

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2251

Wednesday, September 20, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, September 18, 2000 at 9:38 a.m., posted in the Office of the City Clerk at 8:44 a.m., as well as in the office of the County Clerk at 8:23 a.m.

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

REPORTS:

Director's Report:

Mr. Stump reported that there are several items on the City Council agenda for September 21, 2000.

CONTINUED ITEMS:

Green Hill (PUD-637) (2993)

Northeast corner of 45th and Lewis

PRELIMINARY PLAT

(PD-6) (CD-9)

Staff Recommendation:

Staff recommends continuance to October 4, 2000.

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 **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **CONTINUE** the preliminary plat for Green Hill to October 4, 2000 at 1:30 p.m.

APPLICATION NO.: PUD-559-2

MINOR AMENDMENT

Applicant: Mark Reentz

(PD-18) (CD-8)

Location: North and east of northeast corner of East 91st Street and South Mingo

Staff Recommendation:

Staff indicated that the applicant has made a timely request to continue this item to September 27, 2000.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **CONTINUE** the minor amendment for PUD-559-2 to September 27, 2000 at 1:30 p.m.

APPLICATION NO.: Z-5620-SP-10

CORRIDOR SITE PLAN

Applicant: Ted Sack, Sack & Associates

(PD-18) (CD-8)

Location: East of southeast corner of East 91st Street and South Memorial

Staff Recommendation:

Mr. Stump stated that there has been a change in the staff recommendation and the applicant would like more time to review the change. The applicant is requesting a one-week continuance.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **CONTINUE** the corridor site plan for Z-5620-SP-10 to September 27, 2000 at 1:30 p.m.

R and J Property 2 (2392)

(PD-9) (CD-2)

Southwest corner of West 37th Place South and South Elwood Avenue

Staff Recommendation:

Mr. Beach stated that the applicant has requested a continuance to October 4, 2000.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **CONTINUE** the preliminary plat for R and J Property 2 to October 4, 2000 at 1:30 p.m.

SUBDIVISIONS

RESCIND LOT-SPLIT TIE AGREEMENT:

L-17625 – Jeffrey G. Levinson (3293)

(PD-18) (CD-9)

5245 South Lewis Avenue

Staff Recommendation:

On December 16, 1992, a lot-split was approved to split off Tract B from Tract A, and was required to be tied to Tract C. Since that time, Tract B has been included in a PUD that also includes Tract A; however, Tract C is not part of that PUD.

The Tulsa Metropolitan Area Planning Commission is being requested to rescind the previous action that Tract B be tied to Tract C, with the condition that Tract B now be tied to Tract A.

This action would allow Tract B to be tied to another lot (Tract A) that is located within the same PUD. Staff believes this request would not have an adverse effect on the surrounding properties or the spirit and intent of the PUD and would therefore recommend **APPROVAL** of rescinding the tie-agreement of Tract B with Tract C, with the condition that Tract B be tied to Tract A.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **RESCIND** the tie-agreement of Tract B with Tract C, with the condition that Tract B be tied to Tract A as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19107 – Mike Mararra (2393) (PD-18) (CD-5)
6960 East 38th Street

L-19118 – City of Tulsa (2003) (PD-2) (CD-3)
3125 North Lewis

Staff Recommendation:

Mr. Beach indicated that everything is in order and staff recommends **APPROVAL** of these lot-splits.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

CHANGE OF ACCESS ON RECORDED PLAT:

Neal Plaza Addition (684)

11218 East 61st Street

Staff Recommendation:

This application is made by Taco Bueno to facilitate expansion of a restaurant drive-through at this location. A lot-split was approved and the change of access is the final step the applicant needs to continue this project.

The Traffic Engineer has reviewed and approved the request.

Staff recommends **APPROVAL** of the change of access for Neal Plaza Addition.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the change of access for Neal Plaza addition as recommended by staff.

FINAL PLAT:

Redbud Estates (814)

(PD-15) (County)

West side of North 125th East Avenue at East 110th Street

Staff Recommendation:

This plat consists of eight lots in two blocks on 20.06 acres. It will be developed for single-family residential uses under AG zoning.

All releases have been received and the draft final plat is in order.

Staff recommends **APPROVAL** of the final plat for Redbud Estates.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the final plat for Redbud Estates as recommended by staff.

PRELIMINARY PLAT:

Ashton Creek Office Park (PUD 600) (2183)

(PD 18) (CD 8)

South side of East 91st Street at South Toledo Avenue

Staff Recommendation:

The site consists of 34 lots and four blocks, five reserves. The site is situated west of "The Charter" containing condominium offices and east of "Rolling Oaks Memorial Gardens" containing a cemetery. "Thousand Oaks" containing single-family residences is to the north across 91st Street.

The plat was originally submitted in two phases under different names. One was a sketch plat and the other was a preliminary plat. TMAPC approved the preliminary plat but it expired in June 2000. The plat has since been redrawn to include both phases and is being presented now for preliminary plat approval. The following TAC notes consolidate the comments from both meetings and delete those that have already been corrected with this new submittal.

*The following were discussed **June 17, 1999 and February 17, 2000** at the Technical Advisory Committee meeting:*

1. Zoning:

- PUD 600 was approved in December 1998 and a major amendment in August 2000. This plat represents Development Area A of the PUD, which approved 140,000 SF of one-story and two-story offices. The major amendment added barber and beauty shops as additional uses in Development Area A.

2. Streets/access:

- A 54' wide public residential collector street is proposed from 91st Street to the south boundary of the platted area. The right-of-way width was reduced from 60' to 54' with paving of 30' in a minor amendment. A condition was made to prohibit parking in the street. This should be reflected in the covenants.
- *French, Traffic stated that sidewalks are required on both sides of the collector street.*
- *Somdecerrf, Transportation, stated that the plat needs to show the book and page number of the 91st Street right-of-way.*

3. Sewer:

- *Vaverka, Wastewater, advised the applicant that a \$3,000 lift station fee would be due at the time of escrow.*

4. Water:

- *There are no special conditions required for water.*

5. Storm Drainage:

- *There are no special conditions required for storm drainage.*

6. Other:

- *Pierce, PSO, requested provisions for overhead service written in the covenants.*

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Include language in the covenants prohibiting parking on the street.
2. Add sidewalks on both sides of the collector street and include language in covenants.

Standard Conditions:

1. All conditions of PUD 600 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.

10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
17. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)

23. 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.)
24. 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.)
25. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
26. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the preliminary plat for Ashton Creek Office Park, subject to special conditions and standard conditions as recommended by staff.

SOUTH YALE PARK

(PD-26) (CD-8)

Southwest corner of 111th and South Yale Avenue

GENERAL

The site is located in the southwest corner of 111th Street and South Yale. It is bounded by Yale on the east and 111th on the north. Vacant land is located across Yale to the east, across 111th to the north and to the west. Single-family additions are located to the south, northwest and northeast.

The aerial photograph indicates a significant tree stand along the south boundary.

ZONING

The site is zoned RS-1/OL with the first 210' west of the centerline of Yale in the OL district. RS-1 zoning is to the south and northwest with RS-2 to the northeast. The land to the east across Yale is zoned AG.

The plat indicates a 35' building setback from Yale and 111th. This is appropriate in the RS-1 district; the setback is 50' in the OL district.

STREETS

Lots 1, 2 and 3 are located along Yale Avenue and a 40' access is indicated onto each lot. Lots 4, 5 and 6 are located along 111th Street with a 40' access is indicated onto each lot.

The plat indicates 50' of right-of-way along Yale and 111th. The plat does not indicate any dedications.

SANITARY SEWER

Sanitary sewer is present along Yale Avenue, along the southerly boundary and in 112th Street.

WATER

Water is present along 111th Street and along Yale.

STORM DRAIN

Drainage has not been addressed by the plat.

UTILITIES

A 17.5' easement is located along the south and west boundaries. A 16' easement (11' on one side, 5' on the other) runs along the western lot line of lots 1,2 and 3.

ONG presently has easements along 111th and Yale; given that they remain, they have no other comments.

Staff provides the following comments from the TAC meeting.

