

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2277

Wednesday, June 20, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 18, 2001 at 9:00 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of May 23, 2001, Meeting No. 2275

On **MOTION** of **HORNER**, the TMAPC voted 7-0-1 (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; Westervelt "abstaining"; Midget, Pace, Selph "absent") to **APPROVE** the minutes of the meeting of May 23, 2001, Meeting No. 2275.

Minutes:

Approval of the minutes of June 6, 2001 Meeting No. 2276

On **MOTION** of **HILL**, the TMAPC voted 5-0-3 (Boyle, Carnes, Harmon, Hill, Horner "aye"; no "nays"; Jackson, Ledford, Westervelt "abstaining"; Midget, Pace, Selph "absent") to **APPROVE** the minutes of the meeting of June 6, 2001 Meeting No. 2276.

REPORTS:

Chairman's Reports:

Mr. Westervelt requested Mr. Stump to give an update on the status of the changes to the Zoning Code based on the Infill Development Task Force. In response, Mr. Stump stated that the City Council considered the amendments in the committee on Tuesday, June 19, 2001 and it is on the agenda for first reading, Thursday, June 21, 2001. There were no citizens in opposition at the committee meeting and he assumes that these amendments would move forward.

Mr. Westervelt requested the status on the sign ordinance. In response, Mr. Stump stated that the housekeeping amendments to the Sign Code, which was developed by the Sign Advisory Board and public hearing at the TMAPC, have not moved forward and there is no planned action on these amendments. Mr. Stump stated that the more comprehensive amendments that have been proposed have also been stalled at the City Council. Mr. Stump indicated that he met with the Sign Advisory Board a month ago and gave a status report regarding these issues. Mr. Stump stated that the Sign Advisory Board is trying to get these items reactivated.

Mr. Westervelt asked Mr. Stump for a status on the funding for the website enhancements. In response, Mr. Stump stated that the budget has not been approved at this time. However, in the Mayor's proposal \$23,000 is proposed for additional consultant work to help staff supply more information on each zoning and Board of Adjustment case onto the website. Mr. Stump indicated that once this is done, then it could eliminate mailing to neighborhood associations that are able to access the information from INCOG's website.

Mr. Midget in at 1:35 p.m.

ITEMS TO BE CONTINUED:

Osage Center – (3402, 3502) (PD-11) (CD-1)
Country Club Drive/Osage Drive from Latimer to Haskell Streets

Osage Duplexes – (3402, 3502) (PD-11) (CD-1)
North Osage Drive between Fairview and Jasper Streets

Applicant has timely requested a continuance to June 27, 2001.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; Ledford "abstaining"; Pace, Selph "absent") to **CONTINUE** the preliminary plats for Osage Center and Osage Duplexes to June 27, 2001 at 1:30 p.m.

APPLICATION NO.: CZ-284/PUD-653

AG TO RS

Applicant: Joe E. Donelson

(PD-20) (County)

Location: Northwest corner of East 141st Street South and South Sheridan Road

Applicant has requested a continuance to June 27, 2001.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to **CONTINUE** CZ-284/PUD-653 to June 27, 2001 at 1:30 p.m.

COMMITTEE REPORTS:

Comprehensive Plan Committee

Mr. Ledford, Chair, stated that the committee has an item on the agenda today, Item No. 32.

DIRECTOR'S REPORT:

Mr. Stump stated that there are several items on the City Council agenda for Thursday, June 21, 2001.

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19228 - Gerda Maria Kennedy

(PD-26) (County)

Location: 525 East New Orleans

Staff Recommendation:

Mrs. Kennedy purchased a ten-acre tract (Tract 1) and later purchased a three-acre parcel (Tract 2). In 1997, Mrs. Kennedy sold the south 6.57 acres of Tract 1 with Tract 2 without obtaining a lot-split. She now is selling the north 3.43 acres of Tract 1, which was recently annexed into Broken Arrow's City Limits, and is required to obtain lot-split approval in order to give clear title.

Therefore, the applicant has applied to split the original ten-acre tract into two parcels, with the southern 6.57 acres being tied to Tract 2 for street frontage, thus creating a tract with five side-lot lines. The applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side-lot lines.

The City of Broken Arrow has requested 60' right-of-way along New Orleans, and the Major Street and Highway Plan calls for 50' right-of-way along Lynn Lane. The owner of Tract 2 has requested a waiver of the required right-of-way. Staff considers Tract 2 to qualify for reduced dedication of right-of-way, considering Section 6.5.3.(c)(3) of the Subdivision Regulations. Where land to be split contains, within its boundaries, areas designated for street right-of-way on the Tulsa City-County Major Street and Highway Plan, the split shall not be approved where street rights-of-way fail to conform to said plan except, upon a finding that: development made possible by the split itself will not measurably increase the burden of traffic on an adjacent street to such an extent that it would adversely affect the health, safety, and welfare of the public.

Staff recognizes that Tract 2 has already been deeded to another party and believes this lot-split would not have an adverse effect on the surrounding properties. Staff would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations of the three side-lot lines, the waiver of the required right-of-way on Lynn Lane, and the lot-split, with the condition that the 60' right-of-way on New Orleans be dedicated to the City of Broken Arrow.

Applicant's Comments:

William M. Martin, 3918 South Evanston, Tulsa, Oklahoma 74105, submitted the Power of Attorney (Exhibit A-1) and requested an approval of L-19228.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for L-19228, subject to conditions as recommended by staff.

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FINAL PLAT:

Windham Hill - (2894)

(PD-17) (CD-6)

Location: Northwest corner of 51st and 145th East Avenue

Staff Recommendation:

The property is zoned CS – Commercial Shopping. Staff found no zoning files on this property so it is assumed that the subject property has been zoned CS since the adoption of the current zoning ordinance in July 1970. Staff has no information as to the requirement to plat so it is assumed that this plat is submitted voluntarily.

This plat consists of one lot in one block on .9276 acres. It will be developed for commercial uses under CS zoning. It is surrounded by vacant land or sparsely developed land on all sides. Broken Arrow is east, southeast and south.

All releases are in and the plat is in order. Staff recommends **APPROVAL** of the final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to **APPROVE** the final plat for Windham Hill as recommended by staff.

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Mr. Midget out at 1:45 p.m.

Spicewood - PUD 359-A (1283)

(PD-18) (CD-8)

Location: East 77th Street South, east side of South Memorial Drive

Staff Recommendation:

This plat consists of 37 lots in one block and two reserves on 8.73 acres. It will be developed for single-family attached dwellings similar to townhouses. This is a replat of Lot 2, Mayfair Courts.

All releases are in and the plat is in order; therefore, staff recommends **APPROVAL** of the final plat, subject to the plat and the covenants being modified to clarify the location of the mutual access easement that is required in order to provide access to the nursing home abutting to the east.

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**, TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Pace, Selph "absent") to **APPROVE** the final plat for Spicewood, subject to conditions recommended by staff.

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Faith Assembly Church - (3224)

(PD-14) (County)

Location: 13502 North 119th East Avenue

Staff Recommendation:

This plat consists of one lot in one block on 5.0 acres. It is the site of an existing church with immediate plans for expansion. The Board of Adjustment recently approved a special exception to permit expansion of the existing church and accessory uses. This approval triggered the platting requirement.

All releases are in and the plat is in order; therefore, staff recommends **APPROVAL** of the final plat.

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**, TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Pace, Selph "absent") to **APPROVE** the final plat for Faith Assembly Church as recommended by staff.

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PRELIMINARY PLAT:

Southern Ridge (PUD 631)(2183)

(PD-18B) (CD-8)

Location: East 91st Street, approximately 1/2 mile east of Harvard Avenue

Staff Recommendation:

The following information was presented to TAC at the meeting of 06/07/01.

GENERAL

The site is located just east of the halfway point between Harvard and Yale on the south side of 91st Street. It is abutted on the east by the All Saints Anglican Plat with a single-family home on the site, on the south by vacant land zoned AG and west by unplatted property zoned AG with a cemetery on it. The site includes significant tree coverage and slopes from east to west.

The PUD was approved by the City Council on June 1, 2000, and allows the uses of the OL district.

STREETS

The site will be accessed off of 91st Street and will not create any new streets.

SEWER

Atlas sheet 1137 indicates ten feet present to the west.

WATER

Sheet 1147 indicates 12" present along the north side of 91st Street.

STORM DRAIN

The plat indicates City of Tulsa regulatory floodplain in the southwest corner.

Detention facilities are not addressed by the plat.

UTILITIES

A 17.5' utility easement is indicated at the perimeter.

Staff presented the following comments from the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** None.

2. **Streets/access:**

Limits of No Access language should be included in the covenants.

Moving the 91st Street access to the west as requested is acceptable.

3. **Sewer:**

An extension will be required in a 15' easement.

4. **Water:**

No comment.

5. **Storm Drainage:**

Easement will be required for the floodplain with 15' to each side.

6. **Utilities:**

Covenants should address installation in landscape areas.

7. **Other:**

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Sewer line extension per Public Works.
2. Easement over the Regulatory Flood Plain per Public Works.
3. Limits of No Access language in covenants.
4. Language in covenants dealing with utility installation in landscaped areas.

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 Engineer 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 County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the 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 therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat (including documents required under 3.6.5 Subdivision Regulations).
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

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**, TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Pace, Selph "absent") to **APPROVE** the preliminary plat for Southern Ridge subject to special conditions and standard conditions as recommended by staff.

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VILLAGE PARK OF TULSA II (PUD 587)(1683) (PD-18) (CD-8)

Location: Southwest corner of 81st Street South and South Yale Avenue

Staff Recommendation:

GENERAL

The area to be platted is Development Area A of PUD 587, located at the southwest corner of the PUD. It is abutted by Yale Avenue on the east, Development Area B on the south, a detention facility on the west and 81st Street on the north.

Development Area A allows a variety of uses including offices and studios, entertainment and eating establishments and convenience and shopping goods and services.

STREETS

The plat indicates two access points off of 81st Street and two off of Yale. A mutual access easement runs parallel to the Yale and 81st Street frontage with another running along the eastern and southern boundaries.

No new streets are indicated by the plat.

SEWER

Atlas sheet 883 indicates sanitary sewer in the western portion of the site.

WATER

Sheet 883 indicates water along 81st Street.

STORM DRAIN

The plat does not address drainage or detention.

UTILITIES

The plat indicates a 17.5' utility easement along the eastern boundary. It also indicates joint use easements along the north, west and south boundaries.

