

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2312

Wednesday, June 19, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Dick	Dunlap	Boulden, Legal
Carnes		Fernandez	
Coutant		Huntsinger	
Harmon		Matthews	
Hill		Stump	
Horner			
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 17, 2002 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 Harmon called the meeting to order at 1:30 p.m.

Mr. Harmon acknowledged the absence of Fran Pace who has been a Planning Commissioner for many years. He stated that Ms. Pace would no longer be serving on the Planning Commission, but in her place he is delighted to welcome Dell Anna Coutant.

Mr. Harmon stated that in connection, Fran Pace represented the Planning Commission at the Tulsa Preservation Commission, and since she is no longer present to serve, he has requested Stacey Bayles to serve in this capacity. She has agreed to do so. Mr. Harmon appointed Stacey Bayles to represent the Planning Commission on the Tulsa Preservation Commission.

SUBDIVISIONS:

Lot-Splits for Waiver of Subdivision Regulations:

An application has been filed to split a tract into two lots. A waiver of the Subdivision Regulations would be required to approve the lot-split because Tract 2 would have more than three side lot lines. Both resulting tracts meet the RS-3 bulk and area requirements.

The Technical Advisory Committee had no concerns regarding this lot-split after it was determined that each lot would have its own separate driveway. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

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 **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19389 as recommended by staff.

PRELIMINARY PLAT:

Ashton Creek Village – PUD-600-C (RS-3) (2183) (PD-11) (CD-1)

Location: South of East 91st Street South and west of Yale Avenue, 22 acres, 8 blocks, 83 lots.

Staff Recommendation:

This plat consists of approximately 22 acres with 8 blocks and 83 lots.

The following were discussed June 6, 2002, at the Technical Advisory Committee (TAC) meeting:

1. Zoning: The property is zoned under PUD 600 C with an underlying RS-3 zoning district. (The site had been approved under PUD 596, and then under PUD 600, and now under PUD 600 C.) The proposed plat consists of approximately 22 acres.

There appear to be five reserve areas per the submitted subdivision covenants, but these are not marked on the face of the plat.

Staff questioned the developer about possible gravesites on the site, if there were floodplain area, if there were medians in the private streets and if these would be identified as to maintenance. Staff requested proper street names be used, that the PUD standards all be met, that all the typographical errors in the covenants be corrected and that the reserve areas be defined exactly.

2. Streets/access: It appears that a landlocked parcel is being created to the northwest. Streets do not meet a collector street standard. "Limits of No Access" should be shown along the expressway and the standard wording in the covenants is needed. Covenants must address enforcement by the City of Tulsa and that the homeowners association will be created and will maintain the proposed private streets. The line of sight near the intersections, especially on the east/west street, needs to be reviewed for obstacles. A few parking spaces should be placed outside of the gate.
3. Sewer: Many additional easements are needed. The covenants need to address easements for private streets, stormwater, sewer, water and utilities or else the plat needs to add additional utility easements.
4. Water: The water line may need to be looped.
5. Storm Drainage: The Highway Department may need to grant permission for off-site easements. Standard language in the covenants concerning storm drainage must be supplied. There is an existing outlet near a detention easement in the area. Soil deposition, clean-up costs for a pond, or for drainage under an expressway, could be very high.
6. Utilities: SWB: On the west side of Block 2, extending west and north side of existing line, need more easements.
7. Other: Development Services will not accept easements for utilities where there are gravesites or human remains.

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. Medians in private streets must be maintained by the homeowners association.
2. Typographical errors in the covenants must be corrected.
3. Reserve areas must be specifically defined.
4. Off-street parking must be provided for at least 78 off-street parking spaces per the PUD requirements. All spaces must be located on the face of the plat, as part of the private street system, and the covenants must acknowledge that the spaces will be paved to standards and that there is no on-street parking permitted.
5. Easement location must be acceptable to the Development Services Department.

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; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the preliminary plat for Ashton Creek Village, subject to special conditions and standard conditions as recommended by staff.

Country Club North – (RM-1) (3402/3502) (PD-11) (CD-1)

Location: South of Newton Street and west of L.L. Tisdale Expressway

Staff Recommendation:

This plat consists of 11 acres with 3 lots in 1 block.

