

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2302**

Wednesday, March 6, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Hill	Beach	Romig, Legal
Carnes	Jackson	Dunlap	
Dick	Midget	Fernandez	
Harmon		Huntsinger	
Horner		Matthews	
Ledford		Stump	
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 4, 2002 at 2:16 p.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 Harmon called the meeting to order at 1:30 p.m.

**REPORTS:**

**Director's Report:**

Mr. Stump reported that there was one item on the City Council agenda for March 7, 2002 and Ms. Matthews would be attending.

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**TMAPC Comments:**

Mr. Harmon stated that there are several items on the agenda that need to be continued or stricken from the agenda.

**SouthCrest Medical Campus II – (PUD-559) (1884) (PD-18) (CD-8)**

**Location:** East 91<sup>st</sup> Street South and South 101<sup>st</sup> East Avenue (Northeast corner).

**Staff Recommendation:**

Staff recommends that this application be continued to March 20, 2002 because this item would require a minor amendment to the PUD and it would not be heard until March 20, 2002.

This item has been continued to March 20, 2002 at 1:30 p.m.

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**Z-6851 – (2994) (PD-17) (CD-5)**

**Location:** Northeast corner of East 43<sup>rd</sup> Street and South Garnett Road

Staff has stricken this item from the agenda.

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**SUBDIVISIONS:**

**FINAL PLAT:**

**Greater Grace Apostolic Temple of Tulsa (PUD-644) (1202 (PD-25) (CD-1)**

**Location:** 1019 East 54<sup>th</sup> Street North Tulsa

**Staff Recommendation:**

The PUD was approved for a maximum of 100,000 SF of church uses.

This plat consists of one lot in one block on 10.54 acres. The preliminary plat was approved in June 2001. A new surveyor was later hired to complete the plat and this draft final reflects changes that were required in the conditional preliminary plat approval.

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **APPROVE** the final plat for Greater Grace Apostolic Temple of Tulsa as recommended by staff.

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**Superior Federal Bank, East 61<sup>st</sup> Street Branch, PUD-390-A (PD-18) (CD-7) (3693)**

**Location:** Northeast corner of East 61<sup>st</sup> Street South and South 89<sup>th</sup> East Avenue

**Staff Recommendation:**

This plat consists of two lots in one block on 2.29 acres. The property will be developed for bank and office uses.

The property was the subject of a major amendment to the PUD to allow drive-in banking and office uses except funeral homes on Lot 1, and office uses except drive-in banking and funeral homes on Lot 2.

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **APPROVE** the final plat for Superior Federal Bank, East 61<sup>st</sup> Street Branch as recommended by staff.

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**PRELIMINARY PLAT:**

**Stratford Estates, Block 4 – (3092)**

(PD-23) (County)

**Location:** West 41<sup>st</sup> Street and South 69<sup>th</sup> West Avenue (Southeast corner)

**Staff Recommendation:**

This plat consists of six lots in one block on 4.35 acres. This is the fourth phase of a single-family residential development.

The following were discussed **February 21, 2002** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The zoning is RS and predates the county zoning ordinance. The proposal is consistent with the RS standards.

**2. Streets/access:**

*Staff:* No additional information.

*County Engineer:* No concerns with the layout of the plat. Change Section I, Paragraph 2 to make owner, not County, responsible for any repairs.

*Applicant:* No comments.

**3. Sewer:**

*Staff:* Lots to be served by individual septic systems. All lots meet minimum ODEQ lot size standards.

*Waste Water:* No discussion.

*Applicant:* No comments.

**4. Water:**

*Staff:* Applicant stated water to be provided by Sand Springs.

*Water:* No comment.

*Applicant:* Correction: water by Tulsa County Rural Water District #2.

**5. Storm Drainage:**

*Staff:* No additional information.

*County Engineer:* No concerns.

*Applicant:* No comments.

**6. Utilities:**

Staff: No additional information.

No comments from any franchise utilities.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Modify covenants to make owner, instead of County, responsible for repairs of paving and landscaping within easements.

**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 topography 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.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **APPROVE** the preliminary plat for Stratford Estates, Block 4 subject to special conditions and standard conditions as recommended by staff.

