

# TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2267

Wednesday, March 7, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Boyle	Dunlap	Boulden, Legal
Hill	Harmon	Huntsinger	
Jackson	Horner	Stump	
Midget	Ledford		
Pace	Westervelt		
Selph			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 5, 2001 at 9:25 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

## **REPORTS:**

### **Chairman's Reports:**

Mr. Carnes informed everyone present that at 3:00 p.m. there would not be a quorum. He indicated that there are 32 people signed up to speak on Items 6 and 7. He commented that if everyone signed up intends to speak, there would not be enough time to hold the meeting. Mr. Carnes asked if there was a spokesman for the interested parties.

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, reminded the Planning Commission that this item was continued from two weeks ago after a two-hour public hearing. He commented that there are four members of the Planning Commission absent today who were in attendance during the first hearing for this item. He stated that it makes it very hard to continue a public hearing, which already had two hours' hearing originally, when there is a different group present to hear the continuation. He requested a continuance for one week because he is confident that this item cannot be heard and completed within one hour and half.

**Elizabeth Guse**, 321 South Boston, Tulsa, Oklahoma 74104, representing the Homeowners Association of Southernwoods, Woodfield and Stanford Elm, stated that there are many people present who have taken off work to be here today. She commented that it would be an injustice to not be able to hear this item today.

Mr. Carnes informed Ms. Guse that he could hear comments today, but would like to get the Planning Commission's opinion on this. Mr. Boulden informed Mr. Carnes that it appears that the meeting has started and for that purpose it would be good to have role taken in order to record that there is a quorum before proceeding.

After declaring a quorum present, Carnes called the meeting to order at 1:32 p.m.

**Director's Report:**

Mr. Stump stated that there is only a subdivision item on the City Council agenda Thursday, March 8, 2001.

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**Ken Smith**, 4554 South Harvard, Tulsa, Oklahoma 74135, stated that he represents Mr. and Mrs. Thompson. He commented that it would be valuable for people who were not present the first hearing to hear the comments that will go somewhat beyond the remarks at the first hearing.

Ms. Guse questioned why there wouldn't be a vote today if everyone is through speaking in time. In response, Mr. Carnes informed her that there is only one hour and half total time today to hear the subject item and four other items. Mr. Carnes reminded Ms. Guse that the first hearing took two hours and more people have signed up today than the first hearing.

**After lengthy discussion it was determined to hear Z-6807/PUD-645 and take action if time permits. Mr. Midget suggested that the Planning Commission change the agenda order to allow all other items to be heard before losing a quorum.**

**SUBDIVISIONS**

**FINAL PLAT:**

**Quik Trip Corporate Campus (PUD 630) (3393)**  
4600 Block of South 129<sup>th</sup> East Avenue, east side

(PD 18) (CD 7)

**Staff Recommendation:**

This plat consists of one lot in one block on 76.56 acres. The property will be used for Quick Trip Corporate Facilities. The Preliminary Plat was approved on September 27, 2000.

Releases have been received and the plat is substantially in order. Staff recommends approval of the final plat with the following condition: 1. Resolution of the discussion regarding maintenance in Reserve Area "B" (a "natural area") to the satisfaction of the Legal Department.

Should the Commission choose to approve the plat, as conditioned, signatures will be withheld until this condition has been complied with.

Mr. Stump stated that all approvals have been received; however, the wording on the maintenance for a drainage area is still needed. He indicated that this would be done with the City Legal. Staff recommends **APPROVAL** for this final plat.

**TMAPC Action; 6 members present:**

On **MOTION** of **JACKSON**, TMAPC voted **6-0-0** (Carnes, Hill, Jackson, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Horner, Ledford, Westervelt "absent") to **APPROVE** the final plat for QuikTrip Corporate Campus subject to conditions as recommended by staff.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.:** PUD-570-A

**MAJOR AMENDMENT**

**Applicant:** Ted Sack

(PD-26) (CD-8)

**Location:** North of northwest corner of East 111<sup>th</sup> Street and South Memorial

**Staff Recommendation:**

Mr. Stump stated that staff requests a continuance to March 21, 2001 in order to readvertise.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Carnes, Hill, Jackson, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Horner, Ledford, Westervelt "absent") to **CONTINUE** the major amendment for PUD-570-A to March 21, 2001 at 1:30 p.m.