The following items were discussed on June 6, 2002 at the Technical Advisory Committee (TAC) meeting:

1. Zoning: The property is currently zoned RM-2. The owner is the Housing Authority of the City of Tulsa and the site is planned for multifamily uses. This is part of the Hope VI project for phases 3 and 4, along with the Osage North preliminary plat. Six-plex and four-plex units are proposed for the site.

2. Streets/access: A traffic circle is proposed to help calm traffic as Country Club Drive is opened up. Reserve area must be shown in the median on the face of the plat and in the covenants to assure maintenance of landscaping by the Housing Authority. A waiver of the Subdivision Regulations to allow the 50 foot streets (as has been requested and approved on the first two projects) is requested. Proper radius must be shown at the corner of Newton and Country Club Drive and a stub street must be shown to the west. Streets must be dedicated to the public in the standard language in the covenants. The legal description must be corrected. "Limits of No Access" must be shown on the face of the plat and the standard language put in the covenants.
3. Sewer: Some extension of sewer will be required but the area is mostly already sewerred.
4. Water: A six-inch water line is in the area. A waterline easement must be shown.
5. Storm Drainage: Standard covenant language is required. An overland drainage easement may be necessary.
6. Utilities: ONG: No Comment. PSO: No Comment. SWB: No Comment.
7. Other: N/A

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

Waivers of Subdivision Regulations:

1. Section 4.2.1 requires new streets to conform to the Major Street and Highway Plan (MSHP). The streets proposed on this plat are designated residential collectors with a minimum right-of-way of 60 feet. The applicant wants a waiver to provide 50 feet of right-of-way, as has been approved for the first two phases of this project.

Special Conditions:

1. Reserve areas must be identified on the face of the plat and in the covenants for responsibility of maintenance.
2. Drainage easements be dedicated as per the Development Services Department.

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. 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.)
14. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
15. The key or location map shall be complete.
16. 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.)
17. 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.)
18. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
19. 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; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the preliminary plat and Waiver of Subdivision Regulations for Country Club North, subject to special conditions and standard conditions as recommended by staff.

Osage North – (RM-2) (3402/3502)

(PD-11) (CD-1)

Location: East of Country Club Drive and south of Marshall

Staff Recommendation:

This plat consists of 9 acres in 2 lots in 1 block.

The following items were discussed on June 6, 2002 at the Technical Advisory Committee (TAC) meeting:

1. Zoning: The property is currently zoned RM-2. The owner is the City of Tulsa Housing Authority and the site is planned for multifamily uses. This is part of the Hope VI project for phases 3 and 4 along with the Country Club North preliminary plat.
2. Streets/access: Two blocks could be created for the project, rather than the one block as proposed. Standard covenant language is required.
3. Sewer: Some extension of sewer will be required but the area is mostly already sewerred. Standard covenant language is required.
4. Water: A six-inch water line is in the area. A waterline easement must be shown. Standard covenant language is required.
5. Storm Drainage: The 100-year storm must be detained. Standard covenant language is required.
6. Utilities: PSO needs additional services and needs to allow overhead lines on the eastern perimeter. SWB needs additional easements. There is an existing line that is not contained within an easement. This will need to go over an existing restricted water line easement.
7. Other: N/A

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

Waivers of Subdivision Regulations:

1. Section 4.2.1 requires new streets to conform to the Major Street and Highway Plan (MSHP). The streets proposed on this plat are designated residential collectors with a minimum right-of-way of 60 feet. The applicant wants a waiver to provide 50 feet of right-of-way as has been approved for the first two phases of this project.
2. Drainage easements be dedicated as per the Development Services Department.

Special Conditions:

1. Extension of water and sanitary sewer mains with appropriate easements satisfactory to the Department of Public Works.

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.)

14. 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.)
15. The method of water supply and plans therefore shall be approved by the City/County Health Department.
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
18. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
19. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
20. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. All other Subdivision Regulations shall be met prior to release of final plat.

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**, TMAPC voted 8-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, , Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the preliminary plat and waiver of Subdivision Regulations for Osage North, subject to special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

BOA – 19300 – (2393)

(PD-18) (CD-5)

Location: 7015 East 41st Street South

Staff Recommendation:

The platting requirement was triggered by City Board of Adjustment Case number 19300. This case approved the church use and accessory church uses in an IL zoning district.