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**Walgreen Square – (PUD-658) (2183)**

**(PD-26) (CD-8)**

**Location:** Northwest corner of East 101<sup>st</sup> Street South and South Yale Avenue

**Staff Recommendation:**

This plat consists of one lot in one block on 1.74 acres. It will be developed for retail uses under the PUD.

The following were discussed **February 21, 2002** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The property was rezoned to OL/CS/PUD last month. The PUD allows Use Unit 11, Offices, Studios, and Support Services; Use Unit 12, Restaurants; Use Unit 13, Convenience Goods and Services; and Use Unit 14, Shopping Goods and Services. This project will consist of a retail pharmacy.

**2. Streets/access:**

*Staff:* The PUD allows one access point at Yale and one at 101<sup>st</sup> Street.

*Public Works, Traffic and Transportation:* Add right-of-way dedication language in Deed of Dedication; add "enforceable by City" to Limits of No Access paragraph in Restrictive Covenants.

*Applicant:* No comments.

**3. Sewer:**

*Staff:* No additional information.

*Public Works, Waste Water:* Sewer main extension will be required.

*Applicant:* They're investigating two possible sources for extension: approximately 500 feet south or to the north across Yale. One may be preferred because of a possible conflict with a gas main. Will decide and prepare appropriate documentation.

**4. Water:**

*Staff:* No additional information.

*Public Works, Water:* No comments.

**5. Storm Drainage:**

*Staff:* The PUD states, "Onsite stormwater detention shall be provided equal to or exceeding 125% of the storage capacity customarily required by the City of Tulsa, and if permitted by the City of Tulsa, shall be designed to prevent stormwater runoff onto the residential properties adjoining the west boundary of the PUD and to predominantly direct stormwater runoff south to the 101<sup>st</sup> Street right-of-way."

*Public Works, Storm Water:* PUD requirement is unusual but will review for compliance. Add detention easement and appropriate language in Deed of Dedication.

*Applicant:* Is aware of PUD requirement and will comply.

**6. Utilities:**

*Staff:* No additional information.

*Franchise Utilities:* No comments.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Add appropriate language to satisfy Traffic Engineer.
2. Indicate any additional easements required for sewer main extension.
3. Add detention easement and appropriate language to satisfy Stormwater Engineer.

**Standard Conditions:**

1. All conditions of PUD-658 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the 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 topography 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.

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

**Interested Parties Comments:**

**Dr. Herbert Orr**, 4627 East 100<sup>th</sup> Street, Tulsa, Oklahoma 74137, stated that he is in agreement with this application.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **APPROVE** the final plat for Walgreen Square, subject to special conditions and standard conditions as recommended by staff.

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**PLAT WAIVER:**

**Z-6850 – (292)**

**(PD-1) (CD-4)**

**Location:** 121 North Denver

**Staff Recommendation:**

The property is being rezoned from IL to CBD. It will be developed for office uses. It's currently a parking lot.

***The following information was provided at the TAC meeting January 17, 2002.***

**ZONING:**

*TMAPC Staff: The rezoning hearing is scheduled for February 6, 2002. This plat waiver will not be presented to the TMAPC until after first reading of the zoning ordinance.*

**STREETS:**

*Public Works, Transportation: No dedication required.*

*Public Works, Traffic: Access locations shall remain as existing.*

**SEWER:**

*Public Works, Waste Water: No comments.*

**WATER:**

*Public Works, Water: No comments.*

**STORM DRAIN:**

*Public Works, Stormwater: Developer to verify location of existing 60" storm drain and easement and avoid construction on top of it.*

**FIRE:**

*Public Works, Fire: No comments.*

**UTILITIES:**

*Franchise Utilities: No comments.*

Based on the fact that this development will have little impact on the surrounding streets, utilities, or adjacent properties, the area has been platted and fully developed for many years, and based on the checklist evaluation below, staff recommends **APPROVAL** of the request for a plat waiver, subject to

**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. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		
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

	Yes	NO
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?		
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		
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.		NA
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.?		NA

**Applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **APPROVE** the plat waiver for Z-6850 as recommended by staff.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.: CZ-299**

**IM to RM-2**

**Applicant:** Mark Bales

(PD-23) (County)

**Location:** South of southwest corner of West Charles Page Boulevard and South 65<sup>th</sup> West Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