Staff presents the following comments from the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** No comment.
2. **Streets/access:**
 - a. The northern access on Yale will be right-turn only.
 - b. The southern access on Yale should be lined up with the driveway to the east.
 - c. The access off of 81st Street should be 40' not 45'.
 - d. Curve data should be shown for mutual access easement in the southwest portion of site.
3. **Sewer:**

No comment.
4. **Water:**

No comment.
5. **Storm Drainage:**

No comment.
6. **Utilities:**
 - a. Language related to installation in landscaped areas should be included in covenants.
 - b. A 17.5' easement should be shown outside the mutual access easement throughout the site.
7. **Other:**

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The northern access onto Yale will be right-turn only.
2. The southern access onto Yale should be lined up with the access to the east.
3. The mutual access easement and its access onto Yale should be 40' wide.
4. Language related to installation of utilities in landscaped areas should be included in the covenants.
5. A 17.5' utility easement should be shown outside the mutual access easement throughout the plat.

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 Engineer 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 County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the 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 therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat (including documents required under 3.6.5 Subdivision Regulations).

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.

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 **BOYLE**, TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Pace, Selph "absent") to **APPROVE** the preliminary plat for Village Park of Tulsa II, subject to special conditions and standard conditions as recommended by staff.

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Mr. Midget in at 1:51 p.m.

Cooley Creek Center II – (494) (PD-17) (CD-6)

Location: South of Admiral Place, east of Interstate 44

Staff Recommendation:

GENERAL

The site is located north of Cooley Creek, south of Admiral Place. It is bounded on the south by the Cooley Creek I addition which is currently being processed as a final plat. The project site is south of the I-44/I-244 interchange and is east of I-44 and 129th East Avenue and west of the Albertson's distribution center. Part of the site (south and west) is in the 100-year floodway.

The project area is zoned CG with IL across Admiral to the north. The CG district is present to the east and southeast.

STREETS

The site will be accessed via an internal collector street, which runs parallel to I-44 and connects to 129th East Avenue in the south. The plat provides for access north onto Admiral Place and shows a stub to the vacant area to the south. The collector is shown as 60' in width and will require waiver of the 80' requirement of the Subdivision Regulations. Access to Admiral will require coordination with ODOT.

SEWER

Sheet 297 shows sewer on the south and west side of Cooley Creek.

WATER

Sheet 297 shows 12" water along the south side of Admiral Place.

STORM DRAIN

An overland drainage easement is shown in the southwest corner of the site. It appears that the intent is to drain the entire site to the southwest and into Cooley Creek. Information is not provided regarding a method of detention or the method of handling water from the four lots in the northeast encircled by roadway.

UTILITIES

A 17.5' easement is shown along the perimeter.

Staff presents the following comments from the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** None
2. **Streets/access:**
 - a. Street names should be revised per Public Works.
 - b. A 30' radius return should be shown on access to Admiral.
 - c. The government lot boundaries in the area to the north should be shown – dimensions should be from those boundaries.
 - d. The sliver piece on the west side of the collector should have a lot and block.
 - e. Waiver of the subdivision regulations to allow a 60' collector will be supported.
 - f. The access to the north onto Admiral should be a minimum of 150' west of the existing signalized intersection.
3. **Sewer:**
 - a. An extension will be needed.
4. **Water:**
 - a. A water line should be extended – ten feet is recommended at this time.

5. Storm Drainage:

- a. An easement will be required over the floodplain.
- b. Army Corps (404) clearance is required.
- c. Environmental analysis will be required in the creek crossing area.
- d. ODOT approval will be required in the area along the I-44 right-of-way.
- e. An overland drainage easement will be required.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. Reduction of the minimum width for a commercial collector from 80' to 60'.

Special Conditions:

1. Street names should be revised per public works.
2. A 30' radius return should be shown at Admiral.
3. The government lot boundaries to the north should be shown and used as the basis for dimensioning.
4. The parcel to the west of the collector should carry lot and block numbers.
5. The access onto Admiral should be a minimum of 150' west of the existing signalized intersection.
6. Sewer and water extensions to the satisfaction of Public Works will be required.
7. Easement will be required over the floodplain.
8. U.S. Army Corps of Engineers (404) clearance will be required.
9. Environmental analysis will be required in the creek crossing area.
10. ODOT approval will be required in the area along the I-44 right-of-way.

11. An overland drainage easement will be required.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. 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 Engineer 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 County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the 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 therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat (including documents required under 3.6.5 Subdivision Regulations).
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to **APPROVE** the preliminary plat for Cooley Creek Center II, subject to waiver of Subdivision Regulations, special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

Z 6818 (PUD 592-B) (2193)

(PD 6 (CD 4))

Northeast corner of 41st Street and Harvard Avenue

Staff Recommendation:

GENERAL

The project area is located at the northeast corner of 41st Street and South Harvard Ave. The site is previously developed (although unplatted) and contains Impact Productions (a video production group) along Harvard to the north, and church-related buildings along 41st Street to the south and southeast. The church buildings were previously occupied by the New Life Christian Center and include a day care facility, parsonage and other residence as well as the church facility itself.

PURPOSE

The purpose of the request is to allow the reconfiguration of parking areas and the construction of structures related to the transition of the existing structure from church use to funeral home use.

ZONING

The site is currently the subject of a rezone/PUD amendment. The request is for OL zoning in the southwest portion of the site. The PUD limits the expansion of Impact Productions without additional review and allows office, funeral home and single-family residential use in the area to the south.

The area to the north along Harvard is zoned CS. The residential area to the north and east is zoned RS-3. The area across 41st Street is zoned RS-1, RM-2 and CS, moving from the east to the corner of 41st and Harvard.

STREETS

Two access points off of Harvard into the northern portion of the site and four access points off of 41st Street are shown on the site plan. These access points appear to correspond to the existing access. The plat will dedicate right-of-way along 41st Street and along Harvard.

SEWER and Water

Sanitary sewer and water are present.

STORM DRAIN

The site plan indicates a drop in impervious area.

UTILITIES

The site plan indicates existing utilities at the perimeter.

Staff provides the following information from TAC.

STREETS:

Somdecerff, Traffic: No Comment

French: Streets: The proposed dedication is geometrically irregular. Although dedication by separate document would occur with a waiver, platting is preferable.

SEWER:

Bolding, PW: No Comment.

WATER:

Holdman, PW: No Comment.

STORM DRAIN:

McCormick, PW: No Comment.

FIRE:

Calkins. Fire: No Comment.

UTILITIES:

No comment.

The applicant has indicated that the purpose of the request is to allow construction to begin on the funeral home site. The Forty First Place plat would be filed in the future.

The subject site is overlain by PUD. The PUD addresses joint use of parking and other development standards. The site plan as submitted shows parking on the lot to the east of the funeral home lot.

Technical Committee members expressed limited concern over the waiver of the platting requirement. However, TMAPC staff has concern with the amount of information included in the PUD specifically related to proposed parking construction that would typically be recorded with the plat prior to construction.

Based on discussion with the individuals who will review and approve the changes and the following checklist, which reflects the policies of TMAPC, and the complexity of the PUD staff recommends **DENIAL** of the request for plat waiver with the following conditions:

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

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

- | | Yes | NO |
|--|-----|----|
| 1. Has Property previously been platted? | | X |
| 2. Are there restrictive covenants contained in a previously filed plat? | | X |
| 3. Is property adequately described by surrounding platted properties or street R/W? | X | |

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? | X | |
| 5. Will restrictive covenants be filed by separate instrument? | | X |
| 6. Infrastructure requirements: | | |
| a) Water | | |
| i. Is a main line water extension required? | | X |
| ii. Is an internal system or fire line required? | | X |
| iii. Are additional easements required? | | X |
| b) Sanitary Sewer | | |
| i. Is a main line extension required? | | X |
| ii. Is an internal system required? | | X |
| iii. Are additional easements required? | | X |
| c) Storm Sewer | | |
| i. Is a P.F.P.I. required? | | X |
| ii. Is an Overland Drainage Easement required? | | X |
| iii. Is on site detention required? | | X |
| iv. Are additional easements required? | | X |
| 7. Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | | X |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | | X |
| 8. Change of Access | | |
| a) Are revisions to existing access locations necessary? | | X |
| 9. Is the property in a P.U.D.? | X | |
| a) If yes, was plat recorded for the original P.U.D.? | | X |
| 10. Is this a Major Amendment to a P.U.D.? | | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | | X |

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.

TMAPC Comments:

Mr. Ledford stated that the Subdivision Regulation Committee has worked a year on a process which the applicant has followed. He doesn't understand why there is a denial on the application when it follows something that the committee has been trying to achieve for virtually a year. Mr. Ledford stated that he realizes that the amendments have not been approved and is not part of the Subdivision Regulations at this time, but this application fits well within what has been discussed in the past year. In response, Mr. Bruce stated that there has been significant discussion at staff level and with the applicant. Staff feels that this application is in a gray area and the determination was made that because of the parking issues it should be included in the plat and that it be clear to anyone who may pick up future pieces of the subject parcel.

Mr. Harmon asked who would be denied parking access since there is a mutual parking agreement. In response, Mr. Stump stated that under the existing parking there would be no problem, but the parking area could not be expanded until the final plat is approved. In response, Mr. Harmon stated that he doesn't understand what the harm would be to allow the applicant to build the parking lot now.

Mr. Ledford stated that both owners are participating in the preliminary plat submittal and that would be carried throughout the final platting. How could one owner be denied over the other when they are both part of the application.

Mr. Stump stated that the two owners are not being denied use of the subject property. It is the implementation of the major amendment that was approved that is being curtailed by having to get a final plat approval. This is a small construction project and the Planning Commission has not adopted any new policies that would enable the short-cut method. Staff's recommendation is based on what is before the Planning Commission today and what has been approved in the past.

Mr. Boyle asked why this application would be inappropriate under the current rules. In response, Mr. Stump stated that it has been extremely rare that the Planning Commission would approve a plat waiver on a PUD. Mr. Stump explained that because this application is within a PUD it is the major reason for the recommendation of denial.

Mr. Carnes stated that the Planning Commission has given temporary plat waivers in the past. He asked why this application couldn't be given a temporary plat waiver. In response, Mr. Stump stated that his impression is that this application is not anything special and in the past, extensions were given due to unusual developments that were exceedingly long in their building process or complicated in their platting process. Mr. Stump indicated that the subject application does not meet any of these criteria.

Mr. Bruce stated that the Legal Department indicated that a temporary plat waiver may or may not be defensible. Staff is merely responding to past direction from the Planning Commission.

Applicant's Comments:

Ted Sack, 111 South Elgin Avenue, Tulsa Oklahoma 74120, stated that he had a pre-design meeting with Development Services and there were no concerns from a technical aspect regarding a plat waiver. He then discussed the plat waiver procedure with staff and with some concerns of the PUD conditions, there were some concerns about granting a plat waiver.

Mr. Sack stated that under the new process, once it is adopted, this application would be considered a minor subdivision and everything could be done in one process. Public Works was not willing to implement the minor subdivision process at this time. Mr. Sack explained that he processed both applications at the same time.