Staff provides the following information from TAC at their June 6, 2002 meeting:

ZONING:

TMAPC Staff: The property is in an existing platted subdivision, on Lot 15, Block 2, Expressway Industrial and Commercial Center. The City Board of Adjustment approved Use Unit 5, for the South Tulsa Adventist Fellowship on February 26, 2002.

STREETS:

No comment.

Public Works, Traffic: No comments.

SEWER:

Public Works, Waste Water: No comments.

WATER:

Public Works, Water: No comments.

STORM DRAIN:

Public Works, Stormwater: A PFPI may be required and possibly an overland drainage easement.

FIRE:

No comments.

UTILITIES:

Franchise Utilities: No comments.

Staff can recommend **APPROVAL** of the plat waiver requested with the requirements of the storm water department being met.

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?		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

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| 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 |

*At this time, no determination can be made regarding these items. Once construction plans have been submitted and reviewed, Public Works can determine if there will be a connection to the public storm sewer, resulting in the need for a PFPI and additional easements.

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**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the plat waiver for BOA-19300 subject to conditions as recommended by staff.

CBOA – 1960 (3692)

(PD-23) (County)

Location: Northeast corner of South 86th West Avenue and West 54th Street South

Staff Recommendation:

The platting requirement was triggered by County Board of Adjustment Case number 1960. This case approved a water tower in an RS-zoned district.

Staff provides the following information from TAC at their June 6, 2002 meeting:

ZONING:

TMAPC Staff: The property is in Tulsa County and the Tulsa County Engineer is not requesting right-of-way dedication at this time because of the 75' x 75' leased site area for the water tower.

STREETS:

No comment.

Public Works, Traffic: No comments.

SEWER:

Public Works, Waste Water: No comments.

WATER:

Public Works, Water: No comments.

STORM DRAIN:

Public Works, Stormwater: No comments.

FIRE:

No comments.

UTILITIES:

Franchise Utilities: No comments.

Staff can recommend **APPROVAL** of the plat waiver requested. The site is a leased property for the public water tower, with multiple property ownerships involved. The County Engineer has a 50-foot deed of dedication for street purposes, and does not request additional right-of-way at this time. The tower will be set back a sufficient distance to not interfere with any future additional roadway dedications. The use will not create more traffic in the area, and is a public utility type of use.

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 propertie 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? X

- | | |
|--|----|
| 6. Infrastructure requirements: | |
| a) Water | X |
| 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. | 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 |

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 **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the plat waiver for CBOA-1960 as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6861

IL to CBD

Applicant: City of Tulsa

(PD-1) (CD-4)

Location: North of northeast corner of East 2nd Street and South Cheyenne

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6850 March 2002: Approval was granted to change the zoning on a small tract located south and east of the southeast corner of West Brady and North Denver Avenue from IL to CBD for an office.

Z-6740 February 2000: All concurred in approval of CBD zoning from IL on a small lot located on the southeast corner of West Brady Avenue and North Denver Avenue.

Z-6695 June 1999: A request to rezone a 100' x 140' lot located on the southwest corner of East First Street and South Detroit Avenue from IL to CBD.

Z-6598 December 1997: All concurred in approval of a request to rezone a 14-acre area located east of Boulder Avenue, north of the Burlington Railroad right-of-way, east to Cincinnati Avenue, from IL to CBD.

Z-6607 November 1997: All concurred in approval of a request to rezone several lots and blocks located on the north and south side of West Cameron Street on the west side of North Main; the entire block between West Cameron and West Brady between North Cheyenne Avenue and North Boulder Avenue; most of the entire block located between West Brady and West Archer Street, North Denver Avenue and North Cheyenne Avenue, from IL to CBD.

Z-6570 December 1996: All concurred in approval of a request to rezone an area bounded by I-244 on the north and west, West Archer Street on the south and North Denver Avenue on the east from IM, IL, RM-2, and RS-3 to CBD for the Tulsa City-County Correctional Facility (David L. Moss Correctional Center).