None.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately fourteen acres in size and is located south of the southwest corner of West Charles Page Boulevard and South 65<sup>th</sup> West Avenue. The property is flat, slightly wooded, and vacant except for some remnants of concrete from an apparent earlier development and zoned IM.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP ROW</b>	<b>Exist. # Lanes</b>
West Charles Page Boulevard	80'	80'	4 lanes
South 65 <sup>th</sup> West Avenue	100'	100'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The subject tract is abutted on the north by a strip shopping center, zoned IM; to the east by single-family homes, zoned RS in the County; to the south by industrial uses, zoned IM; and to the west by the County levee and vacant land, zoned IM.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 10 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject tract as Medium Intensity - Residential. The requested RM-2 zoning is in accord with that plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding existing zoning and uses, staff can support the requested rezoning and recommends **APPROVAL** of RM-2 for CZ-299.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to recommend **APPROVAL** of the RM-2 zoning for CZ-299 as recommended by staff.

**Legal Description for CZ-299:**

A tract of land in the Northeast Quarter (NE/4) of the Northeast Quarter (ne/4), LYING south OF U.S. Highway #64 Right-of way in Section 7, Township 19 North, Range 12 East, of the Indian Base and Meridian, County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof, LESS the West 569.11 feet thereof, being more particularly described as follows, to-wit: Commencing at the Northeast corner of the Northeast Quarter (NE/4) of said section 7; Thence S 00°13'04" E along the East line of said section 7 a distance of 504.55 feet; Thence S 89°30'56" W a distance of 24.75 feet to the Point of Beginning; Thence S 00°13'04" E parallel to and 24.75 feet perpendicularly distant from the East line of said Section 7 a distance of 822.41 feet to the South line of said NE/4, NE/4; Thence S 89°40'33" W along said South line a distance of 622.66 feet; Thence N 00°13'04" W a distance of 44.91 feet; Thence 22°05'01" E a distance of 563.9479 feet; Thence N 50°18'48" E a distance of 121.47 feet; Thence N 00°52'06" E a distance of 72.01 feet; Thence N 54°18'34" E a distance of 115.59 feet; Thence N 76°25'37" E a distance of 83.96 feet; Thence N 69°18'18" E a distance of 59.55 feet; Thence N 89°30'59" E a distance of 81.91 feet to the Point of Beginning, containing 8.7451 acres, more or less, and located south of the southwest corner of West Charles Page Boulevard and South 65<sup>th</sup> West Avenue, Tulsa, Oklahoma, **From IM (Industrial Moderate District) To RM-2 (Residential Multifamily Medium Density District).**

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**APPLICATION NO.:** CZ-300

**Applicant:** Sam Childers

**Location:** Southeast corner of Highway 412 West and South 177<sup>th</sup> West Avenue

**AG to CG**

(PD-23) (County)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CBOA-1934 January 2002:** The County Board of Adjustment approved a request for a special exception use in a CS-zoned district to allow the sale of horse trailers, Use Unit 17, on property located on the northwest corner of West 9<sup>th</sup> Street and South 174<sup>th</sup> West Avenue and on the north side of the Keystone Expressway.

**CBOA-1405 March 1996:** The County Board of Adjustment approved the use of a manufactured unit in a CS-zoned district for a security building (trailer) for property located on the northeast corner of West 8<sup>th</sup> Street and South 177<sup>th</sup> West Avenue, on the north side of the Keystone Expressway.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately five acres in size and is located on the southeast corner of Keystone Expressway (U. S. Highway 64 West) and South 177<sup>th</sup> West Avenue, Sand Springs. The property is flat, non-wooded, vacant, and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP ROW</b>	<b>Exist. # Lanes</b>
Keystone Expressway (U.S. Hwy 64 West)	Varies	Varies	4 lanes
South 177 <sup>th</sup> West Avenue	100'	100'	2 lanes

**UTILITIES:** Water is available from the City of Sand Springs and sewer is by septic means.

**SURROUNDING AREA:** The subject tract is abutted on the north by the Keystone Expressway, (U. S. Highway 64); zoned AG, on the south by single-family dwellings, zoned AG, to the west by vacant land, zoned AG, and to the east by 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, designates the subject tract as Low Intensity - Residential. The requested CG zoning is **not** in accord with that plan. (See attached Sand Springs staff comments on that plan.) Sand Springs staff notes that the applicant verbally amended his request to CS rather than CG. The applicant has not made such an amendment to TMAPC staff, either verbally or in writing. The Sand Springs Planning Commission heard the case on February 5, 2002, and recommended approval of CS zoning.

