

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2224

Wednesday, December 1, 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	Ledford	Dunlap	Counsel
Harmon		Huntsinger	
Horner		Matthews	
Jackson		Stump	
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 29, 1999 at 9:30 a.m., posted in the Office of the City Clerk at 9:23 a.m., as well as in the office of the County Clerk at 9:24 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 November 3, 1999, Meeting No. 2222

On **MOTION** of **CARNES** the TMAPC voted **6-0-1** (Boyle, Carnes, Harmon, Jackson, Pace, Westervelt "aye"; no "nays"; Horner "abstaining"; Dick, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of November 3, 1999 Meeting No. 2222.

Minutes:

Approval of the minutes of November 17, 1999, Meeting No. 2223

On **MOTION** of **HARMON** the TMAPC voted **6-0-1** (Boyle, Carnes, Harmon, Horner, Jackson, Westervelt "aye"; no "nays"; Pace "abstaining"; Dick, Hill, Pace "absent") to **APPROVE** the minutes of the meeting of November 17, 1999 Meeting No. 2223

REPORTS:

Chairman's Report:

Mr. Boyle reported that it is time to appoint a nominating committee for officer elections. He stated that the elections would be in January 2000. He informed the Commissioners that he requested Mr. Horner to chair the committee and Ms. Hill to serve on the committee.

Mr. Sack explained that the applicant could not be present for the meeting due to a family illness and Mr. Johnsen requested the continuance in order to allow the applicant to be present at the January meeting.

TMAPC Comments:

Mr. Boyle asked Mr. Sack to respond to Mr. Whitaker's comment that each time the subject application is continued, the number of interested parties becomes fewer. In response, Mr. Sack stated that the application before the TMAPC is similar to the PUD that was approved previously. Mr. Sack indicated that he is not asking for more units and very little change. Mr. Sack explained that over the last two years several things have changed and the sewer is closer to the development. Mr. Sack stated that his client decided to apply for a new PUD to make the application clean and fresh.

Mr. Boyle stated that each time the subject application has been continued the numbers of the interested parties have dwindled. Mr. Boyle asked Mr. Sack how the TMAPC could protect the interested parties' interest. In response, Mr. Sack stated that he understands Mr. Whitaker's concerns. Mr. Sack indicated that Mr. Johnsen would be setting up a meeting with the interested parties prior to the hearing in January to discuss the proposal. Mr. Sack stated that Mr. Johnsen spoke to several individuals regarding the continuance request.

Mr. Westervelt stated that when a developer has a project of this size, expenses and the interest ticker starts running; he would want to have the application heard as quickly as possible. Continuances are very expensive to the developer and it is not usually strategic manipulation. He suggested that there may be some Public Works issues that are driving the continuances.

Roy D. Johnsen, 201 West 5th Street, Tulsa, Oklahoma 74103, stated that he was ready to proceed with the application today, but he received a call from his client Monday and there has been an illness in the family. He stated that his client is from out of state and had planned to fly in and meet with the interested parties Monday or Tuesday before today's meeting. He explained that his client is unable to attend today's meeting and that is the reason for the request to continue.

Mr. Johnsen stated that he called everyone he knew who was an interested party to inform them of the request for a continuance. He indicated that he did not know Mr. Whitaker and did not have his name on his list.

Mr. Boyle suggested that Mr. Johnsen obtain Mr. Whitaker's name and phone number. In response, Mr. Johnsen stated that he would be glad to talk with Mr. Whitaker and he did not mean to cause any inconvenience for anyone.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **CONTINUE** PUD-624 to January 5, 2000 at 1:30 p.m.

APPLICATION NO.: Z-6730

AG TO RS-2

Applicant: Ronald Spencer

(PD-26) (CD-8)

Location: South of the southwest corner of 107th Street South
and South Sheridan Road

Staff Recommendation:

The applicant has made a request for a continuance to January 19, 2000.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **CONTINUE** Z-6730 to January 19, 2000 at 1:30 p.m.

Application No.: PUD-430-A

Applicant: Verna Lewis

(PD-17) (CD-6)

Location: Northwest corner of East 11th Street and South 131st East Avenue

STAFF RECOMMENDATION:

Staff requests a continuance to December 15, 1999 for renotice.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **CONTINUE** PUD-430-A to December 15, 1999 at 1:30 p.m.

SUBDIVISIONS

PRELIMINARY PLAT:

CROWN COLONY (3314)

(PD-15) (County)

East of southeast corner of East 76th Street and North 129th East Avenue

Staff Recommendation:

This plat consists of 46 lots and one reserve in four blocks on 14.03 acres in unincorporated Tulsa County. The property is being developed for single-family residential use. The surrounding area consists of RE, RS and FD zoning with single-family residences. The FD zoning follows Elm Creek and abuts the subject property along its entire southeasterly boundary.

The following were discussed **September 16, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted that access limits need to be shown on the plat. Two of the proposed streets are shown stubbed to the southeast property line but the abutting property contains a creek. These streets should be reconfigured or eliminated.
- Rains, County Engineer, concurred on the redesign of the streets; stating that the County does not want the maintenance responsibility on stubbed streets that will not ever be extended because of the creek.
- Hodo, DLH Engineering, stated that the developer intends to develop the floodplain as parkland and the stub streets would serve as access to the park.
- Warlick, Owasso City Planner, requested 60 feet of right-of-way south of the centerline of 76th Street North to meet Owasso's Comprehensive Plan requirement for a primary arterial street.
- Hodo, DLH Engineering, indicated that 60 feet of total dedication on 76th St. would be acceptable.

2. Sewer:

- At the sketch plat review, it was revealed that sanitary sewer is available to the southeast of the property in the creek.
- The preliminary plat application states that the lots would have individual septic systems. However ODEQ requirements are for minimum lot size of ½ acre. This proposal is for ¼ acre lots. Public sanitary sewer must be used.

3. Water:

- Staff has no information on the availability of water to the project. The applicant stated that the RWD #3 would be the provider.
- There was no representative from RWD #3.

4. Storm Drainage:

- Elm Creek is adjacent to the property to the southeast. This is a waterway regulated under Section 404 of the Clean Water Act. No dredged or fill material may be placed in this waterway without Army Corps of Engineers approval.
- Rains, County Engineer, stated that the limits of the floodplain must be shown on the plat including off-site.

5. Other:

- Pierce, PSO, commented by email. He stated this property is not served by PSO unless it is annexed into Owasso. However, there is a 138Kv circuit crossing the property in the 100-foot easement shown on the plat. He listed several requirements:
 1. No permanent buildings or other structures within the easement.
 2. No swimming pools within the easement.
 3. No trees or other vegetation within the easement.
 4. Utility easements on the easterly and westerly bounds of the easement should not be more than ten feet wide inside the easement.
 5. All utilities, including water and sanitary sewer within the bounds of the 100-foot easement should be within the ten-foot utility easements, not in the street right-of-way. No utilities should cross the 100-foot easement.
 6. All conflicts with required clearances (both NESC and OSHA) will be resolved at the developer's expense.
 7. No grade changes will be allowed within 30 feet of PSO structures.
- Electric service by REC Okmulgee
- Phone by Bixby Telephone
- No gas or TV utilities will be provided.

Subsequent to the TAC meeting, several issues were addressed further:

- The applicant has revised the plat to show a second point of access to 76th Street. The County Engineer has reviewed this layout and approves.
- Staff has discussed the requirement for dedication of additional right-of-way with the City of Owasso. They agreed to accept 50 feet, as shown, since their Comprehensive Plan does not yet show 76th Street as a primary arterial.
- In the last TMAPC meeting the applicant stated that he is seeking a map amendment to remove the southwesterly cul-de-sac from the floodplain. This should be a condition of preliminary plat approval.
- PSO maintains their request for protection of their property rights regarding their 100-foot transmission line easement through the approval of this plat. Staff would point out that the Planning Commission regularly imposes conditions of preliminary plat approval that insure that various private utility providers are given easements. A release is required from those utilities stating that the easements are satisfactory before the final plat is approved.

Staff recommends approval of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. A letter of release from PSO stating their requirements regarding the 100-foot transmission line easement have been satisfied.
2. Additional letter from PSO stating that they will relinquish their right to build any structures within any public right-of-way in this subdivision.
3. A letter of release indicating satisfactory compliance with Army Corps of Engineers' requirements related to construction in the adjacent floodway.

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. 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).
3. Paving and/or drainage plans shall be approved by the County Engineer including storm drainage, detention design, and Watershed Development Permit.
4. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
5. Street names shall be approved by the County Engineer and shown on plat.
6. All curve data, including corner radii, shall be shown on final plat as applicable.
7. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
8. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
9. Limits of Access or LNA as applicable shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.
10. 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.)
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

12. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality. (Percolation tests required prior to approval of plat.)
13. Privately operated, on-site sewage disposal systems type, size and general location shall be identified and the information regarding their regulation shall be contained in the restrictive covenants.
14. The method of water supply and plans therefor shall be approved by the City/County Health Department.
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
19. 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.)
20. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC Comments:

Mr. Westervelt stated that he has a problem with PSO's requests. He explained that he understands what PSO needs, but sometimes the request is more than needed. He commented that the Planning Commission should not be providing this amount of protection for the right-of-way.

Mr. Boyle stated that seeing that the PSO comments do not flow into the recommendation directly and it may not need to be debated at great length. In response, Mr. Westervelt stated that he would like his comments in the minutes for the record.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **APPROVE** the Preliminary Plat for Crown Colony as recommended by staff, subject to special and standard conditions.

