

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2194

Wednesday, February 24, 1999, 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	Dick	Beach	Jackere, Legal
Carnes	Pace	Dunlap	Counsel
Harmon		Huntsinger	Swiney, Legal
Hill		Matthews	Counsel
Horner		Stump	
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 22, 1999 at 10:42 a.m., posted in the Office of the City Clerk at 10:30 a.m., as well as in the office of the County Clerk at 10:37 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 February 3, 1999, Meeting No. 2191:**

On **MOTION** of **WESTERVELT** the TMAPC voted **7-0-1** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; Boyle "abstaining"; Dick, Pace "absent") to **APPROVE** the minutes of the meeting of February 3, 1999 Meeting No. 2191.

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

### REPORTS:

#### Chairman's Report:

Mr. Boyle reported that several items on the agenda will be heard out of order.

#### Committee Reports:

##### **Policies and Procedures Committee**

Mr. Carnes reported that the committee voted unanimously for the changes as submitted.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; Midget "abstaining"; Dick, Pace "absent") to **APPROVE** the Amended Policies and Procedures and Code of Ethics as submitted.

**TMAPC COMMENTS:**

Mr. Boyle congratulated Dane Matthews for working with the Policies and Procedures Committee on the amendments to the Policies and Procedures and Code of Ethics. He explained that there were several work sessions before finalizing the draft. He commented that the document is good and solid.

Mr. Boyle informed the applicants who appear before the TMAPC regularly that he would recommend it to the applicants, especially in the particulars that require those who appear before the TMAPC to present honest statements just as the TMAPC is required to respond with honest statements. He stated that there are various procedures that the TMAPC will be responding to such as ex parte communication and conflicts of interest.

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**Committee Reports: (continued)**

**Budget and Work Program Committee**

Mr. Horner reported that there will be a work session for the committee immediately following the March 3<sup>rd</sup> TMAPC meeting. He requested the full Commission to attend the work session.

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**Director's Report:**

Mr. Stump reported that there are no items on the Council Agenda that will be acted on.

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**Continued Zoning Public Hearings:**

**Z-6665 - Mark Polambus**

North of northeast corner East 11<sup>th</sup> Street and South 145<sup>th</sup> East Avenue.

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

**TMAPC COMMENTS:**

Mr. Boyle announced that the applicant has requested a continuance to March 24, 1999.

**Staff Comments:**

Mr. Dunlap stated that the Homeowners' Association agrees with the continuance request.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to **CONTINUE** the application for Z-6665 to March 24, 1999 at 1:30 p.m.

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**ZONING PUBLIC HEARING**

**PUD-559-A/Z-5888-SP-3 - John W. Moody** (PD-18) (CD-8)  
Northwest corner East 91<sup>st</sup> Street and South Mingo Valley Expressway (Major Amendment and Corridor Site Plan).

**TMAPC COMMENTS:**

Mr. Boyle announced that the applicant has requested a continuance to March 10, 1999.

**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, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to **CONTINUE** PUD-559-A/Z-5888-SP-3 to March 10, 1999 at 1:30 p.m.

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**Z-6681 - William LaFortune** **RM-1 to CS**  
East of southeast corner East 32<sup>nd</sup> Street and South Harvard

**TMAPC COMMENTS:**

Mr. Boyle announced that staff has requested a continuance to March 10, 1999.

**Staff Comments:**

Mr. Dunlap stated that the applicant is in agreement with the request for a continuance.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to **CONTINUE** Z-6681 to March 10, 1999 at 1:30 p.m.

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**Continued Zoning Public Hearings:** (continued)

**Z-6674 - Roy D. Johnsen**

East side of Delaware Avenue and Riverside Parkway at the Jenks Bridge Road.

**AG to CS**  
(PD-18) (CD-2)

**And**

**PUD-306-G - Roy D. Johnsen**

Northeast and southeast corner East 95<sup>th</sup> Street and South Delaware

**AG to CS/PUD**  
(PD-18) (CD-2)

**TMAPC COMMENTS:**

Mr. Boyle stated that there have been some requests for a continuance on these items.

