. Schuller stated that there are some homes in the area and his clients do live on the subject property. He indicated that the subject area is slated for industrial development and is consistent with the Comprehensive Plan.

Mr. Schuller stated that his client is not proposing new construction on the property. The car sales will be a small business conducted out of his home. He commented that the cars would be exotic automobiles and would be small in number. The applicant is aware that he will have to comply with the Zoning Code and with the requirements of the IL zoning district.

TMAPC COMMENTS:

Mr. Boyle asked staff what type of screening requirement would be involved with the IL zoning. In response, Mr. Stump stated that there are no screening requirements because an AG district surrounds it.

Ms. Pace stated that there is a requirement that the cars offered for sale will have to be parked on a hard surface. There will also have to be a parking requirement if there is a building on the subject property that is related to the use. In response, Mr. Stump stated that if the applicant requests a building permit to pave the area for auto sales, they will have to comply with the landscaping ordinance.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-1-0** (Boyle, Carnes, Harmon, Jackson, Ledford, Pace, Westervelt "aye"; Hill " nays"; none "abstaining"; Dick, Horner, Midget "absent") to recommend **APPROVAL** of the IL zoning for Z-6679 as recommended by staff.

Legal Description for Z-6679:

E/2, E/2, SW/4, SW/4, less S 24.75' for right-of-way, Section 12, T-18-N, R-12-E, Tulsa County, State of Oklahoma.

PUD-587-1 - Glenn Gregory

(PD-18) (CD-8)

Southwest corner East 81st Street and South Yale
(Minor Amendment)

Staff Recommendation:

The applicant is requesting approval of a Minor Amendment to reduce the northern portion of the required building setback within Development Area B from 125 feet from the centerline of South Yale to 105 feet. The modified building setback will extend from the northern boundary of Development Area B to a point 400 feet from the southern boundary of the Development Area. The Outline Development Plan calls for multi-family dwellings designed for elderly housing in Development Area B.

Staff has examined an exhibit submitted with the application indicating a proposed relocation of South Yale approximately 115 feet to the east. Staff contacted Tulsa Traffic for confirmation of the Yale realignment. City Traffic Engineers were inconclusive regarding the likelihood or timing of any realignment of South Yale south of East 81st Street.

Staff notes that the minimum setback for residential areas is 95 feet from the centerline. PUD-389 (Vintage on Yale) to the east calls for a 95-foot setback. Staff also notes that single family dwellings to the southeast in an RS-3 District south of PUD-389 are significantly higher in elevation than the area of reduced building setback proposed along the 280-foot segment of the western frontage along South Yale Avenue.

Staff is of the opinion that the proposed reduction in setback will not alter the character or intent of the original approval. The modification is well within the minimum allowed setback for residential uses along South Yale.

Staff, therefore, recommends **APPROVAL** of PUD 587-1, Development Area B, LESS the south 400 feet as follows:

MINIMUM BUILDING SETBACKS

From the centerline of South Yale Avenue* 105 FT

***NOTE:** Any realignment of Yale to the east will not modify the 105-foot setback; the minimum building setback shall be computed based on the current alignment and centerline of South Yale in its current configuration as of 2/10/99.

Applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-587-1 subject to the conditions as recommended by staff.

OTHER BUSINESS:

PUD-541 - Michael Dwyer

(PD-6) (CD-9)

44th Place South and South Peoria
(Detail Site plan)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 17,065 square foot retail and restaurant facility on 1.7 acres comprising all of Development Areas D and F.

Staff has reviewed the site plan for conformance to the approved development standards and finds the plan meets minimum requirements for use, building coverage, building height, building floor area, building setback, parking, circulation, access, mutual access, lighting and total landscaped area. Staff notes that there are no screening requirements along the south boundary of Area F abutting East 44th Place. The screening requirement was eliminated by Minor Amendment in 1998 due to the change to a CS District on a tract on the south side of East 44th.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-541, Development Areas D and F as submitted.

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

There were no interested parties wishing to speak.

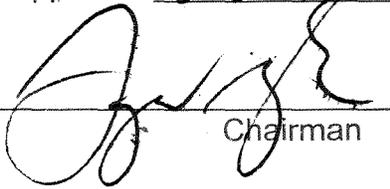
The applicant indicated his agreement with the staff recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget "absent") to **APPROVE** the Detail Site Plan for PUD-541, Development Area D and F as submitted and recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:48 p.m.

Date approved: 3-3-99


Chairman

ATTEST: 
Secretary