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 50' x 140' in size and is located north of the northeast corner of East 2nd Street and South Cheyenne Avenue. The property is flat, non-wooded, and is a small IL-zoned tract within a large parking lot that is zoned CBD.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. No. Lanes
East 2 nd Street	CBD Collector	80'	4 lanes
South Cheyenne Avenue	CBD Collector	80'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north, south and east by parking lot use, zoned CBD, and to the west by a drive-in bank facility, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as being in the Expanded Core Identity Area. Plan policies call for this area to be one of mixed uses and extensions of the uses in the Core Identity Area. The Plan also recommends that all or most properties within District 1 be rezoned to CBD at some point in the future. All of District 1 is designated a Special District.

According to the Zoning Matrix the requested CBD **may be found** in accord with the District 1 Plan, due to its location within a Special District.

STAFF RECOMMENDATION:

Based on the District Plan, development and redevelopment in the area and overall needs, staff can support the requested rezoning and recommends **APPROVAL** of CBD zoning for Z-6861.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the CBD zoning for Z-6861 as recommended by staff.

Legal Description for Z-6861:

Lot 7, Block 91, Original Town of Tulsa, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located north of the northeast corner of East 2nd Street and South Cheyenne Avenue, Tulsa, Oklahoma, **From IL (Industrial Light District) To CBD (Central Business District).**

APPLICATION NO.: Z-6862

RS-3 to IL or CG

Applicant: W.C. Burks

(PD-5) (CD-5)

Location: 2161 South 91st East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6774 July 2000: A request to rezone a .9-acre tract located on the northwest corner of East 22nd Place South and South 92nd East Avenue from OM to CS for a retail music store and school. All concurred in approval of CS zoning.

Z-6733 March 2000: A request to rezone the 180' x 232' lot located north of the subject tract on the southeast corner of East 21st Place and South 91st East Avenue from RS-3 to CS. Staff and TMAPC recommended denial of CS zoning and recommended approval for OM zoning in the alternative. City Council concurred in approval of OM zoning.

Z-6689/PUD-439-A June 1999: All concurred in approval of a request for a major amendment to PUD-439 to add a 2.3-acre tract to the original PUD resulting in a 4.7-acre development and to increase the building floor area for commercial uses for a jewelry manufacturing and repair service. The property is located on the northeast corner of East 21st Street South and South 89th East Avenue.

BOA-18202 October 1998: The Board of Adjustment approved a special exception to allow two manufactured buildings in an RS-3-zoned district for permanent classrooms and a variance of the required 3' setback from the property line for an accessory building to 0'. The property abuts the subject tract on the east and contains a church and a private school.

Z-6559/PUD-550 December 1996: All concurred in approval of a request to rezone a 59.4-acre tract located on the south side of East 21st Street and directly west of the subject tract from OL and RS-3 to CS and IL/PUD for a commercial and light industrial development to accommodate a post office distribution center.

PUD-533 June 1995: An application to rezone an 8.6-acre tract located on the north side of the Skelly By-pass on the northeast corner of East 27th Street and South 86th East Avenue from CS and OM to CS/OM/PUD for commercial and multifamily development was filed. All concurred in approval of the request.

Z-6446 June 1994: All concurred in approval of a request to rezone a three-acre tract from RD and RM-1 to OL. The property is located on the northeast corner of South 93rd East Avenue and East 21st Street South.

BOA-16799 September 1994: The Board of Adjustment approved a variance of the maximum one-story height to permit a three-story building in an OL-zoned district on property located on the northeast corner of East 21st Street and South 93rd East Avenue.

Z-6203/PUD-439 November 1988: A request to rezone a 2.4-acre tract located on the northeast corner of South 89th East Avenue and East 21st Street from OL to CS with PUD overlay for office and product storage facility. All concurred in approval of CS/PUD zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 180' x 232', or .96 acres, in size and is located on the northeast corner of East 22nd Street South and South 91st East Avenue. The property is gently sloping, non-wooded, contains a residential dwelling, and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. No. Lanes
East 22 nd Street	Residential street	50'	2 lanes
South 91 st East Avenue	Residential street	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by a single-family dwelling, zoned RS-3; to the east by a church and private school, zoned RS-3; to the south by the office of the Department of Highway Safety for Oklahoma, zoned OM; and to the west by the U. S. Post Office distribution center, zoned IL/CS/PUD-550.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 1 – Indian Acres Area. The plan generally encourages compatibility of redevelopment with existing uses.

According to the Zoning Matrix the requested IL or CG zoning **may be found** in accord with the Plan Map by virtue of its location within a Special District.