Mr. Sack explained that he is asking for a plat waiver for the funeral home site only. There is no need for utility extensions, but there would be demolition of old buildings. He would continue the platting process on the entire subdivision on the total project. Eventually, the plat would indicate everything that is needed and the conditions would all be filed. He suggested that a plat waiver be granted with the condition that a plat be filed. He explained that he did not ask for a temporary file because there was a concern if it was an allowable process.

Mr. Sack indicated that if a plat waiver were granted on the funeral home site only, then he could proceed and continue to file a plat for the entire subdivision.

TMAPC Comments:

Mr. Westervelt stated that the applicant would be served by a timing change or a temporary waiver of the plat until the platting is completed. In response, Mr. Sack agreed.

Mr. Westervelt asked if there is any way a covenant agreement could satisfy staff's concerns. In response, Mr. Boulden stated that he doesn't understand staff's concerns regarding parking. Mr. Boulden cautioned the Planning Commission to not operate on what is planned to take place in the future, as far as plat waivers or extensions, because the regulations have not been approved at this time nor has the ordinance been changed. Mr. Boulden suggested that the Planning Commission make their decisions on what is in place currently and not what is intended to be done in the next months.

Mr. Boyle agreed that the Planning Commission does not have the ability to grant a temporary plat waiver, but the subject application does qualify for a plat waiver.

Mr. Westervelt asked Mr. Sack if the Planning Commission were inclined to grant this plat waiver he would still process a preliminary plat. In response, Mr. Sack answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to **APPROVE** the plat waiver for Z-6818.

Related Item to Z-6818:

PRELIMINARY PLAT:

FORTY-FIRST PLACE (PUD 592-B)(2193) (PD-6)(CD-4)

Location: Northeast corner of 41st Street and Harvard Avenue

Staff Recommendation:

GENERAL

The project area is located at the northeast corner of 41st Street and South Harvard Avenue. The site is previously developed (although unplatted) and contains Impact Productions (a video production group) along Harvard to the north church related buildings along 41st Street to the south and southeast. The church buildings were previously occupied by the New Life Christian Center and include a daycare facility, parsonage and other residence as well as the church facility itself.

The site is currently the subject of a rezoning/PUD amendment. The request is for OL zoning in the southwest portion of the site. The PUD limits the expansion of Impact Productions without additional review and allows office, funeral home and single-family residential use in the area to the south.

The area to the north along Harvard is zoned CS. The residential area to the north and east is zoned RS-3. The area across 41st Street is zoned RS-1, RM-2 and CS, moving from the east to the corner of 41st and Harvard.

STREETS

The plat shows two access points off of Harvard into the northern portion of the site and four access points off of 41st Street. These access points appear to correspond with the existing access. The plat will dedicate right-of-way along 41st Street and along Harvard.

SEWER

Sanitary sewer is present.

WATER

Water is present.

STORM DRAIN

The plat does not address drainage; however, the site plan indicates a drop in impervious area.

UTILITIES

The plat indicates perimeter easements.

Staff presents the following comments from the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** None.
2. **Streets/access:**
 - a. Book and page references will be required for previous dedications.
 - b. A waiver of Subdivision Regulations to reduce the length of the required dedication for right turn-bay along 41st Street will be required.
3. **Sewer:**
 - a. Concern was expressed over the planting of trees in the utility easement.
4. **Water:** None.
5. **Storm Drainage:** None.
6. **Utilities:** None.
7. **Other:**
 - a. The engineer indicated that the intent was to file the plat even though a waiver was requested. (Z-6818).

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. Waiver to reduce the required length of the right-turn bay along 41st Street.

Special Conditions:

1. Book and page references for previous right-of-way dedications.
2. Standards of the PUD included in the covenants per the Zoning Code.

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 Engineer 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 County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the 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 therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat (including documents required under 3.6.5 Subdivision Regulations).
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to **APPROVE** the preliminary plat for Forty-First Place subject to waiver of Subdivision Regulations, subject to special conditions and standard conditions as recommended by staff.

* * * * *

Southern Woods Park II – (PUD 355-C) (1683) (PD-18-B) (CD-8)

Location: West of the southwest corner of East 89th Street South and South Yale Avenue

This plat consists of one lot in one block on 0.53 acres. It is proposed for a maximum of 8,800 SF of office uses under the PUD.

The following were discussed **May 17, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

Staff: The PUD Major Amendment seeks to add a new development area to the PUD and provide for office uses on this lot. The Planning Commission considered the item May 16, 2001. It has not been heard by the City Council. Approval will trigger the platting requirement. Details of the TMAPC recommendation were not available at this writing. If they changed significantly from the proposal and the staff recommendation, we will review this plat again at a future TAC meeting.

Staff update: The TMAPC recommendation to the City Council on this PUD major amendment has no effect on the plat as drawn. However, since the PUD has not been to the City Council yet, the plat is not ready to be considered by the TMAPC.

2. Streets/access:

Staff: No new streets or right-of-way. Access is from East 89th Street South and from a mutual access easement with Southern Woods Park to the south and east.

Public Works Traffic & Transportation: No concerns, questions or comments.

Applicant: Gave overview of project. All underlying rights-of-way and easements will be vacated. Will request waiver of requirement to provide collector streets.

3. Sewer:

Staff: No comments.

Public Works Waste/Water: No concerns, questions or comments.

Applicant: Consent.

4. Water:

Staff: No comments.

Public Works/Water: No concerns, questions or comments.

Applicant: Consent.

5. Storm Drainage:

Staff: No comments.

Public Works/Stormwater: Detention will be required.

Applicant: Stated detention will be provided off-site in conjunction with the remainder of the development.

6. Utilities:

Staff: No comments.

No comments from any franchise utilities.

Staff recommends **APPROVAL** of the preliminary plat subject to the following conditions:

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None needed.

Standard Conditions:

1. All conditions of PUD 355-C 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 applicable sections 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 Public Works Department 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. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
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 Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

13. 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.)
14. 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.
15. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
16. 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.)
17. The method of water supply and plans therefore shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to **APPROVE** the preliminary plat for Southern Woods Park II subject to standard conditions as recommended by staff.

* * * * *

PLAT WAIVER:

Z 6815 (1492)

(PD-9) (CD-2)

North side of West 23rd Street between Nogales and Maybelle

Staff Recommendation:

GENERAL

The project site is located on the north side of West 23rd Street between Nogales and Maybelle. The total ownership at this location is bounded by Nogales and Maybelle on the west and east and by 23rd Street and Place on the south and north. The area for which the waiver is requested is the area affected by the recent zone change application, requesting rezone from OL to CH for a portion of the property in the northern portion of the ownership.

The site is at or near build-out with existing structures and parking. No new construction is planned at this time.

PURPOSE

The purpose of the request is to provide clarification and to ensure usability to facilitate the sale of the property.

ZONING

The site is currently the subject of a rezone. As noted above the request is for CH zoning in the northern portion of the site.

The area on the south side of 23rd Street is CH and C. The area to the east is zoned RM-2 and the area to the north and west is zoned RM-1.

STREETS

Access is from Nogales and 23rd Street.

SEWER and Water

Sanitary sewer and water are present.

STORM DRAIN

Drainage/detention needs will not change.

UTILITIES

Current impacts to utilities appear to be minimal and would change only with demolition and reconstruction.

Staff provides the following information from TAC.

STREETS:

Somdecerff, Traffic: The existing structure appears to encroach into the right-of-way. The applicant has initiated legal action against the City. No action should be taken until the issue is resolved.

French: Streets: Expressed agreement with Mr. Somdecerff.

SEWER:

Bolding, PW: No Comment.

WATER:

Holdman, PW: No Comment.

STORM DRAIN:

McCormick, PW: No Comment .

FIRE:

Calkins. Fire: No Comment.

UTILITIES:

No comment.

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

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

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

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street R/W?	X	

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? | X* |
| 5. | Will restrictive covenants be filed by separate instrument? | X |
| 6. | Infrastructure requirements: | |
| | a) Water | |
| | i. Is a main line water extension required? | X |
| | ii. Is an internal system or fire line required? | X |
| | iii. Are additional easements required? | X |
| | b) Sanitary Sewer | |
| | i. Is a main line extension required? | X |
| | ii. Is an internal system required? | X |
| | iii. Are additional easements required? | X |
| | c) Storm Sewer | |
| | i. Is a P.F.P.I. required? | X |
| | ii. Is an Overland Drainage Easement required? | X |
| | iii. Is on site detention required? | X |
| | iv. Are additional easements required? | X |
| 7. | Floodplain | |
| | a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | X |
| | b) Does the property contain a F.E.M.A. (Federal) Floodplain? | X |
| 8. | Change of Access | |
| | a) Are revisions to existing access locations necessary? | X |
| 9. | Is the property in a P.U.D.? | X |
| | a) If yes, was plat recorded for the original P.U.D. | X |
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | X |

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.

* Subject of legal action.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that this application was brought to the Planning Commission to clarify the unusual zoning line. A recent survey has raised a historical issue that has created a title problem. Mr. Norman cited the history of the subject property. He explained that the dispute occurs with respect to the south 17.9 feet of the subdivision that covers the three lots on the east side of the subject property. Historical research indicates that in 1931 the City of Tulsa contracted with the Roman Catholic Bishop to purchase the south 17.9 feet of the subject three lots for the purpose of a right-of-way for an approach to the 21st Street bridge to be constructed over and across the Arkansas the River by the City of Tulsa.

Mr. Norman stated that the statute of limitations does not apply to the City of Tulsa and City property cannot be acquired even if it is occupied for 40 years. He commented that he believes that the current survey is in error as to the starting point of The First Refinery Addition. He stated that the right-of-way that was purchased in 1931 is the proper boundary line.

Mr. Norman stated that the replat requirement only applies to the property that has been included in a zoning change. The zoning has not been changed on the 23rd Street frontage. The rezoning of the north portion of the subject property on 22nd Place doesn't trigger a replat requirement on the 23rd Street frontage. Mr. Norman requested that the Planning Commission determine that the 17.0 feet of property is not a part of the replat issue. He commented that all other check marks are in favor of granting the replat waiver.

Mr. Norman indicated that it would probably take litigation to resolve where the proper beginning point of the survey should be, but based on the construction of 23rd Street, the atlas sheet is correct. In order for his client to close on the sale of the subject property he is requesting that the Planning Commission not defer consideration of this request. Mr. Norman reiterated that there is no replat requirement applicable to the property fronting on 23rd Street.

TMAPC Comments:

Mr. Boyle asked Mr. Norman if there is no replat requirement applicable why he is requesting a waiver. In response, Mr. Norman stated that he brought this application to the Planning Commission because the rezoning triggers a replat, but there is no technical reason to replat the portion that was OL and that is what he is requesting the waiver for. Mr. Norman commented that staff, apparently, has taken the position that they gain some leverage if the replat requirement is denied for the OL section of the subject property. In response, Mr. Boyle asked why the Planning Commission should get in the middle of this issue. In response, Mr. Norman stated that the Planning Commission wouldn't be in the middle if the requirement for replatting was waived for the OL area. In response,

Mr. Boyle stated that it appears that if the Planning Commission denied the plat waiver, then the Commission would definitely be out of the middle of this issue and it could be taken to court.