SOUTH POND ESTATES (463)

(PD-20) (County)

Staff Recommendation:

Mr. Beach stated that the subject plat consists of ten lots in two blocks on 48.113 acres in unincorporated Tulsa County. He indicated that the property is being developed for single-family residential use. He explained that each lot contains about 4.3 acres and each meets the bulk and area requirements of the AG zoning district. He stated that the surrounding area also contains rural residential uses with lots of similar size and larger.

The following were discussed **September 16, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted the tract has frontage on South Yale Avenue. The plat proposes a 60-foot public right-of-way from Yale Avenue, west through the middle of the tract and turning north along the west property line until it reaches the north property line.
- Rains, County Engineer, stated that the street labeled Toledo Avenue should be called Sandusky. The applicant should verify.

2. Sewer:

- The lots would have individual septic systems and all are appropriately sized to meet DEQ requirements for on-site sewage disposal.
- There were no comments.

3. Water:

- Water service will be from Rural Water District #4, Okmulgee.
- There were no comments.

4. Storm Drainage:

- Rains, County Engineer, stated that a drainage easement is needed between Lots 1&2 of both blocks.

5. Other:

- The GRDA easement containing the overhead power line running diagonally across the property should be show with book and page numbers.
- Electric by REC Okmulgee
- Phone by Bixby Telephone
- No gas or TV utilities would be provided.

12. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality. (Percolation tests required prior to approval of plat.)
13. Privately operated, on-site sewage disposal systems type, size and general location shall be identified and the information regarding their regulation shall be contained in the restrictive covenants.
14. The method of water supply and plans therefor shall be approved by the City/County Health Department.
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
19. 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.)
20. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC Comments:

Mr. Westervelt stated that he has a problem with PSO's requests. He explained that he understands what PSO needs, but sometimes the request is more than needed. He commented that the Planning Commission should not be providing this amount of protection for the right-of-way.

Mr. Boyle stated that seeing that the PSO comments do not flow into the recommendation directly and it may not need to be debated at great length. In response, Mr. Westervelt stated that he would like his comments in the minutes for the record.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **APPROVE** the Preliminary Plat for Crown Colony as recommended by staff, subject to special and standard conditions.

SOUTH POND ESTATES (463)

(PD-20) (County)

Staff Recommendation:

Mr. Beach stated that the subject plat consists of ten lots in two blocks on 48.113 acres in unincorporated Tulsa County. He indicated that the property is being developed for single-family residential use. He explained that each lot contains about 4.3 acres and each meets the bulk and area requirements of the AG zoning district. He stated that the surrounding area also contains rural residential uses with lots of similar size and larger.

The following were discussed **September 16, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted the tract has frontage on South Yale Avenue. The plat proposes a 60-foot public right-of-way from Yale Avenue, west through the middle of the tract and turning north along the west property line until it reaches the north property line.
- Rains, County Engineer, stated that the street labeled Toledo Avenue should be called Sandusky. The applicant should verify.

2. Sewer:

- The lots would have individual septic systems and all are appropriately sized to meet DEQ requirements for on-site sewage disposal.
- There were no comments.

3. Water:

- Water service will be from Rural Water District #4, Okmulgee.
- There were no comments.

4. Storm Drainage:

- Rains, County Engineer, stated that a drainage easement is needed between Lots 1&2 of both blocks.

5. Other:

- The GRDA easement containing the overhead power line running diagonally across the property should be show with book and page numbers.
- Electric by REC Okmulgee
- Phone by Bixby Telephone
- No gas or TV utilities would be provided.

Mr. Beach informed the Planning Commission that the applicant revised the preliminary plat by reorienting Lots 1 & 2, Block 2; adding a 20-foot drainage easement between Lots 1 & 2 of both blocks; and shortening the south property line by 40 feet. He indicated that staff reviewed these changes with the County Engineer and finds that the changes do not have a significant impact on the previous approval. He concluded that since the final plat must match the approved preliminary plat, the applicant needs approval of the revisions by the TMAPC.

Staff recommends approval of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None required.

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. 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).
3. Paving and/or drainage plans shall be approved by the County Engineer including storm drainage, detention design, and Watershed Development Permit.
4. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
5. Street names shall be approved by the County Engineer and shown on plat.
6. All curve data, including corner radii, shall be shown on final plat as applicable.
7. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
8. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
9. Limits of Access or LNA as applicable shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.

10. 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.)
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
12. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality. (Percolation tests required prior to approval of plat.)
13. Privately operated, on-site sewage disposal systems type, size and general location shall be identified and the information regarding their regulation shall be contained in the restrictive covenants.
14. The method of water supply and plans therefor shall be approved by the City/County Health Department.
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
19. 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.)
20. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **APPROVE** the Preliminary Plat for South Pond Estates as recommended by staff, subject to standard conditions.

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: PUD-603-A/Z-6579-SP-2 **(MAJOR AMENDMENT)**
Applicant: Roy D. Johnsen **(PD-26) (CD-8)**
Location: Southwest corner of East 98th Street and South Garnett Road

Staff Recommendation:

Mr. Dunlap stated that the applicant has proposed additional landscaping, additional restrictions on inflatable advertising and a change in the dividing line between Development Areas A and B. He indicated that the applicant would address the changes proposed.

The subject tract consists of 9.75 net acres and is located at the southwest corner of South Memorial Avenue and East 98th Street South. The tract has 800 feet of frontage on Memorial and 580 feet of frontage on 98th Street. The depth of the tract, measured from the Memorial right-of-way, varies from 440 feet to 525 feet.

The Memorial frontages immediately north and south of the tract are undeveloped. The westerly boundary of the tract is adjoined by Audubon Park, a single-family subdivision presently under development and platted with lots backing to the subject tract with no connecting access. On the east side of Memorial, the frontages have Corridor Site Plan approval for commercial use and contain three major automobile dealerships and a fourth automobile dealership is under construction.

The subject tract was zoned CO-corridor district in February 1997. The property was submitted and approved (TMAPC 1/20/99, City Council 2/5/99) as PUD-603 and Corridor Site Plan No. Z-6579-SP-1. The approved PUD and corridor site plan designated four development areas proposed for retail commercial and office use, including an automobile dealership on the south 2.5 acres of the property.

This major amendment proposes two development areas as delineated on Exhibit B (attached). Development Area A is located on the north 3.97 acres and is proposed for development as an automobile dealership. Development Area B is located on the south 5.78 acres and is proposed for future development for retail commercial use which may include automobile dealership or automotive-related use as alternative uses. The Conceptual Site Plan (Exhibit A, attached), depicts the proposed automobile dealership intended for Development Area A and depicts the boundaries of Development Area B,

but does not include building configuration. It is proposed that provisions be included to permit transfer of the initial allocation of permitted floor area and to permit subsequent adjustment of lot boundaries.

The PUD and corridor site plan proposes to establish development areas and allocate uses and intensities of uses to be followed by a PUD detail site plan for each development area.

Staff finds PUD-603-A/Z-6579-SP-2, 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-603-A/Z-6579-SP-2 subject to the following conditions:

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

Development Area A

Net Land Area: 4.1471 AC

Permitted Uses:

Uses permitted by right within a CS district, excluding Use Unit 12A, and automobile and light truck sales (new and used), service and repair (excluding paint and body work) and uses customarily accessory thereto. No outside repair or service of vehicles nor storage of vehicles under repair is permitted.

Maximum Building Floor Area: 20,000 SF

Minimum Lot Frontage on Memorial Drive 150 FT

Maximum Building Coverage Per Lot: 30%

Minimum Building Setbacks:

From Memorial right-of-way	60 FT
From West Boundary of Development Area	150 FT
From Centerline of 98 th Street	80 FT
From South Boundary of Development Area	40 FT

Maximum Building Height: 35 FT

Off-Street Parking:	As required by the applicable use unit.
Minimum Access Drive Setbacks: From abutting residential district	33 Ft
Minimum Off-Street Parking Setbacks: From abutting residential district	15 FT
Bulk Trash Container Setbacks: From abutting residential district	100 FT

Signs:

One ground sign is permitted in the Development Area, which shall be on the Memorial Drive frontage and shall not exceed 25 feet in height nor 250 square feet of display surface area. All promotional signs and flagpoles shall be east of all buildings on the lot and promotional signs, including inflatable devices, shall not exceed the height of the tallest building on the lot. Wall signs shall comply with the requirements of Section 1103.B.2 of the Zoning Code but there shall be no wall signs allowed on the west-facing walls of the building within 200 feet of the west boundary of the Development Area.

Minimum Landscaped Area:	10% of net lot area.
--------------------------	----------------------

DEVELOPMENT AREA B

Net Land Area:	5.6002 AC
----------------	-----------

Permitted Uses:

Use permitted by right within a CS district, excluding Use Unit 12 A, and the following uses may be allowed by minor amendment: drive-in restaurant, auto wash and lubrication service and automobile dealership which may include automobile and light truck sales (new and used), service and repair (excluding paint and body work) and uses customarily accessory thereto. No outside repair or service of vehicles nor storage of vehicles under repair is permitted.

Minimum Lot Frontage on Memorial Drive:	150 FT
Maximum Building Coverage of Lot:	30%

Minimum Building Setbacks:	
From Memorial right-of-way	60 FT
From west boundary	150 FT
From north boundary	40 FT
From south boundary	40 FT
Maximum Building Height:	35 FT
Off-Street Parking:	As required by the applicable use unit.
Minimum Access Drive Setbacks:	
From abutting residential district	33 FT
Minimum Off-Street Parking Setbacks:	
From abutting residential district	15 FT
Bulk Trash Container Setbacks:	
From abutting residential district	100 FT
Signs:	
<p>One ground sign for each lot with frontage on Memorial Drive is permitted which shall be on the Memorial Drive frontage and shall not exceed 25 feet in height nor 250 square feet of display surface area. <u>All promotional signs and flagpoles shall be east of all buildings on the lot and promotional signs, including inflatable devices, shall not exceed the height of the tallest building on the lot.</u> Wall signs shall comply with the requirements of Section 1103.B.2 of the Zoning Code but there shall be no wall signs allowed on the west-facing walls of building within 200 feet of the west boundary of the Development Area.</p>	
Minimum Landscaped Area:	10% of net lot area.