**Staff Comments:**

Mr. Dunlap stated that the Neighborhood Association has a request and the applicant has a request.

Mr. Boyle asked staff if they have an opinion regarding the continuance. In response, Mr. Stump stated that the staff is willing to have a one-week continuance or longer if the TMAPC is in agreement.

**Applicant's Comments:**

**Mr. Roy Johnsen**, 201 West 5<sup>th</sup>, Tulsa, Oklahoma 74103, stated that it was not his request for a continuance. He explained that after review with staff and the changes that have been made, it would be appropriate for a one-week continuance. He objected to a two-week continuance, which was requested by the neighborhood. He stated that he has met with the neighborhood on two different occasions, which were very lengthy meetings, regarding this application.

**Interested Parties:**

**Frank Wilcox**, 9226 South College Court, Tulsa, Oklahoma 74137, stated he will be out of town next week and would like to be present for the next hearing. He explained that he has attended every meeting regarding this application and has acted as mediator. He commented that the neighborhood has not reviewed the new staff recommendation and will probably not receive the recommendation until Friday. He stated that he would like more than three or four days to prepare for the next meeting.

The following interested parties allowed Mr. Wilcox to present the neighborhood's request for a two-week continuance:

**Rick Ellison**, 9530 South College Avenue, Tulsa, Oklahoma 74137; **Kathy Nanny**, 9505 South College Court, Tulsa, Oklahoma 74137; **Bob Hyer**, 9515 South College Court, Tulsa, Oklahoma 74137; **John Ogren**, 9519 South College Avenue, Tulsa, Oklahoma 74137; **Pete and Betty Gardner**, 9558 South College Court, Tulsa, Oklahoma 74137.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Stump when the new staff recommendation would be available. In response, Mr. Stump stated that staff had hoped to incorporate some of the provisions of the proposal by the applicant, as well as concerns of the neighborhood. Mr. Stump stated that the staff recommendation has not been prepared at this time and hopes to finalize the recommendation by Friday, February 26<sup>th</sup>.

Mr. Westervelt stated that he is the District Liaison for the proposal. He commented that he has attended a meeting and the Homeowners' Association is working in a very professional and comprehensive way. He further commented that Mr. Johnsen and his client have worked with the Homeowners' Association as well. Mr. Westervelt concluded that a continuance will allow the applicant to present a better application.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to **CONTINUE** Z-6674 and PUD-306-G to March 3, 1999 at 1:30 p.m.

**TMAPC COMMENTS:**

Mr. Westervelt requested the staff to fax the new staff recommendation to his office on Friday.

Mr. Boyle informed Mr. Wilcox that if he desires to make a particular position known to the TMAPC, he may submit a letter or send his comments through another member of the neighborhood association.

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**ZONING PUBLIC HEARING**

**PUD-425-A - R. L. Reynolds**

(PD-18) (CD-5)

West of northwest corner East 48<sup>th</sup> Street and South Mingo Road  
(Major Amendment)

**Staff Recommendation:**

Mr. Dunlap stated that Planned Unit Development No. 425 contains 1.189 acres (gross) located west of the northwest corner of South Mingo Road and 48<sup>th</sup> Place South. The PUD permitted the following uses:

Use Unit 15, excluding air conditioning and heating, bait shops, bottled gas, fence, fuel oil, general merchandising establishment (NEC), heating equipment, ice plant, lumber yard, model homes (for display only), plumbing shop, portable storage building/sales, air conditioning, plumbing, frozen food locker, kennel, linen supply, and packing and crating of household and other similar goods.

Use Unit 23, permitting only the wholesaling and warehousing storage dedicated to the storage of the occupant's goods, excluding trucking establishments and truck rentals.

No outside storage or display of merchandise shall be permitted.

The applicant request approval of a Major Amendment to add Use Unit 10 (Off-Site Parking Areas).