Mr. Westervelt stated that there was a rezoning on a portion of the subject property that does not affect the area onsite that the City has issues with. Mr. Westervelt commented that staff does recommend approval technically; however, the highlighted area, which is outside of the rezoning area, is the issue. The Planning Commission can choose to ignore the area that is in court. Mr. Westervelt asked if someone would take a lane of paving off of 23rd Street if this were approved. In response, Mr. Boulden stated that the City would tear down 17.9 feet of the subject building that is sitting on the City right-of-way. Mr. Boulden explained that it does appear that the City did purchase the 17.9 feet and it certainly does not require the dedication of further right-of-way, but it may require the removal of the building perhaps. Mr. Boulden indicated that the City is performing its own survey to determine if the survey conducted for the purchase of the property was correct. Mr. Boulden commented that he tends to agree with Mr. Norman.

Mr. Stump informed the Planning Commission that staff is only passing along Public Works' comments and concerns.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to **APPROVE** the plat waiver for Z-6815.

* * * * *

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z-6813

OL TO CS

Applicant: Robert Elliott

(PD-18) (CD-9)

Location: Northeast corner of East 55th Place and South Peoria Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6163 June 1987: All concurred in approval of a request to rezone a lot located south of the southwest corner of East 53rd Street and South Peoria Avenue from OL and CS to CS

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 190' x 200' in size and is located on the northeast corner of East 55th Place and South Peoria Avenue. The property is flat, vacant, and zoned OL.

STREETS:

Exist Access	MSHP Design	Exist. No. Lanes	Surface
East 55 th Place South	50'	2 lanes	Paved
South Peoria Avenue	100'	4 lanes	Paved

The Major Street Plan designates South Peoria Avenue as a secondary arterial street and East 55th Street as a residential street.

UTILITIES: Water and sewer is available to the site.

SURROUNDING AREA: The subject tract is abutted on the north and south by office uses, zoned RS-3 and OL; to the west, across South Peoria Avenue, by a photography studio, zoned OL; and on the east by a vacant lot, zoned RS-3. Farther to the north is a large church and childcare facility, zoned RS-3; and farther to the southwest is Marshall Elementary School, zoned RS-3.

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 a Medium Intensity-Linear Development area. According to the Zoning Matrix and the District 18 Plan, the requested CS zoning is in accord with the Plan Map if accompanied by an acceptable PUD.

Plan policies call for the use of PUDs in developing medium intensity uses in order to reduce the impact of the underlying zoning and to address traffic issues. Proposed medium intensity developments in PUDs are to address compatibility with adjacent land uses, screening of parking areas, signage, and assemblage of small parcels for more orderly development and spreading of intensities.

STAFF RECOMMENDATION:

Based on existing and proposed development in the area, staff recommends **APPROVAL** of CS Zoning for Z-6813 if the Planning Commission finds PUD-652 to be satisfactory.

Related item:

APPLICATION NO.: PUD-652

Applicant: Max Heidenreich

Location: Northeast corner of East 55th Place and South Peoria Avenue

OL TO CS/PUD

(PD-18) (CD-9)

Staff Recommendation:

The PUD proposes retail uses on 1.16 gross acres located at the northeast corner of East 55th Place and South Peoria Avenue. The tract has approximately 190 feet of frontage on Peoria Avenue and 200 feet of frontage on 55th Place. An application (Z-6813) has been submitted requesting that the zoning on the subject tract be changed from OL to CS. The Planning Commission at their April 18, 2001 meeting continued the rezoning request to allow the applicant an opportunity to submit a PUD. The subject tract is abutted on the north and south by office uses, zoned RS-3 and OL; to the west, across South Peoria Avenue, by a photography studio, zoned OL; and on the east by a vacant lot, zoned RS-3. Farther to the north is a large church and childcare facility, zoned RS-3; and farther to the southwest is Marshall Elementary School, zoned RS-3.

If Z-6813 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-652 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-652 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:

Land Area (Gross)	50,525 SF	1.16 acres
Permitted Uses:	Retail trade establishments as included within Use Unit 14, but excluding pawnshop.	
Maximum Building Floor Area Ratio:	.50	
Maximum Number of Lots:	One	
Maximum Building Height:	27 FT	

Off-Street Parking: As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From the centerline of South Peoria Avenue	100 FT
From the centerline of East 55 th Place	50 FT
From the east boundary of the PUD	25 FT
From the north boundary of the PUD	15 FT

Signs: One ground sign shall be permitted with a maximum of 100 SF of display surface area and 12 feet in height. The ground sign shall be located along the South Peoria Avenue frontage.

Wall signs shall be permitted not to exceed 1.0 SF of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed 75% of the frontage of the tenant space. No wall signs are permitted on east-facing walls.

Minimum Landscaped Area: 10% of net lot area.

Other Bulk and Area Requirements: As established within a CS district.

3. The PUD shall have a maximum of one access point to South Peoria Avenue and one access point to East 55th Place. There shall be no access within 150 feet of the east boundary of the PUD. All access shall be approved by Traffic Engineering.

4. There shall be a six-foot high or higher masonry wall along the east boundary of the PUD. A landscaped area shall be established and maintained which is not less than ten feet in width and which extends along the entirety of the north, south, east and west boundaries of the PUD, except at points of approved vehicular access. Parking areas within the PUD shall be screened from South Peoria Avenue and the residential property to the east by fences, peripheral berms and landscaping.
5. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. A detail landscape plan for each lot, including all berms, shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
8. All trash, mechanical and equipment areas, 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. There shall be no outside trash areas within 75 feet of the east boundary of the PUD.
9. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties within the R district abutting the PUD on the east. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in the R district abutting the PUD on the east. No light standard nor building-mounted light shall exceed 12 feet in height.
10. The Department Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

11. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. 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.
15. The architectural design of the building will include 50% masonry on the north, south, east and west elevations and the building shall have a gable roof.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace, Selph "absent") to recommend **APPROVAL** of the CS zoning for Z-6813 and **APPROVAL** of the PUD-652 subject to conditions as recommended by staff.

Legal Description for Z-6813/PUD-652:

Lots 11 and 12, Block 6, The J. E. Nichols Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **From** OL (Office Low Intensity District) **To** CS/PUD (Commercial Shopping Center District/Planned Unit Development).

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6822

RS-3 TO IM

Applicant: Dave D. Grubb

(PD-9) (CD-2)

Location: North side and south side of West 37th Place and South Guthrie Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-19016 March 2001: The Board of Adjustment approved a special exception to allow a manufactured dwelling in an IM-zoned district and a variance of the required 30' frontage on a public street to 0' on property located on the southwest corner of West 37th Place South and South Galveston Avenue and abutting the subject tract on the west.

BOA-18445 July 1999: The Board of Adjustment approved a variance of the required 75' setback from an R-zoned district to 25' and a special exception of the required screening from an R-zoned district on a lot located on the southwest corner of West 37th Place and South Elwood Avenue.

Z-6692 June 1999: All concurred in approval of a request to rezone a 1.08-acre tract located on the southwest corner of West 37th Place and South Elwood Avenue from RS-3 to IM.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is a combination of two separate parcels that total approximately two acres. One tract is located on the north side of West 37th Place and the remainder is located on the south side of the street at South Guthrie. The properties are gently sloping, non-wooded, the north tract contains a vacant house and accessory garage and the south tract is vacant, and both tracts are zoned RS-3.

STREETS:

Exist Access	MSHP Planned R/W	Exist. No. Lanes
West 37 th Place	N/A	2 lanes
South Guthrie Avenue	N/A	2 lanes

West 37th Place South and South Guthrie Avenue are minor streets.

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

SURROUNDING AREA - SITE ANALYSIS: The subject tract is in the Garden City area, a very mixed-use older neighborhood that was surrounded by and eventually annexed into the City of Tulsa. The site is within an apparently stable single-family residential area, and single-family residentially-used (but not necessarily single-family residentially zoned) lots abut it on three sides.

The areas to the north and east contain the remnants of a single-family residential area, now in mixed condition and use and zoned RS-3. The area to the south is mixed industrial uses, zoned IM. To the immediate west of the subject property is single-family residential use, zoned RS-3 to the east of the northern tract and zoned IM east of the southern tract (but containing the manufactured home noted previously). Farther west are mixed industrial uses, zoned IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 5. Plan text policies (Section 3.5) note that the entire Special District lies within the 100-year floodplain and is therefore Development Sensitive. The text further provides that the area is expected to transition in an orderly fashion from residential to industrial, and specifies that the impacts of the developing industrial uses on the remaining residential uses should be minimized.

According to the Zoning Matrix the requested IM zoning **may be found** in accordance with the Plan Map by virtue of the site's location within a Special District.

STAFF RECOMMENDATION:

The Comprehensive Plan recognizes future development in this area as industrial and suggests that the development in this Special District include such uses as warehousing and distribution centers, rather than those industrial uses which would have external impacts as smoke, fumes, dust, and noise. Special care should also be taken in the transition of industrial zoning into the residential areas in order to avoid a lot by lot mixing of land use, but should transition from the outside perimeter industrial land inward.

The Comprehensive Plan indicates that measures should be taken for the protection of this Special District 5 from flooding, and in the interim, additional development should be permitted only upon demonstration that the facilities will be flood safe.

Staff can support IM zoning on the property that is located on the south side of West 37th Place due to the proximity to the IM zoning on the south and westernmost parts and recommends **APPROVAL** of IM zoning on that portion of the subject property.

The requested IM zoning on the tract that is located on the north side of West 37th Place and the small most easterly tract on the south side of West 37th Place (east of the southwest portion) that extends into the residential area to the east would be an intrusion into that neighborhood, and staff recommends **DENIAL** of IM zoning for those portions of the subject property.

Mr. Boyle out at 2:36 p.m.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

William Pearman, 3701 South Galveston, Tulsa, Oklahoma 74103, stated that the subject area is a residential district and he opposes the subject application. Mr. Pearman expressed concerns regarding traffic and children in the subject area being in jeopardy if IM is allowed. He indicated that he would be opposed to any zoning change in the subject area.

George Schmitt, 3712 South Galveston Avenue, Tulsa, Oklahoma 74107, stated that he is concerned about drainage and stormwater problems that currently exist. Mr. Schmitt stated that he is opposed to the subject proposal.

TMAPC Comments:

Mr. Horner informed the interested parties that Stormwater Management would deal with stormwater drainage or detention. In response, Mr. Schmitt stated that he has already dealt with Stormwater Management regarding existing drainage and he is not satisfied with their results. Mr. Schmitt further stated that he doesn't understand why the Planning Commission would want to allow industry in a residential neighborhood.

