

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2314

Wednesday, July 3, 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	Westervelt	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 Friday, June 28, 2002 at 2:37 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.

Minutes:

Approval of the minutes of June 19, 2002, Meeting No. 2312

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of June 19, 2002, Meeting No. 2312.

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REPORTS:

Director's Report:

Mr. Stump reported that the County Commissioners and the City Council both approved the resolutions amending the recommended zoning fees. The new fees are now in effect.

ITEMS TO BE CONTINUED:

APPLICATION NO.: PUD-628-4

MINOR AMENDMENT

Applicant: Dr. Carl Fisher

(PD-26) (CD-8)

Location: 9311 South Mingo

TMAPC Comments:

Mr. Harmon stated that he has received a verbal request to continue this application to July 17, 2002.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, "aye"; no "nays"; none "abstaining"; Dick, Midget, Westervelt "absent") to **CONTINUE** the minor amendment for PUD-628-4 to July 17, 2002 at 1:30 p.m.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19372 – Joshua Greenhaw (2883)

(PD-26) (CD-8)

Location: 10924 South Yale

Staff Recommendation:

Mrs. Fernandez stated that after reviewing the Assessor's maps, it indicates that there is a one-acre parcel located within the 15-acre tract. This would have to be tied within the 15-acre tract if the lot-split were approved. Septic system is acceptable to the City in this area.

The applicant has applied to split a 20-acre tract into a five-acre and a 15-acre tract. Both tracts meet all the RS-1 bulk and area requirements; however, the lot-split does not provide for the continuation of two residential streets (Toledo and Urbana), nor is a turnaround proposed at the end of their street. Also, the required right-of-way along Yale Avenue has not been given.

The applicant is seeking a waiver of the *Subdivision Regulations* Section 4.2 Streets, 1. (a) provide for the continuation or appropriate projection of existing streets in surrounding areas. Also, Yale is a secondary arterial on the *Major Street and Highway Plan*, requiring 50' from the centerline of the street. While the street is built, the subject property goes to the centerline of Yale. The applicant does not want to deed the required right-of-way and is asking for a waiver of the *Subdivision Regulations*.

The City of Tulsa staff has specifically requested the 50' right-of-way on Yale Avenue, and without the continuation of the existing residential streets, staff would recommend **DENIAL** of the waivers of *Subdivision Regulations* and of the lot-split.

Applicant's Comments:

Joshua Greenhaw, 5314 South Yale, Suite 400, Tulsa, Oklahoma 74135, stated that he understood that the City is not concerned about continuing Toledo and Urbana. He indicated that he has a letter from Mr. SomdeCerff stating that he is not concerned about continuing the streets, but does request the 50-foot right-of-way dedication.

Mr. Greenhaw stated that he represents two men who are full-blood Indians and this is their allotment of their wife and mother respectively. It is still restricted Indian land. He further stated that requiring dedication of right-of-way on Yale would be an inverse condemnation and is not proper for approval of this lot-split deed. Mr. Greenhaw submitted excerpts from a Supreme Court Case Law and Oklahoma Statutes, Title 19, Section 867.1 (Exhibit B-1). Mr. Greenhaw interpreted the Legislative intent to prohibit the dedication of right-of-way practice on Indian land and creating an inverse condemnation suit.

TMAPC Comments:

Mr. Harmon asked Mr. Greenhaw why he didn't think the City would have a legitimate interest in the subject property regarding the continuation of Yale Avenue. In response, Mr. Greenhaw stated that there may be a legitimate interest in widening Yale, but there is no nexus there between requiring the dedication of right-of-way and approving the lot-split. Mr. Harmon explained that the Planning Commission has always required the dedication of right-of-way.

Mr. Ledford stated that when a lot-split is created, it is also creating a new subdivision, which falls within the subdivision guidelines that state the applicant must dedicate the Major Street and Highway right-of-way. Mr. Ledford further stated that the way he looks at this is if the applicant wants the lot-split, then he must dedicate the right-of-way, and if the applicant doesn't want the lot-split, then he shouldn't come before the Planning Commission and state that the right-of-way would not be dedicated. He explained that the requirement to dedicate the right-of-way is part of the Subdivision Regulations and when asking for a lot-split, it is creating a subdivision of those tracts. The Planning Commission doesn't have any other criteria by which it couldn't require that the applicant not dedicate the right-of-way. In response, Mr. Greenhaw stated that he is asking for a waiver of the Subdivision Regulations in order to not dedicate the right-of-way. Mr. Greenhaw further stated that the State Statute speaks to this problem and it prohibits this practice in other counties that the Planning Commission has authority over.

