

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2211

Wednesday, July 21, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, July 19, 1999 at 11:40 a.m., posted in the Office of the City Clerk at 11:33 a.m., as well as in the office of the County Clerk at 11:29 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 July 7, 1999, Meeting No. 2210

On **MOTION** of **WESTERVELT** the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of July 7, 1999 Meeting No. 2210.

REPORTS:

Director's Report:

Mr. Dunlap reported that there is one item on the City Council agenda for July 22, 1999.

SUBDIVISIONS

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-18875 – Linda Whisenhunt (794)</u> 1104 South 107 th East Avenue	(PD-5) (CD-5)
<u>L-18877 – Etta Bruce (363)</u> Northwest corner East 191 st Street South and South Sheridan	(PD-20) (County)
<u>L-18889 – James Williamson (683)</u> 1614 East 61 st Street	(PD-18) (CD-9)
<u>L-18890 – George Shahadi (292)</u> 3 South Cincinnati	(PD-1) (CD-4)
<u>L-18891 – Sisemore, Weisz & Associates (3294)</u> 5402 South 129 th East Avenue	(PD-18) (CD-5)
<u>L-18893 – Sack and Associates (1884)</u> Southeast corner East 81 st Street South and 129 th East Avenue	(PD-18) (CD-8)
<u>L-18804 – City of Tulsa (1884)</u> 3324 East 73 rd Street	(PD-18) (CD-8)
<u>L-18896 – Sack and Associates (2793)</u> 6222 East 41 st Street South	(PD-18) (CD-7)
<u>L-18898 – Michael Brown (1193)</u> 1530 South 79 th East Avenue	(PD-5) (CD-5)
<u>L-18899 – Hammond Engineering (3193)</u> Northeast corner East 55 th Place and South Quincy	(PD-18) (CD-9)
<u>L-18900 – Blake Loveless (983)</u> East 72 nd Street and South Pittsburgh	(PD-18) (CD-8)
<u>L-18902 – Joe Smith (974)</u> 13705 South 129 th East Avenue	(PD-19) (County)
<u>L-18904 – Tulsa Development Authority (3502)</u> 723 North Cheyenne Avenue	(PD-2) (CD-1)
<u>L-18905 - Tulsa Development Authority (3602)</u> 1600 Block of North Greenwood Place	(PD-2) (CD-1)
<u>L-18906 – Tulsa Development Authority (2502)</u> 2211 North Owasso	(PD-2) (CD-1)

STAFF RECOMMENDATION:

Mr. Beach stated that everything is order and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Ledford, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

PRELIMINARY PLAT:

North Forty Addition (824)

(PD-14) (County)

Southeast corner of East 176th Street North and North Garnett Road

STAFF RECOMMENDATION:

This is a subdivision of 36.87 acres into 15 lots and 3 blocks for residential purposes. The site is bounded on the north by the East 176th Street, on the west by Garnett Road, and on the east and south by unplatted land. The subject site is in the AG district with the proposed parcels exceeding two acres in size.

The following were discussed **July 1, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Bruce, staff, noted that the site was accessed off of East 176th Street and Garnett and that it stubbed to the area to the south. Proposed dedications along each right-of-way should be clearly delineated on the plat.
- Rains, County, indicated that a temporary turnaround should be provided at the southern limits of the stub street. Internal street names should be changed to 174th Street and 115th East Avenue.

2. Sewer:

- Bruce, staff, questioned the engineer (Kellogg) regarding sanitary sewer provisions. He indicated that the site would be served by individual septic systems.

3. Water:

- Bruce, staff, indicated that water would be provided by Washington County #3 Rural Water District.

4. Storm Drainage:

- Bruce, staff, noted that the plat did not address detention.
- Rains, County, noted that detention was not required in additions where impervious coverage was less than 20%.

5. Utilities:

- Bruce, staff, noted that a 100' electric easement crossed the eastern section of the project.
- Rains, County, requested that the easement be dimensioned.

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

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Provision of a temporary turnaround at the south end of the stub street.
2. Dedication reference for Garnett and East 176th Street right-of-way on the face of the plat.
3. Change of interior street names to 174th Street and 115th East Avenue.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the County Engineer prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the County Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the County Engineer.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the County Engineer.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the County Engineer and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
23. The plat has been referred to the City of Collinsville because of its location near that municipality. Additional requirements may be made by the applicable municipality.
24. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **APPROVE** the Preliminary Plat for North Forty Addition subject to conditions as recommended by staff.

PLAT WAIVER:

Z-5763-SP-1 (594)

(PD-17) (CD-6)

Northwest of East 7th Street and South 129th East Avenue

STAFF RECOMMENDATION:

Approval of the Corridor Site Plan triggers the platting requirement. TMAPC has the authority to waive the plat and require sufficient conditions to insure that the intent of the platting requirement is met. No building permits may be issued until the property is either platted or all conditions of a plat waiver are met.

The property will be developed for a 12,500 SF one-story building on 2.12 net acres. In addition to the building, the site will be mostly covered with paving. The building will be used for retail sales of truck parts and accessories.

Staff Comments and Recommendation:

Because of the more stringent requirements associated with Corridor zoning, properties receiving approval of a Corridor Site Plan should be platted. On this property there is a need for covenants consistent with the Corridor Site Plan approval, dedication of additional right-of-way, easements for water and storm sewer and establishment of limits of access. However, this property is a small, single-user tract that has already been platted. It is not a typical Corridor Development as contemplated by the Zoning Code.