Interested Parties Comments:

Chris Watts, 3738 South Galveston Avenue, Tulsa, Oklahoma 74107, stated that she has to cross the subject property and opposes this application. She indicated that the streets are narrow and children do play in the subject area. She expressed concerns with dump trucks and heavy equipment using the residential streets.

Applicant's Rebuttal:

Dave Grubb stated that he owns the property in the subject area and has been in the dump truck business all of his life. He explained that he lives in the subject area and knows all of the interested parties.

Mr. Grubb commented that he had rented the subject property out and Neighborhood Inspections ticketed him several times for trash. He stated that basically he is making a nice park for these people to have a good time on while he pays the taxes. He would like to sell the subject property and he was advised

to rezone the property in order to do so. He commented that he is trying to do what the City asked him to do. He indicated that he would like to get rid of all of his property in Tulsa.

TMAPC Comments:

Mr. Westervelt asked Mr. Grubb if the Neighborhood Inspections actually suggested he rezone his property while ticketing him for trash and debris. In response, Mr. Grubb stated that a part of his property is already zoned IM and the Neighborhood Inspections thought that it would be easier to rezone the subject property in order to sell all of it.

Mr. Midget stated that Neighborhood Inspections may have advised with good intentions by making this suggestion. However, he does not see a reason for rezoning the subject property industrial in order to sell the property. The subject area is a residential and IM would be offensive to the residential area. Mr. Midget indicated that he could not support the staff recommendation or any of the rezoning requests.

Mr. Harmon stated that the neighborhood is a good neighborhood, but it is a neighborhood in transition. He commented that staff prepared a good compromise considering how the land lays and the surrounding activity. The subject area is gradually converting to commercial uses. He understands the neighbors' concerns and supports the denial.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-1-0** (Carnes, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; Jackson "nay"; none "abstaining"; Boyle, Pace, Selph "absent") to recommend **DENIAL** of IM zoning for Z-6822.

* * * * *

APPLICATION NO.: CZ-283

AG TO IL

Applicant: Billy Frazier

(PD-23) (County)

Location: South side of West 51st Street and east of South 85th West Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

CBOA-1756 August 2000: The County Board of Adjustment denied a request to allow the storage and parking of heavy equipment in an AG-zoned district on property located on the north side and directly across West 51st Street from the subject property.

CBOA-1511 June 1997: The County Board of Adjustment denied a request to permit a fabrication and auto repair business as a home occupation on the subject tract.

CZ-230 March 1997: A request to rezone a five-acre tract located on the southeast corner West 41st Street and South 73rd West Avenue from RS to CS. CS zoning was approved on the north 345' and commercial zoning was denied on the balance of the tract.

CZ-103 June 1984: A request to rezone a 3.3-acre tract located on the southwest corner of Skyline Drive and South 65th West Avenue from RS to CS. Staff and TMAPC concurred in denial of the request and the County Commission approved CS zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.67 acres in size and is located on the south side of West 51st Street and east of South 85th West Avenue and South Skyline Drive West. The property is steeply sloping; partially wooded; contains a large non-conforming truck repair business, a residence, and is zoned AG.

STREETS:

Exist Access	MSHP Planned R/W	Exist. No. Lanes
West 51 st Street South	100'	2 lanes

The Major Street Plan designates West 51st Street South as a secondary arterial street. The Tulsa County Traffic Counts 1993 – 1994 indicate 9,096 trips per day on West 51st Street at the intersection of South Skyline Drive.

UTILITIES: Sapulpa Rural Water District provides water to the subject tract and sewer is by septic systems or lagoons.

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

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 23 Plan, a part of the Comprehensive Plan for the City of Sand Springs, Oklahoma, designates the subject property as Medium Intensity – Corridor.

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

STAFF RECOMMENDATION:

Based on existing zoning, uses in the area, and the lack of existing development of similar intensity in the surrounding area, staff cannot support the requested IL zoning. This appears to be a case of "leapfrog" development. Staff recommends **DENIAL** of IL zoning on the subject property.

TMAPC Comments:

Mr. Westervelt stated that TMAPC has received a letter from Bob Wolfram indicating that the Sand Springs staff would be looking at their Comprehensive Plan and a letter from Betty Cartwright describing the problems with the subject area (Exhibits B-6).

Ms. Matthews submitted photographs that were taken recently taken by staff, which indicates the types of activity in the subject area and photographs of the existing subject site (Exhibits B-1).

Applicant's Comments:

Leon Ragsdale, 1615 North 24th West Avenue, Tulsa, Oklahoma 74127, representing the applicant, Billy Frazier, stated that he attended the Planning Commission in Sand Springs on June 5, 2001 and there was a 6-0 vote in favor of this application. The Sand Springs Planner stated that this proposal was keeping within their Comprehensive Plan and the intensity of use. He commented that a protestant went to the City Planner after the Sand Springs meeting and he feels that is why the letter was written regarding revisiting their Comprehensive Plan.

Mr. Ragsdale stated that he is very familiar with the subject area and it is the 51st Street corridor that connects Highway 97 with the southwest part of the City. This corridor has always been a primary access and doesn't know why they are calling it a secondary corridor. He commented that 41st Street is not the main corridor, it is 51st Street.

Mr. Ragsdale stated that people have moved into the subject area because they do not want to live in a subdivision. The reasons for this is in order to have their businesses, hobbies, gardens, etc. Mr. Ragsdale indicated that there are approximately 30 businesses in the subject area that are not currently listed as businesses. Mr. Ragsdale submitted photographs of the businesses he mentioned (Exhibit B-1). He explained that most of the photographs were shot within three quarters of a mile to one-half a mile away.

Mr. Ragsdale commented that he does not see why the subject use is in contradiction to pipe yards, fabrication areas, storing dump trucks, wrecker services, storing heavy equipment, and storing boats. The subject area is not being used for just agricultural uses.

Mr. Ragsdale stated that his client's property use is in keeping with what all of the other neighbors are conducting. There are several letters from adjacent neighbors who have no problems with the current use (Exhibit B-4). He indicated that the present owner has been in operation for four years and there has not been any complaints filed during that period of time. He stated that there is supposed to be equal treatment under the law and in this case many people have utilized the surrounding properties in accordance with their desire of when they purchased the property. If the 30 properties that were indicated to have businesses were to come into seek zoning then it would not be considered leapfrogging to approve the subject property.

Mr. Ragsdale stated that Mr. Frazier's facility is air-conditioned and his work has been done inside for the most part. His client builds racecars and for that reason he has kept them inside the building as much as possible. He indicated that his client has landscaped, installed fences and roads. He stated that his client made approximately \$50,000 of improvements to the subject property.

Billy Frazier, 7820 West 51st Street, Tulsa, Oklahoma 74107, stated that he visited with his neighbors before purchasing the subject property and informed them of his proposal. He indicated that none of the neighbors had any objections when he purchased the property, but did not want him to rezone the subject property. He commented that he borrowed a large sum of money to purchase the subject property and built the building after the County issued a permit to build the subject building. He indicated that he has operated his business from the subject building ever since he has built it because he couldn't afford to rent another facility to work out of. Mr. Frazier stated that rezoning the subject property to IL is the last resort in order to continue to work out of the subject property and support his family.

Mr. Frazier stated that the photographs did indicate cars parked on the subject property and equipment that he has purchased (including a paint booth). He commented that he purchased the paint booth in order to keep from having spray going out into the environment. He stated that he tries to keep his property clean and he has upgraded the subject property several times over the last years. He indicated that he has built asphalt parking lots, a retaining wall and several things to make the property look nice.

Interested Parties Supporting CZ-283:

Mary Colbrook, 7626 West 51st Street, Tulsa, Oklahoma 74107; **Jeff Marmor**, 7790 West 51st Street, Tulsa, Oklahoma 74107; **Johnny England**, 7802 West Skyline Drive, Tulsa, Oklahoma 74107; **Sarah Sherwood**, 7209 West 50th Street, Tulsa, Oklahoma 74107; **J.T. Keeling**, 5020 65th West Avenue, Tulsa, Oklahoma 74107; **Dave Grubb**, no address given.

Comments Of Interested Parties In Support of CZ-283:

The applicant has kept his property clean; no problem with Mr. Frazier conducting his business, but keep the subject property zoned AG; no objections to Mr. Frazier trying to make a living; there are worse places along 51st Street that need to be cleaned up.

TMAPC Comments:

Mr. Westervelt asked Mr. Marmor if he would be opposed to rezoning the subject property to IL. In response, Mr. Marmor stated that he is concerned about the rezoning. Mr. Marmor expressed concerns regarding rezoning the subject property to IL and then denying the next application for IL that may come along in the future. In response, Mr. Westervelt stated that staff has expressed some concern in what they see and the spot zoning that is occurring. Mr. Stump stated that the courts have stated that if there are two properties in similar situations, then you have to treat them similarly. Mr. Stump explained that by approving the IL zoning for the subject property it would set a precedent for similarly situated properties. Mr. Marmor stated that if they have to be treated similarly, then Mr. Frazier should be allowed to operate his business, as Mr. Canady does one mile down the road.

Interested Parties Opposing CZ-283:

Chuck Sittler, no address given, submitted a Comprehensive Plan Map (Exhibit B-3); **Mr. Ford**, 7219 West 51st Street, Tulsa, Oklahoma 74107; **Jerry Striegel**, 8902 West Skyline Drive, Tulsa, Oklahoma 74107; **Janet Striegel**, 8961 East 57th Street, Tulsa, Oklahoma 74107.

Comments of Interested Parties Opposing CZ-283:

The main corridor is 41st Street and it has been widened to four lanes; 51st Street is not the corridor or main thoroughfare; 51st Street is a two-lane road, which is curvy and has steep hills; the applicant has been before the Board of Adjustment on numerous occasions; applicant has employees at his home occupation, which violates the guidelines; the applicant has signage that is illegal; the applicant cleans his property only when he is cited; neighbors do not want any type of commercial or industrial businesses in the subject area; Mr. England was denied his trucking business, but if Mr. Frazier is approved for this type of zoning, then Mr. England would be able to have his trucking business, which would start a domino effect; the existing businesses in the subject area are located east of 65th Street and west of 65th Street is zoned AG; initially when Mr. Frazier moved in it was fine, but it is not today; Mr. Frazier parks a large semi-trailer truck beside the building with advertising on the side; Mr. Frazier has several employees working at his business located on the subject property that generates a good deal of traffic; several cars parked on the subject property; Mr. Frazier made false representations to the neighbors when he moved into the subject area; keep the subject area zoned AG to prevent the domino effect of industrial zoning; there is no problem with Mr. Frazier continuing his business subject to there being no

employees and without rezoning; if the subject property is rezoned to light industrial then more will come to the subject area.