STAFF RECOMMENDATION:

This area appears to be in transition, judging from the number of recent rezoning requests there in the past few years. However, both streets offering access to the site are only two-lane roadways and some single-family residential remains around it. Staff cannot support rezoning to a category that permits truck storage and dispatch, which has the potential to result in traffic from heavy vehicles on streets that were designed to accommodate single-family residential traffic. The

proposed use does not appear to be compatible with adjacent uses, as well. Therefore, staff recommends **DENIAL** of either IL or CG zoning and **APPROVAL** of OM zoning for Z-6862.

TMAPC Comments:

Mr. Harmon asked staff to explain why CG zoning could not be supported in staff recommendation. In response, Ms. Matthews stated that the streets were built for single-family residential type traffic. Ms. Matthews cited the different facilities currently existing that contribute to the traffic on the subject streets. Ms. Matthews explained that staff does not feel this proposal would be compatible with the residence to the north and it is not a suitable transition.

Mr. Harmon asked if the OM would allow the truck parking. In response, Ms. Matthews stated that OM would not allow truck parking.

Mr. Westervelt asked if the OM property in the surrounding area were factors in staff's decision. In response, Ms. Matthews stated that the existing OM zoning did have a part in the decision because staff does realize that single-family residential redevelopment is not going to occur in the subject area, since the area appears to be in transition. Staff tried to determine what other use would be reasonable, and because there is existing OM property around the subject property, staff thought it would be a reasonable thing to expect.

Applicant's Comments:

Billy Burks, representing W.C. Burks Trucking and Green Country Mail Service, stated that his company is a mail-contracting business and presently go into the distribution center with 17 to 18 trucks daily. He indicated that his trucks access the facility on the east side of the facility where the subject property is located. The entrance is existing from the main road and there is also a dirt entrance from the Highway Patrol area into the backside of the property.

Mr. Burks stated that he disagrees with the stated inability to get trucks in and out when he has been pulling tractor-trailers up and down the same road every day. The entrances to the postal facility are about 32-foot wide and he is able to get 48-foot trailers in on a regular basis. He explained that the existing house would remain on the subject property and be used as a dispatch facility. He commented that some trees would have to be removed in order to allow the trucks in and out.

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

TMAPC Comments:

Mr. Westervelt asked Mr. Burks if there are some out-parcels available near the postal facility. In response, Mr. Burks stated that he was informed that the property to the south of the postal facility has been sold, but it may be false information. Mr. Burks further stated that he is not sure about the availability of the property located on the front side of the postal facility.

There were no interested parties wishing to speak.

Ms. Hill asked if the applicant would have to all-weather surface. In response, Mr. Stump answered affirmatively.

Mr. Horner asked Ms. Matthews to explain why staff is recommending denial of IL or CG and recommending OM, because he didn't understand it clearly. In response, Ms. Matthews stated that the subject area is clearly in transition, but staff can't go along with CG or IL because of the nature of the existing development that is still present. Staff tried to arrive at what might be a reasonable other use, and because of the OM zoning existing in the subject area, staff thought that office would make a fairly reasonable transitional type use.

Mr. Westervelt asked what would be the least intense zoning that would be needed to achieve their use if filed with a PUD. In response, Ms. Matthews stated that probably the IL zoning. Mr. Stump stated that CG zoning would allow the proposed use by exception or possibly higher in the commercial districts or IL.

Mr. Harmon asked if the existing home is being occupied on the subject tract. In response, Ms. Matthews stated that it doesn't appear to be in use because there are windows broken and it doesn't look like anyone is parking there. Ms. Matthews commented that the dwelling to the north is inhabited.

Mr. Harmon stated that it appears to be a leap to go to the intense zoning from RS-3 to IL or CG. It may be too intrusive even for a neighborhood in transition and it seems to be on the drastic side.

Mr. Westervelt stated that he agrees with Mr. Harmon and is comfortable with the OM zoning because it follows a clear pattern that seems to be established along the corridor. He commented that he is concerned about the underlying zoning needed for the truck use and it doesn't appear that it can be accomplished without IL or CG.