The applicant has provided draft copies of several separate instruments that would accomplish the requirements outlined in the checklist below. In addition, he has proposed a set of covenants that would be consistent with the requirements of the Zoning Code and provided documentation of a condemnation proceeding in which the City received the right-of-way needed to meet the Major Street and Highway Plan.

Based on the circumstances described above, **staff recommends approval** of the plat waiver.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|---|-------------------------------------|-------------------------------------|
| 1) Has property previously been platted? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| A YES answer to the remaining questions would generally NOT be favorable to a plat waiver: | | |
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Is on-site detention required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9) Is the property in a PUD? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) If yes, was plat recorded for the original PUD? | N/A | |
| 10) Is this a Major Amendment to a PUD? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) If yes, does the amendment make changes to the proposed physical development of the PUD? | N/A | |

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **APPROVE** the Plat Waiver for Z-5763-SP-1 subject to conditions as recommended by staff, subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) being required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

* * * * *

Z-6684 (1683)
8810 South Yale

(PD-18) (CD-8)

STAFF RECOMMENDATION:

The trigger case was heard and approved by the Council on March 25, 1999 changing the zoning designation from RS-3 to OL. The waiver is requested for the purpose of allowing a remodel/addition to an existing home to create office space for real estate office purposes.

Staff comments and recommendation:

The subject parcel is a bounded on the east by Yale Avenue and on the west by South Winston Place and is the site of two existing single-family residences. The residence near Yale Avenue will be removed as part of the proposed project, the residence along Winston will be converted and added onto to create office space. Access will be off of Yale Avenue; no access will be available onto Winston.

At the TAC meeting of July 1, 1999 it was determined that 60' of right-of-way was needed along Yale, requiring a 10' dedication. Also, it was determined that the floodplain should be in an easement or dedicated reserve, which extended to a distance of 20' on each side of the floodplain boundary. A 17.5' utility easement should be included along the Yale boundary. TAC determined that these items could be appropriately addressed through the use of separate instruments.

Based on the checklist below which reflects the policies of TMAPC, **staff recommends approval** of the request for plat waiver.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1) Has property previously been platted? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|-------------------------------------|-------------------------------------|
| 1) Is right-of-way dedication required to comply with major street and highway plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Infrastructure requirements | | |
| b) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Is on-site detention required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) Floodplain | | |
| e) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Is the property in a PUD? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) If yes, was plat recorded for the original PUD? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7) Is this a Major Amendment to a PUD? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) If yes, does the amendment make changes to the proposed physical development of the PUD?

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **APPROVE** the Plat Waiver for Z-6884 subject to conditions as recommended by staff, subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) being required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

* * * * *

BOA-18442 (3393)

(PD-18) (CD-7)

South and east of the southeast corner of 55th Street South and Harvard Avenue

STAFF RECOMMENDATION:

The trigger case was heard and approved by the Board on July 8, 1999 allowing a Special Exception to use duplexes in an RS-2 district for church use. The waiver is requested for the purpose of allowing permits to be issued for remodeling of the existing duplexes without requiring a plat.

Staff comments and recommendation:

The subject parcel is directly south of the existing Woodland Acres church property. It is bounded on the west by South Harvard Avenue, on the south by East 56th Place South and is bisected by South Harvard Court. As part of the Board case the church offered to tie the parcels together.

At the TAC meeting of July 1, 1999 it was determined that no additional right-of-way was required, that access would not change and that fees-in-lieu were acceptable for any additional drainage improvements, if needed.

Based on the checklist below which reflects the policies of TMAPC, **staff recommends approval** of the request for plat waiver.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|---|-------------------------------------|--------------------------|
| 1) Has property previously been platted? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street RW? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|--------------------------|-------------------------------------|
| 1) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Is on-site detention required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- 6) Is the property in a PUD?
- a) If yes, was plat recorded for the original PUD?

- 7) Is this a Major Amendment to a PUD?
- a) If yes, does the amendment make changes to the proposed physical development of the PUD?

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **APPROVE** the Plat Waiver for BOA-18442 subject to conditions as recommended by staff and subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) being required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

CONTINUED ZONING PUBLIC HEARING

Application No.: Z-6678
Applicant: Robert J. Nichols
Location: 816 North Mingo Road

RS-3 to IL
 (PD-16) (CD-3)

STAFF RECOMMENDATION:

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 E. Latimer Street North and N. 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 East Latimer Street from RS-3 to CH. This request was denied.

Conclusion: Based on the existing land use and zoning patterns to the north and east, staff recommends **APPROVAL** of IL zoning for Z-6678. The required setbacks and screening under IL zoning should afford sufficient protection to the mobile home development to the west. Staff would also note that the existing illegal roofing salvage must be removed. If IL is approved for this property, the TMAPC should direct staff to prepare appropriate amendments to the District 16 Plan.

TMAPC COMMENTS:

Mr. Ledford asked staff what the setbacks would be for the IL zoning. In response, Mr. Beach stated that the setback is 75' from abutting residential zoning.

APPLICANT'S COMMENTS:

Robert Nichols, 111 West 5th, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation.