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-425-A as modified by staff 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-425-A subject to the following conditions:

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

1. All existing requirements of PUD-425 shall continue to apply unless modified below.
2. Add the following permitted uses:  
Use Unit 10, Off-Street Parking Areas.

**Note:** Parking lots require Detail Site Plan approval.

**Applicant's Comments:**

**R. L. Reynolds**, 2727 East 21<sup>st</sup>, Tulsa, Oklahoma 74114, representing Mid-First Bank and First Credit Solutions, submitted a site plan as an exhibit. Mr. Reynolds stated that the subject property was approved eleven years ago for a warehouse and sales office with a 19,000 SF building on it and 5% open space. He proposes to use the subject property as a parking facility in connection with the property to the north, the Mingo Valley Trade Center. The open space will be 23%, which is an increase from the previous use. He indicated that the subject property will be used in conjunction with a parking lot, which is under construction to the west.

Mr. Reynolds stated that he has had several meetings with Public Works regarding stormwater drainage and overland drainage easements, while constructing the parking lot to the west of the subject property. He indicated that the same will be done with the proposed parking lot.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Reynolds if he was in agreement with staff's recommendation. In response, Mr. Reynolds indicated that he is in agreement with staff's recommendation. Mr. Reynolds requested that the screening requirement to the west of the subject property be removed because there is no reason to have a fence in the middle of the parking lot.

Mr. Boyle asked staff if the screening fence was a part of staff's recommended approval. In response, Mr. Stump stated that the screening fence was not a part of the recommendation, but staff has no objection to waiving the screening fence requirement to the west.

**Interested Parties:**

**Karen Mecher**, 4721 South 94<sup>th</sup> East Avenue, Tulsa, Oklahoma 74145, stated that when the Mingo Valley Trade Center was constructed the water was allowed to go into the field and the water ended up in her back yard and several neighbors' back yards.

Ms. Mecher expressed concerns with flooding problems and indicated that she has discussed her concerns with Paul Zachary and Brent Caldwell of Public Works. She stated that Public Works has assured her that the development will be watched.

Ms. Mecher stated that she has no objections to the proposed parking lot, but is concerned with potential noise and flooding problems.

**TMAPC COMMENTS:**

Mr. Westervelt stated that since Ms. Mecher has already discussed her concerns with Mr. Zachary and the officials in the Stormwater Department, they will be addressed during the construction. He explained that TMAPC deals with land use issues only.

Ms. Mecher stated that she is concerned with noise due to past experience with a nightclub in the subject area. She explained that once the cyclone fence was erected, it eliminated a lot of traffic from the nightclub. She objected to the cyclone fence being removed.

Mr. Reynolds stated that the fence Ms. Mecher is discussing is a cyclone fence that was installed. He commented that the nightclub Ms. Mecher is discussing is located on the north side of 47<sup>th</sup> Place and is a good distance from the subject property. He stated that he couldn't imagine patrons of the club parking in the OM-zoned property, because it is a grass field. Mr. Reynolds explained that his client will be operating a collection center and hopes to operate two shifts a day (16 to 18 hours). There will be workers parked on the subject property.

Ms. Hill asked Ms. Mecher if the nightclubs are currently in operation. Ms. Mecher answered affirmatively.

**Interested Parties:**

**Kathy Knowles**, 9415 East 48<sup>th</sup>, Tulsa, Oklahoma 74145, stated that she lives adjacent to the field and is concerned that she may lose her privacy if the screening fence requirement is waived. She expressed concerns with the lighting for the parking lot shining into her home.

Mr. Stump stated that there is a screening fence requirement between the OM district and the residential district. He indicated that a six-foot solid screening fence will be required. Regarding the lighting, it is required to be directed downward and away from residential areas. The property east of Ms. Knowles property is not part of the PUD and will have the regular requirements. There is no height limitation for the lights, but lights are still required to be directed downward and away from residential areas. Mr. Stump reminded the Planning Commission that the tract east of Ms. Knowles' home is not before the Commission today.