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**APPLICATION NO.: PUD-587-3**

**MINOR AMENDMENT**

**Applicant:** R. L. Reynolds

(PD-18) (CD-8)

**Location:** Southwest corner of East 81<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

Mr. Stump stated that staff requests a continuance to March 21, 2001 in order to readvertise.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Carnes, Hill, Jackson, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Horner, Ledford, Westervelt "absent") to **CONTINUE** the minor amendment to March 21, 2001 at 1:30 p.m.

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**APPLICATION NO.: PUD-450-A-2**

**MINOR AMENDMENT**

**Applicant:** Jeffrey G. Levinson

(PD-26) (CD-8)

**Location:** Southwest corner of East 111<sup>th</sup> Street and South Sheridan Road

**Staff Recommendation:**

The applicant is requesting a minor amendment of setbacks from side yards and for garages in the Woodfield Village Subdivision. The approved PUD requires 15-foot side yard setbacks along the private street for residences and 23-foot setbacks for garages along the private street. Setbacks for the four corner lots were to be approved during the platting process.

Staff has reviewed the request for a minor amendment and recognizes the area to be a very low volume traffic area because of the size and design of the subdivision. Recent action by the Planning Commission in similar subdivisions such as the Ridge Pointe Villas Addition have approved setbacks for garages from private streets at 18 to 20 feet. Staff has reviewed the setbacks proposed and can recommend **APPROVAL** of the following changes to the development standards:

**Minimum Required Yards:**

From Private Street Right-of-way

Residences	15 FT
Lot 1	10 FT from South Norwood Avenue.
Lot 4	5 FT from private street along eastern boundary
Lot 9	10 FT from private street along eastern line from north lot line to five feet south of Reserve A
Lot 14	15 FT along western lot line to southern boundary of Reserve A, and ten feet to south line
Lot 19	5 FT from private street along western lot line to five feet north of Reserve Area A
Lot 20	10 FT from South Norwood Avenue.
Garages	20 FT

All other development standards will remain as previously approved.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **PACE**, TMAPC voted **6-0-0** (Carnes, Hill, Jackson, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Horner, Ledford, Westervelt "absent") to **APPROVE** the minor amendment for PUD-450-A-2 subject to conditions as recommended by staff.

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**APPLICATION NO.: Z-6807**

**AG TO CS/OL**

**Applicant:** Charles Norman

(PD-26) (CD-8)

**Location:** Northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6753/PUD-450-A March 2000:** Staff and TMAPC recommended approval of a request for a major amendment and the rezoning of the 4.5-acre tract located on the southwest corner of East 111<sup>th</sup> Street and South Sheridan Road and directly south of the subject tract from CS/PUD-450 to RS-4/PUD-450-A. City Council concurred in approval of the request.

**Z-6702 September 1999:** All concurred in approval of a request to rezone a ten-acre tract located on the northwest corner of East 121<sup>st</sup> Street South and South Sheridan Road from AG to CS and RS-3. Staff and TMAPC recommended CS zoning on the 467' x 467' corner node with the surrounding 195' fronting both on East 121<sup>st</sup> Street South and South Sheridan Road as a wraparound of RS-3 zoning. City Council concurred with TMAPC and staff recommendation.

**Z-6700/PUD-611 June 1999:** All concurred in approval of a request to rezone a 20-acre tract located west of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road from AG to RS-2/PUD for a residential development.

**BOA-17569 November 1996:** A request to allow a 110' cellular tower on property located north of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road, and zoned AG, was denied.

**Z-6249/PUD-450 July 1989:** A request to rezone a 4.5-acre tract located on the southwest corner of East 111<sup>th</sup> Street South and South Sheridan Road and south of the subject tract, from AG to CS/PUD for commercial shopping center. The request was approved subject to the PUD standards and conditions.

**Z-6249 May 1989:** An application was filed to rezone a 44.6-acre tract located on the southwest corner of East 111<sup>th</sup> Street South and South Sheridan Road, from AG to RS-2 and CS. TMAPC recommended approval of RS-1 on the west 140' of the tract, RS-2 on the balance of the tract, less the proposed commercial node (675' x 290'). All concurred in approval of the residential zoning and recommended the applicant submit a PUD along with the rezoning application for CS on the 4.5-acre node of the property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.75 acres in size and is located in the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road. The property is sloping, wooded, vacant, and zoned AG.