Mr. Boulden informed Mr. Greenhaw that the Planning Commission is the Tulsa Metropolitan Area Planning Commission and not a county planning commission. This particular Statute applies to county commissions in his opinion. This planning commission is governed by Sections 863.1 in series after that. In response, Mr. Greenhaw stated that he is not relying on the statute, but the legislature was obviously concerned about this and he believes he has a great case for inverse condemnation if this requirement is made.

Mr. Carnes stated that he suggests the planning commission continue to vote in the way it has in the past and this gentleman could take it to the District Court. In response, Mr. Boulden stated that he doesn't have any qualms about the approval of the lot-split and he believes that the statute applies to what the current census is and Tulsa County's population is 563,000. Mr. Boulden commented that he doesn't believe that the statute applies for various reasons and it would not be committing a crime to approve the lot-split and require a dedication of right-of-way, particularly on Yale.

Mr. Stump stated that if the stub streets are not being continued, then the Subdivision Regulations require a 50-foot radius turnaround at the end; and he doesn't believe that the applicant is proposing to do so. If the applicant did create the turnaround, then it would be construction of a new street and it wouldn't be eligible for a lot-split approval. Mr. Stump cited the State Statute, Section 4.2., which requires the turnaround at the end of the two stub streets.

Mr. Midget in at 1:45

Interested Parties Comments:

John D. Johnson, 10924 South Yale Avenue, Tulsa, Oklahoma 74137, represented by **Brenda Barre**, 568 North Guthrie, Tulsa, Oklahoma 74127, stated that the applicant is wanting to split the back five acres in order to build a home and he doesn't want a street to go through his property. The remainder of the acreage in the front that belongs to Mr. Johnson still would belong to Mr. Johnson and it borders on Yale. It is basically Indian land at this time. She commented that it appears that Toledo would be the only street that would go through his land. She stated that she doesn't understand why the issue with Yale is being discussed since it would remain under Mr. Johnson's ownership.

TMAPC Comments:

Mr. Harmon explained that Yale would go completely across the tract and would require a 100-foot right-of-way. In response, Ms. Barre stated that the property fronting on Yale is owned by Mr. Johnson. In response, Mr. Harmon stated that the lot-split couldn't be approved without the applicant agreeing to dedicate the right-of-way. Ms. Barre commented that basically the Planning Commission is telling Mr. Johnson that he is being held hostage on the lot-split on order to get the right-of-way. Mr. Harmon stated that the Planning Commission is absolutely not holding Mr. Johnson hostage for the right-of-way, but that the City has legitimate interest in the right-of-way, and to approve a lot-split; a right-of-way is required and those are simply the facts. Ms. Barre asked why the right-of-way would matter regarding the back five acres. In response, Mr. Harmon stated that the back five acres is the lot-split. Ms. Barre stated that she understands that the applicant has requested a lot-split to split off the back five acres, but she doesn't understand why the lot-split requires the City obtaining right-of-way. Mr. Harmon explained that in order to grant a lot-split, the right-of-way has to be dedicated. Mr. Harmon stated that if the lot-split is considered a subdivision, which this would be, then the right-of-way has to be dedicated.

Mr. Harmon stated that the staff has recommended denial and in the past the Planning Commission has required the right-of-way dedication, and therefore it seems appropriate to him to deny this request.

Mr. Ledford agreed with Mr. Harmon and reminded the Planning Commission that Mr. Stump explained that the stub streets would have to have a turnaround, which would require right-of-way dedication. If the applicant is not willing to make that dedication, then he would make the motion to deny this application.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Westervelt "absent") to **DENY** the lot-split for waiver of Subdivision Regulations for L-19372 as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-19373 – John Moody (3393)</u>	(PD-18) (CD-7)
5123 South Oswego	
<u>L-19386 – Ray Goodman (690)</u>	(PD-23) (County)
815 South 263 rd West Avenue	
<u>L-19388 – W. D. Roberts (1824)</u>	(PD-14) (County)
North of 156 th Street North east side of 104 th East Avenue	
<u>L-19390 – Steve Powell (2283)</u>	(PD-18) (CD-8)
9136 South Sheridan	
<u>L-19393 – Robert Parker (2502)</u>	(PD-2) (CD-1)
2125 North Garrison Place	
<u>L-19395 – Sheryl Macoubrie (2191)</u>	(PD-23) (County)
3782 South 137 th West Avenue	
<u>L-19399 – Randall Pickard (564)</u>	(PD-20) (County)
East of the northeast corner East 191 st Street and Garnett	
<u>L-19401 – Sisemore Weisz & Associates, Inc. (1094)</u>	(PD-17) (CD-6)
16006 East 11 th Street	
<u>L-19403 – R. S. Looney (3294)</u>	(PD-18) (CD-6)
5908 South 118 th East Avenue	
<u>L-19405 – Hurst Swiggart (2502)</u>	(PD-2) (CD-1)
614 North Greenwood Place	
<u>L-19407 – Mike Mason (1890)</u>	(PD-23) (County)
2798 South 265 th West Avenue	
<u>L-19408 – Raymond Harrison (1794)</u>	(PD-17) (CD-6)
11818 East 21 st Street	

