

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2214

Wednesday, August 18, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 16, 1999 at 11:30 a.m., posted in the Office of the City Clerk at 11:31 a.m., as well as in the office of the County Clerk at 11:28 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 28, 1999, Meeting No. 2212

On MOTION of LEDFORD the TMAPC voted 5-0-1 (Boyle, Hill, Jackson, Ledford, Pace "aye"; no "nays"; Westervelt "abstained"; Carnes, Dick, Harmon, Horner, Midget "absent") to APPROVE the minutes of the meeting of July 28, 1999 Meeting No. 2212

Minutes:

Approval of the minutes of August 4, 1999, Meeting No. 2213

On MOTION of WESTERVELT the TMAPC voted 6-0-0 (Boyle, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Horner, Midget "absent") to APPROVE the minutes of the meeting of August 4, 1999 Meeting No. 2213

REPORTS:

Chairman's Report:

Mr. Boyle announced that there will be a Comprehensive Plan Committee meeting immediately following the Planning Commission meeting. He explained that the meeting is to review the application for Tax Increment Financing District No. 3 ("TIF") and because of his conflict of interest he will not be attending the meeting. He stated that Mr. Westervelt attended the meetings for this committee during its consideration and will be attending the Comprehensive Plan Committee meeting today.

Committee Reports:

Budget and Work Program

Mr. Boyle indicated that he has an item for the Budget and Work Program Committee. He reported that he received a petition dated August 10, 1999 from a number of residents in the eastern part of the city. The residents are requesting the Planning Commission to reconsider the Comprehensive Plan designation for their neighborhood. Mr. Boyle referred this petition to Ms. Matthews and to the Budget and Work Program Committee for consideration with the expectation that if it is found to be appropriate, the petition would be referred to the Comprehensive Plan Committee.

Comprehensive Plan Committee

Mr. Ledford reported that there will be a work session immediately following the Planning Commission meeting to review the TIF application.

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

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

Director's Report:

Mr. Stump reported that there are four items on the City Council meeting for August 19, 1999. He reminded the Planning Commission that the Riverview rezoning case will be heard, which was the TMAPC's application and the Planning Commission may want to send a representative to the meeting. Mr. Midget indicated that he will be attending the City Council meeting and will represent the Planning Commission.

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Mr. Boyle stated that he would like to consider all of the continuances before hearing the regular agenda.

SUBDIVISIONS (continued items)

PRELIMINARY PLAT:

Oak Tree Village (Z-6054-SP-3) (2894) (PD-18) (CD-8)
8400 South Garnett Road

TMAPC COMMENTS:

Mr. Boyle stated that the applicant has requested to continue this application to August 25, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to **CONTINUE** the Preliminary Plat for Oak Tree Village to August 25, 1999 at 1:30 p.m.

* * * * *

PLAT WAIVER:

Boa 18471 (593)

712 South Delaware Avenue

(PD-4) (CD-4)

TMAPC COMMENTS:

Mr. Boyle stated that the applicant and an interested party have requested a continuance to September 1, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to **CONTINUE** the Plat Waiver for BOA 18471 to September 1, 1999 at 1:30 p.m.

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ZONING PUBLIC HEARING (continued items)

Application No.: PUD-615

RS-1 to PUD

Applicant: Kevin Coutant

(PD-6) (CD-9)

Location: Northeast corner East 34th Place and South Lewis Avenue

TMAPC COMMENTS:

Mr. Boyle stated that the applicant has a timely requested to continue this application to September 1, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-1** (Boyle, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Dick, Horner "absent") to **CONTINUE** PUD-615 to September 1, 1999 at 1:30 p.m.

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Application No.: PUD-237-3

Applicant: Roy D. Johnsen

(PD-18) (CD-2)

Location: West of southwest corner East 73rd Street South an South Lewis
(Minor Amendment)

TMAPC COMMENTS:

Mr. Boyle stated that the applicant has made a timely request for a continuance to September 1, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to **CONTINUE** the Minor Amendment for PUD-237-3 to September 1, 1999 at 1:30 p.m.

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Application No.: PUD-478-3

Applicant: Dean Day

(PD-6) (CD-2)

Location: 1413 South Owasso
(Minor Amendment)

TMAPC COMMENTS:

Mr. Boyle stated that the applicant has timely requested a continuance to January 19, 2000.

There were no interested parties wishing to speak.

STAFF COMMENTS:

Mr. Stump indicated he is concerned whether this would be a proper notice by continuing this application too far into the future. In response, Mr. Swiney stated that there is no problem with the continuance if all of the other amenities are observed.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to **CONTINUE** PUD-478-3 to September 1, 2000 at 1:30 p.m.

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SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18895 – Robert E. Grant (2394)
16100 East 41st Street

(PD-17) (CD-6)

STAFF RECOMMENDATION:

The site is located on the north side of 41st Street on the half-section between 161st East Avenue and 177th East Avenue. The site is 400' x 455' in size and is a portion of a 480-acre parcel. The proposed use of the site is as an electrical substation (PSO).

The request is to waive the subdivision regulations that require public water service for each lot [Sections 6.5.4 (d) and (e)]. The Public Works Department will allow a septic system; water service is not available at the present time.

TAC was requested to review the item and to make a recommendation to the TMAPC. TAC heard the item at the regular meeting of August 5 and recommends approval of the split with waiver with the condition that right-of-way sufficient to accommodate the ultimate width (100', 50' on each side) be obtained. No water is required with the substation use.