3. The principal access to all development in the PUD shall be from a corridor collector street and each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements that are directed toward East 98th Street South unless a variance of Section 804 of the Zoning Code is obtained from the Board of Adjustment. East 98th Street South shall be constructed to City-approved standards and dedicated as a public street at the request of the City. All lots must abut a public street. There shall be a maximum of two access points onto East 98th Street South and two access points onto South Memorial Drive. The southernmost access point on Memorial shall be mutually accessible from Development Area B and the adjoining undeveloped tract to the south.

4. A landscaped area with two-foot high berm of not less than 15 feet in width, heavily planted with trees in a manner as shown on the conceptual landscape plan, shall be located long the westerly boundary of the PUD adjoining the residential district and along the west 240' of the 98th Street South frontage. There shall be at least five larger areas of landscaping along the western boundary of Development Area A. The existing consistent six-foot cedar wood fence located along the west boundary of the PUD shall be maintained. Site Plan approval shall be required to alter the type of screening fence. Landscaping throughout the project shall meet or exceed the requirements of the Landscape Chapter of the Tulsa Zoning Code. Detail Landscape Plans for both development areas shall be approved by TMAPC, not by staff.
5. If a Development Area is subdivided, uses and intensities of uses, access and development standards shall be established by Minor Amendment or recording of a subdivision plat containing such standards.
6. 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.
7. 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.
8. 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.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
10. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height, and within 150 feet of the west boundary of the PUD; no such lights shall exceed 12 feet in height. All such lights shall be set back at least 75 feet from a residential lot.

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

Applicant's Comments:

Mr. Johnsen submitted a revised site plan (Exhibit A-1) and stated that the subject property was before the Planning Commission approximately one year ago. He indicated that one year ago there were three development areas, and his client was interested in the south 2-½ acres for an automobile dealership.

Mr. Johnsen stated that one of the transactions to the north of the subject property did not materialize and his client decided that the 2-½ acres would be too small for his dealership. When the other tracts became available, his client purchased the property and now will move the dealership from the south to the north.

Mr. Johnsen stated that one year ago Audubon Park was being developed. Mr. Walker and Mr. Ellison were the principal developers of it. There was a series of meetings with them and the parties reached agreements on some critical matters, primarily that the fence be erected, which is done today; setbacks, etc.

Mr. Johnsen stated that when the new application was filed, he again contacted Mr. Walker and Mr. Ellison. There have been two meetings and several telephone conversations.

Mr. Johnsen stated that the significant change would be to establish an area of berming along the northwest boundary fronting 98th Street. He indicated that this would impose a greater landscaping requirement than was submitted. He stated that some

dealerships have had large inflatable advertising signs that overlook the neighborhoods. He indicated that his client has agreed that any type of inflatable advertising would be at the front of the building or the Memorial side of the property and would not exceed the height of the building. In regard to the west boundary, Mr. Walker and Mr. Ellison were concerned if the landscaping would be effective and how much landscaping should be installed. He indicated that he would use the same standard that was used on the south tract, which is fifteen feet of landscaping. He stated that his client also agreed that there would be five punch-outs to enable more mass of planting to break up the view. He further stated that he would like the record to reflect that there will be at least five punch-outs for landscaping. In Development Area A there will be berming along the west fifteen feet, which will be two feet in height in order to further elevate the trees' height.

Mr. Johnsen stated that on the south tract, which is Development Area B, he has submitted a setback in contemplation that there may be something other than a dealership. He explained that his client has agreed to a 150' setback on the south tract.

Mr. Johnsen concluded that the above-mentioned restrictions were discussed and agreed upon among his client and Mr. Walker and Ellison. He stated that the staff's recommendation is acceptable.

Mr. Johnsen stated that the access point to 98th Street was reviewed by the Traffic Engineer, regarding the setback from Memorial and the availability of stack room. He indicated that he discussed the extension of a service road along the front of the subject property, which would connect 98th Street through the commercial property to the next median break of Memorial. He stated that Mr. Eshelman considered this to be acceptable and desirable.

TMAPC Comments:

Mr. Boyle asked if staff has reviewed the additional requirements proposed by Mr. Johnsen and if so whether staff has approved the additional requirements. In response, Mr. Dunlap stated that staff has reviewed and approved the additional requirements.

In response to Mr. Westervelt, Mr. Johnsen stated that there is an agreement with the property owner to the south to share an access point and construct the median at the time it is needed. Mr. Johnsen indicated that he does not anticipate this to be built during the first phase.

Interested Parties Comments:

Ben Groenewold, 9932 South 79th East Avenue, Tulsa, Oklahoma 74133, stated that he would like to see a delay in the curbcuts on 98th Street. He expressed concerns with traffic problems. He encouraged the applicant to install the parallel access road to 99th Street turnaround, which is shown in Development Area B.

Don Walker, 9168 South Florence, Tulsa, Oklahoma 74137, stated that he is a partner with the developer of Audubon Park. He indicated that everything presented by Mr. Johnsen and the staff has been agreed upon. He commented that he has a few minor comments regarding the screening of Area A. The language in the staff

recommendation relates to "heavily-planted with trees", which is a subjective comment. He explained that he prefers the presentation of the applicant and would like to see that the planting scheme presented today is the same during the detail site plan.

Mr. Stump informed the Planning Commission that the Commission gave staff the responsibility to review landscaping plans and they do not return to the Commission. However, if the Planning Commission would like to review the subject landscaping plan, then that should be in the motion.

Mr. Walker stated that he is concerned and would like to keep the advertising elements at an acceptable standard, and asked that the application add flagpoles to other advertising devices that would not be placed farther west than the front of the building itself.

Mr. Walker stated that the first time the applicant came to the Planning Commission, it was decided that a continuous wood privacy fence across the property would be preferable to the masonry wall requested by staff. He indicated that by doing this, he has given up some privacy and that is the reason for the berming and heavy landscaping in Development Area A.

TMAPC Comments:

Mr. Westervelt asked Mr. Walker if he would like the Planning Commission to add the flagpole structure to the existing language regarding the inflatable advertising. In response, Mr. Walker answered affirmatively.

Mr. Boyle asked Mr. Walker if he wanted to make it clear that flagpoles will be used in the same manner as inflatable advertising. In response, Mr. Walker answered affirmatively.

In response to Ms. Pace, Mr. Stump stated that the property zoned RS-1 is expected to be developed commercially or non-residentially in the near future. The RS-1 parcel is currently surrounded by apartments and an auto dealership.

Applicant's Rebuttal:

Mr. Johnsen stated that he appreciates Mr. Walker's comments. He commented that he has tried to be responsive to Mr. Walker's requests. He indicated that the flagpole inclusion is acceptable to his client.

Mr. Boyle asked Mr. Johnsen if he was going to address Mr. Walker's concern regarding the heavy landscaping on the west side. Mr. Johnsen stated that he considers his client to be bound by the concepts that have been submitted.

Mr. Johnsen stated that corridor concept presented is consistent with what the Tulsa Zoning Code contemplates and is reviewed in this instance by the Traffic Engineer.

Ms. Pace stated that Mr. Groenewold strongly suggested that the access road be constructed now rather than later. She asked Mr. Johnsen if he could construct the access road now. In response, Mr. Johnsen stated that he is not authorized to commit to the request. Mr. Johnsen explained that they will be using a collector street as the principal access, plus an existing access point to Memorial. Mr. Johnsen pointed out that the first-phase tract has access to Memorial and 98th Street. Mr. Johnsen commented that he did not feel that constructing the second access during the first phase would gain anything.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Hill "absent") to recommend **APPROVAL** of the major amendment for PUD-603-A/Z-6579-SP-2 as recommended by staff, subject to the expanded number of landscaped areas from three to five along the western boundary of Development Area A, a 150-foot setback that would encumber Tract B (rear property line), two-foot berm in the landscaped area along 98th Street and the west boundary of the PUD, adding flagpole language to the inflatable advertising restriction and that the landscaping plan be reviewed by the Planning Commission at the appropriate time as amended by applicant. (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-603-A/Z-6579-SP-2:

A tract of land located in the E/2, SE/4, SECTION 23, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the official US Government survey thereof, being more particularly described as follows: commencing from the southeast corner of SECTION 23; THENCE N 00°07'43" E ALONG THE EASTERLY LINE OF THE SE/4 OF SECTION 23, A DISTANCE OF 826.36'; THENCE N 89°57'22" W A DISTANCE OF 110.00' TO THE WESTERLY RIGHT-OF-WAY OF SOUTH MEMORIAL DRIVE A POINT THAT IS 110.00' MEASURED PERPENDICULAR FROM THE EASTERLY LINE OF THE SE/4 OF SECTION 23 THE POINT OF BEGINNING; THENCE CONTINUING N 89°57'22" W A DISTANCE OF 441.41' TO THE EAST LINE OF AUDUBON PARK, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF; THENCE N 00°05'16" E ALONG THE EAST LINE OF AUDUBON PARK A DISTANCE OF 495.74' TO THE NORTHEAST CORNER OF LOT 13, BLOCK 4, AUDUBON PARK; THENCE N 89°57'48" W ALONG THE NORTH LINE OF LOT 13, BLOCK 4, AUDUBON PARK A DISTANCE OF 84.32' TO THE SOUTHEAST CORNER OF LOT 12, BLOCK 4, AUDUBON PARK; THENCE N 00°05'16" E ALONG THE EAST LINE OF AUDUBON PARK A DISTANCE OF 573.38' TO THE NORTHEAST CORNER OF AUDUBON PARK ALSO BEING A POINT OF THE CENTERLINE OF EAST 98TH STREET SOUTH, A PRIVATE STREET; THENCE S 60°47'52" E ALONG THE CENTERLINE OF EAST 98TH STREET SOUTH, A PRIVATE STREET A DISTANCE OF 444.13'; THENCE ALONG THE CENTERLINE OF EAST 98TH STREET SOUTH, A PRIVATE STREET AND ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 17°29'29" A RADIUS OF 450.00' AND AN ARC LENGTH OF 137.38' TO THE