Staff Recommendation:

Mrs. Fernandez stated that these lot-splits are all in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

PRELIMINARY PLAT:

Riverside Village – (2083) PUD-306-H, Z-6677-SP-1 (PD-18) (CD-2)

Location: East of the Arkansas River, west of Riverside Parkway and south of the Vensel Creek channel, 8.4 acres, two lots, one block.

Staff Recommendation:

This plat consists of two lots in one block on 8.4 acres.

The following items were discussed June 20, 2002 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 306 H, Z-6677-SP-1 with an underlying RM-1 zoning district. The uses for the site had been approved under PUD-306-H, which allows uses permitted in the CS zoning district. Staff has concern about the required access collector street, especially for connection and access to sites to the south. Mutual access easements for this purpose should be located and the appropriate language developed in the separately-filed access easements and in the covenants. The platted access along Riverside should be in the same location as the improved traffic light proposed along Riverside Parkway. Is the queuing distance adequate and appropriate? Where should the mutual access not be located?

If the lots are to be split in the future, the applicant should be aware that a minor amendment or Board of Adjustment action to the 150-foot lot frontage requirement along Riverside Parkway may be necessary. All PUD standards are required to be met for the plat.

2. **Streets/access:** There are restrictions of access to the parkway. Only one main access point is permitted. The design of the private streets at 36 feet should be sufficient capacity. The covenants need to address the mutual access easements to be dedicated (seem to be covered). Discussion was held about putting notice on the face of the plat that there would be a mutual access easement to the south. The standard language about Limits of No Access is needed in the covenants. A PFPI will be required for improvements to the traffic light.

3. **Sewer:** The sewer main line will need to be extended.
4. **Water:** The water system as proposed is fine.
5. **Storm Drainage:** The property will drain to the center and to the north. Stormwater will need to tie into the existing pipe, but it is not sized large enough (per the consulting engineers) at this time for additional water. The City would like to see the pipe replaced and resized and would not like to see an additional line located next to the existing pipe, especially as the area backs to Riverside Drive. The 100-year floodplain from Vensel Creek and the Arkansas River need to be plotted and put into a reserve or an overland drainage easement. If any of the floodplain is filled, there will need to be compensatory storage. The covenants need standard language concerning drainage. If additional water flows from Riverside Parkway onto the site, then additional drainage easements or overland drainage easements will be needed.
6. **Utilities:**

PSO: Plat looks okay (faxed comment).

Cox Cable: Additional easements will be needed.

ONG: Plat is okay.
7. **Other:** N/A

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. Extension of water and sanitary sewer mains with appropriate easements satisfactory to the Department of Public Works.
2. Mutual access easements must be provided for the property to the south. The face of the plat and the covenants will identify that the access will be provided properly and at the time of site plan approval.
3. The Stormwater Department must approve of drainage plans for the site.

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, Midget "aye"; no "nays"; none "abstaining"; Dick, Westervelt "absent") to **APPROVE** the preliminary plat for Riverside Village subject to the special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

Z-6853 – (193) RS-3

(PD-5) (CD-3)

Location: Northwest corner of East 2nd Street South and South 89th East Avenue

Staff Recommendation:

The platting requirement was triggered by rezoning case Z-6853, which recently downzoned the property from CS to RS-3 for single-family residential uses.

Staff provides the following information from TAC at their June 20, 2002 meeting:

ZONING:

TMAPC staff: The property is in an existing platted subdivision, on seven lots (Lots 8 through 14, Block 2) located in the Herrlinger Resubdivision of Day Suburban Acres.

STREETS:

There would have been a concern for a waiver of the 25-foot radius requirement and the residential street requirement if this were not a “grandfathered”, existing, platted subdivision. The area to the south is zoned RS-2 and it is all residential.

SEWER:

Public Works, Waste Water: No comments.

WATER:

Public Works, Water: No comments.

STORM DRAIN:

Public Works, Stormwater: No comments.

FIRE:

Public Works, Fire: No comments.

UTILITIES:

Franchise Utilities: No comment.