TMAPC Comments:

Mr. Harmon asked Mr. Grubb if he understood that if the subject property is rezoned to industrial that whomever owns it has several options that could be conducted besides the current business. In response, Mr. Grubb stated that he thought it would be all right to rezone the property for Mr. Frazier because he trusts him. Mr. Harmon stated that Mr. Grubb is missing the point, the zoning stays with the land, not just the owner. Mr. Grubb stated that if anything were put on the subject property it would be an improvement.

Mr. Midget asked Mr. Grubb if he supported the subject application. In response, Mr. Grubb stated that he supports the subject application 100%.

Ms. Striegel asked how many times the applicant can come before the Planning Commission to request rezoning. In response, Mr. Stump explained that if the Planning Commission recommended denial to the County Commissioners, then the applicant could appeal the recommendation and the County Commission would make the final decision. Mr. Stump stated that if the applicant would like to reapply with the same request he would have to wait six months.

Applicant's Rebuttal:

Mr. Ragsdale submitted the legend for the photographs he submitted earlier (Exhibit B-2) and stated that there are several businesses in the subject area that have not rezoned. These businesses are being conducted on agricultural land and have been done for several years.

TMAPC Comments:

Mr. Midget asked Mr. Ragsdale if the businesses in the photographs are illegal businesses. In response, Mr. Ragsdale stated that not all of the businesses are illegal. Mr. Ragsdale explained that he is not complaining about the other businesses, legal or illegal, he is just showing that the proposal is not inconsistent with the subject area's use.

Mr. Carnes asked Mr. Ragsdale why the applicant chose to come before the Planning Commission for zoning rather than going before the Board of Adjustment for home occupation usage. In response, Mr. Frazier stated that he has been before the Board of Adjustment and he was denied. Mr. Frazier explained that he went to the Tulsa County Building Inspector's office and requested a permit that would allow him to continue. Mr. Frazier stated that the Building Inspector indicated that since the neighbors were not opposed to the business he would allow him to build the building based on a permit for a barn. Mr. Frazier indicated that the Building Inspector required that the building be built strictly to industrial code. Mr. Frazier stated that the drainage approval and building had to be engineer-stamped. Mr. Frazier commented that he was told

that after he moved into the building whatever was conducted behind closed doors was his business and the Tulsa County Building Inspector would look the other way, since the neighbors were not opposed to the business. Mr. Frazier stated that now there are different people in charge and he was informed that he would have to either rezone the property or cease operations. Mr. Frazier stated that his semi-trailer with his name on it is for towing a racecar and it is tagged and titled as a motor home. Mr. Frazier explained that he owes the bank money and if he can't get this rezoned, then he would lose everything he has worked for in the past 15 years. Mr. Frazier commented that the Tulsa County Building Inspector is the one who allowed him to build the subject building and get to this point and that is the reason he is here today. Mr. Frazier admitted that he has had two employees that were with him for a long period of time; however, currently he has no employees. Mr. Frazier stated that he understands why the neighbors do not want rezoning, but this is what County Commission and County employees have told him to do.

Mr. Harmon asked Mr. Frazier if he told his lender that he would be building a barn. In response, Mr. Frazier stated that he did tell his lender that he was building barn. Mr. Harmon asked Mr. Frazier if he told his lender he would be building a barn and then starting running an illegal business out of it. In response, Mr. Frazier stated that the lender loaned him the money to build the building to run a business on. Mr. Frazier further stated his lender did tell him to go before the Board of Adjustment to obtain a variance; however, the Board of Adjustment denied the variance. Mr. Frazier explained that he had already purchased the land and paid for the building, therefore the bank didn't have any option other than to go along with the permit for the barn. Mr. Frazier commented that the whole situation has been a joke from the day he purchased the property.

Mr. Westervelt stated that the Planning Commission does not consider these decisions a joke and there is nothing funny about this issue before the Planning Commission today. In response, Mr. Frazier stated that he doesn't mean it that way, it is just that he has been given the runaround.

Mr. Midget asked if the Building Inspector is from Sand Springs that issued the permit. In response, Mr. Frazier stated it was the Building Inspector from the City of Tulsa. Mr. Stump corrected Mr. Frazier and informed the Planning Commission that it was the Tulsa County Building Inspector.

Mr. Westervelt asked staff if there was a date that the City of Sand Springs would be reconsidering their Comprehensive Plan for the subject area. In response, Ms. Matthews stated that she doesn't have a definite date, but was under the impression it would happen soon.

Mr. Westervelt stated that he is not pleased with anything he has seen today and it is a perfect example of "it should not have happened from start to finish". Unfortunately, the applicant is likely to pay a dear price for an action that the Planning Commission may take. He said he believes that the record of this in itself, when it is before the County Commission, will be as challenging for them as it is for the Planning Commission.

Mr. Harmon stated that when there are any elements of deception, whether intentional or not, and the issue bordering on fraud, he cannot support extending this issue or supporting this issue. To go back and ratify this situation, possibly due to fraud or deception, after the fact is something he cannot support.

Mr. Midget stated that he agrees with Mr. Harmon's comments and he cannot support this application under these circumstances.

Ms. Hill stated that she is concerned about the IL zoning in the future, since it does stay with the property and not the owner of the property.

Mr. Ledford stated that it is unfortunate that the County Board of Adjustment did not correct this problem. It should have been approved by the CBOA to allow a home occupation. Mr. Ledford stated that it would be considered spot zoning to allow IL zoning on the subject property. Mr. Ledford stated that the CBOA is the board that should approve this operation with conditions in order for Mr. Frazier to continue his business and not ask the Planning Commission to spot zone property. Mr. Ledford explained that presently the only issue before the Planning Commission is IL zoning and the Planning Commission couldn't approve it because it would be spot zoning. Mr. Ledford concluded that he couldn't support IL zoning for the subject property.

Mr. Carnes stated that he is against the motion because it would not be spot zoning with commercial and industrial usage already present. To deny this application would take away a man's ability to make a living. The whole situation should be looked at and several people are already violating the Code. Mr. Carnes concluded that he does not have it in his heart to vote against the one person violating the Code when there are several doing the same.

Mr. Westervelt stated that the Planning Commission is a recommending body and the Planning Commission would not be taking this applicant's uses away from him. The County Commissioners would be the final decision regarding this application.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **5-3-0** (Harmon, Hill, Horner, Ledford, Midget "aye"; Carnes, Jackson, Westervelt "nays"; none "abstaining"; Boyle, Pace, Selph "absent") to recommend **DENIAL** IL zoning for CZ-283 as recommended by staff.

Mr. Stump informed Mr. Frazier and Mr. Ragsdale that the applicant has ten days to appeal this decision to the County Commission or otherwise the denial becomes final.

* * * * *

APPLICATION NO.: Z-6823

RS-3 TO IL

Applicant: Darin Akerman

(PD-17) (CD-6)

Location: North and west of northwest corner of East Admiral Place and South 161st East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6587/PUD-560 June 1997: A request to rezone a 12.5-acre tract located on the south side of Admiral Place, west of 161st East Avenue, south and west of the subject property, from AG to IL and PUD for light industrial development was approved subject to conditions.

Z-6585/PUD-556 February 1997: A request to rezone a 4.5-acre tract located on the south side of Admiral Place and west of 161st East Avenue, south and west of the subject property, from SR to CS or IL. Approval was granted for IL zoning to a depth of 350' fronting East Admiral Place with the balance of the tract to remain as SR zoning.

Z-6332 October 1991: All concurred in approval of a request to rezone the 1.9-acre tract abutting the subject tract on the east from RS-3 to IL.

Z-6297 April 1991: All concurred in approval of a request to rezone a 2.5-acre tract located west of the northwest corner of East Admiral Place and South 161st East Avenue and east of the subject tract, from RS-3 to IL.

Z-6007 December 1984: All concurred in approval of a request to rezone a 1.4-acre tract abutting the subject tract on the west from RS-3 to IL.

Z-5887 December 1983: A request to rezone a 20-acre tract located west of the southwest corner of East Admiral Place and South 161st East Avenue from IR and AG to IL. All concurred in approval of CS on the east 350' x 350' tract located on the southwest corner of East Admiral Place and South 161st East Avenue, IL on the western portion fronting East Admiral to a depth of 350' and SR on the balance.

Z-5567 June 1981: All concurred in approval of a request to rezone a ten-acre tract located north of the northeast corner of East Admiral Place and South 145th East Avenue from RS-3 to IL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.04 acres in size and is located on the north side of East Admiral Place, west of South 161st East Avenue. The property is sloping, non-wooded, contains a nonconforming parking/storage area for an automobile auction, and zoned RS-3.

STREETS:

Exist Access	MSHP Planned R/W	Exist. No. Lanes
East Admiral Place	100'	2 lanes

The Major Street Plan designates East Admiral Place as a secondary arterial street. The City of Tulsa Traffic Counts 1998 – 1999 indicates 6,500 trips per day on East Admiral Place between South 145th East Avenue and South 161st East Avenue.

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

SURROUNDING AREA: The subject tract is generally surrounded by mixed industrial/warehouse uses. Across Admiral Place to the south is an automotive auction parking and storage area and a warehouse/trucking facility, zoned IL; to the west a trucking business and what appears to be storage for used and inoperable trucks and trailers, zoned IL; and to the north is the I-44 expressway, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity – Industrial Land Use.

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

STAFF RECOMMENDATION:

Based on surrounding land uses, trends in the area and the District 17 Plan, staff can support the requested zoning and therefore recommends **APPROVAL** of IL zoning for Z-6823.

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 **HARMON**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Pace, Selph "absent") to recommend **APPROVAL** of IL zoning for Z-6823 as recommended by staff.

Legal Description for Z-6823:

A Tract of Land being a part of the West Half (W/2) of Lot 3, FOSTER SUBDIVISION, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, said Tract of Land being more particularly described as follows: Beginning at the Southwest Corner of said Lot 3, FOSTER SUBDIVISION; Thence N0°16'21"W along the West Line of said Lot 3 for 539.29 feet; Thence N89°38'41"E for 165.06 feet to a point on the East Line of said W/2 Lot 3; Thence S0°16'18"E along said East Line for 538.96 feet to The Southeast Corner of said W/2 Lot 3; Thence S89°31'57"W along the South Line of said Lot 3 for 165.05 feet to the Point of Beginning of said tract of land, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

* * * * *

APPLICATION NO.: Z-6824

RS-3 TO CS

Applicant: John Moody

(PD-5) (CD-6)

Location: Northeast corner of East Admiral Place and South Highway 169

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6648 August 1998: A request to rezone a 26-acre tract located on the northwest corner of East Admiral Place and Mingo Valley Expressway from CS to CH or in the alternative CG for an office/warehouse development. Staff recommended the applicant submit a PUD or seek CO zoning. TMAPC recommended approval of CG zoning and City Council concurred.