TMAPC COMMENTS:

Mr. Carnes asked Mr. Nichols if the owner has cleared the trash that was located on the back of the lot. In response, Mr. Nichols stated that he viewed the property today and the cleanup operation that is going on is impressive. Mr. Nichols commented that he has informed his client that IL zoning does not allow any type of salvage or salvage storing. Mr. Nichols stated that he has discussed the screening requirements and visited with the manager of the mobile home park regarding the proposed fence materials.

Ms. Hill asked Mr. Nichols what type of screening fence his client is proposing. In response, Mr. Nichols stated that the screening fence proposed is an aluminum-screening fence, which is eight feet tall and is currently in other areas of the subject tract. He commented that the proposed fence would be more appropriate than a wood

fence. He indicated that the mobile home park does not seem to have a problem with the proposed fence. Ms. Hill asked if the screening fence will be solid. In response, Mr. Nichols stated that it is solid.

Mr. Harmon stated that the owner is a customer of Community Bank where he is employed. He explained that his bank does not have any financial interests for this property and therefore he will be voting on the motion.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Pace "absent") to recommend **APPROVAL** of IL zoning for Z-6678 as recommended by staff.

Legal Description for Z-6678:

The West 150' of the N/2, N/2, SE/4, NE/4, SE/4 and the West 150' of S/2, N/2, SE/4, NE/4, SE/4, Section 36, T-20-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

Application No.: Z-6698
Applicant: Chris Nikel
Location: 1112 South Atlanta Avenue

RS-3 to PK
(PD-4) (CD-4)

STAFF RECOMMENDATION:

Mr. Dunlap stated that the applicant has requested that this case be continued to August 4, 1999.

TMAPC COMMENTS:

Mr. Boyle asked if the request is a timely request. In response, Mr. Dunlap answered negatively.

Mr. Boyle asked if the interested parties have any objections to the continuance. There was no response.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Pace "absent") to **CONTINUE** Z-6698 to August 4, 1999 at 1:30 p.m.

Application No.: Z-6701
Applicant: Bruce G. Bolzle
Location: 1509 – 1517 South Victor

RS-3 to OL
(PD-6) (CD-4)

APPLICANT WITHDREW Z-6701.

Application No.: PUD-276-3
Applicant: John W. Moody
Location: 5801 East 41st Street
(Minor Amendment)

(PD-6) (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to allow building wall signage on the south, east and west building walls of a ten-story building. On July 15 approval of Z-6704 changed the underlying OM Zoning to CS. Staff notes that the proposed signage is 194.87 SF of display surface area for each of the three wall signs and is within the 2 SF per lineal foot of building wall maximum established in the PUD Chapter.

Staff, therefore, recommends **APPROVAL** of the modification of the signage permitted in PUD-276 as follows:

SIGNS: As permitted in Section 1103 B. 2. a. of the Tulsa Zoning Code - wall signs shall not exceed an aggregate display surface area of two (2) square feet for each lineal foot of the building wall to which the sign or signs are attached. No wall signs shall be permitted on the north-facing building wall.

NOTE: Minor Amendment approval does not constitute Detail Sign Plan approval.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **APPROVE** the Minor Amendment for PUD-276-3 subject to the following: **SIGNS:** As permitted in Section 1103 B. 2. a. of the Tulsa Zoning Code - wall signs shall not exceed an aggregate display surface area of two (2) square feet for each lineal foot of the building wall to which the sign or signs are attached. No wall signs shall be permitted on the north-facing building wall as recommended by staff.

ZONING PUBLIC HEARING

Application No.: PUD-614

RS-3, OL to RS-3, OL, PUD

Applicant: Bruce G. Bolzle

(PD-6) (CD-4)

Location: Southeast corner East 15th and South Victor

STAFF RECOMMENDATION:

The PUD proposes office use on 1.2346 acres located at the southeast corner of East 15th Street South and South Victor Avenue. The tract is currently zoned OL and RS-3.

The PUD proposes a 12,500 SF, one-story medical office. The applicant's development concept states that the building will have a residential character.

The subject tract is abutted on the east by office uses zoned OL; on the south by single-family dwellings zoned RS-3; on the west across South Victor Avenue by single-family dwellings zoned RS-3 and office use zoned OL; and on the north across East 15th Street South by office uses zoned OL.

Staff finds the uses and intensities of development proposed, as modified by staff to be in harmony with the spirit and intent of the Code based on the following conditions, staff finds PUD-614 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-614 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:**

Gross Land Area:	53,779.14 SF	1.2346 Acres
Permitted Uses:		Uses allowed by right in the OL district
Maximum Floor Area:		12,500 SF
Maximum Building Height:		One story
Minimum Building Setback from West Boundary of PUD		15 FT

Signage:

As provided within the OL district, except that no ground sign shall be allowed on the south 200' of the South Victor frontage. Also no wall sign shall be permitted on any west- or south-facing wall.

Other Bulk and Area Requirements: As provided within the OL district.

Maximum Access Points onto East 15th Street South: 1*

Maximum Access Points onto South Victor Avenue: None.