1. Streets/access:

- *Somderceff, Streets: Standard dedications and notes would be required. The Limits of No Access would be enforced by the City, not the County.*
- *French, traffic: Discussion occurred regarding the status of 111th Street. Additional information was received from Mr. French after the meeting indicating that 111th Street is a secondary collector for 4-500 feet west of the intersection of 111th and Yale. As such, a right-turn lane will be required from 111th to Yale and a maximum of two access points would be allowed along 111th for the three residential lots 4,5, and 6. Joint access should be indicated in the appropriate location, as should the limits of no access. Two access points would be allowed along Yale*

2. Sewer:

- *Bolding, PW/engineering: The area has little slope; a minimum of .4% slope on the sanitary sewer would be allowed.*

3. Water:

- *Holdman, PW/water: No comment*

4. Storm Drainage:

- *McCormick, Stormwater: Detention would be required and a \$4000/acre development was required prior to approval of the PFPI.*

5. Utilities:

- *Nelson, Valor (written): Requested 11' easement along the east side of lot 4.*

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

Waivers of Subdivision Regulations:

1. None needed.

2. Special Conditions:

1. Access limitations as requested by Traffic.
2. Right-turn lane from 111th to Yale.
3. Provision of detention and payment of \$4000/acre development fee.
4. Minimum sanitary sewer slope requirements of .4%.
5. Provision of appropriate easements as agreed to by Valor Communications and the applicant.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
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 of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
22. All other Subdivision Regulations shall be met prior to release of final plat.

Applicant's Comments:

Jeff Donnell, 3711 East 107th Street, Tulsa, Oklahoma 74137, stated that he agrees with staff's recommendation, but would like to request that the three residential lots be allowed to have individual access onto 111th Street. He indicated that the three residential lots would be RS-1.

Mr. Donnell indicated that East 111th Street turns into a single-lane road and turns back into Louisville. He stated that the houses along East 111th Street are all single-family with their own individual access drives to their homes.

TMAPC Comments:

Mr. Boyle asked Mr. Donnell if he was aware of the Traffic Engineer's recommendation of only two points of access. In response, Mr. Donnell stated that he understands that it is the recommendation, but there is very little traffic on East 111th Street and one additional driveway is not going to add an enormous impact.

Mr. Bruce stated that there would be no access from the office lots. If there were three accesses approved it would be for the individual single-family lot only. There will be no office traffic coming north onto 111th Street.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-1-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; Boyle "nay"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the preliminary plat for South Yale Park and allow an access for each of the residential lots (three points of access) along 111th Street.

Mr. Collins in at 1:50 p.m.

Oil Capital Federal Credit Union (PUD-630) (3393)

(PD-18) (CD-7)

51st Street South, between Oswego and Richmond

Staff Recommendation:

The applicant has timely requested a continuance to September 27, 2000.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Midget, Westervelt "absent") to **CONTINUE** the preliminary plat for Oil Capital Federal Credit Union to September 27, 2000 at 1:30 p.m.

* * * * *

REQUEST FOR TEMPORARY PLAT WAIVER:

BOA – 17888

(PD-5) (CD-3)

544 South Memorial Drive

Staff Recommendation:

This application is made to facilitate the start of construction of a church at this location. The Board of Adjustment approved a special exception to allow church use on the property in January 1998 and approved a site plan for the church in January 2000. A plat has been required since the first approval.

The applicant stated that during preparation of construction documents they forgot about the requirement to plat. They are ready to begin construction and intend to file a subdivision plat but ask that an extension of time to file the plat be granted so building permits may be released.

Staff recommends **APPROVAL** on condition that a subdivision plat be processed and filed prior to release of any occupancy permits.

TMAPC Comments:

Mr. Boyle asked staff if this is a request for a temporary waiver or an extension of time to file plat. In response, Mr. Beach stated that it is a request for an extension of time to the file the plat.

Mr. Boyle asked Mr. Boulden if the request for a temporary waiver or an extension of time to file a plat is different. In response, Mr. Boulden stated that there is no difference and Legal's previous advice is the same, which is that there is no temporary plat waiver.

Applicant's Comments:

Dr. Eric Mikel, 909 East 36th Street North, Tulsa, Oklahoma 74106, stated that there is no existing building on the subject property. He explained that he was under the impression that the subject property had a plat waiver, but to this point there is no record of one and he will have to start the platting process from the beginning. He stated that he is not asking for a plat waiver, but would like to begin construction during the platting process.

Mr. Carnes out at 1:55 p.m.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Carnes, Midget, Westervelt "absent") to **APPROVE** the extension of time for the filing of the final plat for BOA-17888, subject to the final plat being filed of record before occupancy certificate being issued.

TMAPC Comments:

Ms. Pace asked staff if there is a way to get a report back regarding these types of approvals. In response, Mr. Beach stated that the Planning Commission's decision is forwarded to the One Stop Permit Center and is on file. Mr. Beach explained that when the applicant applies for an occupancy permit, the condition that the final plat must be filed of record will be noted and the applicant will have to show that it has been filed.

PLAT WAIVER:

PUD-435-F (383)

(PD-18) (CD-7)

Northeast corner of East 66th Street and South Yale Avenue

Staff Recommendation:

The following information was presented to the Technical Advisory Committee at their regular meeting of September 7, 2000.

PURPOSE:

The purpose of the request is to allow construction of proposed medical buildings and parking garages.

GENERAL:

The site is located in the northeast corner of the Warren Clinic site. It is bounded by Yale Avenue on the west and South 66th Street on the south.

ZONING:

Underlying zoning is OM. PUD 435-D added approximately .9 acres and reallocated floor area.

STREETS:

Two access points are proposed onto Yale. The proposed street system ties into the existing internal collector system, which feeds out onto 66th Street and onto Yale.

SEWER:

It appears that sanitary sewer easements may need to be vacated.

WATER:

It appears that water easements may need to be vacated.

Staff provides the following comments from the TAC meeting.

1. Streets:

- *Somdecerff, Streets: A 30' radius return will be required at the northeast corner of 66th and Yale. An additional 10' will be required on a portion of the Yale frontage.*
- *French, Traffic: Any change of access will require additional engineering to show relationship to the center median on Yale. The main access on the south should include dual left turn lanes due to high volume. A right turn bay should be considered. Left turn lanes should be located with consideration of turn movements from the west side of Yale.*

2. Sewer:

- *Bolding, PW: The sanitary sewer in the southeast portion of the project area appears to require relocation.*

3. Water:

- *Holdman, PW: A new fire hydrant will be required to serve the new office building.*

4. Storm Drain:

- *Weisz, Engineer: It appears that the total impervious area will decrease. Proposed lake will be used as detention area if needed.*
- *McCormick, Stormwater: Will require relocated easements.*

5. Utilities

- *No comment.*

Conclusions:

The proposed project is in an area that has been previously platted. The Major Amendment, which triggered the platting requirement, added a sliver to the north boundary and realigned the eastern boundary. These revisions are not related to the easements or dedications required by the new development.

Changes or additions required to accommodate new development include right-of-way dedication, change in access configuration, the relocation of sanitary sewer and drainage easement relocation. Public Works representatives have agreed that platting is not required to accomplish their purposes.

Based on discussion with the individuals who will review and approve the changes and the following checklist, which reflects the policies of TMAPC. **Staff supports the approval of the request for plat waiver.**

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

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

- | | Y | N |
|--------------------------------------------------------------------------------------|---|--------------------------|
| 1) Has property previously been platted? | ✓ | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | ✓ | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | ✓ | <input type="checkbox"/> |

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

- | | | |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | ✓ | <input type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | ✓ |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required? | ✓ | <input type="checkbox"/> |
| iii) Are additional easements required? | ✓ | <input type="checkbox"/> |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | ✓ |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | <input type="checkbox"/> | ✓ |
| iv) Are additional easements required? | ✓ | <input type="checkbox"/> |
| 6) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |

- 7) Change of Access
 - a) Are revisions to existing access locations necessary? ✓
- 8) Is the property in a P.U.D.?
 - a) If yes, was plat recorded for the original P.U.D.? ✓
- 9) Is this a Major Amendment to a P.U.D.?
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? ✓

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

Carnes in at 1:57 p.m.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Westervelt "absent") to **APPROVE** the plat waiver for PUD-435-D, and subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6785

RM-2 TO OM

Applicant: Joseph Coleman

(PD-7) (CD-2)

Location: Southwest corner of West 14th Street and South Carthage Avenue

Mr. Boyle stated that he has received a letter requesting a continuance from an interested party (Exhibit A-1). Mr. Boyle indicated that the request was delivered on September 19th at 12:50 p.m. In response, Mr. Stump stated that this would not be a timely request for a continuance and the Planning Commission does not have a policy regarding untimely requests. Mr. Stump commented that the consideration of the untimely request would be at the prerogative of the Planning Commission. Mr. Boyle read the letter for the continuance from Mr. Beckwith.