**STAFF RECOMMENDATION:**

Based on the Sand Springs Planning Commission's recommendation, existing development, zoning and trends in the area, staff cannot support the requested CG zoning but can support CS zoning and therefore recommends **DENIAL** of CG zoning and **APPROVAL** of CS zoning for CZ-300.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to recommend **DENIAL** of CG zoning and **APPROVAL** of CS zoning for CZ-300 as recommended by staff.

**Legal Description for CZ-300:**

A part of the W/2 of Section 6, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being a part of Government Lots 7 and 8, and being more particularly described as follows, to-wit: Beginning at a point on the West line of Government Lot 7, said point being on the West line of Section 6, 1,408.30' South of the West Quarter corner of Section 6; thence S 89°50'00" E a distance of 24.75' to a point on the Southerly right-of-way line of Keystone Expressway (U. S. Highway 64); thence N 45°10'00" E a distance of 279.10' along said right-of-way line to a point; thence N 62°55'22.50" E a distance of 0.00'; thence on a curve to the left having a central angle of 11°51'10" and a radius of 1,079.90', a distance of 223.40'; thence N 67°58'00" E along said Southerly right-of-way line a distance of 290.62'; thence S 00°09'54" W parallel with the West line of Section 6, a distance of 437.39' to a point on the South right-of-way line of the abandoned railroad right-of-way; thence S 84°33'23" W along said right-of-way a distance of 702.29'; thence N 00°09'54" E a distance of 117.82' to the Point of Beginning, and located on the southeast corner of Keystone Expressway (U. S. Highway 64) and South 177<sup>th</sup> West Avenue, Sand Springs, Oklahoma, State of Oklahoma, **From AG (Agriculture District) To CS (Commercial Shopping Center District).**

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**APPLICATION NO.: Z-6852**

**CS to CH**

**Applicant:** David Brown

(PD-5) (CD-3)

**Location:** Southeast corner of East Admiral Place and South 85<sup>th</sup> East Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**BOA-18123 July 1998:** The Board of Adjustment approved a special exception to allow manufactured homes sales in a CS-zoned district on property located directed north of the subject property on the north side of East Admiral Place.

**BOA-17980 March 1998:** A special exception to allow automobile sales in a CS-zoned district was approved by the Board of Adjustment on property located north and east of the subject tract on the north side of East Admiral Place, subject to a maximum of ten vehicles only to be displayed on the property, repair and detailing of vehicles was not to be allowed.

**BOA-14732 February 1988:** The Board of Adjustment approved a special exception to allow for a wrecker service in a CS-zoned district and denied a request for a variance to allow open-air storage within 300' of an R district and a variance of the all-weather surface on the subject tract

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.7 acres in size and is located on the southeast corner of East Admiral Place and South 85<sup>th</sup> East Avenue. The property is gently sloping, non-wooded, contains retail, warehousing and storage (Ladders of Tulsa), and is zoned CS.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP ROW</b>	<b>Exist. # Lanes</b>
East Admiral Place	100'	100'	2 lanes
South 85 <sup>th</sup> East Avenue	50'	50'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the north by numerous mobile home and automotive-related uses, zoned CS and IL; to the west by a Wal-Mart store, zoned CH; to the east by a supply company, zoned CS and IL; and to the south by commercial uses, zoned CH.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject tract as Medium Intensity - Commercial. According to the Zoning Matrix, the requested CH zoning **is not** in accord with that plan.

**STAFF RECOMMENDATION:**

Based on surrounding zoning patterns and uses, staff can support the requested rezoning and therefore recommends **APPROVAL** of **CH** zoning for Z-6852.

If the Planning Commission is inclined to recommend approval of CH for this case, staff should be directed to prepare appropriate plan amendments.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to recommend **APPROVAL** of the CH zoning for Z-6852 and direct staff to prepare appropriate plan amendments as recommended by staff.