Landscaping and Screening:

An ~~six-eight-foot~~ screening wall or fence shall be provided along the south boundary of the PUD. ~~A five-foot wide landscaped buffer strip shall be provided immediately adjacent to and inside the screening fence on the south boundary of the PUD and other requirements of Chapter 10 of the Tulsa Zoning Code.~~ A six-foot screening wall or fence or building wall set back 15 feet from the west boundary of the PUD and extending from the south boundary of the PUD north 160 feet shall be provided. A 15-foot landscaped buffer strip shall be provided immediately adjacent to and outside the screening fence or building wall on the south 160 feet of the west boundary of the PUD. Within the south 130 feet of the PUD, there shall be emergency exits only on the west and south walls of the building.

Minimum Landscaped Open Space: 15% of Lot

Mutual Access: There shall be cross access easements with the adjacent lot to the east.

Bulk Trash Container Setback:
From West or South Boundary of the PUD 75 FT

*Access points shall be approved by Traffic Engineering.

3. The building shall have a residential character, matching the Craftsman style.
4. The building shall be positioned on the site with the main entrance at the northeast corner.

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 standards or building mounted lights shall exceed 12 feet in height, eight feet within the south 50 feet of the PUD and there shall be no light standards or building mounted lights within the south 20 feet.
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 1107F 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.

APPLICANT'S COMMENTS:

Bruce Bolzle, KMO Development Group, 5550 South Lewis, Suite 301, Tulsa, Oklahoma 74105, stated that his company is purchasing the three lots that are to the east of this application. He explained that the parking for this application will be shared with the abutting project. There is more than adequate parking for both uses, but he felt it was important to benefit from the additional curbcut on East 15th Street to provide easy vehicular access and circulation within the site. Mr. Bolzle recited the history of the subject property.

Mr. Bolzle stated that he is proposing less footage than is allowed under the office zoning. Recently he met with the neighborhood and understood that the neighbors would attend the meeting to support this application if the northernmost curbcut onto Victor is closed. He indicated that he has agreed to close the Victor curbcut. He stated that the concerns of the neighbors have been traffic, stormwater, water and sewer issues. He explained that he informed the neighbors that he has already calculated all of the stormwater detention needs and there is no increase in the amount of impervious area. The City is making no additional stormwater requirements.

Mr. Bolzle stated that his response to the neighborhood and their concerns is that there will no additional stormwater that leaves the site, and because of the new development, he will be able to control the stormwater more effectively. He explained that the stormwater will be held in the parking lot and metered out. The traffic issue has been addressed by eliminating the Victor curbcuts. There are currently three curbcuts along 15th Street and they are being reduced to two curbcuts. The last issue dealt with is commercial encroachment into the neighborhood. He stated that the subject area is surrounded by an HP district and there could be no additional encroachment into the neighborhood past this project without the Preservation Commission becoming involved. The subject houses were omitted from the HP district in anticipation of this development.

Mr. Bolzle stated that one of staff's recommendations is that a five-foot landscape buffer be provided along the south side of the subject property. He stated that the plan that the neighborhood reviewed is as proposed today and adding the buffer would severely impact the parking and circulation on the south, which he has told the neighborhood he would dedicate for the employee's parking only. He indicated that he is attempting to align the parking with the adjacent parking (**INAUDIBLE**).

Mr. Bolzle concluded that he has worked the subject area for a number of years. He indicated that he built two buildings, which are both of residential construction and quality, and this proposal will be the same. He stated that it is his intent to build a project with less footage than is allowed in the existing OL and build it so that it buffers the adjacent residential neighborhood. He commented that the new building will be of a residential style and compatible with the adjacent neighborhood.

TMAPC COMMENTS:

Mr. Carnes asked Mr. Bolzle if he agreed with staff's recommendation. In response, Mr. Bolzle stated that he agrees with staff's recommendation with the exception of the five-foot landscaping requirement along the south boundary.

THE FOLLOWING NAMES REPRESENT INTERESTED PARTIES OPPOSING THIS APPLICATION:

Martin R. Steinmetz, 1763 South Xanthus, Tulsa, Oklahoma 74104; **Nell Bradshaw**, 1628 south Victor, Tulsa, Oklahoma 74104; **Richard Reeder**, 1616 South Victor, Tulsa, Oklahoma 74104.

THE FOLLOWING CONCERNS WERE EXPRESSED BY THE ABOVE LISTED INTERESTED PARTIES:

Neighborhood is shrinking due to commercial encroachment; request that the two subject homes be left out of the development; traffic concerns; the two homes involved in the project are not rundown; project is intrusive to the neighborhood; agree with the curbcut on Victor; do not oppose the development along 15th Street.

INTERESTED PARTIES COMMENTS:

Debbie Ashley, 1820 East 16th Street, Tulsa, Oklahoma 74104, stated that she is speaking for the group of neighbors who attended the meeting with Mr. Bolzle. She explained that after meeting with the applicant, the group was able to come to an agreement. She indicated that during the meeting the issue of traffic was addressed by eliminating the curbcut on Victor. She stated that there is a large amount of traffic cutting through the neighborhood because of the inability to make a left turn onto 15th Street if traveling south. She commented that she understood there would be an eight-foot fence on the south property line. Ms. Ashley concluded that she is satisfied with the proposal and supports the application.

APPLICANT'S REBUTTAL:

Mr. Bolzle stated that the neighbors expressed that they were pleased to have the houses along Victor and 15th Street demolished. In their view the proposal was a better-looking development.