Mr. Harmon asked Mr. Burks if he owned the property at this time. In response, Mr. Burks stated that he doesn't own it at this time, but is under contract. Mr. Harmon asked Mr. Burks if he would purchase the property if it weren't rezoned. In response, Mr. Burks stated that he would not purchase the subject property if he is unable to rezone it to IL or CG.

Mr. Harmon stated that since the owner is not present, he is not sure what the owner would want, since the subject property can't be zoned IL or CG. The existing property owner may not want OM zoning.

Mr. Burks stated that the owner of the subject property lives in Colorado and he doesn't know if he would want OM zoning. He commented that the existing home is not livable.

Mr. Harmon stated that he would personally prefer to leave the subject property zoned RS-3 until the Planning Commission hears from the owner.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-1-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; Jackson "nay"; none "abstaining"; Dick "absent") to recommend **DENIAL** of the IL or CG zoning for Z-6862 as recommended by staff and **DENIAL** of OM zoning.

APPLICATION NO.: PUD-431-B-1

Minor Amendment

Applicant: Barry E. Belt

(PD-26) (CD-8)

Location: West of southwest corner of East 101st Street and South Sheridan

Staff Recommendation:

PUD-431-B (Major Amendment) was approved by the City Council in May 2001. The major amendment permitted as an additional use for Development Area C, a convenience store as included within Use Unit 13. The approved lighting is as follows:

Lighting used to illuminate an off-street parking area shall be so arranged as to shield and direct the light away from properties within an R district. 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 an R district. No light standard nor building-mounted light shall exceed 15 feet in height.

The applicant is requesting a minor amendment to exceed the 15-foot height limit for building-mounted lighting to allow for recessed lighting in a canopy.

Staff finds that the request is minor in nature and substantial compliance is maintained with the approved development plan and the purposes and standards of the PUD Chapter. Therefore, staff recommends **APPROVAL** of PUD-431-B-1 subject to the following conditions:

Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from nearby residential areas and streets. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in nearby residential areas or street right-of-way. Canopy lighting shall be recessed completely within the canopy and no portion of the fixture shall extend below the canopy nor exceed 17 feet in height. No other light standard nor building-mounted light shall exceed 15 feet in height.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the minor amendment for PUD-431-B-1, subject to the conditions as recommended by staff.

OTHER BUSINESS:

APPLICATION NO.: PUD-514

Detail Site Plan

Applicant: Eric G. Sack/Sack & Associates

(PD-6) (CD-5)

Location: North of the northwest corner of East 33rd Street South and South Yale Avenue

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a bank. The proposed use is in conformance with PUD-514 Development Standards.

Parking, building area and building setbacks comply with Development Standards. Building height complies as per TMAPC approval of Minor Amendment PUD-514-1. Proposed lighting meets Development Standards and Zoning Code requirements.

Proposed landscaped area exceeds the minimum 10% required. Screening from residential areas on the north and east boundaries is to be provided by vegetation/hedge materials, detail of which will require approval through Detail Landscape Plan review.

Staff recommends **APPROVAL** of PUD-514 Detail Site Plan as submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the detail site plan for PUD-514 as recommended by staff.

Resolution No 2312:843:

Staff Recommendation:

Mr. Stump stated that this is the resolution implementing the Planning Commission's actions at the June 5, 2002 meeting to endorse the new fee schedules for rezoning and PUDs. He explained that there is a resolution for the City Council and one for the County Commissioners.

**RESOLUTION
ADOPTING AN AMENDED FEE SCHEDULE FOR
PROCESSING OF ZONING APPLICATIONS
IN THE CITY OF TULSA**

WHEREAS, the Tulsa Zoning Code (Title 42, TRO) provides for the establishment of filing and processing fees for zoning applications, the amount of which shall be established by Resolution adopted by the Tulsa Metropolitan Area Planning Commission and approved by the Tulsa City Council; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission, after due study and deliberation did review and adopt on June 19, 2002, the schedule of fees attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, pursuant to the authorization set forth in the Tulsa Zoning Code (Title 42.TRO) that the fees as shown in Exhibit A, attached hereto and made a part hereof shall be paid by persons submitting zoning application requests for processing, and

BE IT FURTHER RESOLVED THAT this Resolution shall take effect immediately upon its adoption by the Tulsa Metropolitan Area Planning Commission and the Tulsa City Council.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Westervelt stated that he is hopeful if the budget process improves that the TMAPC would receive some of the funds back, which is currently heading for the general fund.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of Resolution 2312:843 adopting an amended fee schedule for processing of zoning applications I the City of Tulsa