Staff can recommend **APPROVAL** of the plat waiver as requested because of the residential zoning and character and the existing subdivision plat.

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
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 **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Westervelt "absent") to **APPROVE** the plat waiver for Z-6853 as recommended by staff.

CHANGE OF ACCESS ON RECORDED PLAT:

Amended Plat of Texaco Center Addition – (1793) (PD-6) (CD-9)

Location: 2424 East 21st Street, Lot 2, Block 1

Staff Recommendation:

This application is made to allow a change of access along East 21st Street for the amended plat of Texaco Center Addition. The proposal is to add a 40-foot limited access for Lot 2, Block 1. The property is zoned OM. (CS zoning exists on Lot 1, Block 1.)

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

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 **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Westervelt "absent") to **APPROVE** the change of access on recorded plat for the amended plat of Texaco Center Addition, as recommended by staff.

CONTINUED ZONING PUBLIC HEARING:

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

RS-3/PUD 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

Staff Recommendation for Z-6863:

RELEVANT ZONING HISTORY:

PUD-268-B June 1997: All concurred in approval of a request for a major amendment on a portion of the original PUD-221 to allow medical and general office use on that portion of the PUD previously approved for multifamily development and located south of the southwest corner of East 9100 Street South and South Mingo Road.

Z-6538 July 1996: All concurred in approval of a request to rezone a 3.4-acre tract located on the east side of Mingo Road and south of East 91st Street from AG to CO. Approval was also granted for a Corridor Site Plan for an inline hockey facility.

Z-6467/Z-6467-SP-1 January 1995: Approval was granted for the rezone of a tract located on the east side of Mingo Road and north of the Creek Turnpike from AG to CO with approval of a Corridor Site Plan for a golf center.

PUD-268-A October 1982: A major amendment was approved for PUD-221 and on the subject property to allow a public service substation on the property.

PUD-268/Z-5618 October 1981: Staff and TMAPC recommended denial of a request to rezone 15 acres from RS-3 to RM-2 and recommended approval of RM-1/PUD on property located in the southwest corner of East 91st Street South and South Mingo Road and including the subject tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.46 acres, in size and is located west of the southwest corner of East 91st Street South and South Mingo Road. The property is sloping, non-wooded, vacant, and zoned RS-3/PUD-268.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. No. Lanes
East 91 st Street	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by vacant property, much of which is in a floodplain and therefore Development Sensitive, zoned RS-3/PUD-298; on the east by a church, zoned AG/PUD-268; and on the south, southeast and west by single-family dwellings, zoned RS-3/PUD-268.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use.

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

STAFF RECOMMENDATION:

Based on existing adjacent and nearby development, trends in the area and environmental constraints, staff cannot support the requested OL zoning and therefore recommends **DENIAL** of OL zoning for Z-6863.

Related Item:

Staff Recommendation for PUD-268-C:

The subject tract consists of 2.46 acres located approximately ¼ mile west of South Mingo Road on the south side of East 91st Street. The tract has frontage on 91st Street (a secondary arterial) and also on 92nd Street (a residential street). PUD-268 was approved by the City Council in January 1982. The subject tract was part of Development Area A. Development Area A was approved by single-family dwellings.

In November 1982, the City Council approved PUD-268-A. This major amendment changed the permitted uses on the subject tract from residential to a Public Service substation. The conditions for approval were that Development Area A be reduced by 2.3 acres and that the maximum number of dwelling units permitted in Development Area A be reduced by ten.

The applicant is proposing that office uses with a maximum of 24,450 SF of building floor area be permitted on the subject tract.

The subject tract is zoned PUD-268-A/RS-3. An application (Z-6863) has been made to rezone the tract to OL. The subject tract is abutted on the west and also on the southeast corner by single-family dwellings zoned RS-3/PUD-268. There are single-family dwellings to the south of the tract, across East 92nd Street. The remainder of the east boundary is abutted by floodplain and a natural drainageway, zoned AG. There is also floodplain and natural drainageway to the

north of the tract, across East 91st Street, zoned RS-3/PUD-298. Beyond this floodplain to the north are single-family homes, zoned RS-3/PUD-298.

The presence of the floodplain serves as a natural buffer between the subject tract and area to the northeast and east.