WESTERLY RIGHT-OF-WAY OF SOUTH MEMORIAL DRIVE ALSO BEING A POINT 120.00' MEASURED PERPENDICULAR FROM THE EASTERLY LINE OF THE SE/4 OF SECTION 23; THENCE S 00°07'43" W ALONG THE WESTERLY RIGHT-OF-WAY OF SOUTH MEMORIAL DRIVE AND ALONG A LINE THAT IS 120.00' MEASURED PERPENDICULAR FROM THE EASTERLY LINE OF THE SE/4 OF SECTION 23 A DISTANCE OF 208.93'; THENCE S 05°34'04" E ALONG THE WESTERLY RIGHT-OF-WAY OF SOUTH MEMORIAL DRIVE A DISTANCE OF 100.75' TO A POINT THAT IS 110.00' MEASURED PERPENDICULAR FROM THE EASTERLY LINE OF THE SE/4 OF SECTION 23; THENCE S 00°07'43" W ALONG THE WESTERLY RIGHT-OF-WAY OF SOUTH MEMORIAL DRIVE AND ALONG A LINE THAT IS 110.00' MEASURED PERPENDICULAR FROM THE EASTERLY LINE OF THE SE/4 OF SECTION 23 A DISTANCE OF 495.80' TO THE POINT OF BEGINNING, CONTAINING 10.1399 ACRES, and located on the southwest corner of East 98th Street S. and South Memorial Drive, Tulsa, Oklahoma, **From: PUD-603 (Planned Unit Development [PUD-603]) to PUD-603-A (Planned Unit Development [PUD-603-A]).**

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6729

Applicant: Louis Levy

Location: Northwest corner of East Apache and North Yale Avenue

IL TO IH

(PD-2) (CD-3)

Staff Recommendation:

Ms. Matthews stated that the subject property is currently zoned IL and there are several IL-zoned properties surrounding the subject property. She indicated that to the northeast and west are coal mines and reclaimed coal mines. She pointed out that there is a residential area called the Jackson Neighborhood to the south.

Ms. Matthews cited cases that were before the Planning Commission in the past that requested IH zoning. She stated that the staff and Planning Commission recommended approval of IL zoning, with which the City concurred.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as High Intensity – No Specific Land Use/Corridor/Special District 3 – Industrial Area. Plan provisions are for development in this area to be designed and maintained so as to minimize impacts on adjacent residential areas and to avoid isolating non-industrial parcels, among other provisions.

According to the Zoning Matrix the requested IH zoning **may be found** in accordance with the Plan Map by virtue of its location in a Special District.

Staff Comments:

Site Analysis: The subject property is approximately 19.2 acres in size and is located on the northwest corner of East Apache Street and North Yale Avenue. The property is gently sloping, non-wooded, vacant and zoned IL.

Surrounding Area Analysis: The subject tract is abutted on the north, west, and east by vacant property zoned IL; to the south by a commercial strip shopping center and vacant property, zoned CS and RM-1; south and beyond the vacant tract are single-family dwellings, zoned RS-3.

Zoning and BOA Historical Summary: A request to rezone the twelve-acre tract that is located north of the subject tract on the north side of East 29th Street from RMH to IM was filed in 1990. The City Commission denied IM zoning and approved IL zoning on the tract for a proposed motor-cross track. In 1998, several small lots located west of the subject tract on the west side of North Toledo Avenue were rezoned to IL.

Conclusion: Based on the existing zoning and development in this area, staff recommends **DENIAL** of IH or IM zoning for the subject property.

Applicant's Comments:

Louis Levy, 5314 South Yale, Tulsa, Oklahoma 74137, stated that he is representing the Green Country Compost Corporation, which is planning to use the subject tract for the first commercial compost facility in the City of Tulsa.

Mr. Levy indicated that his client has been working on the project for two and one-half years. He stated that his client has worked with the Department of Environmental Quality for the State of Oklahoma.

Mr. Levy stated that the compost company owns the surrounding property, which is north of Apache (50 acres). The plant will have everything out in the open and that is part of the problem. He explained that the only district where this type of business is allowed is in an IH-zoned district, Use Unit 27.

Mr. Levy stated that the subject area is not a residential area and is an industrial area. He indicated that the facility will use 20 acres and the remainder will be left vacant in order to surround the proposed compost facility.

Mr. Levy suggested that there are limited uses for the subject tract of land because it was previously a dumping ground. He stated that because the subject property is not solid underground, two-story buildings or single-family homes cannot be built on the subject property.

TMAPC Comments:

Mr. Westervelt asked Mr. Levy if he meant that without piling or some other structural enhancement, the subject property is not developable. In response, Mr. Levy stated that his expert would comment on this subject. Mr. Levy explained that some of the municipal trash has never decomposed and compacted.

Mr. Harmon asked Mr. Levy if the compost facility is open-air or in a building. Mr. Levy stated that it is all open air and there is no building. Mr. Levy indicated that there may be a small office on the subject property.

Applicant's Comments:

Jim Warren, Cardinal Engineering, stated that he has been retained to file the appropriate application with Oklahoma Department of Environmental Quality in order to operate the yard-waste compost facility. Mr. Warren gave the Planning Commission a slide demonstration to explain what a compost facility is and presented slides of other facilities currently in use.

Mr. Warren stated that a compost facility is basically taking leaves and grass, adding microorganisms in order to produce Co₂, water, nitrogen and compost. He commented that the process is what is already happening naturally.

Mr. Warren described the process as an aerobic process and the process would have to have water added to it. The temperature inside the wind-row will be between 45 and 65 degrees Celsius or between 145 or 165 degrees Fahrenheit. The material will have a pH between six and eight.

TMAPC Comments:

Mr. Harmon asked if there would be any odor associated when the wind-row is overturned. In response, Mr. Warren stated that if the oxygen is properly maintained, there should be no odor.

Mr. Harmon asked if the machine that turns the wind-row makes excessive noise. In response, Mr. Warren compared the noise level to a diesel truck engine. Mr. Warren explained that the wind-rows would be turned only during hours of operation.

Mr. Midget asked Mr. Warren if the City of Norman has experienced any problems with their facility. Mr. Midget asked Mr. Warren if he is familiar with the odor problem that the City of Norman has experienced with their facility. In response, Mr. Warren stated that there has been some finger-pointing toward the facility; unfortunately, the City of Norman installed their composting site next to their wastewater treatment plant.

Mr. Westervelt asked Mr. Warren for a definition of yard-waste. In response, Mr. Warren stated that the State of Oklahoma defines yard-waste as organic material derived from plants, flowers, trees and shrubs. Mr. Warren indicated that currently the DEQ does not allow food-waste in composting. Mr. Warren stated that one could speculate that food-waste would be allowed in the future.

Ms. Pace asked if the facility could be a fire hazard. In response, Mr. Warren stated that the extreme heat is in the core of the wind-rows and there is no fire hazard. Ms. Pace asked Mr. Warren where the facility would acquire the yard-waste. In response, Mr. Warren stated from commercial landscaping companies, the City of Tulsa, etc.

Mr. Warren stated that part of the design, in order to comply with the DEQ, is to install berming and tree scheme around the perimeter of the site.

Mr. Stump asked if there would be a chipper/shredder in use to reduce the some of the wood-type waste before spreading. In response, Mr. Warren stated that currently the City of Tulsa's material is already chipped, but that could be a possibility in the future.

Mr. Fenton Rood, DEQ, stated that, as a regulator, is not here to speak on behalf of the applicant, but to answer any questions that the Planning Commission may have.

Mr. Harmon asked Mr. Rood what would happen to the wastewater from the facility. In response, Mr. Rood stated that in a normal compost operation, the facility usually has to add water to the process because it does naturally evaporate.

Mr. Midget stated that there are single-family residences across the street from the subject property. Mr. Midget asked Mr. Rood what type of standards the DEQ would apply to this type of facility to protect the residential neighborhood. In response, Mr. Rood stated that the standards are in regard to environmental performance and there are no particular standards for the location issue.

Ms. Pace stated that the movement in the subject area has been toward IL zoning. The area needs something more compatible since there are residences and the Junior College moving into the area. Ms. Pace questioned whether a privacy fence would need to be installed along Apache. In response, Mr. Stump stated that there is an arterial separating the subject property from the residences.

Mr. Levy stated that his client plans to have a large berm along Apache and completely around the subject property.

Ms. Pace stated that it would not be good to allow the subject property to be zoned IH and allow the maximum use allowed. She suggested that a PUD be filed. In response, Mr. Levy stated that he could file a PUD and suggested the application be continued 60 days.

TMAPC Comments:

Mr. Midget expressed concerns with the facility and the potential of odors from the process. He reminded the applicant that there are residences directly across the street from the facility. Mr. Midget concluded that the applicant's submitting a PUD does not guarantee an approval of the facility.