**STREETS:**

<u>Existing Access</u>	<u>MSHP Design</u>	<u>Exist. Lanes</u>	<u>No.</u>	<u>Surface</u>	<u>Curbs</u>
East 111 <sup>th</sup> Street South	100'	2 lanes		Paved	No
South Sheridan Road	100'	2 lanes		Paved	No

The Major Street Plan designates East 111<sup>th</sup> Street South and South Sheridan Road as secondary arterial streets. The City of Tulsa Traffic counts indicate 6,000 trips per day on South Sheridan Road at East 111<sup>th</sup> Street South.

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

**SURROUNDING AREA:** The subject tract is abutted on the north and west by vacant property, zoned AG; and to the south by vacant property, zoned RS-4/PUD-450-A. Single-family homes are farther south beyond the vacant tract, zoned RS-2. To the east is a single-family dwelling, zoned AG, and to the southeast are single-family dwellings that are in the city limits of Bixby.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

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

According to the Zoning Matrix the requested CS zoning **may be found** in accordance with the Plan Map and the requested OL zoning **is** in accordance with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, the surrounding land uses, and existing zoning, staff recommends **APPROVAL** of the requested CS zoning and OL zoning provided the accompanying PUD-645 or some version of it is approved as well.

And;

**APPLICATION NO.: PUD-645**

**AG TO AG/CS/OL/PUD**

**Applicant:** Charles Norman

(PD-26) (CD-8)

**Location:** Northwest corner of East 111<sup>th</sup> Street South and South Sheridan

**Staff Recommendation:**

The PUD proposes office and commercial uses on a ten-acre tract located at the northwest corner of East 111<sup>th</sup> Street and South Sheridan Road. The tract has approximately 660' of frontage on Sheridan and 663' of 111<sup>th</sup> Street. There are two development areas proposed. Development Area A would have approximately 310' of frontage on Sheridan and would extend along the entire 111<sup>th</sup> Street frontage. Office and commercial uses are proposed for this 4.73-acre tract. Development Area B contains 5.32 acres and would be located north of Development Area A. Development Area B would have approximately 350' of frontage on Sheridan. Parking and office uses are proposed for this Development Area.

The subject tract is zoned AG. Concurrently a rezoning application (Z-6807) has been filed requesting 2.25 acres of CS and 2.5 acres of OL. The remainder (5.25 acres) would continue to be zoned AG. The subject tract is abutted on the north and west by AG zoned property and there is AG zoning to the east, across South Sheridan Road. To the south across East 111<sup>th</sup> Street is a tract that for a number of years was zoned CS/PUD, but recently has been rezoned RS-4/PUD-405-A and has been approved for a small-lot residential subdivision with lots facing away from and backing to East 111<sup>th</sup> Street. To the southeast of the tract (southeast corner of the intersection), within the city limits of Bixby, is a single-family subdivision zoned RS-1/PUD-14. These homes are oriented to the south and east away from the intersection.

If zoning for Z-6807 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-645 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-645 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

Land Area		
Gross	4.73 Acres	206,030 SF*
Net	3.61 Acres	157,403 SF*

### Permitted Uses:

Those uses included within Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments other than Drive-Ins; Use Unit 13, Convenience Goods and Services; and Use Unit 14, Shopping Goods and Services.

**Maximum Building Floor Area:** 48,000 SF

**Maximum Building Height:** 25 FT

Architectural elements and business logos may exceed maximum building height with Detailed Site Plan approval.

### Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code. Part of the required parking may be provided in Area B with approved mutual access and parking covenants.

### Minimum Building Setbacks:

From the centerline of East 111 <sup>th</sup> Street	100 FT
From the centerline of South Sheridan Road	100 FT
From the west boundary of the development area	50 FT
From the north internal boundary of the development area	0 FT

### Access:

There shall be a maximum of three access points onto East 111<sup>th</sup> Street South and one access point onto South Sheridan Road. All access shall be approved by Traffic Engineering.

\*The internal boundaries of Development Area A may be adjusted by a minor amendment to the Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

**Landscaped Area:**

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code and shall include at least five feet of street frontage landscaped area, and at least 25 feet of landscaped area along the west boundary.

**Signs:**

1. Ground signs shall be limited to one for each lot with a maximum of 120 square feet of display surface area and 12 feet in height.
2. Wall signs shall be permitted not to exceed 1.0 square feet of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed seventy-five percent of the frontage of the tenant space.