Based on existing development, zoning and environmental constraints in the area, staff doesn't support the requested OL (Z-6863) and believes the tract should be developed with low intensity residential uses. Therefore, staff recommends **DENIAL** of PUD-268-C.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing Mike Lester, stated that history of the subject property would be appropriate. Mr. Johnsen cited the zoning history of the subject property. He stated that the subject property came before the Planning Commission in 1982 as an amendment to the PUD to change it from single-family to a substation for PSO, which was approved. The subject property was never included within a subdivision plat and was never identified for single-family use after 1981. Mr. Johnsen pointed out that in 1997, PUD-268-B amended the RM-1 use to an office development and it has developed as medical offices. He indicated that SouthCrest Hospital is located on the north side of 91st east of Mingo, which is close to the subject property.

Mr. Johnsen commented that his client, Mike Lester, serves on the Broken Arrow Planning Commission and he takes neighborhood participation very seriously. He has kept in contact with this neighborhood to advise them of his plans and present different alternatives. To his knowledge there are no opposing property owners. Mr. Johnsen asked Mr. Harmon if any interested parties signed up to speak on this application. In response, Mr. Harmon answered negatively.

Mr. Johnsen explained that over a two-year period, his client has presented two different layouts to the neighborhood. After meeting with the neighborhood it was determined that it was preferred that the subject property be developed as an office use and not with four single-family lots with an office to the north of that. The primary argument is that the neighbors feel that an office is a good neighbor and there would be less traffic in the neighborhood if all of the traffic was to 91st. Mr. Johnsen submitted letters of support from the neighborhood (Exhibit C-1).

Mr. Johnsen read the proposed standards. He modified the landscaped area to be approximately 35%, which is a substantial amount of open space. This Planning Commission has proven over time that the one-story, residential-appearing office building with a pitched roof is a good neighbor. It is difficult to develop single-family on arterial streets and offices are proven to be good neighbors. This application is appropriate, it has neighborhood support and it is

consistent with what the Planning Commission has done in similar situations across the city. He requested that the Planning Commission approve the OL zoning and PUD or at least indicate to the staff that this application has potential merit and ask them to prepare appropriate development standards for the PUD.

TMAPC Comments:

Mr. Harmon asked if the letters of support are from neighbors who would be immediately adjacent to the subject property. In response, Mr. Johnsen stated that he believes that they are. Mr. Johnsen explained that his client has been in contact with the head of the homeowners association over time. Mr. Johnsen indicated that there was an interested party at the last meeting (Mr. Keith Akins, 1229 Covina Court, Allen, Texas 75013) and he did respond with a letter opposing this application. Mr. Johnsen stated that his client did contact Mr. Akins and he tried to contact the two property owners mentioned in Mr. Akins's letter.

Mr. Ledford asked Mr. Johnsen to go back through the history of the zoning because he would like to understand clearly what happened to the zoning once it was approved for a substation. In response, Mr. Johnsen stated that the substation can be permitted by Board of Adjustment (BOA) approval in all districts. Mr. Johnsen stated that the underlying zoning in this particular location was RS-3 and had been identified in the original PUD as single-family residences. Mr. Johnsen explained that the procedural way to get to the substation was to amend the PUD and then in theory, the Planning Commission can approve any uses permitted by right or exception in the underlying zoning. Mr. Johnsen concluded that the PUD was amended to allow for the substation and then property was platted around it, because it was never included within the single-family subdivision plats.

Mr. Ledford asked Mr. Johnsen what the date was for the amendment to the PUD that allowed the substation. In response, Mr. Johnsen stated that it was amended in October of 1982.

Mr. Ledford asked Mr. Johnsen when the property to the west and south was platted. In response, Mr. Johnsen stated that the property to the west was in 1981 or 1982 and then the properties immediately south and east (Woodland Glen Extended) were platted in July of 1983.

Mr. Ledford stated that there are only three or four lots on the west side that would have been platted and possibly built on by the time the substation action was taken. In response, Mr. Johnsen stated that he believes that is correct.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Carnes stated that he would be in agreement with the property owners that he would prefer to have a landscaped light office in his backyard than more

neighbors. He further stated that he would make a motion to support this application.

Mr. Ledford stated that he would second that motion with a comment to the staff that they pay attention, with great sensitivity, to the lots to the west and the one lot to the east that abuts. He requested that there be as much setback as possible on the west side and the east side that would abut the single-family home.

Mr. Dunlap stated that he believes Mr. Carnes's motion was to approve as presented by the applicant. In response, Mr. Carnes stated that he would amend his motion to approve this application, subject to the setbacks being reviewed.

Mr. Dunlap suggested that this application be continued to July 17, 2002 in order to allow staff to prepare new standards for the Planning Commission. In response, Mr. Johnsen agreed with the continuance.

Mr. Carnes withdrew his motion.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Westervelt "absent") to **CONTINUE** Z-6863/PUD-268-C to July 17, 2002 at 1:30 p.m. in order to allow staff to prepare development standards for the proposed PUD.