Interested Parties Comments:

Curtis Beckwith, 1402 South Carson Avenue, Tulsa, Oklahoma 74119, stated that he did request the continuance and came to today's hearing without trying to get in touch with the neighbors. He commented that he would like to see if there

are any residents from his neighborhood who are concerned about this application.

Mr. Boyle asked Mr. Beckwith why he is requesting a continuance. Mr. Beckwith stated that he understands it would be an inconvenience to the developer if this were continued. Mr. Boyle asked Mr. Beckwith if he is still requesting a continuance. In response, Mr. Beckwith stated that it was the general agreement of the neighborhood association to request a continuance. Mr. Boyle asked Mr. Beckwith how long of a continuance he would need. In response, Mr. Beckwith stated that he needs enough time to meet with the neighbors.

Mr. Boyle asked Mr. Coleman if he agreed with a continuance. In response, Mr. Coleman stated that he would like to have this application heard today. Mr. Coleman explained that all of the contracts are in for the four owners of the subject property. Mr. Coleman stated that the subject property is vacant and heavily wooded, and the neighborhood indicated that they were hoping for a recreational park. Mr. Coleman explained that he proposes to build a small office building for his firm and keep the grounds looking like a park.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-1-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Pace "aye"; Ledford "nay"; none "abstaining"; Midget, Westervelt "absent") to **DENY** request for continuance for Z-6785.

Mr. Boyle announced that the continuance was denied and the application for Z-6785 will be heard today.

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6707 August 1999: The Riverview Neighborhood Association and various property owners within an area approximately 54 acres in size and located west of South Elwood Avenue to South Lawton Avenue and from the Broken Arrow Expressway on the north to Riverside Drive on the south requested the area be rezoned from RM-2 to RS-4 and RD. All concurred in approval of the request.

Z-6477 February 1995: All concurred in approval of a request to rezone a lot located north of the northeast corner of West 18th Street and South Carson Avenue from RM-2 to OL for office use.

Z-6311 July 1991: All concurred in approval of a request to rezone the northeast corner of West 15th Street and South Denver Avenue from CH and OL to CS to allow a Quik Trip facility.

Z-6158 July 1987: All concurred in approval of a request to rezone a lot located on the southeast corner of South Denver Avenue and West 16th Street South from RM-2 to OM.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 130.6' x 250' in size and is located south of the southwest corner of East 14th Street South and South Carthage Avenue. The property is flat, non-wooded, vacant, and zoned RM-2.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
West 14 th Street South	60'	2 lanes	Paved	Yes
South Carthage Avenue	46'	2 lanes	Paved	Yes

Both West 14th Street and South Carthage Avenue are minor streets.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by single-family and multifamily residential and office uses, zoned RM-2, OM and OL; on the east by single-family and multifamily residential uses, zoned RM-2; on the south by a convenience store/gas station, zoned CS; and on the west by offices zoned RM-2 and OM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity – No Specific Land Use/Special Development District/Area B. This is reflected in the plan as being an area of medium intensity uses in which development/redevelopment and avenues of public-private venture funding are encouraged.

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

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development and trends in the area, staff recommends **APPROVAL** of OM for Z-6785.

TMAPC Comments:

Mr. Boyle asked staff to describe the surrounding uses for this application. In response, Ms. Matthews stated that there are multifamily and single-family on the north and east; QuikTrip immediately to the south; medical offices to the west and a former engineering firm to the northwest. Mr. Stump stated that the single-family homes to the east, which are zoned RM-2, face onto Carson and do not face into this proposed development.

Applicant's Comments:

Joseph Coleman stated that the Postal Credit Union is immediately west on Denver and the property to the north is vacant. He commented that the subject property is completely vacant at this time.

Interested Parties Comments:

Susan Lazarus, 1418 South Carson, Tulsa, Oklahoma 74119, stated that she her back yard and garage faces the subject property. She commented that the subject property is in bad shape and unsightly.

Ms. Lazarus stated that she is impressed with the proposal; however, she would not like to see a tall screening fence that would allow a hiding place. She commented that the applicant assured her that it could be landscaped. She concluded by stating her support for the subject application.

John and Ellen Wade, 1440 South Carson, Tulsa, Oklahoma 74119, stated that her property backs up to the subject property. She indicated that she would like to see the sidewalk and the brick wall taken out. Ms. Wade concluded that she is in favor of this application.

Curtis Beckwith, 1402 S. Carson Avenue, Tulsa, Oklahoma 74119, stated that his personal concern is maintaining open space. He indicated that he would prefer that the subject property become a park and save trees.

Mr. Beckwith stated that he is not necessarily against the project, but is disappointed that it is not going to be a park.

TMAPC Comments:

Mr. Carnes stated that this is a very good infill project and Mr. Coleman has a very good reputation. He indicated that the neighborhood would be very satisfied with the project.

Mr. Stump stated that a screening fence is required along Carthage; however, since that would be the front door, the applicant could go to the Board of Adjustment and request a special exception to delete the requirement.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Westervelt "absent") to recommend **APPROVAL** of OM zoning for Z-6785 as recommended by staff.

Legal Description for Z-6785:

Lots 2 through 6, Block 1, Campbell Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **From RM-2 (Residential Multifamily Medium Density District) To OM (Office Medium Intensity District).**

APPLICATION NO.: Z-6786/PUD-299-B **RS-4/PUD TO RD/RM-1/PUD**
Applicant: Kristy Ledbetter (PD-18) (CD-8)
Location: Northeast corner of East 81st Street and South Harvard

Staff Recommendation For Z-6786:

RELEVANT ZONING HISTORY:

Z-6742/PUD-299-A January 2000: All concurred in approval of a request to rezone the subject property from RM-1/RD/PUD-299 to RS-4/PUD-299-A for a 21-lot single-family development with private streets.

Z-5759/PUD-299 October 1982: A request to rezone the subject property from RS-1 to RM-0 and OL with PUD-299 overlay was recommended for denial. All concurred in approval, per amendments and conditions, of RM-1 and RD zoning with a Planned Unit Development to allow thirty townhouse units on the north 2.3 acres and light office use on the remaining .9 acres in the intersection of East 81st Street and South Harvard Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.5 acres in size and is located on the northeast corner of East 81st Street South and South Harvard Avenue. The property is sloping, wooded, vacant, and zoned RS-4/PUD-299-A.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 81 st Street South	100'	4 lanes	Paved	Yes
South Harvard Avenue	100'	4 lanes	Paved	No

The Major Street Plan designates South Harvard Avenue and East 81st Street as secondary arterial streets. The City of Tulsa 1998 – 1999 traffic counts indicate 18,600 trips per day on South Harvard Avenue at East 81st Street South.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by single-family residential uses, zoned RS-1; on the south by a commercial shopping center, zoned OL, CS and PUD 168; on the southwest by a commercial shopping center, zoned CS; on the east by single-family residential uses, zoned RS-1; and on the west by single-family residential uses, zoned RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Residential Land Use.

According to the Zoning Matrix the requested RD and F.M-1 **may be found** in accordance with the Plan Map. The property was formerly zoned RD and RM-1 under PUD 299.

STAFF RECOMMENDATION:

Based on development in the area, the Comprehensive Plan and the property's having been zoned RD and RM-1 previously, staff can support the requested zoning for Z-6786 and recommends **APPROVAL** of RD and RM-1, contingent on the approval of PUD 299-B.

AND

Staff Recommendation For PUD-299-B:

The subject tract contains 4.5 acres located at the northeast corner of East 81st Street and South Harvard Avenue. In 1982 the tract was rezoned from RS-1 to RM-1, RD, PUD-299. PUD-299 was approved for two development areas. Development Area B contained 1.6 acres at the northeast corner of 81st Street and Harvard Avenue and was approved for light office uses. Development Area A contained 2.9 acres and abutted Development Area B on the north and east. Development Area A was approved for Residential Townhouses.

In January 2000, the subject tract was rezoned from RM-1, RD, PUD-299 to RS-4, PUD-299-A. PUD-299-A consists of one development area, allowing 21 single-family dwellings, with access through a private roadway system.