Resolution No. 2312:844

**RESOLUTION
ADOPTING AN AMENDED FEE SCHEDULE
FOR PROCESSING OF ZONING APPLICATION REQUESTS
WITHIN THE UNINCORPORATED AREAS OF TULSA COUNTY**

WHEREAS, the Tulsa County Zoning Code provides for the establishment of filing and processing fees for processing of zoning application requests, the amount of which shall be established by Resolution adopted by the Tulsa Metropolitan Area Planning Commission and approved by the Tulsa County Board of Commissioners; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission, after due study and deliberation did review and adopt on June 19, 2002, the schedule of fees attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, pursuant to the authorization set forth in the Tulsa County Zoning Code that the fees as shown in Exhibit A, attached hereto and made a part hereof shall be paid by persons submitting zoning application requests for processing within the unincorporated areas of Tulsa County, and

BE IT FURTHER RESOLVED THAT this Resolution shall take effect immediately upon its adoption by the Tulsa Metropolitan Area Planning Commission and the Board of County Commissioners.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of Resolution No. 2312:844 adopting an amended fee schedule for processing zoning applications within the unincorporated areas of Tulsa County.

* * * * *

There being no further business, the Chairman declared the meeting adjourned at 2:00 p.m.

TMAPC Comments:

Mr. Harmon stated that he may have prematurely adjourned the meeting.

Mr. Dunlap stated that there is an interested party for Z-6863/PUD-268-C and didn't realize that it was being continued. The interested party traveled from Dallas, Texas to address this application.

TMAPC Action 10 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **REOPEN** Meeting No. 2312 in order to allow the interested party to speak on Z-6863/PUD-268-C for the record.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **RECONSIDERATION** of the continuance for Z-6863/PUD-268-C.

APPLICATION NO.: Z-6863/PUD-268-C

RS-3 to OL/PUD

Applicant: Darin Akerman

(PD-18) (CD-8)

Location: East of the southeast corner of East 91st Street and South 92nd East Avenue

Interested Parties Comments:

Keith Akins, 1229 Covina Court, Allen, Texas 75013, stated that he owns a home located at 9215 South 93rd East Avenue, Tulsa, Oklahoma 74133. He explained that his career has taken him out of the area and he is currently renting his home out. He expressed concerns regarding light office being allowed next to the residential neighborhood.

Mr. Akins stated that he does not believe that this application is compatible with the residential neighborhood. He indicated that the office development could diminish the property values of the homeowners.

TMAPC Comments:

Mr. Carnes stated that the Planning Commission has seen this proposal happen over and over. He indicated that the Planning Commission voted unanimously for this, which means that the Planning Commission feels that this new zoning would upgrade the neighborhood and create property values for the entire neighborhood.

Mr. Akins stated that he would like to see some rationale for Mr. Carnes's statement.

Mr. Carnes stated that the Planning Commission continued this case, but in all probability the proposal may happen.

Mr. Midget stated that he has a different opinion regarding this application. He explained that he doesn't like to discuss this case because it has been continued. He commented that he thought that reopening the meeting was to allow the interested party stated this concerns and issues on the record since he lives out of state.

Mr. Akins stated that he understands that the Planning Commission has to follow a certain protocol, but the residents do have an opinion regarding this issue.

Mr. Stump stated that this application has been continued to July 3rd and then it would be sent to the City Council for action.

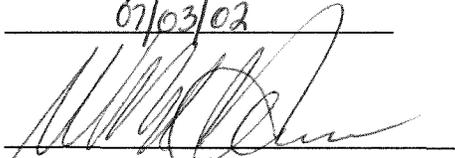
Mr. Harmon suggested that Mr. Akins write a letter to the Planning Commission expressing his concerns to be submitted on July 3rd. In response, Mr. Akins stated that he would send a letter to the Planning Commission.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **CONTINUE** Z-6863/PUD-268-C to July 3, 2002 at 1:30 p.m.

There being no further business, the Chairman declared the meeting adjourned at 2:07 p.m.

Date Approved:

07/03/02


Chairman

ATTEST:

Mary E. Hill
Secretary