**Legal Description for Z-6852:**

Lot 1 and the West 60' of the North 300' of Lot 2, all in Block 3, Day Suburban Acres Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southeast corner of East Admiral Place and South 85<sup>th</sup> East Avenue, Tulsa, Oklahoma, **From CS (Commercial Shopping Center District) To CH (Commercial High Intensity District).**

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**APPLICATION NO.: CZ-301**

**RS to RM-2**

**Applicant:** Mark Bales

(PD-11) (CD-1)

**Location:** North and west of northwest corner of Charles Page Boulevard and South 57<sup>th</sup> West Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

None.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately eighteen acres in size and is located north and west of the northwest corner of Charles Page Boulevard and South 57<sup>th</sup> West Avenue. The property is sloping, non-wooded, vacant, and zoned RS in the County.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP ROW</b>	<b>Exist. # Lanes</b>
West Charles Page Boulevard	80'	80'	4 lanes
South 57 <sup>th</sup> West Avenue	50'	50'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer. Municipal water supply is available to tie into at the south end of South 59<sup>th</sup> West Avenue. Sewer is available along the south side of the Katy Trail.

**SURROUNDING AREA:** The site is adjacent to single-family residential uses on the east, west and north, zoned RS in the County; and on the south by single-family residential uses, zoned RM-1.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 10 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the west 450' and the east 250' of the subject tract as Low Intensity Residential. The Comprehensive Plan indicates the proposed location of the Gilcrease Expressway to be in the center of the tract.

According to the Zoning Matrix the requested RM-2 zoning **is not** in accordance with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, the surrounding land uses, and existing zoning, staff recommends **DENIAL** of RM-2 zoning for CZ-301.

Ms. Matthews submitted information from Representative Russ Roach and the City of Tulsa regarding the proposed alignment for the Gilcrease Expressway (Exhibit A-1) and how it relates to the subject property under application. She reiterated that because the application is not in compliance with the Comprehensive Plan, surrounding land uses and the existing zoning, staff is recommending denial of the RM-2 zoning.

**TMAPC Comments:**

Mr. Westervelt stated that he would assume that the letter received from Russ Roach had absolutely no impact on the staff's decision making this report. In response, Ms. Matthews stated that staff's report was already developed before receiving the letter.

Mr. Stump stated, for the record, that staff considered the Comprehensive Plan, the surrounding land use (single-family residential), and the existing zoning (single-family residential) and this application was not in accordance.

**Applicant's Comments:**

**Mark Bales**, 3108 South Skyline Drive, Sand Springs, Oklahoma 74063, stated that he is aware that the planned expressway and his plans are to build in accordance to the feature of the expressway coming through. He further stated that the thought it would be a good idea for the area and stimulate the growth to the area. He indicated that he would apply for a PUD if it were necessary. He commented that there would a protective barrier for the existing neighborhood.

**Interested Parties Comments:**

**Commissioner John Selph**, 500 South Denver, Tulsa, Oklahoma 74103, stated that the subject area is currently single-family residential use with low intensity. This is not consistent with the Comprehensive Plan, it is not consistent with surrounding land uses and it is not consistent with existing zoning. He requested the Planning Commission deny this application.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Selph if he had read the letter from Representative Russ Roach. In response, Commissioner Selph stated that he has not seen the letter and didn't know it existed until today's meeting.

**Opposing Interested Parties:**

**Bill Bush**, 810 North Elm Place, Owasso, Oklahoma 74055; **E. L. Downum**, 450 South 53<sup>rd</sup> West Avenue, Tulsa, Oklahoma 74127; **Wayne & Geneva Tubbs**, 579 West 1<sup>st</sup> Street, Tulsa, Oklahoma 74127; **Benny Driscoll**, 5912 West 2<sup>nd</sup> Street, Tulsa, Oklahoma 74127; **Tammy Reynolds**, representing the Charles Page Community Action Group, 438 South 55<sup>th</sup> West Avenue, Tulsa, Oklahoma 74127; **George & Virginia Appleby**, 5306 West 2<sup>nd</sup> Street, Tulsa, Oklahoma 74127; **Earl Krumsiek**, 6121 West 4<sup>th</sup> Place, Tulsa, Oklahoma 74107, submitted a petition (Exhibit A-2); **Larry Johnson**, 453 South 61<sup>st</sup> West Avenue, Tulsa, Oklahoma 74127; **Bill Abbott**, 5762 West 2<sup>nd</sup> Street, Tulsa, Oklahoma 74127; **Jean Allen**, 5751 West 2<sup>nd</sup>, Tulsa, Oklahoma 74127; **Tod Smetana**, 5372 West 2<sup>nd</sup> Street, Tulsa, Oklahoma 74127; **Debra Barnett**, 104 South 59<sup>th</sup> West Avenue, Tulsa, Oklahoma 74127; **James Silky**, 502 South 56<sup>th</sup> West Avenue, Tulsa, Oklahoma 74127.