The applicant is proposing to rezone the subject tract (Z-6786) from RS-4 to RD and RM-1 (the zoning that was on the property prior to the existing RS-4). The applicant is also proposing this Major Amendment, which would allow office and townhouse uses to be developed to the same standards that had previously existed, i.e. prior to Z-6742 and PUD-299-A being approved.

There is a single-family subdivision to the north of the subject tract that is zoned RS-1. Vacant RS-1 zoned property abuts the tract on the east. To the west across Harvard Avenue is a single-family subdivision zoned RS-2. To the south, across 81st Street is a shopping center zoned OL, CS, RS-1/PUD-168.

If Z-6786 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-299-B, 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-299-B 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

Area (Gross):	2.945 acres
(Net):	2.375 acres
Permitted Uses:	Residential Townhouses as allowed in Use Unit 7a.
Maximum Number of Dwelling Units:	30
Minimum Building Setbacks: From the north and east boundaries of the Development Area	20 FT
Other Bulk and Area Requirements:	As established within an RT district.
Maximum Signage:	One ground sign at each entrance from an arterial street not to exceed 4' in height nor 32 sq. ft. of display surface area.

DEVELOPMENT AREA B

Area (Gross):	1.5978 acres
(Net):	.9160 acres

Permitted Uses:	Uses allowed by right in an OL district.
Maximum Building Height:	35 FT
Maximum Building Floor Area:	27,840 SF
Minimum Building Setbacks: From the north and east boundaries of the Development Area	50 FT
Maximum Number of Lots:	One
Maximum Signage:	As permitted in an OL district.
Other Bulk and Area Requirements:	As established within an OL district.
Minimum Landscaped Area:	15% of net lot area

3. All exterior elevations of the office building shall be designed in such a manner that visually there appears to be no back or service entry side, and there shall be no reflective glass on the west or north sides.
4. Landscaping and Screening: A six-foot high or higher screening wall or fence shall be provided along the north and east boundaries of Development Area A and the north and east boundaries of Development Area B. A landscaped area of not less than ten feet in width shall be located along the north and east boundaries of Development Area A.
5. The entire PUD shall have a maximum of two access points onto East 81st Street South and two onto South Harvard Avenue. All access points shall be approved by Traffic Engineering.
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 livability space or 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 nonresidential lot and for the common areas of the residential development area (including screening) 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, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen 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 eight feet in height and all such lights shall be set back at least 20 feet from an RS district.
11. The Department of 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. In the townhouse residential a homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
13. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent. Minimum width of private street rights-of-way is 30 feet.

14. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
15. 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.
16. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
17. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
18. 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.
19. 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.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he represents the owners of the subject property. He described the history of the subject property and surrounding area of the subject property. Mr. Johnsen concluded that he agrees with and accepts staff's recommendation.

Interested Parties Comments:

Jan Birmingham, 8151 South Jamestown, Tulsa, Oklahoma 74137, representing the Homeowners for Country Oaks Patio Homes, stated that she has numerous concerns regarding the subject proposal. She requested that the developer provide a clearer understanding of exactly how the proposal will be constructed on the hill.

Ms. Birmingham expressed concerns with the height of the building and the possibility of apartments being included with this proposal. She questioned how many units would be rental property or owner-occupied. Ms. Birmingham described surrounding rental property in the subject area.

Ms. Birmingham stated that the neighborhood feels that street widening should preclude any further rental property in the subject area. She explained that there is a traffic problem in the subject area.

TMAPC Comments:

Mr. Stump supplied a site plan to Ms. Birmingham and explained that a maximum of 30 townhouse units and townhouses are required to be on a separate lot from the next unit. He explained that townhouses are designed for owner occupancy, but that does not mean that the owner cannot rent it to someone. He further explained the layout of the site plan regarding where the townhouses and office building were to be located.

Ms. Birmingham stated that the site plan helps somewhat, but she is concerned with homeowners losing some of their privacy.

Ms. Birmingham asked Mr. Stump if this would be an apartment complex. In response, Mr. Stump stated that this application is not for an apartment complex because they are not allowed in this PUD. Mr. Boyle explained to Ms. Birmingham that the Planning Commission is only a recommending body and the final outcome will be decided by the City Council.

Mr. Ledford asked Mr. Stump if the Planning Commission would see this application again since it is residential. In response, Mr. Stump answered affirmatively. Mr. Ledford stated that the neighbors would have an opportunity at a later date to review the detail site plan, which will give more information.

Interested Parties Comments:

Jack Bratton, 7776 South Indianapolis, Tulsa, Oklahoma 74136, stated that if residential rentals were developed next to his home it would crush the value. He expressed concerns regarding traffic and open space.

Mr. Bratton expressed concerns regarding the screening fence and what materials it would be used.

TMAPC Comments:

Mr. Stump stated that a six-foot or higher screening wall be provided along the north and east boundaries of Development Area A, which is the area of Mr. Bratton's concern. Mr. Bratton asked if the fence could be made of wood. In response, Mr. Stump stated that the fence could be made of wood. Mr. Bratton stated that he would think that there could be some type of requirement put on the quality of the screening fence.

Applicant's Rebuttal:

Mr. Johnsen stated that Tract A is the area proposed for townhouses and there is proposed separation from the office tract to the single-family tract. He explained that there is an intervening townhouse area.

Mr. Johnsen stated that the lower elevation of the subject property is at the intersection, and north of the intersection the subject property rises steeply. The higher proposed building will be at the lower elevation of the subject property and nearer Harvard than the east boundary, which is near the single-family area.

Mr. Johnsen reiterated that his client will be required to have detail site plan review and to go through the platting process.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Westervelt "absent") to recommend **APPROVAL** of PUD-299-B, subject to conditions as recommended by staff.

Legal Description for Z-6786:

A tract of land that is part of Section 9, T-18-N, R-13-E Tulsa County, Oklahoma, and Lot 6, Block 3, "Timbercrest Addition", a subdivision to Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a Point parallel to and 80' West of the Westerly line of Lot 6, said point being 240.00' Northerly of the Southwest corner thereof; thence N 0°01'47" W along the Westerly line of Lot 6 for 228.58' to a point parallel to and 80' West of the Northwest corner of Lot 6; thence due East along the Northerly line of Lot 6 for 425.39' to the Northeast corner of Lot 6; thence S 1°26'31" W along the Easterly line of Lot 6 for 93.56' to a corner of Lot 6; thence S 0°17'48" W along the Easterly line of Lot 6 for 374.94' to a point 50' South of and parallel to the Southeast corner of Lot 6; thence S 89°58'57" W along the Southerly line of Lot 6 for 131.13'; thence N 0°01'47" W and parallel to the Westerly line of Lot 6 for 240'; thence S 89°58'57" W and parallel to the Southerly line of Lot 6 for 290.00' to the Point of Beginning, **From RS-4 (Residential Single-family Highest Density District) To RD (Residential Duplex District);**

AND

A tract of land that is part of Section 9, T-18-N, R-13-E, Tulsa County, Oklahoma and part of Lot 6 in Block 3 of "Timbercrest Addition", a subdivision to Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the southwest corner of said Section 9, Thence N 0°01'47" W along the Westerly line of Lot 6, for 240.00'; thence N 89°58'57" E and parallel to the Southerly line of Lot 6, for 290.00'; thence S 0°01'47" E and parallel to the Westerly line of Lot 6 for 240.00' to a point on the Southerly line of Lot 6; thence S 89°58'57" W along said Southerly line for 290.00' to the point of beginning of said tract of land; **From RS-4 (Residential Single-family Highest Density District) To RM-1 (Residential Multifamily Low Density District);**

AND

Legal Description for PUD-299-B:

A tract of land that is part of Section 9, T-18-N, R-13-E, Tulsa County, Oklahoma, and Lot 6, Block 3, Timbercrest Addition, a subdivision to Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a Point parallel to and 80' West of the Westerly line of Lot 6, said point being 240.00' Northerly of the Southwest corner thereof; thence N 0°01'47" W along the Westerly line of Lot 6 for 228.58' to a point parallel to and 80' West of the Northwest corner of Lot 6; thence due East along the Northerly line of Lot 6 for 425.39' to the Northeast corner of Lot 6; thence S 1°26'31" W along the Easterly line of Lot 6 for 93.56' to a corner of Lot 6; thence S 0°17'48" W along the Easterly line of Lot 6 for 374.94' to a point 50' South of and parallel to the Southeast corner of Lot 6; thence S 89°58'57" W along the Southerly line of Lot 6 for 131.13'; thence N 0°01'47" W and parallel to the Westerly line of Lot 6 for 240'; thence S 89°58'57" W and parallel to the Southerly line of Lot 6 for 290.00' to the Point of Beginning, and a tract of land that is part of Section 9, T-18-N, R-13-E, Tulsa County, Oklahoma and part of Lot 6 in Block 3 of "Timbercrest Addition", a subdivision to Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the southwest corner of said Section 9, Thence N 0°01'47" W along the Westerly line of Lot 6, for 240.00'; thence N 89°58'57" E and parallel to the Southerly line of Lot 6, for 290.00'; thence S 0°01'47" E and parallel to the Westerly line of Lot 6 for 240.00' to a point on the Southerly line of Lot 6; thence S 89°58'57" W along said Southerly line for 290.00' to the point of beginning of said tract of land; to consider the proposed Planned Unit Development, PUD-299-B on the following described property: **From RS-4/PUD-299-A (Residential Single-family Highest Density District/Planned Unit Development) To RD/RM-1/PUD (Residential Duplex District/Residential Multifamily Low Density District and Planned Unit Development).**

APPLICATION NO.: CZ-270

AG TO CS

Applicant: William M. Gatton

(PD-15) (County)

Location: Northeast corner East 116th Street North and North Memorial

Staff Recommendation:

RELEVANT ZONING HISTORY:

None

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately two acres in size and is located in the northeast corner of East 116th Street North and North Memorial Drive. The property is gently sloping, non-wooded, contains a manufactured dwelling, two accessory buildings, and is zoned AG.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 116 th Street North	120'	2 lanes	Paved	No
North Memorial Drive	100'	2 lanes	Paved	No

The Major Street Plan designates East 116th Street North as a primary arterial street and North Memorial Drive as a secondary arterial street.

UTILITIES: Water is served by a rural water system and sewer is by septic system.

SURROUNDING AREA: The subject tract is abutted on the north by a single-family dwelling, zoned AG; to the south, east and west by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 15 Plan, a part of the Owasso 2010 Land Use Master Plan, designates the subject property as Rural Residential.

According to the Owasso 2010 Land Use Master Plan land use descriptions, the Low Intensity Commercial and Office uses may be sited in rural residential areas not necessarily served or anticipated to be served with municipal sewerage. Sites for Low Intensity Commercial and Office uses maybe located on very small tracts of land adjacent to arterial streets. The Owasso City Planner had no specific comments about the proposal and generally supports it.

STAFF RECOMMENDATION:

Based on the Owasso Land Use Plan and based on the location of the subject tract, lying at the intersection of a primary arterial street and a secondary arterial street, staff recommends **APPROVAL** of CS zoning for CZ-270.

Applicant's Comments:

Marty Gatton, 2408 Queensbury Way, Fort Smith, Arkansas 72908, stated that he is living on the subject property part time in order to build a health spa that is operated as a family business. He explained that he has had a health spa in Owasso for two years and would like to move onto the subject property.

The following Interested Parties expressed opposition to Case CZ-270:

Max Radar, 8304 East 116th Street North, Owasso, Oklahoma 74055; **Ed Campbell**, 11231 North Memorial, Owasso, Oklahoma 74055; **Jan Thomas**, 7623 East 116th Street North, Tulsa, Oklahoma 74120; **Roy Howeth**, 11211 North 92nd East Avenue, Owasso, Oklahoma 74055; **Ken Cline**, 8310 East 112th Street North, Owasso, Oklahoma 74055; **Aaron Lemmons**, 8401 East 120th Street North, Collinsville, Oklahoma 74021; **Debbi Jones**, 8605 East 116th Street North, Owasso, Oklahoma 74055; **Phyllis Coleman**, 11623 North Memorial, Collinsville, Oklahoma 74021; **Glenda Terrill**, 11617 North Memorial, Collinsville,

Oklahoma 74021; **Robert Dixon**, 12422 North Memorial, Collinsville, Oklahoma 74021; **Sue Piggott**, 8500 East 116th Street North, Owasso, Oklahoma 74055; **Roger Coday**, 8610 East 116th Street North, Owasso, Oklahoma 74055; **Apolas Watkins**, 7609 East 116th Street North, Collinsville, Oklahoma 74021; **Rodney Warlick**, 13302 East 104th Street North, Owasso, Oklahoma 74055; **Theo and Ray Wille**, 8429 East 116th Street North, Owasso, Oklahoma 74055; **Max Slaven**, 11028 North 92nd East Avenue, Owasso, Oklahoma 74055; **Pete Byrd**, 8811 East 116th Street North, Collinsville, Oklahoma 74021.

The following comments were expressed by the above listed Interested Parties opposing CZ-270:

Concerned regarding the value of their properties; quality of building materials for the health spa; safety issues; traffic issues; disagree with the City of Owasso's concept that every section-line-road should be a commercial property; subject area is sparsely populated and could not support a health spa; do not want the City coming out to the subject area; CS does not fit into the subject area; drainage problems; no sewers in the subject area; the subject area is a country atmosphere and a spa would not be compatible; agricultural animals in the subject area; concerned that the subject proposal will fail and the property would turn into a bar or dance hall; neighbors living in the subject area moved to their present locations to stay away from the City atmosphere; concerns regarding stormwater drainage and soil erosion; an environmental study should be conducted before the proposal is considered; fears that the zoning would allow undesirable activities in the subject area should the health spa fail; commercial site nearby (German Corner) has empty spaces and failed businesses and do not want this repeated in the subject area.

Applicant's Rebuttal:

Mr. Gatton stated that he has only lived in the subject area for one month and has never met his neighbors. He explained that the Owasso Fitness Zone is presently located next to the Dixon Theaters and they presently have many members from all over the surrounding area.

Mr. Gatton explained that he was looking for a new location to build a health spa when the subject property came available. He commented that he does not want to offend his neighbors, whom he hopes would become clients. He stated that a bar or dance hall is the last thing he has in mind because it would not go along with the health spa. He indicated that the health spa would be built in phases.

Mr. Gatton stated that the health spa would not affect wildlife or agricultural animals. He explained that his only intent is to locate his health spa on the subject property and not be offensive to the subject area. He indicated that there would be more room to expand on the subject property. Mr. Gatton stated that his health spa does have a good reputation and he feels that it would succeed.

TMAPC Comments:

Ms. Pace stated that she is very uncomfortable with this proposal in the subject area due to the area being undeveloped. She suggested that the applicant continue his rezoning case and return with a PUD that would state the exact use for the subject property.

Mr. Gatton stated that it would be a hardship to file a PUD without knowing if the zoning would be approved.

After a lengthy discussion Mr. Gatton announced that he was withdrawing his application.

CZ-270 was withdrawn by the applicant.

APPLICATION NO.: Z-6787

Applicant: Stephen A. Schuller

Location: 4200 – 4300 Southwest Boulevard

IL TO CS
(PD-9) (CD-2)

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-18267 January 1999: A request for a special exception to allow a Use Unit 12a, Adult Entertainment Establishment on the southernmost tract of the subject property was withdrawn by the applicant prior to public hearing.

No other recent zoning action in this area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.3 acres in size and is located on the south side of Southwest Boulevard between West 42nd Street and West 43rd Street South. The property is flat, non-wooded, contains a shopping center, and zoned IL.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
Southwest Boulevard.	100'	4 lanes	Paved	Yes

The Major Street Plan designates Southwest Boulevard as a secondary arterial street. The City of Tulsa 1998 – 1999 traffic counts indicate 5,800 trips per day on Southwest Boulevard at West 41st Street South.

UTILITIES: Water and sewer are available to the site.

SURROUNDING AREA: The subject tract is abutted on the north and northwest by Southwest Boulevard (U. S. Highway 66 West) and railroad right-of-way, zoned IL; to the northeast are commercial and industrial businesses, zoned IL; to the south by the Red Fork Expressway, (Turner Turnpike I-244 South) zoned RS-3; and to the southwest by an auto repair, a bank and various other commercial businesses, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the Comprehensive Plan a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 6 – Industrial. Plan text provisions indicate that much or most of the industrial zoning here preexisted the plan and that much of it has not been developed. Provisions also specify that industrial uses near residential areas not have adverse impacts on the latter.