**Lighting:**

All parking lot lighting and building-mounted lights shall be directed downward and away from adjacent residential areas and the exterior boundaries of the development area. Light standards shall not exceed 16 feet in height.

**Trash, Mechanical and Equipment Areas:**

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.

**DEVELOPMENT AREA B**

Land Area

Gross	5.32 Acres	231,834 SF*
Net	4.91 Acres	213,693 SF*

**Permitted Uses:**

Those uses included within Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services.

**Maximum Building Floor Area:** 32,000 SF

**Maximum Building Height:** two stories, not exceeding 35 FT.

\*The internal boundaries of Development Area B may be adjusted by a minor amendment to the Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

**Minimum Building Setbacks:**

From the centerline of South Sheridan Road	100 FT
From the north boundary of the development area	75 FT
From the west boundary of the development area	50 FT
From the south internal boundary of the development area	0 FT

**Access:**

There shall be a maximum of one access point onto South Sheridan Road. All access shall be approved by Traffic Engineering.

**Off-Street Parking:**

As required by the applicable Use Unit of the Tulsa Zoning Code.

**Landscaped Area:**

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Zoning Code and shall include at least five feet of street frontage landscaped area. The north 75 feet shall remain in its natural and existing condition, except for small-diameter trees and underbrush may be removed for maintenance purposes and utilities in required utility easements.

**Signage:**

1. One business sign shall be permitted along the South Sheridan Road frontage, which shall not exceed 32 square feet in display surface area and ten feet in height. Such business sign shall be located at least 150 feet from the north boundary of Area B.
2. One wall sign shall be permitted for each building, which shall not exceed 18 square feet in display surface area, provided the wall sign shall not be permitted on the north- or west-facing walls.

**Lighting:**

All parking lot lighting and building mounted lights shall be directed downward and away from adjacent residential areas and the exterior boundaries of the development area. Light standards shall not exceed ten feet in height.

**Trash, Mechanical and Equipment Areas:**

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.

3. Landscaping and screening shall be in substantial compliance with the applicant's text and shall include a six-foot high or higher screening wall or fence along the north and west boundaries of the PUD.
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
6. 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.
7. The Department Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
8. 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
10. 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.

11. 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:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, asked Mr. Carnes if there would be a TMAPC meeting next Wednesday. In response, Mr. Carnes stated that there would not be a meeting next Wednesday. Mr. Norman stated that he would be out of the country the following next two Wednesdays, so he would request that if this application is continued, it would be the first Wednesday in April, which would April 4, 2001.

Mr. Norman informed the Planning Commission that he did meet with the neighbors of the subject project a week ago and nothing came from the meeting. He indicated that he has not heard from any of the attorneys since the meeting. He commented that he did discuss the project with some of the people and considered some of the comments that were made. He stated that he intends to amend the permitted uses under the proposed PUD from what has been recommended by staff to delete convenience stores. He explained that he is proposing that automobile and truck fuel sales be prohibited in the PUD, which eliminates convenience stores and service stations, but would leave room for a small convenience grocery store. He further explained that he intends to delete any kind of automobile lubrication and oil change facility, and automobile car washes. These uses were brought up during the meeting as being a particular concern to the neighborhood. He stated that he would submit a formal amendment when this matter is heard in the future.

**TMAPC Comments:**

Mr. Carnes stated that the applicant is requesting a continuance to April 4, 2001. He requested Ms. Guse to address the Planning Commission regarding the continuance.

**Ms. Guse** stated that she would be opposed to a continuance at this time. She commented that there is still an hour of time left and she can assure the Planning Commission that most of the comments of the neighbors will likely be summarized in her comments. There may be individuals yielding their time to her and it would be an incredible injustice to have all of these people present today and then continue it before giving them an opportunity for discussion.

Mr. Carnes stated that there are four members absent who heard the first hearing. In response, Ms. Guse stated that she has no idea why the four members are absent, but it is her understanding that the PC still has a quorum and can vote on this matter today. Ms. Guse further stated that it would be an incredible injustice to continue this case to April 4<sup>th</sup>, considering the time that has

been spent on this matter and the time the people have taken off work to be present. Ms. Guse commented that continuing this item to April 4<sup>th</sup> would not be in the best interest of what these meetings are set forth for and it would not be a due process or equal protection issue.