Staff recommends APPROVAL of the lot-split for waiver of subdivision regulations for L-18895.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On MOTION of JACKSON, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to APPROVE Lot-Split for Waiver of Subdivision Regulations for L-18895 as recommended by staff.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-18833 – Irene Cody (1582)</u> 2515 West 91 st Street South	(PD-8) (CD-2)
<u>L-18911 – Tulsa Engineering & Planning Associates (1093)</u> Northeast corner East 21 st Street and South Yale	(PD-5) (CD-4)
<u>L-18912 – Tulsa Engineering & Planning Associates (2293)</u> 5345 East 41 st Street	(PD-6) (CD-4)
<u>L-18918 – Tulsa Development Authority (2402)</u> 2766 North Peoria	(PD-2) (CD-1)
<u>L-18919 – City of Tulsa (1183)</u> 6903 East 71 st Place	(PD-18) (CD-8)

<u>L-18920 – Victor Ford (1413)</u>	(PD-15) (County)
14027 North Sheridan	
<u>L-18924 – City of Tulsa (183)</u>	(PD-18) (CD-7)
6208 South Mingo	
<u>L-18925 – City of Tulsa (183)</u>	(PD-18) (CD-7)
6140 South Mingo	

STAFF RECOMMENDATION:

Mr. Bruce stated that all of these lot-splits are in order and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On MOTION of WESTERVELT, the TMAPC voted 8-0-0 (Boyle, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Dick, Horner "absent") to RATIFY these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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FINAL PLAT:

<u>Fordway (3592)</u>	(PD-8) (CD-2)
South side of West 51 st Street at South Maybelle Avenue	

STAFF RECOMMENDATION:

Mr. Beach stated that everything is in order on this plat and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to APPROVE the Final Plat for Fordway as recommended by staff.

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PRELIMINARY PLAT:

<u>Grace Acreage (PUD 221-F) (2894)</u>	(PD-17) (CD-6)
Southeast of East 41 st Street and South 129 th East Avenue	

STAFF RECOMMENDATION:

There are three lots in one block on 38.88 acres. PUD 221-F, a major amendment, approved 28,480 SF of one-story offices in Lot 1 (1.63 acres), 250,000 SF of church and accessory uses in Lot 2 (11.91 acres), and 265,000 SF of private school and

athletic fields in Lot 3 (24.37 acres). The site is situated southeast of the intersection of East 41st St. and South 129th E. Ave. Observation Point subdivision containing an apartment complex abuts to the northwest. Quail Ridge subdivision containing single-family residences abuts to the southeast and unplatted, vacant land is to the east.

The following were discussed **August 5, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted some of the requirements from the PUD:
- Lot 1 would have its primary access to 129th East Avenue at its northwest corner through a mutual access easement with Lot 2.
- The PUD does not prohibit access from Lot 1 onto 43rd Place but it does prohibit access from Lot 2 and Lot 3 to 43rd Place.
- All access from Lot 2 will be to 129th East Avenue or to 41st Street through Lot 3.
- All access from Lot 3 will be to 41st Street or 129th East Avenue through Lot 2.
A mutual access easement should be shown through Lots 2 and 3 to provide access for both lots to both arterial streets. Limits of No Access should be shown along Lot 2's entire frontage on 43rd Place. Right-of-way is being dedicated along the entire frontage of both arterial streets.

2. Sewer:

- There were no comments regarding the sanitary sewer system.

3. Water:

- Lee, Water, requested that the applicant provide plans for the water system so he could review and determine requirements. He agreed to approval of the preliminary plat subject to satisfactory design of the water system and fire service and appropriate easements.

4. Storm Drainage:

- There were no comments regarding the storm sewer system.

5. Other:

- No other comments.

Staff recommends denial of the preliminary plat because of the inconsistencies with the approved PUD. The Subdivision Regulations require that the plat meet all of the zoning requirements.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Westervelt asked staff if the applicant is aware that this item is on today's agenda. In response, Mr. Beach stated that Danny Mitchell represents the church and he was in the INCOG offices a week ago to discuss this case; however, the issues were

unresolved. Mr. Beach stated that Mr. Mitchell was aware that this item was on today's agenda.

Mr. Boyle stated that there must be a problem because the applicant is not present. He suggested that the application be continued. He directed staff to contact the applicant and make sure he is aware of the agenda item and its date of hearing.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to **CONTINUE** the Preliminary Plat for Grace Acreage to August 25, 1999 at 1:30 p.m. in order to contact the applicant.

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PLAT WAIVER:

PUD-614 (793)

(PD-6) (CD-4)

Southeast corner East 15th Street and South Victor Avenue

STAFF RECOMMENDATION:

Approval of a PUD will trigger the platting requirement. TMAPC has the authority to waive the plat and require sufficient conditions to ensure 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 is part of an area of office and residential uses along 15th Street east of Utica. The applicant intends to expand the office use fronting on 15th Street to the south onto two tracts presently used for residential purposes. The existing structures would be removed and a new medical office and parking would be constructed over the whole site. The original proposal was to rezone the southerly part of the property from RS-3 to OL. The TMAPC advised the applicant to submit a PUD so that the project could be considered as a unified development and conditions could be created to mitigate the impact to the surrounding residences.

The zoning application was withdrawn and a PUD was approved.

Staff recommends approval of the plat waiver subject to filing covenants consistent with the requirements of the PUD, subject to dedication of right-of-way to meet the requirements of the Major Street and Highway Plan, subject to filing limits of access acceptable to the Traffic Engineer, and subject to providing on-site detention acceptable to the Public Works Department.

The right-of-way dedication would be to South Victor Avenue and the applicant indicated his intent to ask for a waiver of this requirement.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
5) Will restrictive covenants be filed by separate instrument?	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Is an Overland Drainage Easement required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Is on-site detention required?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
9) Is the property in a PUD?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) If yes, was plat recorded for the original PUD?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
	N/A	

Mr. Midget out at 1:46 p.m.

TMAPC COMMENTS:

Mr. Boyle asked if this case represented another step in the increasing acceptance of unfavorable factors as the Planning Commission waive plats. In response, Mr. Beach stated that it might appear that way, but staff tries to use the plat waiver checklist as an objective evaluation of the property; however, there are always factors that are unique to each project. Mr. Beach indicated that the subject property is in the middle of an area that has been platted for years, nothing substantial is changing around the perimeter and it is a small site. Mr. Beach stated that it does not appear to be of any benefit to the city to require platting, and with that in mind, staff recommends approval subject to the conditions listed in the staff recommendation.