**Applicant's Rebuttal:**

Mr. Reynolds indicated he had no rebuttal.

**TMAPC COMMENTS:**

Mr. Horner asked if the cyclone fence north of the OM district will remain in place. In response, Mr. Reynolds stated that there will be a traffic-cut in the middle to allow traffic to circulate. Mr. Horner stated that the screening fence on the east side will remain, but the screening fence that divides the parking areas will be deleted. Mr. Reynolds answered affirmatively. Mr. Reynolds explained that the screening fence between the parking areas is a cyclone fence and there is no requirement for it. Mr. Reynolds stated that the new parking area will have islands and bays to prevent vehicles from driving straight through at a fast rate of speed.

Mr. Boyle asked if the parking area is intended to serve the office use to the east, as well as the collection operation proposed. In response, Mr. Reynolds stated that the parking area is only intended to serve the area to the north, Mingo Trade Center.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to recommend **APPROVAL** of the Major Amendment for PUD-425-A, waiving the requirement for a solid screening fence along the west boundary of the original PUD (PUD-42), subject to the conditions as recommended by staff.

**Legal Description for PUD-425-A:**

The East 150' of Lot 1, Block 1, Regency Plaza Amended, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Continued Zoning Public Hearings:**

**PUD-575-1 - Neal Harton**

(PD-18) (CD-8)

North of northeast corner East 81<sup>st</sup> Street South and South Mingo Road

**Staff Recommendation:**

Mr. Dunlap stated that the applicant and staff are discussing several conditions on this application. He indicated that the applicant would like a one-week continuance. Staff supports the continuance request.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to **CONTINUE** PUD-575-1 to March 3, 1999 at 1:30 p.m.

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**ZONING PUBLIC HEARING**

**PUD-471-D/PUD-417-4 - William LaFortune**

(PD-6) (CD-4)

Southwest corner East 17<sup>th</sup> Place and South Wheeling and north of northwest Corner East 19<sup>th</sup> Street and South Wheeling.  
(Major Amendment and Minor Amendment)

**Staff Recommendation: PUD-471-D**

Mr. Dunlap stated that after the initial approval of PUD-417, the Tulsa Metropolitan Area Planning Commission approved Minor Amendment 417-1 on April 22, 1987 to permit St. John Medical Center to provide additional on-site parking within Development Area B by constructing one level of underground parking and one level of surface parking adjacent to the St. John Health Plaza building.

Thereafter, a major amendment to the PUD-417-A was approved by the Tulsa Metropolitan Area Planning Commission on June 7, 1987 and by the Board of Commissioners of the City of Tulsa on July 24, 1987 by Ordinance No. 16867. The Major Amendment, PUD-417-A, approved the addition of two floors containing a maximum of 49,000 SF to the Health Plaza building within Development Area B and approved an increase in the maximum building height of the building.

A Minor Amendment to the PUD was approved in 1995 to allow the construction of an indoor pool on the north side of the Health Plaza building by adjusting building setbacks from the residences on the west side of South Wheeling Avenue north of the Development Area B parking facility.

St. John Medical Center has now acquired all the residential lots in that block immediately north of the existing parking facility and proposes to extend the existing two-level parking facility to the north on the first five lots as shown on the site plan attached as Exhibit C.

In order to expand the existing Health Plaza parking facility, St. John Medical Center requests approval of a Major Amendment to the PUD as follows:

To add the five residential lots to Development Area B subject to the same development standards presently applicable to Development Area B except as follows:

Minimum building setback from the north boundary along  
South Wheeling Avenue (St. John Medical Center owns  
the property immediately north) 0 FT

The concept plan for the additional parking structure for the lower and upper levels of the existing parking structure is shown on Exhibits D and E.

The proposed expansion of Development Area B is shown on Exhibit C.

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-417-D as modified by staff 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-417-D subject to the following conditions.