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

STAFF RECOMMENDATION:

Based on the site's current commercial use; its location between an expressway, a state highway and a railroad track; surrounding uses and provisions of the District 9 Plan, staff can support the requested CS zoning and therefore recommends **APPROVAL** of CS for Z-6787.

Applicant's Comments:

Stephen A. Schuller, 500 Oneok Plaza, 100 West 5th Street, Tulsa, Oklahoma 74103, representing the Myers Family Limited Partnership, stated that the subject property is the Crystal City Shopping Center and the Crystal Bowl, which has been a retail shopping center for 40 plus years.

Mr. Schuller stated that the subject property is located in an area that has been generally developed for commercial and office uses along Southwest Boulevard. The opposite side of Southwest Boulevard is a railroad track. He explained that retail and commercial uses are nonconforming uses in this IL zoning district. Every time a use changes within the shopping center, the tenants have to go before the Board of Adjustment for a special exception.

Mr. Schuller indicated that his clients have prospective tenants for the Crystal Bowl for either a restaurant (Use Unit 12), a daycare center (Use Unit 5) or a flea market (Use Unit 15). He explained that all except the flea market would be uses requiring special exceptions in the IL zoning district. He stated that the restaurant and daycare center are permitted by right in the CS zoning district.

Mr. Schuller stated that his client is requesting a CS zoning in order to avoid having to go to the Board of Adjustment every time there is a tenant change. He indicated that the Crystal Bowl has been closed for 36 months and any

TMAPC Comments:

Ms. Pace stated that she is very uncomfortable with this proposal in the subject area due to the area being undeveloped. She suggested that the applicant continue his rezoning case and return with a PUD that would state the exact use for the subject property.

Mr. Gatton stated that it would be a hardship to file a PUD without knowing if the zoning would be approved.

After a lengthy discussion Mr. Gatton announced that he was withdrawing his application.

CZ-270 was withdrawn by the applicant.

APPLICATION NO.: Z-6787

Applicant: Stephen A. Schuller

Location: 4200 – 4300 Southwest Boulevard

IL TO CS
(PD-9) (CD-2)

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-18267 January 1999: A request for a special exception to allow a Use Unit 12a, Adult Entertainment Establishment on the southernmost tract of the subject property was withdrawn by the applicant prior to public hearing.

No other recent zoning action in this area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.3 acres in size and is located on the south side of Southwest Boulevard between West 42nd Street and West 43rd Street South. The property is flat, non-wooded, contains a shopping center, and zoned IL.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
Southwest Boulevard.	100'	4 lanes	Paved	Yes

The Major Street Plan designates Southwest Boulevard as a secondary arterial street. The City of Tulsa 1998 – 1999 traffic counts indicate 5,800 trips per day on Southwest Boulevard at West 41st Street South.

UTILITIES: Water and sewer are available to the site.

SURROUNDING AREA: The subject tract is abutted on the north and northwest by Southwest Boulevard (U. S. Highway 66 West) and railroad right-of-way, zoned IL; to the northeast are commercial and industrial businesses, zoned IL; to the south by the Red Fork Expressway, (Turner Turnpike I-244 South) zoned RS-3; and to the southwest by an auto repair, a bank and various other commercial businesses, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the Comprehensive Plan a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 6 – Industrial. Plan text provisions indicate that much or most of the industrial zoning here preexisted the plan and that much of it has not been developed. Provisions also specify that industrial uses near residential areas not have adverse impacts on the latter.

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

STAFF RECOMMENDATION:

Based on the site's current commercial use; its location between an expressway, a state highway and a railroad track; surrounding uses and provisions of the District 9 Plan, staff can support the requested CS zoning and therefore recommends **APPROVAL** of CS for Z-6787.

Applicant's Comments:

Stephen A. Schuller, 500 Oneok Plaza, 100 West 5th Street, Tulsa, Oklahoma 74103, representing the Myers Family Limited Partnership, stated that the subject property is the Crystal City Shopping Center and the Crystal Bowl, which has been a retail shopping center for 40 plus years.

Mr. Schuller stated that the subject property is located in an area that has been generally developed for commercial and office uses along Southwest Boulevard. The opposite side of Southwest Boulevard is a railroad track. He explained that retail and commercial uses are nonconforming uses in this IL zoning district. Every time a use changes within the shopping center, the tenants have to go before the Board of Adjustment for a special exception.

Mr. Schuller indicated that his clients have prospective tenants for the Crystal Bowl for either a restaurant (Use Unit 12), a daycare center (Use Unit 5) or a flea market (Use Unit 15). He explained that all except the flea market would be uses requiring special exceptions in the IL zoning district. He stated that the restaurant and daycare center are permitted by right in the CS zoning district.

Mr. Schuller stated that his client is requesting a CS zoning in order to avoid having to go to the Board of Adjustment every time there is a tenant change. He indicated that the Crystal Bowl has been closed for 36 months and any

commercial use of the subject property would require seeking a special exception from the Board of Adjustment because of the nonconformity chapter of the Zoning Code.

Mr. Schuller reiterated that the subject property has been a retail shopping center for 40 years or more and well before the enactment of the Zoning Code. The subject property is not likely to be developed for industrial uses. Mr. Schuller described the commercial uses along Southwest Boulevard.

Mr. Schuller stated that he is aware that the residences are concerned that if the subject property were to be zoned CS it would permit sexually-oriented businesses. He indicated that his client has no prospect for any tenants to operate sexually-oriented businesses on the subject property. He further indicated that his client has no intention of operating or leasing to any sexually-oriented businesses and it is not the purpose of the zoning request. He pointed out that under the Zoning Code it is stated that the sexually-oriented businesses must be located at least 500 feet from any residentially zoned areas. He commented that he does not see how a sexually-oriented business could be placed on the subject property because of the unusual configuration of the residential zoning district boundaries and the way it comes in and wraps around the commercial and office zoning in existence. Because of the proximity of the residentially-zoned properties, it would be impossible to have a sexually-oriented business on the subject property.

Mr. Schuller stated that Commissioner Selph has carefully researched the subject property with the County Zoning maps and he has satisfied himself that there is no way a sexually-oriented business could fit on the subject property and still meet the setback requirements.

Mr. Schuller concluded that he is requesting CS zoning to reflect the current use of the subject property and to avoid having to go to the expense of a Board of Adjustment approval every time a new tenant comes into the shopping center.

Interested Parties Comments:

Linda Garvie, 3722 West 43rd Street, Tulsa, Oklahoma 74107, representing the Redfork Park Grove Association, stated that she is concerned regarding the CS zoning because of the possibility of a sexually-oriented business locating within the shopping center.

Ms. Garvie asked if the subject property is zoned for commercial it would be for retail or entertainment. She expressed concerns that a business would fail and an adult entertainment business would move in.

Mr. Stump stated that all types of retail establishments, restaurants, and adult entertainment would be allowed. He explained that there are two categories of adult entertainment. One category is the typical bar or nightclub, which requires

a spacing requirement between nightclubs; however, there is not an extensive spacing requirement between residential uses and bars/night clubs. The other category is sexually-oriented businesses and there is a 500' spacing requirement between the outside walls of the sexually-oriented business and a residentially-zoned area, schools, churches or park. Mr. Stump explained that the sexually-oriented businesses are more regulated than the standard bar.

TMAPC Comments:

Mr. Boyle asked if staff is convinced that the 500' setback requirement makes it effectively impossible to place a sexually-oriented business on the subject property. In response, Mr. Stump stated that, reasonably, it effectively does that; however, there are some small pieces of the building that may be over 500', but the vast majority is entirely within the 500' setback requirement or a small portion of the building is outside of it. Mr. Boyle stated that it is possible for a bar to be located on the subject property, but not a sexually-oriented business.

Mr. Boyle asked if there have been any Board of Adjustment applications for bars or sexually-oriented businesses on the subject property. In response, Mr. Stump stated that the records do not show an application for a bar, but there has been an application for a sexually-oriented business, which was withdrawn.

Interested Parties Comments:

Darla Hall, 5043 South 33rd West Avenue, Tulsa, Oklahoma 74107, representing the Southwest Tulsa Chamber of Commerce, stated that this application was discussed at the last meeting and the main concern is that there is small portion of the bowling alley that could be a sexually-oriented business. She expressed concerns with a bar being located in the subject area.