Mr. Midget asked Ms. Guse if she was present at the first meeting. In response, Ms. Guse stated that she was not present. Mr. Midget informed her that the issue could have been decided at the first meeting, but out of justice and fairness, the Planning Commission continued this matter two weeks in order to allow the neighbors and developer to set down and work out the issues. Mr. Midget stated that there has been a reference to an injustice being done but it is not the Planning Commission's intent. Mr. Midget further stated that the Planning Commission looks at both sides to see what is fair to the residents and the property owners. In response, Ms. Guse stated that the continuance was very appreciated by the neighborhood.

Ms. Pace stated that the Planning Commission should hear this application today and if there are problems at the end of the presentation, then someone can move for a continuance. Ms. Pace commented that time is being wasted by arguing whether it should be continued to April 4<sup>th</sup>. She stated that there are six capable members present and this is the first time she has heard of this type of excuse not to vote on an application simply because the right members are not present.

Mr. Norman stated that he doesn't think Ms. Pace intended to say that he was in any way responsible for the members of the Planning Commission not being present. He explained that he finds himself in a very awkward position of having conducted a public hearing for two hours and now there are attorneys who were not present before, and he suspects there will be a rehearing of this application from the beginning. He stated that today there is at least one Commissioner here who was not present during the first hearing and it behooves him to make a full presentation rather than a continuation of issues that were discussed two weeks ago. For these reasons it is unfair to either side to hear this case today and the time constraints make it even more difficult to present this case, especially since there is a new attorney present who did not hear the first arguments and will have new comments. For all of these reasons, and particularly the fact that one or more members will be leaving at 3:00 p.m., he objects to being required to continue under these conditions.

Ms. Guse stated that she feels that the six members are incredibly well qualified to hear this item today and may be better qualified than the other four members who are absent. There is no guarantee of who will be present at the next meeting or the requested continuance date. These people have come today and deserve the opportunity to speak.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, requested the Chair to inquire of the audience of who were not in attendance to the first hearing. After a show of hands, Mr. Norman requested staff to represent the staff recommendation. Mr. Dunlap read the proposal and staff recommendation.

Ms. Guse interrupted Mr. Dunlap's presentation and requested that it be waived in the interest of time. In response, Mr. Carnes stated that the staff presentation would be heard according to procedures. Mr. Dunlap completed the staff presentation and recommendation.

Mr. Carnes asked if Mr. Dunlap took into account that Mr. Norman intends to remove the automotive activities. In response, Mr. Dunlap answered affirmatively.

Mr. Selph asked if the changes or modifications that Mr. Norman mentioned would have to be re-advertised. In response, Mr. Dunlap stated that the modifications are more restrictive and it would not have to be re-advertised.

Mr. Norman stated that out of necessity, he feels that he should review his presentation of two weeks ago, which began with a discussion of the history of the development guidelines that have been in affect since 1970. Mr. Norman cited his previous presentation from February 21, 2001.

**TMAPC Comments:**

Mr. Boulden reminded Mr. Carnes that the applicant is allowed thirty minutes for a PUD presentation rather than the twenty minutes earlier stated. The Planning Commission's rule does allow Mr. Norman a total of thirty minutes for his presentation.

Mr. Norman stated that he would like to present the amendment to the uses that he referred to earlier. He explained that he requested to meet with two or three representatives of each neighborhood, but the neighborhoods requested him to attend a meeting of 75 to 100 people. He stated that he spoke with three attorneys who live in the area and the meeting was congenial; however, they were not in agreement and he has not had any reaction from the meeting, nor communications. He commented that he took this to mean that people by and large are still opposed to any change occurring or at least the proposed change.

Mr. Norman stated that what he did hear, in the course of the meeting with the neighborhood, was an objection to convenience stores that sell fuel and opened for extended hours. He further stated that he heard objections to car washes and lubrication activities. He explained that he was contacted by Jeff Levinson, who is representing the single-family development immediately across the street, where his clients are going to build 21 or 22 single-family homes and ten or

eleven will back up to 111<sup>th</sup> Street. Mr. Norman indicated that Mr. Levinson related that his clients' concerns were the same as the neighborhoods. He stated that Mr. Levinson requested, and the applicant has agreed that the developers immediately south would not object to the approval of this application according to the recommendations of the staff if the following language is added to the permitted uses: The following uses shall not be permitted; 1) auto and truck fuel sales; but still permit small grocery stores; 2) prohibit automobile washes, and 3) prohibit free standing lubrication and oil change facilities. He explained that the nearest house to the north would be at least 450' or 500' away and it is his opinion that the house at the corner will actually see this proposal. Mr. Norman submitted a letter to Mr. Jeffrey Levinson (Exhibit A-1)

Mr. Norman concluded that he has tried to be responsive to what he has heard and what has been said. He is presenting the application as amended today.