Mr. Bolzle indicated that he is trying to control the traffic as much as possible by limiting curbcuts only to 15th Street on the OL frontage lots. He stated that he pledged to work with the neighborhood to attempt to resolve continuing traffic issues as a result of the no-left turn light at 15th and Victor. This is largely creating the problem in the neighborhood. He indicated that he will also continue to work with the neighborhood with ongoing stormwater and sewer issues in the area.

Mr. Bolzle stated that he agreed with a request of the property owner that abuts the subject property on the south that an eight-foot fence would be provided rather than a six-foot fence.

Mr. Bolzle concluded that his client has signed a long-term lease and is an 8:00 a.m. to 5:00 p.m., five days a week business. He indicated that his client attended the meeting with the neighborhood.

Mr. Harmon asked if the two homes proposed to be destroyed are rental properties at this time. Mr. Bolzle stated that the homes are rental units at this time and one had been used as a nonconforming office.

Mr. Boyle stated that the issue is the zoning line that is established along 15th Street. He commented that the neighbors should not see this proposal as an additional intrusion into the neighborhood because the zoning line is very important. He stated that he would not violate the zoning line regardless where the HP district line is located.

Mr. Westervelt stated that the HP designation is quite restrictive and it happens to line up with the zoning line in this case.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to recommend **APPROVAL** of PUD-614 subject to conditions as recommended by staff, subject to the modification that an eight-foot fence be provided along the south boundary and deleting the five-foot landscaping requirement inside the screening fence along the south boundary. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Legal Description for PUD-614:

Lots 11, 12, and 13, Block 1, Terrace Park Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, and located on the southeast corner of East 15th Street South and South Victor Avenue, Tulsa, Oklahoma.

Application No.: Z-6710

Applicant: Jeff Levinson

Location: Southwest corner East 96th Street and South Memorial

RS-1 to PK

(PD-26) (CD-8)

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use and Corridor.

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

Staff Comments:

Site Analysis: The subject property is approximately .45 of an acre in size and is located south of the southwest corner of East 96th Street South and South Memorial Drive. The property is sloping, wooded, vacant, and zoned RS-1.

Surrounding Area Analysis: The subject tract is abutted on the northwest by vacant property, zoned CO/PUD-581; to the northeast by a bank, zoned CO; to the south by vacant property, zoned RS-1 and across S. Memorial Drive to the east by commercial uses, zoned CO/PUD-411-B and PUD-411-D.

Zoning and BOA Historical Summary: The most recent actions in this area established CO zoning on a 12-acre tract abutting the subject tract on the north and west and a 25-acre tract located south of the subject tract across E. 98th Street S. and fronting S. Memorial Drive. Approval was also granted for RS-3/PUD-554 for single-family development on property located southwest of the subject tract.

Conclusion: The Comprehensive Plan designates this area as Low Intensity – No Specific Land Use and Corridor and the requested PK zoning may be found in accordance with the Plan.

A Corridor Site Plan was approved on the property abutting the subject tract for office, retail and bank uses. The office and retail uses have not been established and the existing bank has been approved to increase the allowable square footage from 8,000 square feet to 11,000 square feet.

Based on the existing zoning and development in the area staff recommends **APPROVAL** of PK zoning for Z-6710.

TMAPC COMMENTS:

Mr. Westervelt stated that he wanted to note for the record that he has a routine banking relationship with Spirit Bank, but it is nothing that would cause a conflict of interest and he will be voting on this proposal.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to recommend **APPROVAL** of PK zoning for Z-6710 as recommended by staff.

Legal Description for Z-6710:

A tract of land that is part of the NE/4, SE/4, Section 23, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, said tract being described as follows: Beginning at a point on the Southerly line of 9600 Memorial, a subdivision in the City of Tulsa, Tulsa County, Oklahoma, said point being 5' Westerly of the Southeast corner of said 9600 Memorial; thence S 01°07'48" E along the present right-of-way line of South Memorial Drive for 48.00'; thence S 88°45'34" W 48' Southerly of as measured perpendicularly to and parallel with the Southerly line of said 9600 Memorial for 412.30'; thence N 01°07'48" W for 48.00'; thence N 88°45'34" E along a Westerly extension of the Southerly line of said 9600 Memorial and along the Southerly line of said 9600 Memorial for 412.30' to the Point of Beginning of said tract of land.

Application No.: PUD-604-1

Applicant: Darin Akerman

(PD-18) (CD-8)

Location: South of southwest corner East 81st Street and South Sheridan
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to modify the maximum vertical grade of private streets within the 15-lot residential subdivision from the 10% maximum allowed by the original PUD approval to a 12% maximum allowed in the Tulsa Subdivision Regulations.

The 35.9-acre (gross) site is steeply sloped with grades along the north face of the natural terrain exceeding 20%. The approved Outline Development Plan approved in May 1999 specifically allowed a maximum of 10% vertical street grades. Tulsa Subdivision Regulations allow vertical street grades to 8% with maximum grades to 12% if the length of slope does not exceed 500 feet for grades exceeding 8%.

Staff has examined the street gradient design drawings submitted as part of the application and finds that of the approximately 2,300 lineal feet of private street proposed, two 500-foot segments will have vertical grades of 12%. Another 300-foot segment of the street system has a 9.15% grade. The remaining 1,000 feet of the street system has vertical grades of between 1.20 and 7.03%.