Ms. Hall stated that she would like to see a PUD submitted on the subject property that excludes the Use Unit for the bars and the sexually-oriented businesses. Ms. Hall requested a continuance in order to allow the applicant to return with a PUD. She stated that she is strongly opposed to a bar or sexually-oriented businesses going into the shopping center because it would be inappropriate.

TMAPC Comments:

Mr. Harmon asked Ms. Hall if she thought the subject property would be easier to utilize with CS zoning. In response, Ms. Hall answered affirmatively. Ms. Hall stated that the subject property should be zoned CS, but under a PUD with restrictions to prevent bars and sexually-oriented businesses. Ms. Hall further stated that if a bar or sexually-oriented business was allowed in the shopping center, other tenants would move out.

Interested Parties Comments:

Tracy Patton, 4345 Southwest Boulevard, Tulsa, Oklahoma 74107, expressed concerns that the bowling alley may be allowed to have a sexually-oriented business and meet the setback requirement. She stated that as a business owner and resident in the subject area, she would like to make sure that the door is not being opened to allow sexually-oriented businesses.

Ms. Patton stated that she agrees that the subject property needs to be zoned commercially, but with restrictions regarding bars and sexually-oriented businesses.

Applicant's Rebuttal:

Mr. Schuller stated that there would be no change in the use of the shopping center. It will remain a retail shopping center and that is what his clients intend to use it for. He explained that his client is trying to avoid the additional expense of having to go before the Board of Adjustment every time a Use Unit is changed within the retail shopping center. He indicated that the CS zoning is necessary to facilitate the subject property and maintaining spaces leased to tenants for retail shopping and other similar shopping center uses.

Mr. Schuller stated that he does not believe that a PUD is necessary for the subject property. He explained that everything is already in place and the building is constructed and has been used for many years. He commented that the requirement for a PUD would be overkill.

Mr. Schuller reiterated that there is no place within the subject property where a sexually-oriented business could be located and meet the 500' setback requirement.

TMAPC Comments:

Mr. Boyle asked Mr. Schuller why a PUD application wouldn't be appropriate in order to rule out the non-sexually-oriented business/adult entertainment classifications, such as bars. In response, Mr. Schuller stated that the requirements for processing a PUD make it complicated and expensive to get through the process. Mr. Schuller commented that it would not be economical for the property owner to do this. Mr. Boyle asked Mr. Schuller which would be more economical, a PUD or going before the Board of Adjustment every time the Use Unit changes. In response, Mr. Schuller stated that neither option is economical and that is why he has requested the CS zoning. Mr. Boyle asked Mr. Schuller if he wanted the neighborhood to take it on faith that there will be no bar in the shopping center or does his client want to leave open the possibility that a bar could be located in the shopping center. Mr. Schuller stated that he does not know if a bar would be located in the shopping center or not. Mr. Schuller further stated that he has not addressed the bar issue with his client. Mr. Schuller commented that he has seen bars that are acceptable in shopping centers and he has enough faith in his client that he would not allow an unsatisfactory bar in

the shopping center. Mr. Schuller stated that he is not worried about a bar, but he is worried about sexually-oriented businesses.

Mr. Horner stated that a PUD would satisfy the neighbors that a sexually-oriented business could not be located within the subject property. In response, Mr. Schuller stated that the map proves that there is no way a sexually-oriented business could be allowed because of the configuration of the buildings and where the 500' radius hits.

County Commissioner John Selph, 500 Civic Center, Tulsa, Oklahoma 74103, stated that the engineers of Tulsa County put together some maps based on aerial photographs. He indicated that he agreed with Mr. Schuller that there isn't any way possible to place a sexually-oriented business within the shopping center and meet the 500' setback requirement from residentially-zoned property. He stated that he feels confident that the subject area would be protected and there would be no sexually-oriented businesses allowed within the shopping center.

TMAPC Comments:

Ms. Pace stated that the neighbors are also concerned with bars being allowed within the shopping center. Commissioner Selph stated that he agrees with Ms. Hall that the neighbors would prefer that there not be any type of bar in the subject area.

Mr. Stump stated that at least two bars could be located within the shopping center and meet the spacing.

Mr. Jackson stated that most shopping centers in town that are zoned CS are done without a PUD or anything of that nature. Based on the fact that the Use Unit 12 A (Sexually-Oriented Businesses) cannot be utilized in the subject property, he would like to make a motion for approval.

TMAPC Action; 9 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Westervelt "absent") to recommend **APPROVAL** of CS zoning for Z-6787 as recommended by staff.

Legal Description for Z-6787:

All that part of Lots 5 and 6, Block 9, PARK ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, that lies Northwesterly of the Northwesterly Right-of-Way line of Red Fork Expressway, which tract is more particularly described as follows, to-wit: Beginning at the most Westerly corner of said Lot 6; thence S 42°33'00" E along the Southwesterly line of said Lot 6 for 69.99' to a point on said Northwesterly right-of-way line of Red Fork Expressway; thence N 49°25'03" E along said

Northwesterly right-of-way line for 100.06' to a point on the Northeasterly line of said Lot 5; thence N 42°33'00" W along said Northeasterly line of Lot 5 for 73.43' to the most Northerly corner of said Lot 5; thence S 47°27'00" W along the Northwesterly lines of said Lots 5 and 6 for 100' to the Point of Beginning,

-AND-

Part of Lots 7 and 8, Block 9, PARK ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, said tract being all of that part of Lots 7 and 8 that lies Northwesterly of the Northwesterly right-of-way of the Red Fork Expressway and said tract being described as follows, to-wit: Beginning at the most Westerly corner of said Lot 8; thence S 63°44'50" E along the Southwesterly line of said Lot 8 for 70.15' to a point on said Northwesterly right-of-way line of the Red Fork Expressway; thence N 49°25'03" E along said Northwesterly right-of-way line for 133.53' to a point on the Northeasterly line of said Lot 7; thence N 42°33'00" W along said Northeasterly line of Lot 7 for 69.99' to the most Northerly corner of said Lot 7; thence S 47°27'00" W along the Northwesterly lines of said Lots 7 and 8 for 158.80' to the Point of Beginning, and a tract of land that is part of Lots 1 thru 6, of Block 7, Lots 1 thru 4 of Block 9, and a part of Reserves A, B and D, of PARK ADDITION to Red Fork, now a part of the City of Tulsa, Tulsa County, State of Oklahoma, and also a part of vacated Pecan Avenue and Cedar Avenue, said tract of land being more particularly described as follows, to-wit: Beginning at a point on the Westerly line of said Lot 6 of Block 7, said point being 10.00' South of the Northwest corner of said Lot 6; thence N 47°27'00" E 10.00' Southerly of as measured perpendicular to and parallel with the Northerly line of Block 7 for 225.00'; thence S 42°33'00" E for 15.00'; thence N 47°27'00" E for 60.00'; thence N 42°33'00" W for 15.00'; thence N 47°27'00" E for 885.00'; thence S 42°33'00" E for 166.81'; thence S 03°23'30" E for 59.82'; thence S 43°32'33" E for 100.98' to a point on the Northerly right-of-way line of Red Fork Expressway; thence along said Northerly right-of-way line as follows: S 47°05'11" W for 0.00' to a point of curve; thence Southwesterly along a curve to the left with a central angle of 10°40'25" and a radius of 2,643.29' for 492.41'; thence S 42°33'49" W for 512.05'; thence S 49°25'03" W for 384.75'; thence N 42°33'00" W along the Westerly line of said Lot 4 of Block 9 for 73.41' to a point on the Northerly line of said Block 9; thence N 47°27'00" E along said Northerly line for 99.20'; thence N 26°35'21" E for 161.38' to a point on the Easterly right-of-way line of Pecan Avenue; thence N 42°33'00" W along said Easterly right of way line for 262.52' to the Point of Beginning; and, a tract of land in Block 8, PARK ADDITION to Red Fork, now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, said tract of land consisting of all of Lots 19, 20, 21 and parts of Lots 22, 23, and 24, of said Block 8, and said tract of land being particularly described as follows, to-wit: Beginning at the most Northerly corner of said Lot 24, of Block 8; thence S 47°27'00" W along the Northwesterly line of Lots 24, 23, 22, 21, 20 and 19 for 300.00' to the most Westerly corner of

said Lot 19; thence S 44°35'43" E along the Southwesterly line of Lot 19, 140.09' to the most Southerly corner of Lot 19; thence N 47°27'00" E along the Southeasterly line of Lots 19 through 22 for 185.00'; thence N 26°35'21" E for 106.28', thence N 36°34'49" W for 102.72' to the Point of Beginning at the said most Northerly corner of said Lot 24, of Block 8. **From IL (Industrial Light District) To CS (Commercial Shopping Center District).**

Ms. Pace out at 3:55 p.m.