**Development Standards:**

1. All existing requirements applicable to Development Area B shall continue to apply unless modified below.
2. Add Lots 2, 3, 4, 5 and 6, Block 3, Edgewood Place to Development Area B.
3. Minimum building setback from the north boundary of Lot 2, Block 3, Edgewood Place: 0 FT

**AND**

**Staff Recommendation: PUD-417-4**

Mr. Dunlap indicated that the applicant is requesting Minor Amendment approval to modify the boundaries of Development Areas B and H by expanding Development Area B into the East 55 feet of Development Area H. The request would increase the net land area of Development Area B by 13,750 SF and decrease Development Area H by the same amount.

Staff notes that the original approval permitted parking in Development Area B but limited parking in Development Area H only as accessory to office uses. Staff further notes that required off-street parking associated with building in Development Area H may be located in Development Areas A, B, C or G. Although Development Area H is currently used for open space, the original approval allocated 10,000 square feet of floor area

In a related agenda item, the applicant is seeking Major Amendment (PUD 417-D) approval to allow expansion of parking on five lots immediately to the east of Development Area H. When this land is combined with the eastern 55 feet of Development Area H (to be designated by the current request as an expansion of Development Area B) the applicant will have sufficient additional land for a surface or multi-level parking facility. A 50 foot by 154 foot lot used as open space within Development Area H will provide a buffer between the single-family dwelling on East 17<sup>th</sup> Place and the northernmost corner of the expanded Development Area B.

Staff has examined the request and finds that the character of the area and the intent of the original approval will be maintained. Staff, therefore, recommends **APPROVAL** of PUD-417-4 with the following modifications to the approved development specifications of PUD-417:

Development Area H

Land Area (net): 24,500 SF

Development Area B

Land Area (net): 106,150 SF

**Applicant's Comments:**

**William LaFortune**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he agrees with the staff's recommendation and requests that the Planning Commission approve these applications. He indicated that the development standards for Development Area B, which was previously approved, will remain the same except for the building setback.

Mr. LaFortune stated that St. Johns Medical Center has purchased all of the lots in the subject area except for one lot. He indicated that there will be a buffer for the northernmost boundaries of the expanded Development Area B.

**Interested Parties:**

**Fred Wilkinson**, 1831 East 17<sup>th</sup> Place, Tulsa, Oklahoma 74104, expressed concerns regarding parking for the construction workers during the development. He stated that he will be one block away from the new construction.

**Applicant's Rebuttal:**

Mr. LaFortune stated that the construction workers will have to follow the City of Tulsa's ordinance regarding parking.

Mr. Wilkinson stated that he would be interested in traffic diversion during construction.

**TMAPC COMMENTS:**

Mr. Ledford stated that the Planning Commission should add a caveat to encourage the construction traffic to be directed away from the neighborhood and not through the neighborhood.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to recommend **APPROVAL** of the Major Amendment for PUD-417-D and the Minor Amendment for PUD-417-4, subject to the conditions as recommended by staff and the Planning Commission requested that every effort be made to prevent traffic being diverted through the neighborhood streets during construction.

**Legal Description for PUD-417-D:**

All of Lots 2, 3, 4, 5, and 6, Block 3, Edgewood Place Addition, to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Z-6010-SP-4 - Alex Mills**

(PD-18) (CD-5)

Southwest corner East 48<sup>th</sup> Street and South 129<sup>th</sup> East Avenue  
(Corridor Site Plan)

**Staff Recommendation:**

Mr. Dunlap stated that the applicant is seeking Corridor Site Plan approval for a 191,055 square foot office building on 8.635 net acres. The proposed development represents a portion of Development Areas D and E. The subsequent approval of the Amberjack plat and Corridor Site Plan approval for State Farm Offices in 1989 resulted in abandonment of the development area standards. The applicant has stated their intention of meeting the platting requirements of the Code for purposes of splitting the lot for the proposed office development on 8.635 acres.

Staff has examined the Corridor Site Plan for conformance to area and bulk, building coverage, setback, landscaping, signage, access and parking standards of Chapter 8 and related sections of the Zoning Code. Staff notes that the parking provided is sufficient to meet the requirements for both general office and medical offices.