Mr. Westervelt stated that he would like to make it clear to the applicant that a PUD submittal does not guarantee an approval.

Ms. Pace requested more information regarding the Norman facility and the odor issues. She further requested a sample of compost that is equal to or similar to what would be produced by the proposed facility.

Mr. Horner requested that the applicant submit some documentation from the Norman, Oklahoma facility regarding odors.

Mr. Boyle stated that the Planning Commission would like a full discussion of the Norman facility when the PUD is heard on February 2, 2000.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **CONTINUE** Z-6729 to February 2, 2000 at 1:30 p.m.

APPLICATION NO.: Z-6731

Applicant: Loren Erichsen

Location: North of northeast corner of East 11th Street and South 177th East Avenue

RS-3 TO AG

(PD-17) (CD-6)

Staff Recommendation:

Relationship to the Comprehensive Plan: The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-No Specific Land Use.

According to the Zoning Matrix the requested AG 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 north of the northwest corner of East 11th Street South and South 177th East Avenue. The property is flat, non-wooded, vacant and zoned RS-3.

Surrounding Area Analysis: The subject property is abutted on the north and east by single-family dwellings, zoned RS-3; to the west across South 177th East Avenue by vacant property, zoned AG; and to the south by a single-family dwelling and a large building previously used for a nonconforming pipe and supply company, which now appears to be used as a barn and is zoned AG.

Zoning and BOA Historical Summary: In 1999 a ten-acre tract that is located west of the subject property and fronting on E. 11th Street was approved for AG zoning in order to resume agricultural uses. An attempt to rezone a five-acre tract north of the subject property from AG to CG was denied in 1994.

Conclusion: Based on the existing zoning and uses in this area, staff recommends **APPROVAL** of AG zoning for Z-6731. Staff would note that the subject tract is only 165' in width and would become an existing nonconforming lot in the AG district, since that designation requires 200' in lot width.

APPLICANT'S COMMENTS:

Loren Erichsen, 1301 Aspen Lane, Catoosa, Oklahoma 74015, stated that he is in agreement with the staff recommendation.

INTERESTED PARTIES COMMENTS:

Lance Pitts, 930 South Lynn Lane, stated that his property is south of the subject property. He expressed concerns with the AG zoning and what could be in AG zoning if the applicant sells the land. He asked if the applicant could keep the horse on the subject property without changing the current zoning. Mr. Pitts expressed concerns with a new owner placing a mobile home on the subject property.

Mr. Stump stated that there can be one horse per acre currently, but if the applicant wants to raise any type of farm animals he would need the AG zoning. Mr. Stump explained that mobile homes are allowed by special exception in the AG zoning, but not allowed by right without an additional public hearing and approval by the Board of Adjustment.

Mr. Boyle pointed out to Mr. Pitts that the immediately surrounding property is zoned AG and this request is not a large change for the area.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Hill "absent") to recommend **APPROVAL** the AG zoning for Z-6731 as recommended by staff.

Legal Description for Z-6731:

The S/2, N/2, NW/4, SW/4, SW/4, Section 1, T-19-N, R-14-E, Tulsa County, State of Oklahoma, and located north or the northeast corner of East 11th Street and South 177th East Avenue, Tulsa, Oklahoma. **From RS-3 (Residential Single-family High Density District) to AG (Agriculture District).**

APPLICATION NO.: Z-6732

RS-3 TO OL
(PD-9) (CD-2)

Applicant: Tulsa City/County Health Department – Gary Cox

Location: South side of West 51st Street, at 29th North Avenue

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 Low Intensity-Residential Land Use.

According to the Zoning Matrix the requested OL zoning is **not** in accordance with the Plan Map. (However, it is adjacent to a tract that is designated Low Intensity-No Specific Land Use and zoned OL, which may be found in accordance with the Plan Map.)

Staff Comments:

Site Analysis: The subject property is approximately 100' x 230' in size and is located east of the southeast corner of West 51st Street South and South 33rd West Avenue. The property is sloping, partially-wooded, contains an office for a recording studio, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the east by a single-family dwelling, approved by special exception by the Board of Adjustment and zoned OL; and to the south by West Skelly Drive (I-44), zoned RS-3

Zoning and BOA Historical Summary: The property that adjoins the subject tract on the east was rezoned from RS-3 to OL in 1979 and later was approved for the construction of a single-family dwelling in 1993. The subject tract was approved for a special exception to allow a community service facility (Use Unit 5) in 1984.

Conclusion: Although the requested OL zoning is not in accordance with the Comprehensive Plan, based on the surrounding uses and the existing zoning, staff recommends **APPROVAL** of OL zoning for Z-6732.

If the Planning Commission is inclined to approve OL zoning for this property, staff recommends that the Planning Commission direct staff to prepare amendments to the District 9 Plan map to reflect it appropriately.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Hill "absent") to recommend **APPROVAL** of OL zoning for Z-6732 as recommended by staff, and direct staff to prepare amendments to the District 9 Plan map to reflect the OL zoning appropriately.

Legal Description for Z-6732:

Beginning at a point 30' South of the Northwest corner of the NE/4, NW/4, Section 34, T-19-N, R-12-E of the IBM, Thence East 100'; thence South 230'; thence West 100'; thence North 230' to the Point of Beginning in Tulsa County, State of Oklahoma, and located east of the southeast corner of West 51st Street South and South 33rd West Avenue, Tulsa, Oklahoma. **From RS-3 (Residential Single-family High Density District) to OL (Office Low Intensity District)**

APPLICATION NO.: Z-6734

Applicant: Eric V. Mikel

Location: North of northeast corner of East Admiral and North Yale Avenue

RM-1 TO IL

(PD-3) (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 Medium 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 100' x 290' in size and is located north of the northeast corner of East Admiral Place and North Yale Avenue. The property is sloping, non-wooded, contains a church and church parking lot and is zoned RM-1.

Surrounding Area Analysis: The subject tract is abutted on the north by a towing company, zoned CH; to the east by a parking lot, zoned CH, with junk cars and then junk heavy construction equipment, zoned IL farther east and north; to the south by a convenience store, zoned CH; and to the west by a cemetery, zoned RS-3.

Zoning and BOA Historical Summary: The most recent zoning activity in this area rezoned a nonconforming parking lot that is located east of the southeast corner of East Admiral Place and South Darlington from RS-3 to PK. The subject tract was granted a special exception for a church and related activities in 1953.

Conclusion: The Comprehensive Plan does not support industrial zoning on this lot; however, based on the surrounding uses and the existing zoning and development, staff recommends **APPROVAL** of IL zoning for Z-6734 and amendment of the Comprehensive Plan to Medium Intensity – No Specific Land Use.

TMAPC Comments:

Mr. Boyle asked staff if this application is different than Z-6732 because it is surrounded by CH zoning and across the street from an RS-3 district. In response, Ms. Matthews stated that the CH zoning is part of the reason staff is recommending approval of this application. Ms. Matthews pointed out that the RS-3 district is a cemetery.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Hill "absent") to recommend **APPROVAL** of the IL zoning for Z-6734 as recommended by staff and direct staff to prepare amendments to the District 9 Plan map to reflect the IL zoning appropriately.

Legal Description for Z-6734:

Beginning: 300' N and 30' E of the Southwest corner of Lot 4, thence N 100', E 190', S 100', W 190' to Point of Beginning, Section 3, T-19-N, R-13-E, and a tract of land in Lot 4, Section 3, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: beginning at a point 300' North and 220' East of the Southwest corner of said Lot 4, thence North and parallel to the West line of said Lot 4 a distance of 100', thence East and parallel to the South line of said Lot 4 a distance of 100.67', thence South and parallel to the West line of said Lot 4 a distance of 100', thence West and parallel to the South line of said Lot 4 a distance of 100.67' to the Point of Beginning in Tulsa County, State of Oklahoma, according to the US Government survey thereof, and located north of the northeast corner of E. Admiral Place and North Yale Avenue, Tulsa, Oklahoma. **From RM-1 (Residential Multifamily Low Density District) to IL (Industrial Light District).**

APPLICATION NO.: PUD-568-ABANDONMENT

(ABANDON PUD)

Applicant: Stephen A. Schuller

(PD-21) (County)

Location: North of northwest corner of West 211th Street and South U.S. Highway 75

Staff Recommendation:

The subject tract is approximately 2.41 acres in size and located one-half mile south of West 201st Street South, on the west side of U.S. Highway 75. The tract is zoned CS/PUD-568. The existing use of the tract is mobile home sales. PUD-568 allowed the tract to be used for the display, storage and sales of new manufactured homes, not to exceed 25 units. A County Board of Adjustment case that predates the PUD permitted mobile home sales in a CS district, with no more than eight mobile homes on the site at any time.

Abandoning the PUD while the previously-approved use continues would create a nonconforming use. Staff cannot support the request unless the existing use is removed or reduced to comply with the conditions imposed by CBOA #1499.

Therefore, staff recommends **APPROVAL** of the request, subject to the removal of the existing use or reducing the intensity of use as required by CBOA #1499 prior to the adoption of an ordinance abandoning the PUD.

APPLICANT'S COMMENTS:

Stephen Schuller, 100 West 5th, Tulsa, Oklahoma 74103, stated that his client is in the process of removing the existing homes and there is a deadline to be off of the property by December 15, 1999. He concurred with the recommendation of the Planning Commission to the County Commissioners that the PUD be abandoned, subject to the removal of the existing use entirely.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Hill "absent") to recommend **APPROVAL** of the abandonment of PUD-568, subject to the removal of the existing use or reducing the intensity of use as required by CBOA-1499 prior to the adoption of an ordinance abandoning the PUD.