Z-6544 July 1996: City Council and TMAPC recommended denial of CG zoning and approval of CS zoning on a request to rezone a 1.5-acre tract located east of the subject tract on the north side of East Admiral Place from RMH.

Z-6437 April 1994: All concurred in approval of a request to rezone a 9.7-acre tract located on the northeast corner of East Admiral Place and South Mingo Road from CS to CG to allow a truck sales business.

Z-6386 February 1993: All concurred in approval of a request to rezone a 2.4-acre tract located on the northeast corner of East Admiral Place and North 106th Place East, and east of the subject tract, from CS and RS-3 to CS to expand a mobile home sales business.

Z-6300 December 1990: All concurred in approval of a request to rezone a 2.4-acre tract located east of the northeast corner of East Admiral Place and North 106th Place, and east of the subject tract, from RS-3 to CS.

AREA DESCRIPTION

SITE ANALYSIS: The subject tract is approximately 3.2 acres in size and is located on the north side of East Admiral Place; the Mingo Valley Expressway right-of-way borders the tract on the west. The property is sloping, partially wooded, contains a church, church parking and other church-related buildings, and is zoned RS-3.

STREETS:

Exist Access	MSHP Planned R/W	Exist. No. Lanes
U. S. Highway 169 North	Varies	4 lanes
East Admiral Place	100'	4 lanes

The Major Street Plan designates U. S. Highway 169 North as a freeway and East Admiral Place as a secondary arterial street. The City of Tulsa Traffic Counts 1998 – 1999 indicates 65,700 trips per day on U. S. Highway 169 North at East Admiral Place.

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

SURROUNDING AREA:

The property is abutted on the north by vacant land and the Cooley Creek floodplain, zoned AG, and the interchange for U. S. Highway 169 and I-244, zoned RS-3; to the west across U. S. Highway 169 is a vacant shopping center, zoned CG; to the south are single-family homes, zoned RS-3; and to the east are vacant commercial buildings and a manufactured home sales, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low and Medium Intensity – Corridor.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map for that portion of the tract that lies within the Medium Intensity – Corridor designation and **is not** in accordance with that portion that is within the Low Intensity – Corridor designation.

STAFF RECOMMENDATION:

Although the requested CS zoning is not in compliance with the Comprehensive Plan on the portion designated as low intensity, CS zoning appears to be appropriate, given the existing uses that abut the tract on the east. The CS zoning would allow future church expansion without Board of Adjustment action or site plan review. The church has in the past gone to the Board of Adjustment to be allowed to Christmas tree sales as fundraisers for the church on a year-to-year basis, and the CS zoning would allow this yearly activity as an accessory church use.

If the Planning Commission is inclined to rezone the site, CS zoning may be appropriate, and staff should be directed to prepare appropriate amendments to the District 5 Plan.

Staff therefore, recommends **APPROVAL** of CS zoning for Z-6824.

TMAPC Comments:

Mr. Westervelt asked if the neighborhood to the north has been cleared out for stormwater issues and highway work. In response, Ms. Matthews answered affirmatively.

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 **MIDGET**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Pace, Selph "absent") to recommend **APPROVAL** of CS zoning for Z-6824 as recommended by staff.

Legal Description for Z-6824:

All that part of Lot Four (4), SPRING GROVE SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: BEGINNING at a point 50 feet North and 25 feet East of the Southwest corner of said Lot 4; thence North and parallel to the West line of said Lot 4, a distance of 390.5 feet; thence Easterly and parallel with the South line of said Lot 4, a distance of 275 feet to a point in the East line of said Lot 4, said point being 440.5 feet North of the Southeast corner of said Lot 4; thence South and along the East line of said Lot 4, a distance of 390.5 feet to a point, said point being 50 feet North of the Southeast corner of said Lot 4; thence West and parallel to the South line of said Lot 4, a distance of 275 feet to the Point of Beginning. AND All that part of Lot Five (5), SPRING GROVE SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: BEGINNING at a point in the West line of said Lot 5, said point being the Southwest corner of the Highway property line of said

Lot 5; thence North along the West line of said Lot 5, a distance of 265 feet to a point; thence East and parallel to the South line of said Lot 5, a distance of 135 feet to a point; thence South and parallel to the West line of said Lot 5, a distance of 265 feet to a point in the Highway property line of said Lot 5; thence West on and along the said Highway property line of said Lot 5, a distance of 135 feet to the Point of Beginning, and located on the northeast corner of East Admiral Place and U. S. Highway 169, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To CS (Commercial Shopping Center District).**

Mr. Carnes out at 3:55 p.m.

APPLICATION NO.: Z-6810/PUD-646

AG TO RS-2/PUD

Applicant: Charles Norman

(PD-26) (CD-8)

Location: East side of South Sheridan Road and south of East 108th Street South

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6730/PUD-627 March 2000: A request to rezone a ten-acre tract located on the southwest corner of East 108th Street South and South Sheridan Road from AG to RS-2/PUD. Staff and TMAPC recommended denial of RS-2 zoning and recommended approval of RS-1 and the Planned Unit Development for residential development.

Z-6753/PUD-450-A March 2000: A request to rezone a 4.5-acre tract located on the southwest corner of East 111th Street and South Sheridan Road from an underlying zoning of CS with a PUD for commercial development to RS-4/PUD for a single-family residential development. All concurred in approval of the rezoning and amended development standards.

Z-6722/PUD-619 November 1999: A request to rezone a 34-acre tract located on the west side of South Memorial Drive and south of East 101st Street from AG to CS, OL, RS-3/PUD for a mixed use development. All concurred in approval subject to City Council modifications.

Z-6700/PUD-611 June 1999: All concurred in approval of a request to rezone a twenty-acre tract located east of the northeast corner of South Granite Avenue and East 111th Street South from AG to RS-2 to PUD.

PUD-578 February 1998: A request for a Planned Unit Development on a 35.7-acre tract located at the northwest corner of East 111th Street South and South Memorial Drive for commercial and mixed dwelling type residential development. All concurred in approval subject to modifications.

Z-6249/PUD-450 July 1989: A request to zone a 3.5-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road from AG to CS/PUD for commercial shopping center. All concurred in approval subject to conditions.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 35 acres in size and is located east of South Sheridan Road and south of East 108th Street South. The property is sloping, wooded, vacant, and zoned AG.

STREETS:

Exist Access	MSHP Design	Exist. No. Lanes
South 68 th East Avenue	50'	2 lanes

South 68th East Avenue is a residential street that would be extended into the new development.

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

SURROUNDING AREA: The subject tract is abutted on the north by single-family homes, zoned RS-2; to the south and east by vacant property, zoned AG; and to the west across South Sheridan Road by scattered single-family dwellings, zoned AG.

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 Special District 1 due to steep slopes and highly erodible soils. The Comprehensive Plan states that the uses allowed in Special District 1 shall be limited to low intensity residential unless accompanied by an acceptable PUD and must be consistent with the ability of the sanitary sewer systems to accommodate the development. Special care is to be taken in the design and scheduling of development to minimize the disturbance of the natural vegetation and soil profiles.

According to the Zoning Matrix the requested RS-2 **may be found** in accordance with the Plan Map.

STAFF RECOMMENDATION:

Any zoning classification **may be found** in accordance with the special district designations, provided the uses and intensity of use permitted by the zoning classification are compatible with the existing and planned land use and other physical facts in the area, and supported by the policies of the District Comprehensive Plan

Based on the Comprehensive Plan, existing development, soil types, steep slopes, and lack of a PUD that provides for the special design and scheduling of development called for in Special District 1, staff recommends **DENIAL** of RS-2 zoning and **APPROVAL** of RS-1 zoning for Z-6810 (Revised).

Mr. Midget out at 3:58 p.m.

Related item:

APPLICATION NO.: PUD-646

Applicant: Charles Norman

Location: East side of South Sheridan Road and south of East 108th Street South

AG TO RS-2/PUD

(PD-26) (CD-8)

Staff Recommendation:

The Planning Commission on April 18, 2001 recommended approval of Z-6810 and PUD-646. The following is a summary of that recommendation:

Recommend approval of the RE zoning for Z-6810 and a maximum of 20 lots if there is one point of access or approval of RS-1 and a maximum of 30 lots if there area two points of access and the primary access is onto Sheridan Road or 111th Street South and to recommend approval for PUD-646 as recommended by staff with the following amendments: 1) limit the number of lots to 30 with the stipulation that there is RS-1 zoning, two points of access and the primary access be directly onto Sheridan Road or 111th Street South; or 2) 20 lots with RE zoning and one point of access; bulk and area requirements would translate to RS-1 for 30 lots and RE for 20 lots; private streets be permitted; permit a maximum vertical grade of 12% and delete sediment control plan requirement.

The applicant has now contracted to purchase an additional 4.18 acres of land to provide primary access to South Sheridan Road. Consequently, the applicant has requested that the applications be re-advertised to include the additional land and to add three additional lots to the development.

The following standards reflect the Planning Commission's initial recommendation and the applicant's revised submittal.

If Z-6810 (revised) 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-646 (Revised), 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-646 (Revised) 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:**

Land Area:

Gross	36.997 Acres	1,611,617 SF
Net	36.455 Acres	1,558,426 SF

Permitted Uses:

Those uses included within Use Unit 6, Single-Family Dwellings and customary accessory uses. Detached accessory buildings, such as a garage, including one living or servants' quarters per lot may be permitted. Any accessory living or garage quarters may include a bath and kitchen, provided that such quarters may only be occupied by members of the family related by blood or adoption or servants. Such living quarters must be a part of the accessory garage structure. The living area of any such quarters, exclusive of the accessory building of which it is a part, may not exceed 1,100 square feet.

Minimum Lot Width:	125 Feet
Maximum Number of Lots:	33
Minimum Lot Area:	22,500 square feet
Maximum Building Height:	
(Primary Residence)	45 FT
(Accessory Quarters)	35 FT

Off-Street Parking:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

Minimum Depth of Required Yards:*

From the External Boundaries of the PUD:

25 feet, plus two feet of depth for every foot of building height above 35 feet.

From Street Right-of-Way:

Front or any yard abutting a street:

Residences 30 feet

Garages:

Front entrance 30 feet

Side street entry 20 feet

From internal rear-lot lines 25 feet

From internal side-lot lines 7.5 feet

Access:

There shall be a minimum of two access points into the PUD and the primary access shall be on Sheridan Road.

Signs:

One entry identification sign on South Sheridan Road entrance shall be permitted with a maximum display surface area of 32 SF; and one entry identification sign on South 68th East Place entrance shall be permitted with a maximum display surface area of four square feet and the maximum height for each of these signs shall not exceed five feet.

Other Bulk and Area Requirements:

As established within an RS-1 district.

*Detached accessory buildings shall comply with the minimum yard requirements of principal structures.