Mr. Westervelt asked staff if there were some time constraints imposed on the PUD because of a continuance of a zoning application. At that time there was some discussion that the Planning Commission may see this as a plat waiver in order for the applicant to get back on schedule. In response, Mr. Stump stated that he does remember the applicant discussing that they would request a plat waiver but he does not remember the circumstances as to why.

APPLICANT'S COMMENTS:

Ricky Jones, Tanner Consulting, 2202 East 49th Street, stated that he is in agreement with all of the conditions for the plat waiver and everything stated by staff, up to this point, has been true.

Mr. Jones informed the Planning Commission that he also needs a waiver of the subdivision regulations for the dedication of the right-of-way. He stated that he believes that 15th Street was re-designated as an urban arterial and there is a requirement of 35' of right-of-way on his half of the property. Currently there is 38' of right-of-way on 15th Street. He explained that he needs the waiver of the subdivision regulations for this right-of-way to not dedicate the 25' radius on the curve, which presently has 23.95' of right-of-way existing on Victor. He stated he didn't see any benefit by requiring the additional 1.05' of right-of-way.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Jones if these issues were discussed during the TAC meeting. Mr. Jones stated that he did discuss the issues during the TAC meeting. Mr. Westervelt asked Mr. Jones if he pointed out that the street was not an urban collector and if so, whether the TAC members still made the requirements. Mr. Jones stated that he does not remember, but he thought he met the right-of-way on 15th Street and the issue was the radius and the additional right-of-way on Victor.

Mr. Beach stated that Mr. Jones is correct and the recommendation was that whatever dedications are required to meet the Major Street and Highway Plan be made. He explained that the applicant is meeting the requirements on 15th Street, but the 25' radius and the 1.05' right-of-way on Victor are the requirements TAC is requesting.

Mr. Boyle asked if staff's position is to approve the plat waiver if the dedications on the radius and Victor are met.

Mr. Westervelt stated that he recalled that the access on Victor was given up voluntarily by the applicant in discussions with the neighborhood and the Planning Commission agreed to accept that. If there will be no access to this project off of this residential collector street why is staff concerned. Mr. Beach stated that staff could make a concession regarding Victor and the 25' radius is a standard that Traffic Engineering likes to see. Mr. Beach further stated that if this would serve no useful purpose then he does not have a real strong concern about waiving the subdivision regulations. Mr. Boyle asked Mr. Beach if staff believes this does not serve a useful purpose. Mr. Beach stated that he does not think it serves a useful purpose and it should be waived.

TMAPC Action; 8 members present:

On MOTION of WESTERVELT, the TMAPC voted 7-0-0 (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to APPROVE the Plat Waiver for PUD-614 subject to LNA being accepted by the Traffic Engineer, filing covenants consistent with the requirements of the PUD as recommended by the Planning Commission.

TMAPC COMMENTS:

Mr. Boyle stated that he is concerned with Plat Waivers when too many of the checkmarks are in the wrong place. He requested staff to give more information in the Commissioners' packets when this occurs.

* * * * *

Z-6710 (2383)

(PD-26) (CD-8)

South 96th Street East, west side of South Memorial

STAFF RECOMMENDATION:

Approval of zone change to PK (parking) triggers the platting requirement. The Council approved the zone change on August 5, 1999. TMAPC has the authority to waive the plat and require sufficient conditions to ensure 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 subject parcel is the object of a request for PK (parking) zoning. The site is approximately .45 acres in size and is located south of the southwest corner of East 96th Street South and Memorial Drive. The property is wooded, vacant and in the past zoned RS-1. The site plan proposes 45 spaces.

The purpose of the request is to allow the construction of additional parking for use by Spirit Bank. The proposed parking would enlarge and complement the existing bank parking lot, which is located on the lot directly to the north.

Staff Comments and Recommendation:

The TAC considered the application at their meeting of August 5 and recommended approval with the conditions that an overland drainage easement be provided with onsite detention and that a limit of no access be placed along the easterly boundary against Memorial Drive.

Based on the recommendation of the TAC and the checklist below which reflects the policies of TMAPC **Staff recommends approval** of the request for 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 type="checkbox"/>	✓
2) Are there restrictive covenants contained in a previously filed plat?	<input type="checkbox"/>	✓
3) Is property adequately described by surrounding platted properties or street R/W?	✓	<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"/>	✓
5) Will restrictive covenants be filed by separate instrument?	<input type="checkbox"/>	✓
6) Infrastructure requirements		
a) Water		
i) Is a main line water extension required?	<input type="checkbox"/>	✓
ii) Is an internal system or fire line required?	<input type="checkbox"/>	✓
iii) Are additional easements required?	<input type="checkbox"/>	✓
b) Sanitary Sewer		
i) Is a main line extension required?	<input type="checkbox"/>	✓
ii) Is an internal system required?	<input type="checkbox"/>	✓
iii) Are additional easements required?	<input type="checkbox"/>	✓
c) Storm Sewer		
i) Is a P.F.P.I. required?	<input type="checkbox"/>	✓
ii) Is an Overland Drainage Easement required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Is on-site detention required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Are additional easements required?	<input type="checkbox"/>	✓
7) Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?	<input type="checkbox"/>	✓
b) Does the property contain a F.E.M.A. (Federal) Floodplain?	<input type="checkbox"/>	✓
8) Change of Access		
a) Are revisions to existing access locations necessary?	<input type="checkbox"/>	✓

- 9) Is the property in a PUD? ✓
 a) If yes, was plat recorded for the original PUD? N/A
- 10) Is this a Major Amendment to a PUD? ✓
 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.

The applicant indicated his agreement with staff's recommendation.

TMAPC COMMENTS:

Mr. Westervelt stated that he has ordinary and business relationships with this bank and he has no conflict, therefor he will be voting on this item.

TMAPC Action; 7 members present:

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

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Midget in at 1:55 p.m.

ZONING PUBLIC HEARING

Application No.: Z-6711

RS-3 to IL

Applicant: John Moody

(PD-9) (CD-2)

Location: West side South US 75 and Redfork Expressway (I-44)

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 3. Plan policies state that this is an industrial area and that future industrial development should be located here.