**Opposing Interested Parties Comments:**

No sewer in subject area and no infrastructure available for this type of facility; existing drainage problems, streets would not be able to handle the increased traffic; this development would be a another Sandy Park and it is not wanted; proposal would degrade existing property; a freeway is scheduled to be built in the subject area; would prefer to follow the Charles Page Boulevard Neighborhood Revitalization Plan that was developed for the subject area; the subject property could not be developed because of drainage problems; concerns that the subject development would be a low income development; not enough police protection because it is located in the County; concerns that there is not a clear deed for the subject property; there are fixed-income families in the subject area, the schools are finally in decent order and now to compound the problems with a low housing project; the proposal would make the subject area a westside ghetto; this proposal would drown the existing residential area and it is out of control; the subject area is not a part of City of Tulsa nor a part of Sand Springs, but a County jurisdiction area; the subject area is a laid-back country atmosphere with good folks; the existing area is a good place for kids to run around and goof-off away from their homes, but not so far away that parents have to be concerned; a place for kids to ride their motorcycles and four-

wheelers and hide from the police, or whomever, for what they are doing; it is waste of time and effort to go through this hearing for this purpose; leave the subject area the way it is and let the highway come in five or ten years as planned; low-income housing would cause more problems and there is already a drug house in the subject neighborhood; the subject area floods when heavy rains come and the drainage is poor.

**TMAPC Comments:**

Mr. Carnes stated that he takes exception to the comment that the Planning Commission is trying to drown the existing residential area. He explained that the Planning Commission is listening to everyone today before making a recommendation and staff has already made a recommendation for denial of this application.

Mr. Johnson stated that someone is putting pressure on the subject area. Between the highway and the new housing there is a game plan that people aren't involved in, because this just doesn't happen this way. People, that are in the know, have contacts with other people and make things like this happen. If the city planners had any sense they would alleviate the area and not drown it. People are trying to make a living and live out there. In response, Mr. Carnes reminded Mr. Johnson that staff has recommended denial for the application.

Mr. Harmon stated that it is definitely not a waste of time to have a public hearing. In response, Mr. Smetana stated that the subject area would like to be left alone.

**Applicant's Rebuttal:**

Mark Bales stated that he does not intend to build low-income housing, but moderate-income housing. He explained that he is from Sand Springs and went to school in the subject area. He commented that he would like to see the subject area come back, and his intentions are nothing but good. He stated that the proposal would be good for young families.

Mr. Bales stated that he understands that utilities would have to be addressed and it would be taken care of as needed. Anything else that comes up he could take care of as it develops.

**Mr. HORNER** motioned for **DENIAL** of the RM-2 zoning for CZ-301 as recommended by staff.

**TMAPC Comments:**

Mr. Westervelt stated that his decision is simply based on the Comprehensive Plan, the surrounding land uses and the existing zoning. Although it is always helpful to hear about the drainage problems and utility issues, he is confident that it would be handled by the County Engineering staff, and the decision is based solely on the Comprehensive Plan, the surrounding uses and existing zoning.

He stated that he would like to note for the record, one more time, that the letter from Representative Russ Roach had no bearing on this decision.

Mr. Harmon stated that the proposal is not compatible and denial is in order.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to recommend **DENIAL** of the RM-2 zoning for CZ-301 as recommended by staff.

**Applicant's Comments:**

Mr. Bales requested to withdrawal this application. In response, Mr. Harmon stated that it has been denied and it is too late to withdraw.

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**APPLICATION NO.: PUD-441-2**

**MINOR AMENDMENT**

**Applicant:** Michael Demest

(PD-11) (CD-1)

**Location:** Northeast corner of West Pine Street and North Union Avenue

**TMAPC Comments:**

Mr. Harmon acknowledged receiving a letter (Exhibit B-1) from the applicant indicating that he would not be able to attend today's meeting and requested a continuance to March 20, 2002 at 1:30 p.m.