Legal Description for PUD-568 Abandonment:

The North 350' of the West 300' of the East 400' of the NE/4, NE/4, SE/4, Section 15, T-16-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, and located south of the southwest corner of West 201st Street South and South U.S. Highway 75, Tulsa, Oklahoma, **from CS/PUD-568 (Commercial Shopping Center/Planned Unit Development [PUD-568]) to CS (Commercial Shopping Center District).**

APPLICATION NO.: PUD-541-5

(MINOR AMENDMENT)

Applicant: Paul Coury

(PD-6) (CD-9)

Location: Southeast corner of East 43rd Court and South Peoria

Staff Recommendation:

Mr. Dunlap stated that the applicant amended his application today. He explained that the applicant is deleting the request regarding the pole sign. He pointed out that today the issue before the Planning Commission is the prohibition on the south-facing wall of the subject area.

The applicant is requesting Minor Amendment approval to modify the development specifications relating to allowed signage for Development Areas D & F. The applicant is proposing ~~the elimination of one of the two ground signs, an increase in maximum display surface area of the remaining sign from 150 SF to 250 SF feet and removal of the prohibition of south-facing wall signs.~~ The approved development specifications allowed one ground sign in each development area with a maximum height of 25 feet and 150 feet of display surface area. The current sign standards contained in the applicant's Outline Development Plan (and made a part of the original approval) prohibited south-facing wall signs.

In February 1999, TMAPC approved a 17,065 SF retail shopping center covering both Development Areas D & F. The approved sign standards envisioned two detached buildings, one each in Areas D & F. Also, at the time of the original PUD approval in 1996, residential uses were developed south of Development Area F across East 44th Place. Z-6581 changed the RS-3 zoning opposite Development Area F to CS.

~~Staff has reviewed the request and finds the elimination of one of the two 25-foot ground signs and an increase in display surface area of the one remaining sign from 150 SF to 250 SF to be reasonable resulting in a net reduction of the total ground sign display area for Areas D & F of 50 SF. Allowing south-facing wall signage is also reasonable in light of the change to CS zoning and therefore, elimination of the rationale for the prohibition.~~

Staff, therefore, finding conditions in the area have changed since the original approval of the PUD and noting that the proposed modifications to the standards maintain the character and intent of the that approval, recommends **APPROVAL** of PUD-541-5 as submitted and modifying the development standards for Development Areas D & F as follows:

Ground Signs:

~~One ground 25-foot tall ground sign with a maximum surface display area of 250 SF is allowed in either Area D or F.~~

Wall Signs:

South-facing wall or canopy signs are allowed in Area F and shall be limited to two SF per each lineal foot of the building wall to which attached. Wall or canopy signs shall not exceed the height of the building.

Staff Notation: At the 12/1/99 Public Hearing the applicant requested modification of his request deleting the elimination of one ground sign and an increase in display area for the remaining sign. Items with strikeout in the staff report were not included in the TMAPC Approval of PUD-541-5 on 12/1/99.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **APPROVE** the minor amendment for PUD-541-5 as modified by applicant and recommended by staff. (Language in the staff recommendation that was deleted because of applicant's modification of his request is shown as strikeout.)

APPLICATION NO.: PUD-518-3

Applicant: Lee Roy Smith

Location: 8816 South Sheridan Road

(MINOR AMENDMENT)

(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to increase the maximum building height in Development Area D from one story to three stories. A related Detail Site Plan application currently under staff review is proposing a three-story office facility with an overall building height of 38 feet.

Staff has reviewed site-specific details related to the requested increase in building height and finds the site slopes upward approximately 44 feet from the southeast (765 feet MSL) to the northwest (809 feet MSL). The placement of the three-story office facility on the lot after grading places the second floor elevation at 789 feet, the third floor elevation at 802 feet and the highest point of the roof at 817 feet.

In evaluating potential impacts to abutting single-family uses to the west and multifamily uses to the south, staff finds the building roof line and a small portion of the 580 SF loft (entire third floor) area will be approximately five to seven feet above the ground elevation of the lots to the west. The 38-foot overall building height is approximately the same as the multi-story multifamily uses to the south. Building elevations provided with the application indicate no west-facing third floor windows. The south elevation indicates the building is partially built into the hillside and presents only roof structure and side entry doors to the multifamily dwellings to the south.

Staff is of the opinion that the request is reasonable in light of the degree of slope, the style and character of the building proposed in the Detail Plans submitted and the nature and siting of the surrounding residential development.

Staff, therefore, recommends **APPROVAL** of PUD-518-3 modifying the development specifications to allow a three-story building in Development Area D subject to Detail Site Plan approval of plans submitted by the Design Agency of Springfield, MO dated November 4, 1999.

Note: Minor Amendment approval does not constitute Detail Site or Landscape Plan approval.

Applicant's Comments:

Lee Roy Smith, no address given, stated that the second-story floor is a showroom and is built like a residential showroom. He explained that his client sells smart equipment for smart homes; however, the equipment is not sold at this site.

Mr. Smith indicated his agreement with the staff recommendation.

Interested Parties Comments:

Royce Wright, 6716 East 65th Street, Tulsa, Oklahoma 74133, partner of the Sheridan Oaks Development, stated that he is concerned with the subject application. He explained that he has been representing to interested parties that there will be nothing more than a one-story building built in the subject area. He commented that the staff recommendation does not mention or consider the impact the application would have on the Sheridan Oak Estates to the north.

Mr. Wright indicated that the proposed building would abut two of his lots that are on the market for \$168,900 and \$170,900 with \$650,000 to \$750,000 homes on the lots. Mr. Wright concluded that he would prefer that the zoning to remain as it is currently.

Applicant's Comments:

Bill Peiffer, 6207 East 89th Street, Tulsa, Oklahoma 74137-3126, stated that he is the prospective buyer of the subject property. He commented that the proposed building is complementary to the price range and architectural style of the subdivision to the north.

Mr. Peiffer explained that half of the first story is underground because of the elevation change on the subject property. The height of the proposed building will not exceed the RM-1 lots, which are already constructed as two-story townhouses. He commented that the proposed building would appear to be a one and one-half story building (north, west and south). The third story is actually a small room cordoned off to be a home theater show-place, which is not an entire third story.

TMAPC Comments:

Mr. Boyle asked Mr. Peiffer where the third story is located. In response, Mr. Peiffer stated that the proposed building length runs north and south. The front view of the third story is south of the middle of the proposed building.

Mr. Boyle stated that because of the topography, when viewing the proposed building from the north it will appear to be something less than two-story. In response, Mr. Stump stated that the proposed building appears to be a one-story until the southern half and then there is a small loft area.

In response to Ms. Pace, Mr. Stump stated that presently the subject tract is the only office use allowed in the subject area. He explained that the applicant's description of their activities would be an office with displays of their products. He reiterated that the applicant would not be selling the products on site.

Inaudible.

Mr. Stump stated that the reason for the subject property not being included in the single-family subdivision to the west is because of the steep topography.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **APPROVE** of the minor amendment for PUD-518-3 per detail site plan submitted by the design agency in Springfield, Missouri dated November 4, 1999 as recommended by staff.

APPLICATION NO.: PUD-458-1
Applicant: Richard Cleverdon
Location: 8311 South Allegheny

(MINOR AMENDMENT)
(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required 30-foot front building setback to 27.5 feet to recognize an error in construction of an existing single-family dwelling and to clear the title.

Staff has examined the Certified Land Surveyors Inspection Plat and finds the 2.5 foot encroachment by a small portion of the southeast corner of the garage is minor in nature, does not substantially affect or encroach on surrounding properties or easements and does not alter the character or intent of the original approval or the spirit of PUD-458.

Staff, therefore, recommends **APPROVAL** of PUD-458-1 per the Plat of Survey dated March 10, 1994 subject to the following:

The reduction in setback to 27.5 feet applies only to Lot 8, Block 1, Signal Hill Addition (8311 South Allegheny) and the current building configuration and footprint. No additional expansion of the structure over the 30-foot front setback line will be allowed.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Hill, Ledford "absent") to **APPROVE** the minor amendment for PUD-458-1, per the Plat of Survey dated March 10, 1994 subject to the following: the reduction in setback to 27.5 feet applies only to Lot 8, Block 1, Signal Hill Addition (8311 South Allegheny) and the current building configuration and footprint. No additional expansion of the structure over the 30-foot front setback line will be allowed as recommended by staff.

PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENTS:

PROPOSED TEXT AMENDMENT TO THE DISTRICT 17 PLAN, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA AND RESOLUTION.

Staff Recommendation:

Ms. Matthews stated that the Comprehensive Plan Committee met last month to review proposed changes to the District 17 Plan. The Committee directed staff to make some amendments to the District 17 Plan to help protect the subject area, until a major review can be conducted of all areas that may be classified as development sensitive.

Ms. Matthews explained that housekeeping amendments have also been included in the introduction of the subject section in order to make sense.

RESOLUTION NO. 2224-824

**A RESOLUTION AMENDING
THE DISTRICT SEVENTEEN PLAN TEXT,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 28th day of January, 1976, this Commission, by Resolution No. 1097:416, did adopt the District Seventeen Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma; and

WHEREAS, a Public Hearing was held on the 1st day of December, 1999, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District Seventeen Plan Text by changing the existing item 3.0 to read as follows.

Change second paragraph, second to last sentence to "An additional Special District Low/Medium Intensity Mixed Use Area lies south of the approximately 4th Street alignment to 11th Street, from approximately east of 137th East Avenue to approximately 153rd East Avenue, excluding the medium intensity nodes at the northern corners of the intersection of 145th East Avenue and 11th Street."