**TMAPC Comments:**

Mr. Midget asked Mr. Norman what the depth for Development Area B would be. In response, Mr. Norman stated that the north 75 feet of the proposal has to remain in the natural state with no clearing, which makes the nearest home approximately 125' to the north of the north boundary. Mr. Norman stated that from the commercial area, the nearest home will be 450' away and that is an extremely large separation. Mr. Norman concluded that the north portion cannot be utilized until sanitary sewer services is constructed upstream and he is not sure when that will occur.

Ms. Pace stated that the development guidelines are permissive and not mandatory; in other words they do not demand that there be commercial development at the intersections of arterials. Ms. Pace further stated that the same guidelines prohibit intensive development that has occurred along Memorial. In response, Mr. Norman stated that he doesn't read the guidelines the same. Mr. Norman further stated that the development guidelines stated that 30 years ago it was decided that the corners of the section-line roads would be the places where commercial would be located, and this policy has been followed without exception all the way to the Broken Arrow city limits and all the way to the Bixby city limits. Mr. Harmon commented that he does not know of a corner where this has not occurred. Ms. Pace asked Mr. Norman how he would explain the rest of the commercial development that has occurred that are not at the nodes. In response, Mr. Norman stated that in the City of Tulsa the commercial zoning use occurred prior to the development guidelines. Ms. Pace commented that it seems that very intense uses are still being developed and are not fully in agreement with the development guidelines. Ms. Pace stated that many times the Planning Commission are reminded that these are guidelines and generally appropriate, but not a must-do. In response, Mr. Norman stated that during the neighborhood meeting, he was asked the same questions and he is prepared to prove in court, if necessary, that this application is in accord with the development guidelines, the Comprehensive Plan, the District 26 Plan and with



what has been done in other intersection corners. Mr. Norman explained that this is the way he tries to bring these types of applications to the Planning Commission, in accord with these documents. Ms. Pace asked staff if the development guidelines are a guide or a must-do. In response, Mr. Stump stated that with this application there are site-specific plans that have superceded the development guidelines, but when it specifically calls for at this particular intersection is an either/or situation, it is appropriate. Mr. Stump explained that one option is to develop at a low intensity, which would not allow commercial zoning and the other option is medium intensity, which would allow commercial zoning. Mr. Stump commented that District 26 is a unique area and is the only district that has left open the option of retaining the node of low intensity or possibly having it medium intensity, depending on surrounding land use and development patterns. Mr. Stump stated that the District 26 Plan has addressed the issue and really hasn't made a decision as to whether it should be low intensity or medium intensity at this particular node. Mr. Norman stated that other nodes are identified in the same way in the District 26 Plan. Mr. Norman further stated that all of the subject area has been considered where PUDs are encouraged and required at all of the corner nodes.

Mr. Jackson asked Mr. Norman if the tract of land (PUD-450-A) was recently downzoned from CS to RS-4. In response, Mr. Norman stated that the downzoning was done about one year ago at the request of the property owner. Mr. Norman indicated that there are 21 or 23 lots that backup to 111<sup>th</sup>, which is the developer that he has reached an agreement with (Exhibit A-1). Mr. Norman explained that PUD-450-A was originally zoned CS and all the single-family homes around the PUD developed while it was zoned CS.

**Interested Parties Comments:**

**Elizabeth Guse**, 321 South Boston, Suite 500, Tulsa, Oklahoma 74104, stated that she is representing the interest of Homeowners Association of Stanford Elm, Woodfield and Southern Woods. She commented that she is put in the most unusual predicament and situation. She explained that she was not aware that Mr. Norman would be given 30 minutes instead of 20 minutes to present his case and the additional time staff was given to present the application. She stated that she is very concerned that she will not have an opportunity to have a really meaningful dialogue after she makes her presentation to the Planning Commission. She further stated that there were many comments and issues raised that she is fully prepared to respond to and is confident she could prove that this application should be denied on the basis of the Codes and Plans. She commented that she doesn't feel that she would be adequately representing her clients if she were to proceed at this point. She explained that she would want to make sure that she gives her clients the proper zealous representation in this matter and adequately protect their property rights.