Staff finds conformance to Corridor District standards which generally follow the development standards outlined in the original CO approval as reflected in the Final or Record Plat.

Staff notes that Tulsa Traffic Engineering has approved access points to South 129<sup>th</sup> East Avenue in lieu of providing a corridor collector street along this major arterial.

Staff, therefore, recommends **APPROVAL** of Detail Corridor Site Plan Z-6010-SP-4 subject to the following condition:

Filing and approval of a subdivision plat or plat waiver which conforms to the Corridor Site Plan and incorporates all conditions of Corridor Site Plan approval in the restrictive covenants prior to the issuance of a building permit.

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

**Applicant's Comments:**

**Alex Mills**, 201 West 5<sup>th</sup>, Suite 200, Tulsa, Oklahoma 74103, stated that building square footage reported is the actual allowable building square footage. He indicated that his building will be 101,000 SF.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to recommend **APPROVAL** of the Corridor Site Plan for Z-6010-SP-4, subject to conditions as recommended by staff.

**Legal Description for Z-6010-SP-4:**

Beginning at the Northwest corner of Lot 2, Block 1 of the Amberjack Subdivision, an addition to the City of Tulsa, Tulsa County, Oklahoma. According to the recorded plat thereof; thence along a curve to the left, having a central angle of 25°02'41" and a radius of 384.0', a distance of 167.85'; thence S 89°55'46" E, a distance of 233.89'; thence along a curve to the left, having a central angle of 06°37'00" and a radius of 1,022.0', a distance of 118.02'; thence N 83°27'14" E, a distance of 136.06'; thence along a curve to the right, having a central angle of 06°37'00" and a radius of 978.0', a distance of 112.94'; thence S 89° 55'46" E, a distance of 62.16'; thence along a curve to the right, having a central angle of 90°00'00" and a radius of 30.0', a distance of 47.12'; thence S 00°04'14" W, a distance of 818.30' to the Southeast corner of said Lot 2; thence S 00°04'14" W, a distance of 255.06'; thence N 89°55'39" W, a distance of 40.76'; thence along a curve to the right, having a central angle of 64°20'01" and a radius of 150.0', a distance of 168.43'; thence N 25°35'38" W, a distance of 61.30';

thence along a curve to the left, having a central angle of 30°52'07" and a radius of 350.0', a distance of 188.57'; thence N 56°27'45" W, a distance of 457.44'; thence along a curve to the right, having a central angle of 45°52'49" and a radius of 225.0', a distance of 180.17' ; thence N 10°34'56" W, a distance of 235.91'; thence N 25°32'15" E, a distance of 50.89'; thence N 10°34'56" W, a distance of 156.31' to the point of beginning. Containing 14.641 acres, more or less.

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**Z-6682 - Ron Shepherd**

Northeast corner East 11<sup>th</sup> Street and South 83<sup>rd</sup> East Avenue

**RS-1 to CS**

(PD-5) (CD-3)

**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 – Residential.

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

Staff Comments:

**Site Analysis:** The subject property is approximately 280' x 305' in size and is located on the northeast corner of East 11<sup>th</sup> Street South and South 83<sup>rd</sup> East Avenue. The property is flat, partially wooded, contains a single-family dwelling, and is zoned RS-1.

**Surrounding Area Analysis:** The subject property is abutted on the north by single-family dwellings, zoned RS-1; to the west by a mini-storage facility and a day care, zoned CS; to the east by an RV sales and service center, zoned RS-1; and to the south across East 11<sup>th</sup> Street by vacant property, zoned CS.

**Zoning and BOA Historical Summary:** The most recent zoning activity in this area rezoned a small lot located south of the subject tract, on the southeast corner of East 11<sup>th</sup> Street and South 83<sup>rd</sup> East Avenue from RS-1 to CS.

CS uses were granted on the property abutting the subject tract on the east in 1973 by District Court judgement.