And the existing item 3.10 as follows:

"This area is generally suited for low intensity development. However, some medium intensity uses may be appropriate if the uses themselves or the development of the land for the uses do not adversely affect existing land uses in the area and if accompanied by a Planned Unit Development (PUD). The PUD should establish appropriate use limitations and specify adequate buffering from residential development."

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendment to the District Seventeen Plan Text, as above set out, be and is hereby adopted as part of the District Seventeen Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

TMAPC Comments:

Mr. Westervelt asked what the status is for the proposed blasting ordinance. In response, Ms. Matthews stated that the blasting ordinance is still pending.

Interested Parties Comments:

Bob Johnson, 15324 East 13th Street, Tulsa, Oklahoma 74108, stated that he objects to the Special District zoning and feels that the subject area should be zoned as a sensitive area. Mr. Johnson cited the boundaries of District 17 and read from the District 17 Comprehensive Plan.

INAUDIBLE.

Mr. Johnson cited the recent amendments to the District 17 Plan map and text. He recited the following concerns: Blasting, topography and drainage problems, traffic and pollution. Mr. Johnson concluded by requesting the Planning Commission to change the Special District to a "Sensitive Area".

TMAPC Comments:

Mr. Boyle asked Mr. Johnson if he objected to the Resolution. In response, Mr. Johnson stated that he could not find out what the Resolution was proposing. Mr. Boyle stated that the Resolution includes the amendments that staff was instructed to develop and bring to the full Commission. Mr. Johnson stated that he did not understand the amendments as being presented today. Mr. Johnson further stated that he is not sure what this amendment is and what the zoning will be. Mr. Johnson commented that once the zoning is changed on the 20 acres of 160th Street it will create a domino effect all the way to 11th Street.

Mr. Boyle stated that the Planning Commission is adding some restrictions to the Special District to make it more restrictive.

INAUDIBLE.

Mr. Boyle explained to Mr. Johnson that the only issues before the Planning Commission today are the amendments to the District 17 Plan. He explained that the amendments will give the district some additional ammunition under the Comprehensive Plan to protect the neighborhood if necessary and appropriate. Mr. Boyle informed the interested parties that the zoning does not change with this amendment.

Interested Parties Comments:

James Mautino, 14628 East 12th Street, Tulsa, Oklahoma 74108, cited the development from 1950 to the present with regard to the Eastland Mall. He explained that issues related to the development of Eastland Mall apply to the subject area.

Mr. Mautino stated that he understands what the Planning Commission is doing with the special district and that the Planning Commission is trying to protect the subject area. He indicated that he is also trying to protect the subject area and the residents in the subject area.

INAUDIBLE.

Mr. Mautino presented a lengthy discussion regarding the District 17 area and its development. He concluded by requesting the Planning Commission to consider development sensitive residential estates to lessen the impact on the water runoff in the subject area.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Mautino if he is in favor of or opposes the resolution before the Planning Commission today. In response, Mr. Mautino stated that he does not know how the resolution was brought before the Planning Commission today. Mr. Mautino stated that the residents asked for one thing and the Planning Commission is proposing another. Mr. Mautino commented that he does not know how the Planning Commission can create a special district without public notice.

Mr. Boyle stated that the Comprehensive Plan Committee went through all of the issues discussed today during a worksession. Mr. Boyle commented that the committee discussed the subject proposal in great detail and the interested parties were present. Mr. Boyle informed the interested parties that there was a public notice given regarding the proposed amendment. He reminded the interested parties that they were present at the worksession when the language was discussed regarding the proposed amendment. In response, Mr. Mautino stated that he understands.

Mr. Boyle stated that he has not heard whether Mr. Mautino is in favor of or opposes the resolution. Mr. Boyle reminded Mr. Mautino and the interested parties that the only issue before the Planning Commission today is the proposed amendment to District 17 Plan. In response, Mr. Mautino stated that he is in favor of anything that will protect the subject area with "development sensitive" language. Mr. Mautino further stated that he does not know how the proposed language was turned around because he asked the committee to consider "development sensitive"; however, the subject area still has a special district designation. Mr. Mautino commented that he understands what the Planning Commission is asking of him, but he is reluctant to say yes or no because he does not understand what the Planning Commission is saying to him. Mr. Mautino stated that he does not understand what is before the Commission today. Mr. Mautino commented that if what is brought before the Commission today is a special district then that would indicate that light industrial is encouraged.

Mr. Boyle explained to Mr. Mautino that the special district designation is already in place. Mr. Mautino stated that he feels that the special district designation is in place illegally. Mr. Boyle stated that the special district designation is already in place and what the commission is considering today is amending the language related to the special district to give the neighborhood greater protection. Mr. Boyle commented that maybe the interested parties do not feel that the proposal is enough protection. In response, Mr. Mautino stated that he does not feel that the amendment is enough protection.

Mr. Boyle reminded Mr. Mautino that he requested a development sensitive designation; however, he also stated that he would like the area to develop. Mr. Mautino agreed. Mr. Boyle stated that the subject area cannot be designated development sensitive and then expect development in the subject area. Mr. Mautino disagreed.

INAUDIBLE.

Mr. Boyle stated that he strongly believes that if a development sensitive designation is applied to the subject area, then it is essentially confiscating property that does not belong to the City. He explained that then the City would have to pay for the property because of the fact that it was confiscated. He indicated that the requested action by the interested parties would cause lawsuits and a great deal of expense. He commented that in the end, the neighborhood will have a piece of property that is still undeveloped.

INAUDIBLE.

Mr. Boyle stated that the special district designation is part of the Comprehensive Plan and the language is proposed to be amended. In response, Mr. Mautino stated that he still believes that the special district designation was done illegally and without notice. Mr. Boyle stated that he is sure that notice was given for the special district designation. In response, Mr. Stump confirmed that notice was given regarding the special district designation.

Ms. Pace stated that there was a public hearing regarding the special district designation. She reminded the interested parties that the Planning Commission recommends the adoption and the City Council has the final vote.

Mr. Stump cited the chronology of the amendments to the Comprehensive Plan for District 17. Mr. Stump assured the Planning Commission that notice was given as required by law for each amendment.

Mr. Jackson asked Mr. Mautino what type of market he thought is available for residential estate development. Mr. Jackson asked if there are individuals or developers currently looking at the site and willing to develop it as RE. In response, Mr. Mautino stated that there are people coming into the subject area looking for half-acre tracts all of the time. Mr. Mautino stated that if the property was platted into half-acre

lots it would develop. Mr. Jackson asked Mr. Mautino why developers have not taken the opportunity if there is truly a potential for RE development. In response, Mr. Mautino stated that that is exactly what happened to parts of the City. Mr. Mautino explained that developers went in and developed property and took advantage of the property and then created water problems that residents are paying for today. Mr. Mautino stated that what he is saying is that if the subject property cannot be developed in a residential estate manner now, maybe in ten years it can be. Mr. Mautino pointed out that Tulsa is running out of real estate that can be developed. Mr. Mautino stated that the subject property has been vacant for 40 years. Mr. Mautino stated that currently the property is used for a hayfield and is not sitting idle or wasting. Mr. Mautino indicated that there are builders interested in the subject property and they are currently talking to the property owner.

Mr. Midget asked staff if it would be inappropriate to add the language "development sensitive" to the amendment to help move this issue along. Mr. Midget stated that he knows that a PUD gives added protection for the concerns in the area, but development sensitive language could be included in order to provide the residents their level of comfort. In response, Mr. Boyle stated that the development sensitive issue was discussed at length during the committee meeting. Mr. Boyle stated that the committee looked at the development standard for development sensitive areas regarding what it meant and what it said. Mr. Boyle reminded the Planning Commission that the standard reads "... shall remain essentially undeveloped." Mr. Boyle stated that he believes that the development sensitive designation should be reserved for the most extreme circumstances and it is basically confiscatory. Mr. Boyle stated that he expressed this opinion at the committee meeting and others echoed that opinion.

Mr. Stump stated that the characteristics that Mr. Mautino is speaking about are more widespread than just the subject area before the Planning Commission today. If this becomes a new standard for development sensitive then we are looking at a much larger area that needs to be studied. He indicated that the issues discussed have not been a criteria for development sensitive in the past. Mr. Stump concluded that he, too, is of the opinion that designating the subject area as development sensitive would be confiscating the property.

Mr. Midget stated that he does not see how the designation of development sensitive with the caveat "what is considered is suited for medium intensity development". Mr. Boyle stated that it would be inconsistent to designate the area as being suited for medium intensity development and then on the other hand say that it should remain essentially undeveloped. Mr. Midget commented that he did not hear that the Comprehensive Plan stated that even though the area is development sensitive that it cannot be developed. Mr. Boyle reread the standard for development sensitive, which states "...shall remain essentially undeveloped."

Mr. Stump stated that the last sentence, and this is standard throughout all of the districts, "...the areas identified development sensitive, should to the maximum extent warranted, remain essentially undeveloped". In response, Mr. Mautino stated that the

staff and the Planning Commission are taking the development sensitive standard language out of context. Mr. Mautino reread the standard language for development sensitive designation.

Mr. Westervelt stated that he has served on the Stormwater Management Advisory Board and experienced being washed away in an automobile during the Memorial Day flood. Mr. Westervelt stated that the occurrences that Mr. Mautino described during the development of Eastland Mall and in the past in the City of Tulsa are not wholly accurate. Since that time, the community has restructured the way in which stormwater runoff is analyzed. The City of Tulsa has received a number of awards for the way stormwater management issues are handled. Mr. Westervelt stated that safeguards are in place to make sure that mistakes from the past do not happen in the future. Mr. Westervelt stated that there is a fee structure in place to fund the detention areas.