Mr. Carnes asked Ms. Guse if she is asking for a continuance. In response, Ms. Guse answered affirmatively.

Mr. Norman stated that his first reaction is to suggest that Ms. Guse be required to make her presentation so that he could be preparing in the next few weeks to respond to her. He commented that he believes that he can respond without hearing her presentation and have no objections to the continuation, but would request that the Planning Commission recognize his vacation plans and continue to the first or second meeting in April.

Mr. Boulden suggested that the remaining time be given to individuals who want to speak and cannot return in April. In response, Mr. Carnes agreed, but thought the motion for a continuance be done now so that everyone knows the date.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Carnes, Hill, Jackson, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Horner, Ledford, Westervelt "absent") to **CONTINUE** Z-6807 and PUD-645 to April 4, 2001 at 1:30 p.m.

Mr. Carnes informed the interested parties that the Planning Commission will continue to hear their concerns and will recess the public hearing at 3:00 p.m. today.

**Interested Parties Who Are Unable to Attend the April 4<sup>th</sup> Continuance:**

**John Benjamin**, 11119 South Hudson Avenue, Tulsa, Oklahoma 74137; **M.M. McDougal**, 5401 East 110 Place, Tulsa, Oklahoma 74137; **Donald Higgins**, 6628 East 113<sup>th</sup> Street, Bixby, Oklahoma 74008; **Douglas Waldman**, 6611 East 112<sup>th</sup>, Bixby, Oklahoma 74008;

**Interested Parties Comments:**

The Master Plan should be adhered to as much as possible; cited other intersections throughout the city that has not developed in the proposed manner; compromise with OL zoning or remain single-family; the Planning Commission has the discretion to change or not change the zoning that has been in place for a long period of time; the applicant should have to show a need for this rezoning; there is no need for commercial development in the subject area; there would be no benefit to anyone in the subject area to have commercial zoning; the subject property is for sale and the owner has no intention of developing it; no guarantees that the new owner would develop the subject property according to the proposal; cited proposed commercial activity within one mile of the subject property; subject area will not support commercial uses on the subject property; no one is fighting any type of change, but rather fighting the change to commercial; there is a significant difference between 111<sup>th</sup> Street and 121<sup>st</sup> Street.

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**TMAPC Comments:**

Commissioner Selph asked Mr. Benjamin if he would favor some type of rezoning that is all OL. In response, Mr. Benjamin answered affirmatively. Mr. Benjamin stated that he doesn't feel that one has to adhere to the consistency of the other intersections Mr. Norman pointed out. Mr. Benjamin requested the Planning Commission to deny this request and the amendments to the request.

Mr. Midget stated that a building permit couldn't be obtained unless the PUD is adhered to. If the Planning Commission sets out conditions, the developer would have to follow the conditions. Mr. Midget asked Mr. McDougal if he feels that there is no need to change zoning for property unless it benefits the citizens or the city. In response, Mr. McDougal stated that there should be some benefit or reason for the rezoning. Mr. McDougal further stated that a property owner should not be able to rezone his property just because he chooses to. Mr. Midget asked Mr. McDougal if he is stating that a property owner couldn't rezone his property unless he could benefit everyone in the city and the property owner's benefit wouldn't count. In response, Mr. McDougal stated that the need or benefit should be provided to somebody other than the landowner.

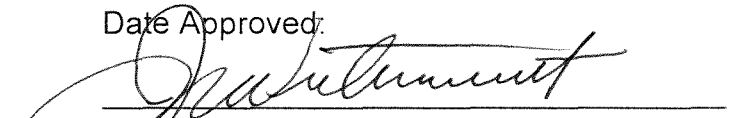
Commissioner Selph asked Mr. Higgins if he supported no development or support office light. In response, Mr. Higgins stated that he does not want commercial zoning, but he would not object to office light.

Ms. Hill asked Mr. Waldman if PUD-450 had remained zoned CS would he still be against the proposal. In response, Mr. Waldman stated that he would still oppose CS zoning on the subject property if the other property were still zoned CS.

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There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date Approved:



Chairman

ATTEST:



Secretary