APPLICATION NO.: PUD-179V-1

MINOR AMENDMENT

Applicant: Pete Hines

(PD-18) (CD-7)

Location: East of northeast corner of East 74th Street and South Memorial

Staff Recommendation:

The applicant is requesting a Minor Amendment to PUD-179-V to allow an encroachment of 1'9" into the 12-foot setback line along the north property line.

The existing building infringes into this setback. The 12-foot setback includes an 11-foot utility easement that has been partially vacated to accommodate the structure.

Staff can recommend **APPROVAL** of the proposed amendment for the existing office building. The encroachment should not affect the intent of the development or interfere with existing utilities.

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 **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget, Pace, Westervelt "absent") to **APPROVE** the minor amendment for PUD-179V-1 as recommended by staff.

APPLICATION NO.: PUD-629-1

MINOR AMENDMENT

Applicant: David Cameron

(PD-4) (CD-4)

Location: West of South Peoria, north of East 8th Street South

Staff Recommendation:

The applicant is requesting a reduction from five feet to zero feet along the north boundary for two lots at the west end of the north tier of lots.

The Planned Unit Development has previously submitted site plans showing a zero-foot setback on the north line of Development Area A, but the PUD text describes a five-foot setback in this area. The minor amendment requested would serve to clarify this inconsistency.

The lots in question abut Reserve Area 'B' in the subdivision. Staff can recommend **APPROVAL** of the minor amendment, as the intent of the provisions for the PUD will not be affected.

AND

APPLICATION NO.: PUD-629

DETAIL SITE PLAN

Applicant: Dan E. Tanner

(PD-4) (CD-4)

Location: West of South Peoria, north of East 8th Street South

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for two lots in The Village at Central Park. This is a residential and commercial mixed-use development.

Staff has examined the request and finds conformance to bulk and area, setback, parking, lighting, general screening and total landscaped area standards and specifications outlined in PUD 629.

A minor amendment request to clarify the building setback on these two lots at the west end of the north tier of lots for the development is before the Planning Commission.

Staff, therefore, having found conformance to the approved standards and specifications for PUD – 629 recommends **APPROVAL** of the Detail Site Plan for these two lots if the minor amendment to the setbacks is granted.

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; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget, Pace, Westervelt "absent") to **APPROVE** the minor amendment for PUD-629-1 as recommended by staff and to **APPROVE** the detail site plan for PUD-629 as recommended by staff.

* * * * *

Mr. Ledford, Sr. announced that he would be abstaining from PUD-597-1.

APPLICATION NO.: PUD-597-1

MINOR AMENDMENT

Applicant: Jerry Ledford, Jr. TEP

(PD-18) (CD-8)

Location: North of Mingo Valley Expressway, West of South Mingo Road

Staff Recommendation:

The applicant requests an increase for the two-story building setback from South Mingo Road from 310 feet to 330 feet. A decrease in the two-story setback from the north property line from 100 feet to 90 feet is also requested.

The Planned Unit Development required setbacks to two-story structures so that the office uses would be concentrated close to South Mingo Road and U.S. Highway 169. There is an office building to the north, and planned office uses abutting the subject site to the southwest along the expressway. A residential subdivision abuts the property to the northwest.

The Minor Amendment proposed details a conceptual site layout with landscaping and parking area located near the residential areas. The building will be placed close to the expressway. The proposal to infringe upon the setbacks is shown on the site concept plan to square off the building envelope because of the way it is situated on the parcel, and to add architectural features as shown in the submitted building elevations.

Staff can recommend **APPROVAL** of the minor amendment to setbacks for two-story structures per the concept site plan submitted for these two specific parts of the proposed building envelope.

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 **7-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson "aye"; no "nays"; Ledford "abstaining"; Midget, Pace, Westervelt "absent") to **APPROVE** the minor amendment for PUD-597-1 as recommended by staff.

APPLICATION NO.: PUD-306-G-1

MINOR AMENDMENT

Applicant: Terry Haynes, Spear and McCaleb

(PD-18/26) (CD-2)

Location: North of East 95th Street South, east of South Delaware Avenue,
9411 South Delaware Avenue

Staff Recommendation:

The applicant is requesting a minor PUD amendment to facilitate the placement of a sign for a drive-through pharmacy window for a new grocery store. The window and sign will be located approximately 90 feet from the east boundary of the Planned Unit Development. The PUD restricts wall signs in Development Area A by stating, "there shall be no wall signs allowed on building walls within 200 feet of the east boundary of the Development Area".

The proposed sign will be within the prohibited area for wall signs, but it will not directly face the neighborhood to the east. The proposed sign will be located over the drive-through window for the pharmacy, will be 15.25 square feet in size, and will face to the south. It is the only sign proposed for this side of the store.

Staff can recommend **APPROVAL** of the proposed minor amendment as it does not appear to interfere with the intent of the Planned Unit Development, nor with the intent of the restriction on wall signs to protect the neighborhood to the east.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Calvin E. Brusewitz, 9524 South College Park, Tulsa, Oklahoma 74131, representing College Park Board #2, stated that College Park #2 does not raise any objections to the drive-through sign. He further stated that he wanted to make sure that the amendment was for the subject sign only and does not allow any other signs to be installed in the subject area.

Mr. Stump stated that the amendment is for the one sign before the Planning Commission today only.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget, Pace, Westervelt "absent") to **APPROVE** the minor amendment for PUD-306-G-1 as recommended by staff.

OTHER BUSINESS:

APPLICATION NO.: PUD-306-G

DETAIL SITE PLAN

Applicant: Terry Haynes, Spear and McCaleb

(PD-18/26) (CD-2)

Location: North of East 95th Street South, east of South Delaware Avenue,
9411 South Delaware

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a Wal-Mart Neighborhood Market grocery store and pharmacy. The store proposed is 43,427 square feet in area and one story in height.

Staff has examined the request and finds conformance to bulk and area, building square footage, setback, parking, lighting, height, access, general screening and total landscaped area standards and specifications as outlined in PUD-306-G.

A minor amendment to allow a sign within 200 feet of the east boundary of the Planned Unit Development is being processed at the same time as the Detail Site Plan review.

Staff, therefore, having found conformance to the approved standards and specifications for PUD-306-G recommends **APPROVAL** of the Detail Site Plan with the condition that mutual access easements be dedicated for the Development Area.

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

Mr. Dunlap stated that a new site plan was submitted today because the original plan indicated a gas station that would be proposed at a later date and this was not part of the staff's recommendation for approval. There was some concern regarding the gas station proposal and the applicant submitted a new site plan that does not show the gas station.

Mr. Stump stated that a gas station is not a permitted use in the portion of the PUD that the applicant has indicated on the original site plan.

Applicant's Comments:

Terry Haynes, Spear and McCaleb Company, 815 West Main, Oklahoma City, Oklahoma, representing Wal-Mart Stores, stated that he is in compliance with every aspect of the PUD requirements. He explained that he thought that the gas station would be allowed in the PUD; however, it has been made very clear that it would not be allowed and is not a part of the PUD. He indicated that he was informed that it would require a Major Amendment in order to propose a gas station.

Mr. Haynes stated that his focus is on the Wal-Mart Neighborhood Market, which is a stand-alone grocery store with a pharmacy. The pharmacy will be a 24-hour pharmacy.

Mr. Haynes indicated that he has met the landscaped and setback requirements, including along the east property line and 95th Street. He has reviewed all of the drainage, water and sanitary sewer requirements for the City of Tulsa standards and also the driveway standards in relation to the residential and public streets.

Interested Parties Comments:

Calvin E. Brusewitz, 9524 S. College Park, Tulsa, Oklahoma 74137, stated that he opposes the possibility of a gas station in this PUD. He informed the Planning Commission that if the gas station were proposed at a later date, the neighborhood would strongly oppose it.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget, Pace, Westervelt "absent") to **APPROVE** the detail site plan for PUD-629, subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 4:05 p.m.

Date approved: 10-18-00


Chairman

ATTEST: 
Secretary