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

Staff Comments:

Site Analysis: The subject property is approximately ten acres in size and is located on the west side of U. S. Highway 75 South and West I-44. The property is sloping, wooded, contains railroad right-of-way, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and south by railroad right-of-way, zoned RS-3; to the west by vacant property, zoned AG; to the east by the Red Fork Expressway right-of-way, zoned IL; and beyond the expressway by industrial businesses, zoned IL.

Zoning and BOA Historical Summary: No zoning activity has occurred in this area.

Conclusion: Based on the existing zoning, recommendations of the District 9 Plan and uses in this area, staff recommends APPROVAL of IL zoning for Z-6711.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On MOTION of WESTERVELT, the TMAPC voted 8-0-0 (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to recommend APPROVAL of IL zoning for Z-6711 as recommended by staff.

Legal Description for Z-6711:

NE, SE, NE, Section 22, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

* * * * *

Application No.: PUD-587-A

Applicant: Roy D. Johnsen

(PD-18) (CD-8)

Location: South and west of southwest corner East 81st and South Yale
(Major Amendment)

STAFF RECOMMENDATION:

Planned Unit Development No. 587 contains 23.57 acres and is located at the southwest corner of East 81st Street South and South Yale Avenue. Development Area C, located at the southwest corner of the PUD, contains 3.78 acres and was approved for a maximum of 12 single-family dwelling units. One of the requirements of the PUD was that there be a public street connecting East 83rd Street South and South Urbana Avenue. This would create a second point of access for the subdivision by connecting Urbana with Toledo by way of 83rd Street. This amendment proposes as an alternative use of Development Area C that a maximum of four single-family residences be permitted with access derived from a private drive connection to 83rd Street and that a cul-de-sac be provided at the north terminus of South Urbana Avenue with no access from Development Area C to South Urbana Avenue. The cul-de-sac depicted on the conceptual site plan does not meet the standards for the City of Tulsa. It is also proposed that the south boundary lines of the southernmost two lots be designated as the rear lot lines.

If a cul-de-sac is approved at the north terminus of South Urbana Avenue with no access from Development Area C to South Urbana Avenue, a cul-de-sac approximately 2150 feet long will be created, which would be in violation of Section 4.2.7 of the Subdivision Regulations for the Tulsa Metropolitan Area. Section 4.2.7 states that cul-de-sacs shall not exceed 500 feet in length. Brookwood II, a platted RS-2-zoned subdivision containing 95 lots, abuts Development Area C on the south. There is only one way into and out of Brookwood II at this time and that is from East 85th Street South onto South Yale Avenue. Brookwood II has been platted with two stub streets, Vandalia Avenue to the south and Urbana Avenue to the north.

Public Works has stated that waterlines need to be connected between the dead-end main on South Urbana Avenue and the dead-end main on East 83rd Street. Traffic Operations and the Fire Department recommend that East 83rd Street South and South Urbana Avenue be connected.

If the requirement that there be a public street connecting East 83rd Street South and Urbana Avenue is removed and a cul-de-sac is constructed at the terminus of South Urbana Avenue, there will continue to be 95 lots (Brookwood II) with only one access point. A 2150-foot long cul-de-sac would be created in violation of the subdivision regulations and emergency vehicles will continue to have only one access point into Brookwood II and traffic circulation will continue to be impaired.

Because of these circulation and safety issues, staff recommends **DENIAL** of PUD-587-A.

TMAPC COMMENTS:

Mr. Boyle asked if staff would recommend approval if the two streets discussed were connected. In response, Mr. Dunlap answered affirmatively.

Mr. Stump stated that staff has coordinated with Traffic Engineering, Fire Department, Water and Sewer and all other departments, which stated that there is a need to connect to the two streets.

Mr. Westervelt asked staff if water and sewer need an easement or the easement and access. In response, Mr. Stump stated that they need easement in order to continue and loop the water and sewer lines in the subject area.

APPLICANT'S COMMENTS:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Paul and Belinda Wilson, stated that his clients would like to construct a home for their personal residence. He described the subject property as a unique and secluded property within the city.

Mr. Johnsen stated that the issue that the staff has is the connection of the two streets, and in normal construction the streets are usually connected, but not in all instances. In this situation there are some circumstances that need to be discussed and considered,

which mitigate the normal requirement of the two streets being connected. Mr. Johnsen commented that the subject property was platted in 1976 and the safety and circulation concerns have been in existence for 20 years. He stated that to his knowledge, the current status of the streets has not caused any particular problems for this neighborhood. He indicated that when people live in a neighborhood as it is, they become accustomed to the way it is and become somewhat resistant to change. He commented that the residents would probably prefer that the streets remain as they have been for the last 20 years.

Mr. Johnsen submitted a plat for Brookwood II (Exhibit A-1) and described the surrounding area. He pointed out the number of lots and the detention easement area. He stated that the biggest concern is emergency vehicles' access to the subject area. He commented that if there is an emergency and there is congestion, the vehicles would probably go through the yard in order to reach the subdivision. He stated that this is a valid concern, but there are some mitigating circumstances. There are 17 lots dependent upon Urbana for access, which are on what is estimated to be a 975' long dead-end street that has existed for more than 20 years. The topography is rough and several lots have not developed due to being too steep in some portions. He indicated that there are 22 lots on a cul-de-sac in the Brookwood II additions that link to 85th Street which is 900' long and has been in existence for 20 years. Whatever happens on the subject property will not change this. There are 21 lots on a cul-de-sac that is 850' in length. It has existed for more than 20 years, and it will not change with the subject request. This subject area is distinct because it has fewer than three dwelling units per acre with steep topography. The cul-de-sac already exists and it does not meet the normal standards. The grade in the subject area is 8% and is steep, which means if the streets are connected, a vehicle will come down a hill at 8% grade, then come to a "T", then sharply turn left. Connecting the two streets will bring new traffic into the subject area that is not accustomed to living there. He commented that he did not feel that this would be a safe situation by bringing in more traffic on such a steep grade.