* * * * *

ZONING PUBLIC HEARING

APPLICATION NO.: CZ-309

RS to CH

Applicant: Rex J. Lee

(PD-23) (County)

Location: Northwest corner of West 4th Street and South Terrace Drive (Sand Springs)

Mr. Horner out at 2:11 p.m.

Staff Recommendation:

RELEVANT ZONING HISTORY:

CBOA-903 June 1989: The County Board of Adjustment approved a request for a special exception to allow a manufactured dwelling on property zoned RS. The utility connections to the existing house were to be relocated to the manufactured dwelling and the house was approved to remain as a storage building.

CBOA-759 July 21, 1987: A request for a use variance to allow an automobile repair and small engine repair business in an RS zoning district and on property located on the northeast corner of West 4th Street North and North Ridge Drive was withdrawn by the applicant prior to public hearing.

CBOA-687 September 1986: All concurred in approval of a request to the County Board of Adjustment to allow used automobile sales, U. U. 17, in a CS-zoned district, a variance of the required screening, a variance of the all-weather surface parking requirement, and a variance of the required 300' distance for outside display of merchandise from an R-zoned district. The property is located on the southwest corner of West 4th Street North and North Ridge Drive.

CBOA-568 July 1985: The County Board of Adjustment approved a special exception to permit a manufactured home in an RS-zoned district on property located north of the northeast corner of West 4th and North Ridge Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .58 acres in size and is located on the northwest corner of West 4th Street North and North Terrace Drive, Tulsa County. The property is flat, non-wooded, vacant and zoned RS.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. No. Lanes
West 4 th Street North	Collector street	60'	2 lanes
North Terrace Drive	Collector street	60'	2 lanes

UTILITIES: Water and sewer is available from the City of Sand Springs.

SURROUNDING AREA: The subject tract is abutted on the north, east and west by single-family dwellings, zoned RS, and to the south by the Keystone Expressway, zoned RS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 23 Plan, a part of the Sand Springs Comprehensive Plan, designates the subject tract as Low Intensity-Residential. The requested CH zoning is **not** in accord with the Plan Map.

STAFF RECOMMENDATION:

Ms. Matthews stated that the subject property currently has a boarded-up house located on it and she understands that the applicant would like to use the subject lot for a repossessed vehicle car lot.

Based on the Sand Springs Comprehensive Plan, comments from the Sand Springs Planning Commission hearing (included in the case file) and surrounding uses, staff cannot support the requested CH or any other commercial zoning and therefore recommends **DENIAL** of CH zoning for CZ-309.

Applicant's Comments:

Stephen Schuller, 100 West 5th Street, Suite 500, Tulsa, Oklahoma 74103, representing Rex Lee, stated that the subject property is probably three quarters of an acre on Wekiwa Road, which is on the north side of the Keystone Expressway. The subject property is outside the corporate limits of Sand Springs, but in an older developed area within the jurisdiction of Tulsa County. He indicated that across the street from the subject property is a June Bugs Auto Body and Sales, which includes an automotive paint shop and is situated in the CS zoning district. North of the June Bugs property, east of the subject property, on the north side of 4th Street is Osborne's Garage (automotive repair business); to the west subject property along Wekiwa Road there are several substantial fireworks sale businesses and there is a property advertising a ceramic or concrete business, and a couple of blocks farther west there is a CS zoning district that is on either side of a highway that is presently under construction that intersects with Wekiwa Road and connects with the industrial area on the other side of Keystone Expressway. The area around the subject property is generally residential in appearance, but there are a number of businesses scattered throughout the property. He stated that there is another auto body shop in a larger metal building behind one home, there is a hair salon and a lock and key business.

Mr. Schuller indicated that he viewed the subject area and noticed that there were several properties with a considerable amount of junk lying about, which included some wrecked and inoperable motor vehicles. He commented that he couldn't tell if these properties were conducting salvage businesses, but this is the sort of thing is characteristic of what he calls a "transitional neighborhood". He stated that the subject area lies along side Wekiwa Road and it is the frontage road for Keystone Expressway on the north side. The view across the Keystone Expressway is of some substantial commercial and industrial facilities in these IL and CG zoning districts that are noted on the case map.

Mr. Schuller explained that his client filed his application before hiring him and he was given advice by the Building Inspector to request CH zoning. He indicated that he would not have recommended CH zoning in this instance. The case went the Sand Springs Planning Commission and that main body voted to not support CH zoning; however, in their transmittal to this Planning Commission they did recognize that the area is in transition and indicated that CG zoning might be appropriate for the subject property. He informed the Planning Commission that they have the jurisdiction to consider CG zoning, as well as CS zoning, for this property. Given the Sand Springs Planning Commission's tacit approval of the

CG zoning, he believes it would be the most appropriate zoning under these circumstances.