Staff, therefore, noting that the grades presented meet Tulsa Subdivision regulations for maximum distances and maximum grade, recommends **APPROVAL** of PUD-604-1 modifying paragraph five of the approved development standards as follows:

The maximum vertical grade of private streets shall be 12% over a maximum length of 500 feet.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **APPROVE** the Minor Amendment of PUD-604-1 modifying paragraph five of the approved development standards as follows: The maximum vertical grade of private streets shall be 12% over a maximum length of 500 feet as recommended by staff.

OTHER BUSINESS:

Application No.: PUD-131-E

Applicant: Ricky Jones (PD-17) (CD-5)

Location: South of southwest corner, South Garnett and I-44
(Detail Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Detail Site Plan approval for a proposed .849-acre parking area and drive-through access lane abutting a 3,940 SF restaurant. Major Amendment PUD-131-E allowed the expansion of the existing restaurant, addition of a drive-through and use of an abutting vacant tract for access and restaurant parking. A waiver of the platting requirement related to the Major Amendment was also approved.

Staff has examined the Detail Site Plan for the parking area to the west of the restaurant and finds conformance to the approved access, parking setback from commercial and residential areas, screening, lighting height and setback and minimum landscaped open space standards of PUD-131-E.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-131-E, Lot 5, Block 1, as submitted.

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **APPROVE** the Detail Site Plan for PUD-131-E, Lot 5, Block 1, as submitted and recommended by staff.

CONTINUED ZONING PUBLIC HEARING (Continued):

Application No.: Z-6707

RD, RM-2, CS, CH to RS-4, RM-2 to RD

Applicant: TMAPC

(PD-7) (CD-2)

Location: Between Broken Arrow Expressway on the north of Riverside Drive on the south; the lots on the west side of South Jackson Avenue on the west, and the lots on the east side of South Elwood Avenue to the east.

STAFF RECOMMENDATION:

Ms. Matthews reminded the Planning Commission that they requested a new map indicating the properties of interested parties who objected to have their properties included in the rezoning.

Ms. Matthews pointed out the properties that will be left out of the rezoning and the properties that will be included on the new map. She indicated the north node that will require re-advertising if the Planning Commission directs staff to do so.

Relationship to the Comprehensive Plan:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates most of the subject area as Medium Intensity-Residential and Area D – Riverview Residential Area. Policies in the Plan text call for protection of the residential uses here and recommend that any new development or redevelopment be restricted to residential uses only. A smaller portion, the corridor along both sides of Denver Avenue, is designated as Medium Intensity-No Specific Land Use and Area B – Special Development District; the Plan text refers to this as an area of medium intensity uses needing special attention and support for development and redevelopment. Portions of this neighborhood were recommended for rezoning to single-family residential use in the 1990 Blanket Zone Feasibility Study.

According to the Zoning Matrix the requested RS-4 zoning **is** in accordance with the Plan Map. As a point of information, if the rezoning is granted, staff will recommend that the District 7 Plan map be amended to designate this area Low Intensity-No Specific Land Use or Low Intensity-Residential for further protection of existing development.

Staff Comments:

Site Analysis: The subject property is approximately 53.5 acres in size and is located south of the Broken Arrow Expressway extending to Riverside Drive on the south; from South Jackson Avenue on the west to those lots fronting South Elwood on the east. The property is sloping, partially wooded, contains single-family homes, apartments, and duplexes, and is zoned RM-2, CH, CS, PUD and RD.

Surrounding Area Analysis: The subject tract is abutted on the north by the Broken Arrow Expressway, zoned RS-3 and mixed use zoned CH; to the south and west by Riverside Drive, zoned RM-2, RM-3 and OH; farther to the south and west by the Arkansas River; and to the east by a mixed office/residential/commercial strip fronting Denver Avenue and zoned OL, OM, RM-2 and CS.

Zoning Historical Summary: Parts of the Riverview neighborhood have been zoned RM-2 since 1970 and maintained as a mixture of older single-family dwellings, apartments, duplexes and offices. In 1997 a Planned Unit Development was approved for two lots located north of the northeast corner of West 13th Street and South Frisco Avenue to allow six townhouse units on the property, but was later amended to allow one single-family dwelling on the tract.

A 1969 State Supreme Court case involving the property lying between 14th Place and 15th Street, Elwood and Denver Avenues enjoined the City of Tulsa from preventing commercial uses in the area.

Conclusion: Based on the recommendations of the Blanket Zone Feasibility Study, the Comprehensive Plan for the Tulsa Metropolitan Area, existing development and trends in the area, and the desire of a significant number of neighborhood property owners, staff recommends **APPROVAL** of RS-4 zoning, as indicated on Exhibit A, for this area.

The area recommended for rezoning differs somewhat from the originally proposed area in the following ways. First, several properties on the peripheries of the original boundaries contain uses other than single-family residential and are recommended for exclusion. Second, some areas appeared to be too far into transition to be candidates for rezoning to the single-family residential category and staff recommends their exclusion. Third, a non-single-family use at an intersection, the other three corners of which contained non-single-family uses, is recommended for exclusion.

Staff would note that some commercially-zoned properties may have had an error in advertising and staff recommends they be excluded from consideration. If the TMAPC deems it appropriate to rezone these at a later date, they must be re-advertised. Staff recommends that the area northeast of the 13th Street and Frisco Avenue be re-advertised for RS-4 zoning.