3. 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.
4. 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.
5. 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 12 percent. Turnarounds at the end of cul-de-sacs must receive approval from Public Works and the Tulsa Fire Department.
6. 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.
7. 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.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
9. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit.
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.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the subject property was given approval with an alternative recommendation and his client could not have complied with the most desirable recommendation without acquiring more land. This necessitated readvertising the entire PUD and

applying for rezoning on the additional land that was acquired. This application comes back to the Planning Commission in compliance with what was required and his client will provide the principal access onto Sheridan Road. Mr. Norman requested that the revised PUD be approved.

Interested Parties Comments:

Yvonne Elias, 10734 South 66th East Avenue, Tulsa, Oklahoma 74133, stated that the revised PUD is a significant improvement. Ms. Elias indicated that the neighborhood met to discuss this application and submitted requests made by the residents (Exhibit D-1).

Janet Thompson, 11010 South Sheridan, Tulsa, Oklahoma 74133, asked where the 30-foot signage on Sheridan would be located. She expressed concerns that the signage would be directly across the street from her property.

Applicant's Rebuttal:

Mr. Norman stated that if this were a standard RS-1 subdivision without a PUD he would be entitled as a matter of right for the identification signs that the staff has agreed to allow in the PUD standards.

Mr. Norman commented that his client could not accomplish the primary entry being constructed prior to the development of the remainder of the property. He explained that the bridge is a significant and expensive structure going over the floodplain. He indicated that the work on the bridge would be going on simultaneously throughout the subdivision. The suggestion to straighten the interior curve in order to provide visibility is confusing because it would be a private street. The curve is essential to accomplish the transition in elevation down and across the deep swell, plus maintain the maximum grade of 12%.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget, Pace, Selph "absent") to recommend **APPROVAL** the RS-1 zoning for Z-6810 (Revised) and recommend **APPROVAL** of PUD-646 Revised as recommended by staff.

Legal Description for Z-6810/PUD-646:

A TRACT OF LAND IN THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE SOUTHEAST CORNER OF THE SW/4 OF THE SW/4 OF SAID SECTION 26; THENCE NORTH 00°00'33" EAST ALONG THE EASTERLY LINE OF THE SW/4 SW/4 FOR 487.04 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE NORTH

52°45'38" WEST FOR 56.14 FEET; THENCE NORTH 84°26'44" WEST FOR 423.52 FEET; THENCE NORTH 70°03'49" WEST FOR 177.91 FEET; THENCE NORTH 32°45'00" WEST FOR 169.82 FEET; THENCE NORTH 24°59'18" WEST FOR 95.91 FEET; THENCE NORTH 89°49'25" WEST FOR 81.62 FEET; THENCE DUE WEST FOR 472.32 FEET TO A POINT ON THE WESTERLY LINE OF SAID SW/4 OF THE SW/4; THENCE DUE NORTH ALONG SAID WESTERLY LINE FOR 463.74 FEET TO THE NORTHWEST CORNER OF SAID SW/4 OF THE SW/4; THENCE NORTH 89°49'43" EAST ALONG THE NORTHERLY LINE OF THE SW/4 AND THE SOUTHERLY LINE OF FOREST TRAILS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA FOR 2254.35 FEET; THENCE SOUTH 05°31'09" WEST FOR 68.49 FEET; THENCE SOUTH 19°52'51" WEST FOR 179.07 FEET; THENCE SOUTH 04°50'52" WEST FOR 84.51 FEET; THENCE SOUTH 15°06'29" WEST FOR 276.46 FEET; THENCE SOUTH 17°31'55" WEST FOR 132.80 FEET; THENCE SOUTH 33°49'49" WEST FOR 176.65 FEET; THENCE SOUTH 21°40'41" WEST FOR 119.01 FEET; THENCE SOUTH 03°54'56" EAST FOR 70.65 FEET; THENCE SOUTH 38°40'28" WEST FOR 57.25 FEET; THENCE SOUTH 88°29'27" WEST FOR 157.59 FEET; THENCE NORTH 42°23'43" WEST FOR 34.05 FEET; THENCE NORTH 81°13'13" WEST FOR 57.58 FEET; THENCE NORTH 40°42'48" WEST FOR 84.47 FEET; THENCE NORTH 72°25'56" WEST FOR 71.99 FEET; THENCE NORTH 52°27'33" WEST FOR 64.82 FEET; THENCE NORTH 86°39'46" WEST FOR 29.36 FEET; THENCE NORTH 38°08'40" WEST FOR 132.86 FEET; THENCE NORTH 56°19'13" WEST FOR 29.94 FEET; THENCE SOUTH 43°34'30" WEST FOR 37.43 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND From AG (Agriculture District) To RS-1/PUD (Residential Single-Family Low Density District/Planned Unit Development).

APPLICATION NO.: PUD-422-2

Applicant: Steve Williams

Location: 3220 South Peoria

MINOR AMENDMENT

(PD-6) (CD-9)

Staff Recommendation:

The applicant is requesting an amendment to increase the amount of signage allowable from 32 square feet to 44 square feet for an office building.

Staff has viewed the site and surrounding area which transitions from residential uses along Peoria Avenue to office and then commercial types of uses. Traveling south along Peoria toward the site, a short bridge and a pedestrian cross-walking warning sign are located just before reaching the subject site on the west. The office building on the site is set back, with parking located along Peoria and an existing sign located at the south end of the property. Other signs in the area are mostly wall mounted identification signs.

The original PUD concept allowed for two 32 square foot signs with one to be located along the private internal street and one located along Peoria Avenue. Wall signs were to be used on the buildings for individual tenants and businesses according to the submitted concept development plan.

Staff recommends **DENIAL** of the minor amendment requested. A 32 square foot identification sign would be appropriate to the area and the PUD, give ample sign display area and not cause a safety hazard with other distractions near the site.

Applicant did not appear.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget, Pace, Selph "absent") to **DENY** the minor amendment for PUD-422-2 as recommended by staff.

* * * * *

APPLICATION NO.: PUD-557-A-1/Z-5620-SP-11a

MINOR AMENDMENT/CORRIDOR SITE PLAN

Applicant: Whit Todd

(PD-18) (CD-8)

Location: East of southeast corner of East 93rd Street and South Memorial

Staff Recommendation:

The applicant is requesting an amendment to allow 67 feet of height for the new Tulsa City-County Hardesty Regional Library. The existing approved PUD height maximum is 43 feet, although at the time that the Major Amendment for the library use was approved it was stated that the design and number of stories had not been finalized.

The library will be two stories high, and will be less than the 43 feet of height currently allowed, but the design feature in the middle of the library will reach 67 feet in height. Nothing over 43 feet in height will be habitable and all of the structure over the 43 feet in height is a design feature for the new library.

Staff can recommend **APPROVAL** of the minor amendment as proposed per the submitted building elevations.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget, Pace, Selph "absent") to **APPROVE** the minor amendment and corridor site plan for PUD-557-A-1/Z-5620-SP-11a as recommended by staff per plan submitted.

* * * * *

OTHER BUSINESS:

APPLICATION NO.: PUD-359-A

DETAIL SITE PLAN

Applicant: Scott Sherrill

(PD-18) (CD-8)

Location: 7711 South 82nd East Avenue

Staff Recommendation:

The applicant is requesting detail site plan approval of a 37-unit townhouse development with each dwelling on a separate lot. The use proposed is in conformance with the approved Planned Unit Development through Major Amendment 359-A (approved in February, 2001).

Structures proposed will not exceed 29 feet in height and will be one story. Parking will be provided per lot and in the private street areas. The site plan provides for adequate livability space and appropriate setbacks. The site plan is in conformance with the development standards for the PUD and with the revised "Spicewood" plat (to replace part of Mayfair Courts Addition) as submitted.

Staff recommends **APPROVAL** of the site plan as submitted per the submitted elevations, with the proposed lighting not exceeding a maximum height of 15 feet per the PUD standards.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget, Pace, Selph "absent") to **APPROVE** the detail site plan for PUD-359-A, subject to conditions as recommended by staff.

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APPLICATION NO.: PUD-617
Applicant: Mike Dwyer
Location: 2112 South Atlanta Place

DETAIL SITE PLAN
(PD-4) (CD-9)

Staff Recommendation:

The applicant is requesting detail site plan approval for a new 29-foot high, two-story, and 3,564 square foot dentist office. The use proposed is in conformance with the approved Planned Unit Development.

The site plan meets the development standards for PUD-617. Staff recommends **APPROVAL** of the detail site plan per the building elevations submitted.

Note: Detail site plan approval does not constitute sign or landscape plan approval.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget, Pace, Selph "absent") to **APPROVE** the detail site plan for PUD-617 as recommended by staff.

APPLICATION NO.: PUD-630
Applicant: Danny Mitchell
Location: 51st Street and South Richmond Avenue

DETAIL SITE PLAN
(PD-18) (CD-7)

Staff Recommendation:

The applicant requests detail site plan approval for a new 3,905 square foot credit union building. The use proposed is in conformance with the adopted Planned Unit Development for the site.

The site plan as submitted meets with the adopted development standards for PUD-630. Staff can recommend **APPROVAL** of the detail site plan with the condition that the screening wall be redesigned to be more aesthetically pleasing, as required by the Planned Unit Development for the site.

Note: Detail site plan approval does not constitute sign or landscape plan approval.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget, Pace, Selph "absent") to **APPROVE** the detail site plan subject to conditions as recommended by staff.

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Consider calling a public hearing to amend the zoning matrix, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, to make OL and PK zoning as "may be found" in accord in the Low Intensity-Residential Land Use category.

TMAPC Comments:

Mr. Westervelt reported that the Comprehensive Plan Committee met regarding this issue and decided that this would not be changing the process, but simply doing some housekeeping that makes sense with regard to the Zoning Code. The Planning Commission would be setting a date for public hearing today and not voting on the change at this time.

Mr. Westervelt asked staff if they had a date to recommend for the public hearing. In response, Mr. Stump stated that the only suggested date that he recalls is that Commissioner Pace requested the hearing be in the fall rather than the during summer months.

Mr. Westervelt stated that he had no criticism of Commissioner Pace wanting to wait till winter to deal with these things, but he would prefer the first available date for public hearing. In response, Mr. Stump stated that staff could have the notice and mailing ready for a July 25th public hearing.

Mr. Westervelt stated a suggestion would be for July 25th, 2001 and requested a motion.

TMAPC Action; 6 members present:

On **MOTION** of **HILL**, TMAPC voted **6-0-0** (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget, Pace, Selph "absent") to **CALL FOR A PUBLIC HEARING** on July 25th, 2001 at 1:30 p.m. to consider and/or take action to amend the zoning matrix, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, to make OL and PK zoning as "may be found" in accord in the Low Intensity-Residential Land Use category.

There being no further business, the Chairman declared the meeting adjourned at 4:15 p.m.

Date Approved:

July 11, 2001

[Signature]

Chairman

ATTEST: [Signature]
Secretary