Mr. Johnsen stated that his clients would like to build their home on 3.78 acres in a very unusual setting. He explained that his clients' choices are to treat the subject property as a development property and it has been approved for twelve single-family lots. He indicated that his clients have indicated that if this application is denied, then they will proceed with the development of twelve single-family homes. If his clients developed this land with twelve lots, then the streets would be connected and there will be circulation like the planners would like to have. He commented that if it is developed as a twelve-lot development, then there will be more traffic through the neighborhood and the character of Brookwood II would be changed.

Mr. Johnsen indicated that his clients did contact their immediate neighbors and it would be fair to say that the neighborhood as a whole would not like the streets to be connected and opened to the public. He stated that Ms. Birch did request a cul-de-sac at the end of her street and his client has agreed to put in a cul-de-sac. The cul-de-sac will be on Urbana at his clients' south property line.

Mr. Johnsen stated that the original proposal was for four single-family units, but his client would like to amend his application to one-single family dwelling, one lot, one block and not be required to extend the street. He commented that one lot does not create the need for the street to be connected and it would serve no benefit to his clients. He concluded that the amended proposal is for a one-lot, one-home, no-street-connection, cul-de-sac Urbana and a drive access from 83rd over to Toledo. This would better serve his clients and the neighborhood.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Johnsen why his client did not want to put the street in and why it is a problem. Mr. Johnsen stated that if the street were connected his clients would lose their secluded large tract and traffic would be brought right into his clients' front steps. This changes the private character of the property and the traffic circumstances substantially, and his client would go ahead with developing twelve homes rather than the single-family home.

Mr. Boyle stated that if his client goes forward and builds the twelve houses there would be the same problems with topography and a sharp turn. In response, Mr. Johnsen stated that whoever lives there would have the problems.

Mr. Boyle stated that he understands that there are some mitigating factors, but if the property is developed with twelve lots, then the street connection will be a requirement. If the Planning Commission does not require a connecting street then there are several problems with circulation and safety. He commented that he is having trouble understanding why a cul-de-sac should be made too long. In response, Mr. Johnsen stated that it is a question of whether the Planning Commission gives any weight to a 20-year history, and there have been no circumstances where there has been an emergency issue that he is aware of. Mr. Johnsen further stated that there haven't been circumstances where emergency vehicles could not get down a street or to a house because of the cul-de-sac or congestion.

Mr. Boyle asked Mr. Johnsen what the Planning Commission would do with the connector to the south (Vandalia) if the Planning Commission allows his client to not connect Urbana. The developer could state that the Planning Commission did make his client put Urbana in and therefore he does not want to put in the Vandalia connector. In response, Mr. Johnsen stated that the developer to the south has a home in the subject area. He chose not to open Vandalia and has a gate on it. Mr. Johnsen commented that his client will be in the same position as the developer to the south with one development. Mr. Johnsen explained that his client will have only one lot and if the developer to the south decides to develop his property further and questions the Planning Commission with regard to extended Vandalia, the connector would be required because it is no longer one lot and the circumstances have changed. Mr. Johnsen stated that by his client leaving his property in a one-lot situation he does not disturb the 20-year history of the subject neighborhood.

Mr. Boyle asked Mr. Johnsen if the Planning Commission denied this application his client would develop twelve lots on the subject property. In response, Mr. Johnsen stated that his client is in the development business and if he can't build his home on one lot, then he will develop the twelve lots and look for another location for his home.

Mr. Westervelt stated that one lot and one block changes this application. Mr. Westervelt further stated that there was some concern during the original PUD regarding leaving Toledo a stub street at 83rd Street. Mr. Westervelt asked Mr. Johnsen if his client has given any consideration to providing the same small cul-de-sac if the Planning Commission were to approve the amended application. In response, Mr. Johnsen stated that his client will make a turnaround.

Mr. Stump confirmed that a stub street of no greater than a single lot depth as this is can usually be seen as a dead end-before the person turns down it and typically does not require a turnaround. He stated that obviously vehicles would not know that Urbana dead-ends because of the curve and length.

INTERESTED PARTIES COMMENTS:

Dana Birch, 8318 South Urbana, Tulsa, Oklahoma 74137, stated she abuts the subject property at the dead-end of Urbana. She commented that Mr. Wilson has been very cooperative and has addressed some of her concerns. She requested that the cul-de-sac be built if the street is not connected. She expressed concerns with regard to safety and stated that she is probably the only one who would like to see the streets be connected.

Ms. Birch stated that she thought the staff was going to recommend approval and therefore she worked out a compromise with Mr. Wilson regarding the cul-de-sac. She explained that she was unaware that the staff was against the cul-de-sac.

TMAPC COMMENTS:

Mr. Boyle asked Ms. Birch if she prefers that the street go through, but the cul-de-sac proposed would offer her some protection. In response, Ms. Birch stated that she would prefer the street to go through, but she did work out a compromise with Mr. Wilson regarding the cul-de-sac. Ms. Birch stated that Mr. Wilson did not misrepresent himself to her when they came to this agreement.

INTERESTED PARTIES COMMENTS:

Sharon King-Davis, 4607 East 60th, Tulsa, Oklahoma 74135, stated that her family developed Brookwood II and her family still owns several undeveloped lots in it, as well as the detention site that has been designated in the center. She indicated her approval of the subject lot remaining one lot and felt that the house would be a great asset to the area.

Ms. King-Davis stated that the detention area in the center of Brookwood II was originally intended to handle all of the water in the subject area, however the city has changed the philosophy and made a regional detention pond along 81st Street and Yale.

There is a possibility that the detention site in the center of Brookwood II being available for future development and that would mean more housing and traffic. She indicated that the new traffic would have to exit onto Urbana and the decision today may affect the future development of Brookwood II.

Doug Knap, 8317 South Urbana, Tulsa, Oklahoma 74137, stated that his property abuts the subject property. He reminded the Planning Commission that the majority of the residents were against connecting the street. He commented that Mr. Wilson has offered a solution to one of his problems by building a cul-de-sac on Urbana. He explained that vehicles use his driveway to turn around once they discover that it is a dead-end street.