**Interested Parties Comments:**

**Norman Pullen**, 1247 West Queen, Tulsa, Oklahoma 74127, stated that he had no problem with the request to continue. He explained that it would allow him more time to discuss this with his neighbors.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **CONTINUE** the minor amendment for PUD-441-2 to March 20, 2002 at 1:30 p.m.

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**OTHER BUSINESS:**

**APPLICATION NO.: PUD-602**

**DETAIL SITE PLAN**

**Applicant:** Kerri Smith

(PD-18) (CD-8)

**Location:** West of northwest corner of East 71<sup>st</sup> Street and South Garnett

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for a new 6,876 square foot restaurant. The proposed use is in conformance with the approved Planned Unit Development for the site.

The tract abuts commercial uses and/or zoning on the West, North and East (with no frontage on collector streets) and fronts 71<sup>st</sup> Street South on the South. Therefore, specific requirements per PUD-602 for buffering and screening from collector streets are not applicable. Building height, according to elevations submitted, is 27.6 feet. Maximum height permitted by PUD-602 is 35 feet, with architectural features permitted to exceed this height with detail site plan approval. The proposed 12-foot high flags secured on the South face of the building exceed the 35-foot limit by 4.6 feet, thus requiring TMAPC approval.

Staff recommends **APPROVAL** of the detail site plan as submitted.

**Applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **APPROVE** the detail site plan for PUD-602 as recommended by staff.

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**APPLICATION NO.: PUD-644**

**DETAIL SITE PLAN**

**Applicant:** Neal Harton

(PD-25) (CD-1)

**Location:** West of southwest corner of East 56<sup>th</sup> Street and North Peoria

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for a new 22,344 square foot church. The proposed use is in conformance with the approved Planned Unit Development for the site.

The site plan, as submitted, is in conformance with the PUD-644 limitation of one access point onto East 54<sup>th</sup> Street North and one (secondary access point) onto Madison Avenue. PUD-644 does not require screening, and lighting (per plan) is directed away from adjacent properties.

Staff recommends **APPROVAL** of the detail site plan as submitted.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **APPROVE** the detail site plan for PUD-644 as recommended by staff.

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**Consider/Adopt Proposed Fees for Accelerated Building Permits, Minor Subdivision Plats and Reinstatement of Plats**

**Staff Recommendation:**

Mr. Stump stated that the following proposals were discussed last week's worksession and is now on the agenda for a formal adoption by the Planning Commission.

The newly updated Subdivision Regulations have several new processes that require the Planning Commission to set application fees. A review of the existing fees and fee schedules of cities with populations similar to Tulsa were considered for the following proposals:

**The following are the recommended revised/proposed fees:**

<b>Accelerated Building Permit:</b>	<b>\$500.00</b>
<b>Minor Subdivision Plat:</b>	<b>\$250.00</b>
<b>Reinstatement of Plat:</b>	<b>\$100.00</b>

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

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Midget "absent") to **ADOPT** the fees for accelerated building permits, minor subdivision plats and reinstatement of plats, noting that at any time in the future staff processes these and find that the fees are not appropriate as to the amount of time being utilized then it could be revisited.

**Mr. Harmon recognized Mr. Sack.**

**Ted Sack**, 111 South Elgin, Tulsa, Oklahoma 74120, stated that the new fees would not be inline with the preliminary and final plat. He suggested that preliminary and final plat fees be revised.

Mr. Stump stated that because there were no fees for these three items they were the first to be revised, but staff expects to be revising others in the near future.

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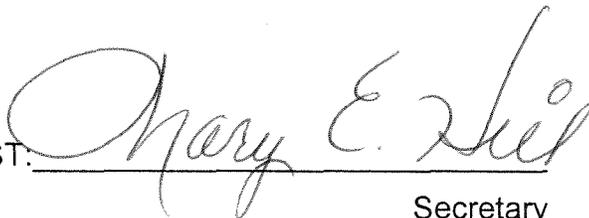
There being no further business, the Chairman declared the meeting adjourned at 2:24 p.m.

Date Approved: \_\_\_\_\_



Chairman

ATTEST:



Secretary