Mr. Schuller stated that the subject property is shown on the Sand Springs Comprehensive Plan Map as Low Intensity-Residential, but directly across the street (Wekiwa Road) is a CS district and the June Bug Automobile Sales, which is shown as Medium Intensity-Commercial and Central Business District. He believes that this is why the Sand Springs Planning Commission thought that CG zoning might work on the subject property and be appropriate. There is a new highway being built to go northward from the bridge that crosses the Keystone Expressway two blocks west of the subject property. He believes that this would likely draw the expansion of commercial development in Sand Springs along the expressway and toward the new highway. He commented that the residents themselves have begun to develop their properties for commercial uses as well.

Mr. Schuller stated that the subject property does have a structure on it and was previously used as a residence; however, most recently, he thinks it was probably a meth-lab. He commented that his client has cleaned the property up and he doesn't believe it would be suited for residential use, since it faces the frontage road to the expressway. He stated that he believes that CG zoning would be appropriate for the subject property, in view of the existing zoning and development patterns in the subject area and the existing uses of the other properties throughout the subject area and the vicinity.

TMAPC Comments:

Mr. Harmon asked Mr. Schuller if he has seen the petition and letters that are against this application. In response, Mr. Schuller stated that he hasn't seen these. In response, Mr. Harmon stated that there are about six letters in opposition and over 200 signatures on a petition opposing this application. Mr. Harmon asked Mr. Schuller if he has found any support among the neighbors for this rezoning. In response, Mr. Schuller stated that he believes that there are at least one or two neighbors present to speak in favor of the rezoning. Mr. Schuller further stated that he is not sure why the neighbors would be opposed to the zoning, since there is some commercial development within these people's backyards.

Mr. Stump asked Mr. Schuller if he is formally amending his application from CH to CG zoning. In response, Mr. Schuller stated that if he needs to formally amend it, then he is. Mr. Schuller further stated that he knows under the jurisdiction in the Zoning Code the Planning Commission can consider a lesser zoning. Mr. Stump asked Mr. Schuller if he still wants the Planning Commission to consider the CH zoning. In response, Mr. Schuller stated that he doesn't think they need to consider CH zoning because he doesn't think there is any reason for CH zoning to be at the subject location.

Mr. Jackson asked staff if they would support CG zoning. In response, Mr. Stump stated that staff recommends denial of any commercial zoning.

Interested Parties Comments:

Stephen Fisher, 417 Ridge Drive, Sand Springs, Oklahoma 74063, stated that Osborne's Garage is located across from the CS zoning; however, it is in an enclosed garage that is set back 100 feet from the road it fronts. He further stated that all of the work is done inside and he believes that Osborne's and the CS property across the street were grandfathered in and never requested a zoning change.

Mr. Fisher stated that he spoke with Mr. Lee and he indicated that he wanted to put a privacy fence and park his tow vehicles on the subject property, keep the vehicles overnight then deliver them the next day. He commented that his experience with this type of operation is that eventually there are parts to vehicles stored on the property unless there are restrictions that would not allow a parts store. He stated that the owner of the auto and trailer sales, down the street, does have a garage where he performs some body repair inside, but there are no parts lying around other than in the trash bin at the rear of the property.

Mr. Fisher stated that his other problem is that the side streets, Terrace, Ridge and 4th Street, which this would front, were black-topped when cars were smaller and there is no room for heavy commercial trucks and other cars to pass. He explained that there are three roads that come together at a fork and he doesn't think that the roads could support heavy commercial truck traffic.

B. J. Sullivent, 611 Terrace Drive, Sand Springs, Oklahoma 74063, stated that the proposal would not degrade the property but would upgrade it. He commented that he knows the area and he knows the residents who have businesses in the subject area. He stated that the proposal would be an asset to the residential area because there are businesses on each side anyway. He concluded that he is for the proposal and it would not be used as a junkyard, but a repossessing field where the applicant can keep the vehicles overnight or a day or two.

TMAPC Comments:

Ms. Hill asked Mr. Sullivent how close he lives to the subject property. In response, Mr. Sullivent stated that he lives two blocks up the street to the north.

Mr. Harmon asked Mr. Sullivent if he had actually visited a repo-lot to see what it looks like. In response, Mr. Sullivent answered negatively. Mr. Sullivent admitted that the applicant would not know what shape the vehicle would be in when he repossess it. Mr. Harmon stated that there is good chance it wouldn't have any wheels on it.