Mr. Knap stated that he has never heard of one incident regarding an emergency situation where emergency vehicles could not get through. He explained that backed-up traffic will cut through Toledo and go through his neighborhood, where the grade is too steep and it is a blind hill. Mr. Knap expressed concerns with the neighborhood children's safety.

APPLICANT'S REBUTTAL:

Roy Johnsen stated that the interested parties have stated that they are supportive of one lot and one home with the turnaround and do not want the street connected. He commented that in regard to Lot 5, the detention area, it would be difficult to develop for residential use because of the grade and topography. The likelihood of its developing is remote and is probably not a valid consideration for this application.

Mr. Johnsen summarized that the subject property is not a flat piece of ground and it is not RS-3 zoning, nor is it a new subdivision. He stated that there is low density along the proposed cul-de-sac. He commented that these are not ideal situations, but there is a 20-year history of a neighborhood that is perceived to be excellent.

Mr. Johnsen stated that because of some conditions and zoning actions his client is being told that he cannot build his home without extending the public street that he doesn't need. This will be a one lot, one home and now he is being told that the subject property is subject to an overriding public interest to correct a risky situation that has existing more than 20 years. Mr. Johnsen concluded that the twelve lots will developed if this application is denied.

TMAPC COMMENTS:

In response to Mr. Westervelt, Mr. Ledford stated that typically detention areas built in the 70's were private facilities that could be converted to useable land. The question is whether the regional facility was designed to accommodate the stormwater coming out of the area based on a 100-year pipe system or was it based on a detention pipe analysis. Mr. Ledford stated that he doesn't have the answer to this question.

Mr. Westervelt asked Mr. Sack to address the detention issue since he had worked on an adjacent detention area. In response, Mr. Sack of Sack and Associates stated that

his company is doing the engineering for the retirement complex, which is the other part of the subject PUD. He stated that in providing for the drainage through the property, he is counting on the original detention area to remain in place. He commented that he doesn't think that the facility that is currently in place will be eliminated at any point in time. He stated that what his firm is planning for, in developing the retirement complex, is for the detention facility to stay in place and his plans have been approved with this in mind.

Mr. Midget asked if initially the application was for four lots and it is now down to one lot, one house with two cul-de-sacs. In response, Mr. Johnsen stated that the amended proposal is for one lot, one house and a cul-de-sac on Urbana. If a cul-de-sac is needed on 83rd Street his client will build one there as well.

Ms. Pace stated that if the applicant is willing to cul-de-sac the two streets it would seem that it wouldn't take much more to connect the streets. There will still be the bulk of the subject area and the park-like area where the detention facility is located. She further stated that she doesn't think a street will diminish the appropriateness of this estate setting for his client. She commented that there will be a disjointed area to the southwest, which could become a lot. She stated that it does not look right to not connect the half-mile, particularly with the steep grade. In response, Mr. Johnsen stated that the grade could work in more than one way. Part of the problem with the grade is speed as a vehicle goes down the hill. Mr. Johnsen explained that the neighbors are concerned regarding connecting the street and allowing more traffic on the steep hill because of safety reasons. Mr. Johnsen stated that if the street is opened up to the public there will be more traffic in the neighborhood and that would change the nature of the neighborhood. Mr. Johnsen explained that the street issue has nothing to do with the monetary issue. Mr. Johnsen stated that if the street were connected it would bisect the subject property and then it would destroy the uniqueness of the subject property for his client.

Mr. Westervelt stated that one lot is better for the neighborhood than twelve lots. This is not an economic issue, but that the applicant wants a unique place to live. Connecting the street would have some impact on the subject property and the client has indicated that he will develop twelve lots if he is forced to connect the street. He stated that during the original PUD hearings the neighbors made it clear that they did not want the street to go through.

TMAPC Action; 7 members present:

MOTION of WESTERVELT to recommend APPROVAL of the Major Amendment for PUD-587-A subject to the amended proposal of one lot, one block, one home; subject to there being cul-de-sacs on Urbana and 83rd Street.

TMAPC COMMENTS:

Mr. Boyle stated that the one dwelling unit is better for the neighborhood, and to require Mr. Wilson to connect the street would benefit people in the neighborhood but the subject property itself would not receive any benefit from the street.

Mr. Westervelt stated that he would like to add an amendment to the motion that if there is a utility line connection that needs to occur, the motion needs to include that water and sewer needs be satisfied. Mr. Boyle asked Mr. Westervelt if he would like to amend his motion to add subject to water and sewer approval. In response, Mr. Westervelt answered affirmatively.

Mr. Stump stated that the subject property will have to be platted and water and sewer issues will be addressed at that time.

Mr. Ledford stated that all stub streets create this type of problem and it is addressed many times. The older subdivisions are fifteen or twenty years old and still have stub streets. The argument that connecting the stub streets will change the neighborhood will be a problem because anytime a stub street is tied, the traffic pattern in the neighborhood is changed. Every time a stub street is created by development in a new neighborhood in an unplatte area, at some time in the future the neighborhood is going to be changed when another developer ties into a stub street. The Yale Avenue connection is platted as 50 feet wide and a subdivision single entry is divided with a 76-foot wide right-of-way in order to have two lanes on each side of the raised median, so that in the event there is a blockage there is a lane of traffic for an emergency vehicle to access the subdivision.

Mr. Ledford stated that an 8% grade has been a design criterion since 1968 and it does look steep but it is not excessive. When a vehicle is going up the grade it has a longer sight distance. He concluded that the problem with the argument is that it has now created new criteria for the argument for not connecting stub streets to other neighborhoods because it changes the complexion of that neighborhood.

Ms. Pace expressed concerns with setting a precedent and the circulation is needed in this area.

Mr. Midget stated that his reason for supporting this application is because this is for one home, one lot and it is separated from any other development. He concluded that he does not see the need to connect the public street for one house and one lot.