Mr. Westervelt indicated that he understands what the interested parties are requesting and he understands their frustration because they are not able to have what is requested at this moment. The Planning Commission has taken an additional step to balance the growth that will occur in the subject corridor. Councilor Justis is currently working on a blasting ordinance to resolve a number of the problems in the subject area. When the Planning Commission reviews a specific area, it has to be from a citywide perspective, not simply one neighborhood. He reminded the interested parties that he has to take the perspective that is broader than just his own neighborhood when he is representing the Planning Commission. He stated that the Planning Commission is going to examine the criteria in the areas that are reasonable for declaring development sensitive. He indicated that currently he agrees that today it would be a confiscatory system that would not be to the benefit to the community at large or in the long run, beneficial to today's interested parties either. Mr. Westervelt stated that the Planning Commission would like to take action on today's issue, because today's action and the blasting ordinance that Councilor Justis is working on are major steps to giving the subject area more protection, which may be sufficient or may not.

Mr. Westervelt stated that he understands that staff will be reviewing areas citywide so that when the Planning Commission is privileged to make a decision, it is done properly and is done citywide. He commented that he does not want to argue about his comments, but simply wanted to share his prospective with the interested parties. He reminded the interested parties that the Commissioners are volunteers and are only a recommending body. He commented that anything that the interested parties support in order to allow some protection does not harm the subject area in the eventual goal. He encouraged the interested parties to continue their dialogue with their Councilor and the Planning Commission. He suggested that the interested parties not throw out the amendments that will benefit the subject area because they feel that it is not enough protection at this time.

Ms. Pace requested the staff to clarify the boundaries of the special district area. She commented that Mr. Mautino discussed Eastland Mall and there needs to be some clarification of the boundaries of the special district. In response, Mr. Stump stated that

the boundary for the subject special district are as follows: Low/Medium Intensity, Mixed Use Area lies south of approximately 4th Street to 11th Street and approximately East 137th East Avenue to approximately to 153rd East Avenue, excluding the Medium Intensity nodes at the northern corners of the intersection of 11th and 145th.

Interested Parties Comments:

John Roy, 9018 East 38th Street, Tulsa, Oklahoma 74145-3432, stated that he is the Planning Representative for the Fulton Neighborhood Association, which is located at the west end of District 17. He commented that the development that takes place in East Tulsa affects his neighborhood. He stated that his association agrees with the resolution before the Planning Commission today.

Hilda Brown, 706 South 138th East Avenue, stated that she is disappointed with the development in her neighborhood. She expressed concerns with the zoning of her property being changed. In response, Mr. Stump assured her that her property is still zoned as it is currently. Mr. Stump explained that today's issue is not a zoning matter, but a Comprehensive Plan matter. Mr. Boyle explained the difference between the Zoning Code and the Comprehensive Plan. Mr. Boyle assured Ms. Brown that her property cannot be rezoned unless she applies for rezoning or a blanket rezoning occurs, which would require the neighborhood to vote in favor of the blanket rezoning.

Mr. Harmon out at 4:10 p.m.

Mr. Stump stated that as a point of clarification, the vast majority of the western boundary of the subject district is 137th East Avenue and it approaches 11th Street there is a single-residential street with residential lots on both sides that has been excluded from the special district. Mr. Stump commented that he believes that Ms. Brown's home is in the excluded area.

Eck Ruddick, 14673 East 11th Place, Tulsa, Oklahoma 74108, stated that he was never notified of the public hearings held in 1998. He suggested that he was not notified that the special district was put in place. He indicated that the only way he knew that the special district designation existed was from his state senator, Kevin Easley. In response, Mr. Boyle stated that he is confident that staff followed the law and requirements for these type of proceedings. Mr. Ruddick stated that, for the record, he is not as confident as Mr. Boyle is.

Mr. Westervelt out at 4:16 p.m.

Mr. Ruddick reminded the Planning Commission that the neighborhood submitted a petition requesting the development sensitive designation. He suggested that the proposed amendment is different from what the petition requested. Mr. Ruddick stated that the proposal is not what the neighborhood requested and he would like the Planning Commission to address the petition that was submitted.

INAUDIBLE

TMAPC Comments:

Mr. Midget stated that in fear of losing any type of protection whatsoever, he is supporting the resolution.

On **MOTION** of **MIDGET** to recommend **ADOPTION** of Resolution No. 2224-824, the following comments were expressed.

Mr. Boyle stated that he is in support of the resolution, and the requested development sensitive designation is not possible at this time. He encouraged the interested parties to continue their communication with the Planning Commission and with Councilor Justis. He commented that in the future he would like to see that an examination of areas like the subject area throughout the city be included in the work program. He stated that the proposed amendment is appropriate additional protection for the subject area.

Ms. Pace stated that she is in favor of the resolution and it gives the neighborhood more protection.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Jackson, Midget, Pace "aye"; no "nays"; none "abstaining"; Dick, Harmon, Ledford, Hill, Westervelt "absent") to **ADOPT** Resolution No. 2224-824 as recommended by the Comprehensive Plan Committee.

PROPOSED MAP AMENDMENT TO THE MAJOR STREET AND HIGHWAY PLAN, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA RELATING TO 46TH STREET NORTH.

Staff Recommendation:

Mr. Stump stated that 46th Street North east of Lewis and west of the Cherokee Expressway is currently classified as a secondary arterial in the Major Street and Highway Plan. Currently 46th Street North only exists for a short distance on the east side of Flat Rock Creek to the west side of the Cherokee Expressway. There is no existing or planned interchange with the expressway at 46th Street North. On the east side of the expressway, 46th Street North does not exist because of the location of Lake Yahola. It is staff's opinion that since 46th Street North's alignment would be in the 100 year floodplain east of Lewis and would need to bridge the broad floodway of Flat Rock Creek, this street between Lewis Avenue and the Cherokee Expressway should be **REMOVED** from the Major Street and Highway Plan.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Jackson, Midget, Pace "aye"; no "nays"; none "abstaining"; Dick, Harmon, Ledford, Hill, Westervelt "absent") to **REMOVE** 46th Street North between Lewis Avenue and the Cherokee Expressway from the Major Street and Highway Plan as recommended by the Comprehensive Plan Committee.

OTHER BUSINESS:

APPLICATION NO.: PUD-312-A **(DETAIL SITE PLAN)**
Applicant: Ted Sack, Sack and Associates **(PD-18) (CD-5)**
Location: Northwest corner of East 51st Street and South 109th East Avenue

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 15,395 SF two-story bank and associated drive-through facility on 4.5 acres (net).

Staff has examined the Site Plan and finds conformance to the bulk and area, building floor area and height, parking, setback, access, screening and total landscaped area approved development standards for PUD-312-A Development Area C.

Staff notes that approximately 2.2 acres of the northern portion of the Development Area is shown as remaining undeveloped. The applicant has, however, provided a streetyard landscaped area along South 109th East Avenue that meets the minimum landscape requirements of the Tulsa Zoning Code.

Staff, therefore, having found conformance to the approved PUD standards and requirements of the Zoning Code, recommends **APPROVAL** of the Detail Site Plan for PUD-312-A Development Area C as submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Jackson, Midget, Pace "aye"; no "nays"; none "abstaining"; Dick, Harmon, Hill, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-312-A Development Area C as submitted and as recommended by staff.

APPLICATION NO.: PUD-571

(DETAIL SITE PLAN)

Applicant: Harry Bjornberg

(PD-18) (CD-8)

Location: East of northeast corner of 81st Street and South Memorial

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a two-story climate-controlled mini-storage and ground level retail facility in the southern portion of combined Development Areas B & C. The 28,226 SF 35-foot tall building includes 24,168 SF of indoor climate-controlled storage on both the first and second floors, as well as 4,058 SF of retail shops at ground level facing E. 81st Street.

On November 17, 1999 TMAPC approved the modification of Development Areas B & C, the increase in building floor area for mini-storage and the decrease in building floor area for retail uses. The Minor Amendment also established that appropriate screening, buffering, and architectural features of the building would be determined at the time of Detail Site Plan Review. The intent of the architectural/buffering/screening review requirement was to ensure the compatibility of any proposed development along East 81st Street with the multifamily uses to the east. The Minor Amendment also sought to maintain the retail character of the original approval.

Staff has examined the Detail Site Plan and finds conformance to bulk and area, and building floor area requirements for mini-storage and retail uses, building height, setback, parking, access and total landscape area standards of PUD 571 as amended. Staff is of the opinion that the screening requirement along 137 feet of the east boundary running north from East 81st would serve no purpose, given the retail appearance of the east building wall of the proposed facility and the fencing and landscaping already in place.

Staff finds the retail appearance and architectural features of the proposed facility maintain the character and intent of the original approval and conform to the spirit and intent of the Minor Amendment 571-1. The proposed building utilizes a stucco wall and tile roof appearance in keeping with the existing mini-storage manager's residence already constructed. Retail uses occur only along E. 81st and provide an effective buffer and aesthetically pleasing façade for mini-storage uses.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD 571 Combined Areas B & C as submitted.

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

Applicant was not present.

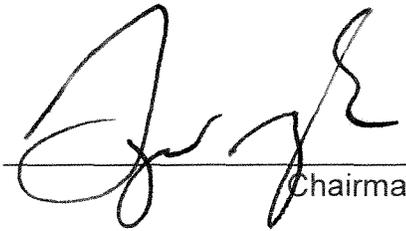
There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Jackson, Midget, Pace "aye"; no "nays"; none "abstaining"; Dick, Harmon, Hill, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-571 combining Areas B & C as submitted and recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 4:30 p.m.

Date approved: 1-5-00


Chairman

ATTEST: 
Secretary