**Conclusion:** This area is in transition to commercial zoning. Many tracts in this area have been rezoned from residential zoning to commercial zoning. The Comprehensive Plan does not designate commercial zoning for the subject tract, but based on the existing zoning pattern and uses in this area, staff recommends **APPROVAL** of CS zoning for Z-6682.

Should TMAPC concur with staff's recommendation, TMAPC should direct staff to prepare appropriate amendments to the District 5 Plan.

**TMAPC COMMENTS:**

Mr. Harmon asked staff what the circumstances that the Court looked at to grant the CS use on the RS-1 tract. In response, Mr. Dunlap stated that the initial request was for CG zoning and the Planning Commission suggested CS zoning. The City Council voted to approve CS zoning with a 50' OL strip on the north. The applicant did not pay to publish the ordinance and then it went to District Court and the Court approved commercial uses (CS) on the subject tract. Mr. Dunlap concluded that the subject tract has not been rezoned by ordinance. The commercial uses have been approved by the Court. Mr. Stump commented that this issue arose about 25 years ago.

Mr. Stump stated that when the Plan is updated that it would be best to have the Planning Commission initiate a rezoning to CS in order for it to be clearer that the use is allowed.

**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 **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to recommend **APPROVAL** of the CS zoning for Z-6682 as recommended by staff.

**TMAPC COMMENTS:**

**Chair Boyle** requested staff to consider the appropriate amendments to District 5 Plan in due course.

**Legal Description for Z-6682:**

Lot 3, Block 4, Clarland Acres Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**PUD-540-1 - Roy Johnsen**

(PD-26) (CD-8)

South of west of southwest corner Creek Turnpike and South Yale  
(Minor Amendment)

**Staff Recommendation:**

Mr. Dunlap stated that the applicant is requesting Minor Amendment approval to reduce the front building line for Lot 6 and Lot 7, Block 2 from 30 feet to 25 feet.

Staff has reviewed the request and finds gas and oil pipeline easements running through the northern portions of both lots. The easements restrict the building area of each lot, thereby limiting the size and placement of single family-dwellings.

Staff finds the reduction in building lines for Lots 6 and 7 reasonable in light of the restrictions placed on lot usage by petroleum easements. Staff is also of the opinion the location of both lots at the end of a "T" turnaround and the proximity of the lots to a Reserve area and the Creek Turnpike further the building line modification without substantially altering the character of the original approval.

Staff notes that the Deed of Dedication allows modification of building setbacks by Minor Amendment approved by TMAPC.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment reducing the front building line from 30 feet to 25 for Lots 6 & 7 subject to the following conditions:

Recording of the certified copy of the TMAPC Minutes indicating front building line reductions from 30 feet to 25 feet for Lots 6 & 7, Block 2, Hunter's Point II Addition. No separate amendatory document is required.

**NOTE:** Staff notes that detailed entry gate site plans and detailed perimeter wall and perimeter wall landscape plans have not been submitted for review and approval by TMAPC. These items were addressed in the preliminary plat and TAC discussion but never finalized in the PUD approved standards or the Final Plat.

Access to 97<sup>th</sup> Street South, however, was addressed and included in the development specifications and requires approval by the Hunters Pointe Property Owners Association.

**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, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Pace "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-450-1, subject conditions as recommended by staff.

\* \* \* \* \*

**OTHER BUSINESS:**

**Commissioners' Comments:**

Mr. Midget reminded the Planning Commission that Mr. Horner requested that all Commissioners attend the Budget and Work Program Committee work session on March 3, 1999 immediately following the TMAPC meeting.

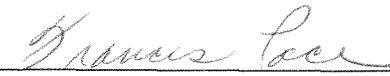
Mr. Horner stated that he would like a full commission attending the work session for their input on the Budget and Work Program FY 2000.

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There being no further business, the Chairman declared the meeting adjourned at 2:10 p.m.

Date approved: 03/10/99

  
\_\_\_\_\_  
Chairman

ATTEST:   
Secretary