Mr. Harmon stated that he couldn't believe that this is good planning to not require the street to be connected. An 8% grade is very manageable and in all likelihood one will not lose control going down the 8% grade. Good planning says that the cul-de-sac is too long and proper traffic circulation is an important part of city planning. The proper traffic control will not happen without the street being connected. Mr. Harmon concluded that he couldn't support this application because it is not good long-range planning.

TMAPC Action; 8 members present:

On MOTION of WESTERVELT, the TMAPC voted 5-3-0 (Boyle, Hill, Jackson, Midget, Westervelt "aye"; Harmon, Ledford, Pace "nays"; none "abstaining"; Carnes, Dick,

Horner "absent") to recommend APPROVAL of the Major Amendment for PUD-587-A subject to one lot, one block, one single-family dwelling; subject to Urbana and 83rd having a cul-de-sac and subject to water and sewer approval as amended by the TMAPC.

Legal Description for PUD-587-A:

A tract of land that is part of the NE/4, NE/4, Section 16, T-18-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: starting at the Southeast corner of the NE/4, NE/4 of said Section 16; thence N 89°58'59" W along the Southerly line of the NE/4, NE/4 for 99.74' to a point on the Westerly right-of-way line of S. Yale Avenue and also the Northeast corner of Brookwood II, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; thence continuing N 89°58'59" W along the Southerly line of the NE/4, NE/4 and along the Northerly line of Brookwood II for 897.07' to the Northeast corner of Lot 1 in Block 1 of said Brookwood II and the Point of Beginning of said tract of land; thence continuing N 89°58'59" W along the Southerly line of the NE/4, NE/4, and along the Northerly line of Brookwood II for 323.00' to the Southwest corner of the NE/4, NE/4, and also being the Northwest corner of said Brookwood II and also being on the Easterly line of Brookwood, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; thence N 00°00'11" E on the said Easterly line and along the Westerly line of the NE/4, NE/4 for 596.89'; thence S 61°37'27" E for 367.10'; thence S 00°00'11" W for 422.52' to the point of Beginning.

* * * * *

Mr. Midget out at 2:54 p.m.

Application No.: Z-6702

AG to CS & RS-3

Applicant: William B. Jones

(PD-26) (CD-8)

Location: Northwest corner East 121st Street and South Sheridan

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the southeast 467' x 467' corner as Medium Intensity – No Specific Land Use, the western 200' adjoining this node as Low Intensity – No Specific Land Use and the remaining small portion of the tract as Special District 1, an area of steep slopes and highly erodible soils.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map and the requested RS-3 zoning **is** also in accordance with the Plan, except for that

portion in Special District 1, which the plan recommends for development at no greater intensity than RS-1 without a PUD.

Staff Comments:

Site Analysis: The subject property is approximately ten acres in size and is located in the northwest corner of the intersection of East 121st Street South and South Sheridan Road. The property is sloping, wooded, vacant and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by a single-family dwelling, zoned RS-1; to the west by vacant land and a single-family dwelling, zoned AG; and to the south and east by vacant property, zoned AG.

Zoning and BOA Historical Summary: The most recent zoning action in this area was in 1996, when a 14.3-acre tract located northwest of the subject property was rezoned from AG to RS-2/PUD for a residential development.

Conclusion: Based on the Comprehensive Plan, the existing zoning patterns and development in this area, staff recommends **APPROVAL** of CS zoning on the southeast 467' x 467' corner of the tract at the intersection of East 121st Street South and South Sheridan Road and recommends **APPROVAL** of RS-3 zoning on the balance of the tract. Owing to the small portion of the site in Special District 1, staff sees no benefit in requiring a PUD.

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, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of CS zoning on the southeast 467' x 467' corner of the tract at the intersection of East 121st Street South and South Sheridan Road and recommends **APPROVAL** of RS-3 zoning on the balance of the tract as recommended by staff.

Legal Description for Z-6702:

Beginning at the Southeast corner of the SE/4, SE/4, SE/4, of Section 34, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; thence N 89°50'58" W along the South boundary line of said Section 34 a distance of 467'; thence N 00°20'12" E a distance of 467' to a point; thence S 89°50'58" E and a distance of 467.00' to a point on the East boundary line of said Section 34; thence S 00°23'04" W along the East boundary line of said Section 34 a distance of 467' to the point of beginning, containing 5 acres, more or less, **From: AG (Agriculture District) To: CS (Commercial Shopping Center District); and to** consider the proposed change of a zoning classification on the following described

property: Beginning at the Southeast corner of the SE/4, SE/4, SE/4 of Section 34, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; thence N 89°50'58" W along the South boundary line of said Section 34 a distance of 467.00' to the Point of Beginning; thence continuing Westerly along the South boundary line of said Section 34 a distance of 191.74' to the Southwest corner of said SE/4, SE/4, SE/4 of Section 34; thence N 00°20'12" E along the West boundary of said SE/4, SE/4, SE/4 a distance of 660.95' to the Northwest corner thereof; thence S 89°51'39" E along the North boundary of said SE/4, SE/4, SE/4 a distance of 659.30' to the Northeast corner thereof; thence S 00°23'04" W a distance of 194.07' to a point; thence N 89°50'58" W a distance of 467' to a point; thence S 00°20'12" W a distance of 467' to the Point of Beginning, containing 5 acres, more or less.

* * * * *

Application No.: CZ-255

AG to CS

Applicant: Keith Schultz

(PD-23) (County)

Location: West of northwest corner West 41st Street and South 137th West Avenue

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The Sand Springs Comprehensive Plan designates the subject tract as Commercial Node – No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 2.5 acres in size and is located west of the northwest corner of West 41st Street South and South 137th West Avenue. The property is sloping, partially wooded, contains a single-family dwelling and several accessory buildings, and is zoned AG.

Surrounding Area Analysis: The subject property is abutted on the north by vacant land, zoned AG; to the east and west by single-family dwellings, zoned AG; and to the south by vacant property and a small natural lake, zoned RE.

Zoning and BOA Historical Summary: The most recent zoning activity in this area approved CS zoning from RE on a tract located on the northwest corner of West 41st Street and South 129th West Avenue.