Due to the previously-mentioned court case, staff recommends that the property involved not be considered for rezoning.

THE FOLLOWING INTERESTED PARTIES EXPRESSED SUPPORT FOR Z-6707:

Jan Megee, City Council Staff, representing Councilor Darla Hall; **John Nicks**, 1325 South Guthrie, 74119; **Judge Linda Morrissey**, 1325 South Guthrie, 74119; **Louise Rose**, 1436 South Elwood, 74119; **Joan Hoar**, 1415 South Frisco, 74119; **Janice Goetzinger**, 1317 South Frisco, 74119; **Charisse Cooper**, 1227 South Frisco, 74119; **Tuija & Dimas Cardoso**, 1311 South Frisco, 74119; **Norma Turnbo**, 1422 South Guthrie, 74119; **Margaret Lowery**, representing Ruth Condon, 1373 South Indian 74119; **Renee Michalopolus**, 1221 South Jackson, 74119; **Gina Kingsley**, 1224 South Indian, 74119; **Linda Jordan**, 771 West 13th, 74127; **John Maley**, 1315 South Frisco, 74119; **Gary Percefull**, 1419 South Frisco, 74119; **Laquinnia Lawson**, 1410 South Frisco, 74119; **Jim Norton**, 1322 South Guthrie, 74119; **Cathy Skolla**, 1316 South Frisco, 74119.

INTERESTED PARTIES COMMENTS:

Norma Turnbo, 1421 South Guthrie, stated that she lives in one of the six new homes that have been built in the Riverview neighborhood and supports this application. She commented that she was Chair of the Neighborhood Compatibility Committee for the Infill Task Force. She stated that Mr. Westervelt served on the same committee. Ms. Turnbo read a section from the Infill Task Report regarding housing and neighborhood. **INAUDIBLE.**

Paul Uttinger, 1324 South Elwood, stated that he opposes the proposal. He explained that he is not opposed to his neighbors downzoning their properties, but he does not want his property downzoned. He indicated that he has one of the largest lots in the subject area and he would like to build a garage apartment in the future. He stated that the downzoning would make it impossible to expand his garage into a garage apartment without going to the Board of Adjustment for relief. He commented that he opposes zoning lines being drawn in the middle of the right-of-ways that will most likely create an unbalanced streetscape.

Mr. Uttinger requested that the rezoning application be postponed until after the Infill Study Report has been presented. He commented that the Zoning Code should be modified before downzoning areas of Tulsa.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Uttinger if he would be opposed to this application if his property were eliminated from the proposal. In response, Mr. Uttinger stated that he would like his property and all property within 75' of his property excluded from this application. Mr. Boyle asked Mr. Uttinger if he would still be opposed to the application if his property were excluded, but not the surrounding properties. In response, Mr. Uttinger stated that he would not be allowed by right to build a garage apartment. Mr. Uttinger explained that he does not want to be faced with having a nonconforming structure. Mr. Uttinger stated that the only reason he purchased the property is because it was zoned for apartments.

Mr. Swiney asked Mr. Uttinger when he purchased the property. In response, Mr. Uttinger stated that he purchased the property in 1995 and he has lived in the subject neighborhood area since 1989. **INAUDIBLE.**

Jim Norton, DTU, stated that he lives in the subject area and it is very important to have neighborhoods surrounding the central business district in the downtown area. The rezoning will strengthen the neighborhood and he supports this application.

Dane Matthews reiterated that there are two issues before the Planning Commission today, which are to consider rezoning and whether to re-advertise the north node.