Conclusion: The site of the requested CS zoning is designated by the Sand Springs Comprehensive Plan as being within the commercial node. The Sand Springs Regional Planning Commission heard the proposal for the requested CS zoning at their July 20, 1999, meeting and recommended approval of the rezoning from AG to CS; therefore, staff recommends **APPROVAL** of CS zoning for CZ-255.

STAFF COMMENS:

Mr. Stump stated that after discussing this with the City of Sand Springs it was clarified that the entire tract was considered for CS zoning and they are in support of this application.

Mr. Midget in at 3:00 p.m.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to recommend **APPROVAL** of CS zoning for CZ-255 as recommended by staff.

Legal Description for CZ-255:

The E/2 of the following described tract of land: Lot 4, Bowles Acres in the S/2, SW/4, Section 21, T-19-N, R-11-E, Tulsa County, State of Oklahoma, more particularly described as follows: beginning at a point 921.6' E of the Southwest corner of Section 21, T-19-N, R-11-E, thence North 708.7'; thence East 307.2', thence South 708.7'; thence West 307.2' to the point of beginning, containing 2.5 acres more or less.

Application No.: Z-5537-SP-1C

Applicant: Steve Brown

(PD-18) (CD-8)

Location: 7616 South Garnett

(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval for an existing Corridor Site Plan to allow the construction of a 100-seat slow-pitch softball field and a 500-seat 10,800 square foot indoor basketball and gymnasium facility. The request continues the phased expansion of the education and sports facility as outlined in the original approval.

Staff has reviewed the request and finds the ball field addition will be located in the western portion of the site adjacent to an existing baseball field. The facility will utilize

the existing pedestrian and parking facilities. The proposed indoor basketball court and gymnasium will be attached to the existing 315,523 SF classroom building.

The additional facilities being proposed on the 71-acre site meet bulk, building area, parking and setback standards as outlined in the original Corridor Site Plan approval. The floor area ratio (FAR) for the site, including the proposed building improvements, is .095 (.13 allowed). Required parking for the entire site including the current expansion is 478 spaces. Current parking totals 719 spaces. No additional landscaping or signage is required or proposed.

Staff is of the opinion that the request as proposed conforms to and complements the spirit, intent and configuration of the original site plan and recommends **APPROVAL** of the Minor Amendment to the existing Corridor Site Plan Z-5537-SP-1 as submitted.

APPLICANT'S COMMENTS:

David Reed, Dewberry Design Group, representing Union School District, stated that he agrees with staff's recommendation.

INTERESTED PARTIES COMMENTS:

Liz Woolen, 10602 East 76th Street, Tulsa, Oklahoma 74133, stated that she abuts the subject property and would like to know where the softball field will be located. She expressed concerns with lighting impacting her property. She requested that a row of trees be planted between the fields and residences.

TMAPC COMMENTS:

Mr. Harmon asked the interested party to indicate her property on the case map. Ms. Woolen indicated her property on the case map to be abutting existing ball field and lighted tennis courts.

Mr. Boyle asked the applicant if there would be lights in the outfields. In response, Mr. Reed stated that there will be lights at the first base line and third base line, which will be pointing downward and have low spillage. Mr. Reed indicated that the fields to the north and to the east are currently lighted.

After a lengthy discussion it was determined that the interested party is currently abutting lighted fields and the proposal to the south will not add to the existing light spillage nor impact the abutting subdivision.

Mr. Reed stated that he would be happy to ask the Union School District to address the light spillage from the existing fields, but the proposed lights to the south will not impact the subdivision.

TMAPC Action; 8 members present:

On MOTION of WESTERVELT, the TMAPC voted 5-3-0 (Boyle, Harmon, Jackson, Pace, Westervelt "aye"; Hill, Midget, Ledford "nays"; none "abstaining"; Carnes, Dick,

Horner "absent") to recommend **APPROVAL** of the Minor Amendment to the existing Corridor Site Plan Z-5537-SP-1 as submitted.

TMAPC Action; 8 members present:

On **MOTION** of **PACE**, the TMAPC voted **4-4-0** (Hill, Ledford, Midget, Pace "aye"; Boyle, Harmon, Jackson, Westervelt "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to reopen discussion.

Motion failed due to a tie vote.

* * * * *

OTHER BUSINESS:

Review of the Urban Renewal Plan Amendments; finding them in accord with the Comprehensive Plan

STAFF RECOMMENDATION:

Ms. Matthews stated that the Urban Renewal Plan Updates are before the Planning Commission. She explained that the plans will expire next month and the public hearing is before the City Council Thursday, September 2, 1999. She stated that it is imperative that the Planning Commission take some type of action.

Ms. Matthews reminded the Planning Commission that their role is to review the updates and find them in accordance with the Comprehensive Plan. Staff has reviewed the updates extensively with the Urban Development staff and finds the updates in accordance with the Comprehensive Plan. Staff recommends that the Planning Commission find the updates in accordance with the Comprehensive Plan.

TMAPC COMMENTS:

Mr. Ledford stated that the Comprehensive Plan Committee did meet and review the updates and recommended that the updates be submitted to the Planning Commission and find them in accordance with the Comprehensive Plan.

There were no interested parties wishing to speak.

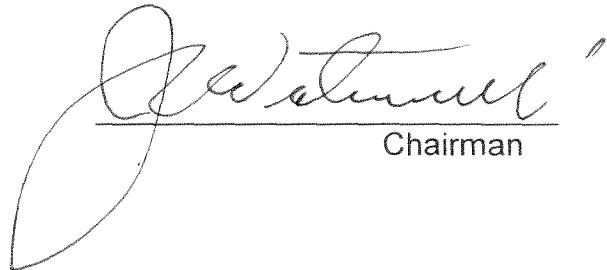
TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner "absent") to find the Urban Renewal Plan amendments in **ACCORD** with the Comprehensive Plan as recommended by the Comprehensive Plan Committee.

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There being no further business, the Chairman declared the meeting adjourned at 3:13 p.m.

Date approved: 09/01/99 ^{Jan}


Chairman

ATTEST: Brandon Jackson
Secretary