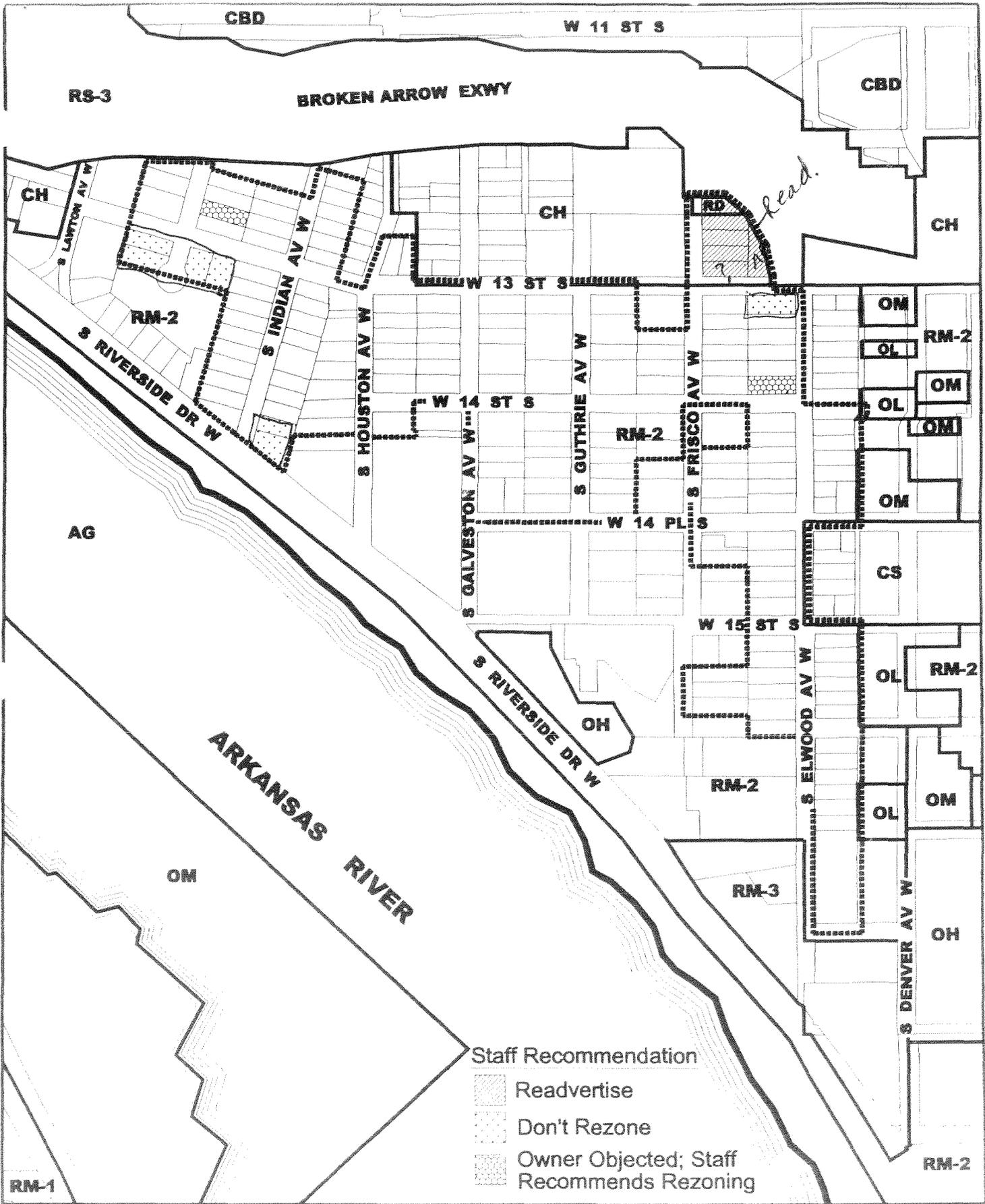
Jay Stump stated that if a property owner wanted to build a garage apartment, which is a second single-family dwelling, in the RM-2 district the owner would need 15,000 SF of land area, and in the RS-4 the owner would need 13,500 SF. In fact, the interested party would be closer to complying under the new zoning than he would under the old zoning. He explained that the interested party would still have to apply for a variance with the Board of Adjustment in order to have two single-family dwellings on one lot of record. Mr. Boyle asked Mr. Stump if the interested party would have to apply for a variance under the current zoning. In response, Mr. Stump stated that the interested party would have to request a greater variance under the current zoning. Mr. Stump reiterated that the interested party would come closer to meeting the land area requirement in the RS-4 zoning as proposed.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget, Pace "absent") to **DIRECT** staff to readvertise the small node indicated in Exhibit A as "readvertise", subject to excluding the triangular parcel on the east and recommend to **APPROVE** the RS-4 zoning, as indicated on Exhibit A, as recommended by staff.

Legal Description for Z-6707:

Lots 4 through 6, Block 7, Norvell Park Addition Resub of Horsley Hill Addition; Lots 3 through 10, Block 8, Norvell Park Addition Resub of Horsley Hill Addition; Lots 8 through 13, Block 9, Norvell Park Addition Resub of Horsley Hill Addition; Lots 1 through 9 and 16 through 24, Block 10, Norvell Park Addition Resub of Horsley Hill Addition; Lots 1 through 10, Block 11, Norvell Park Addition Resub of Horsley Hill Addition; Lot 5 and S 25' of Lot 6, Block 4, Childer's Heights Addition; All of Blocks 5, 6, and 11, Childer's Heights Addition; Lots 2 through 12, Block 8, Childer's Heights Addition; Lots 1 through 10, Block 9, Childer's Heights Addition; Lots 3 through 12, Block 7, Childer's Heights Addition; Lots 1 and 2 and Lots 7 – 12, Block 10, Childer's Heights Addition, and N 40' of Lot 3, Block 10, Childer's Heights Addition; Lots 21 and N 20' Lot 20, Block 12, less E. 7.5', Childers Heights Addition; Lots 1 through 5 and Lots 9 and 10, Block 15, Childer's Heights Addition; Lots 1 through 6 and 8 through 10, Block 1, River Ford Addition; Lot 9, Block 3, T.T.T. Addition; Lots 7 – 12, Block 2, Campbell Addition; Lots 7 through 12, Block 4, and Lots 13 through 24, Block 5, Stonebraker Heights Addition;



Riverview Rezoning
Z-6707

Exhibit A
 July 13, 1999

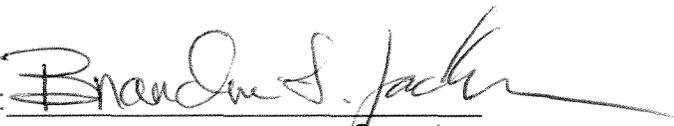
From: RM-2 (Residential Multifamily Medium Density District)
To: RS-4 (Residential Single-family Highest Density District)

There being no further business, the Chairman declared the meeting adjourned at 2:50 p.m.

Date approved: 8-4-99



Chairman

ATTEST: 

Secretary