Interested Parties Comments:

Harlan Harrington, 1014 North Ridge Place, Sand Springs, Oklahoma 74063, stated that he drives by the subject property every day to go to work and return home. He commented that Osborne's Auto Body is a very nice garage and is kept clean. He questioned if Mr. Schuller is sure that there was a meth-lab located on the subject property, because he goes by there every day and he never saw anything to indicate that. He stated that he opposes this proposal because he has been to repo-lots and they look like junkyards. He indicated that the applicant could go across the expressway where it is zoned for this type of operation or to several other locations in Sand Springs that are zoned for this and not in a residential neighborhood.

TMAPC Comments:

Ms. Hill asked Mr. Harrington how close he lives to the subject property. In response, Mr. Harrington stated that he lives seven blocks straight up the road. Ms. Hill asked Mr. Harrington if the garages that Mr. Schuller mentioned operate at night. In response, Mr. Harrington answered negatively. Mr. Harrington stated that if June Bug has a car for sale, it can't be seen from the residential area and can only be seen along the expressway.

Interested Parties Comments:

Kenneth McKinney, 1011 Wekiwa Road, Sand Springs, Oklahoma 74063, stated that his property is one lot removed from the subject tract. He submitted photographs (Exhibit A-1) of the neighborhood. He further stated that Mr. Osborne is a mechanic, but he does his mechanic work in whites and he keeps his property clean.

Mr. McKinney stated that the staff from the City of Sand Springs noted that the Sand Springs Planning Commission did not recommend CH zoning. He commented that Mr. Schuller indicated that the letter stated that the subject area is in transition but he doesn't see that in his letter. Sand Springs staff recommended to not recommend the rezoning to CH and the Sand Springs Planning Commission voted to not support it as well.

Mr. McKinney stated that he doesn't understand how someone could purchase a residential lot, then arbitrarily apply to change the zoning to have a business. He commented that it doesn't make any sense to him. He stated that there are some residences in the subject area that may have inoperable vehicles in their driveways, but they may be trying to get them running. He explained that the subject neighborhood is not an upscale neighborhood, but it is his neighborhood and home. He commented that he knew the previous owner of the subject home for years.

Mr. McKinney stated that Mr. Lee requested the rezoning in order to allow his business to grow. He questioned why Mr. McKinney doesn't stay where is located presently. He concluded that he hopes that the letter from the Sand

Springs Planning Commission will carry some weight with the Tulsa Metropolitan Area Planning Commission because the residents do not want this business in their neighborhood. He stated that the neighbors are fearful that this would have the appearance of a salvage yard.

Wayne Henderson, 1101 Wekiwa Road, Sand Springs, Oklahoma 74063, stated that he lives four lots west of the subject property (one block) and the neighborhood is a low intensity area. He explained that he grew up in the subject area and recently moved back to live. He stated that his father is the locksmith that Mr. Schuller mentioned. He explained his father works strictly out of his truck and does not have a business in the neighborhood. Mr. Henderson stated that his sister has a beauty shop, and when she petitioned for the use, she was told that she could have the shop, but she couldn't have any cars on the grass or parked on concrete or asphalt.

Mr. Henderson stated that he moved back into the subject area approximately two years ago and he has invested \$40,000 in renovations. He explained that he wanted to have to out-buildings on his property, but the County requested that he put a 24' x 24' on his property rather than two smaller ones. The County explained that one larger building would be more appropriate for the residential neighborhood. Mr. Henderson explained that he owns two lots that are approximately one acre. He indicated that most of the homes in the subject area are a half-acre or more and are not small lots. The area is clean, grass is mowed and everyone knows each other.

Mr. Henderson stated that he has talked with several neighbors and they feel that the CS zoning is inappropriate and would be an eyesore to the subject area. He expressed concerns that the proposal would devalue the property of the residents.

Mr. Henderson stated that his wife works for a bank that has a repo-lot and it is not a pretty sight. He explained that there are burned-out cars, trailers that are torn up and it is not desirable to look at. He requested that this application be denied. He explained that he doesn't wish Mr. Lee any ill will, but this is not appropriate for the neighborhood.

Mr. Henderson commented that he hoped his property would some day look as nice as Mr. Osborne's property. He stated that Mr. Schuller referred to this property being close to commercial property across the street, but it is actually farther away. He explained that there is a service roadway, then an easement, then a two-lane highway, another easement and another two-lane highway, which is I-244, then another easement and service road, then the commercial property. The new road that was mentioned earlier is four-tenths of a mile from the subject property and not two blocks away. He requested that the Planning Commission deny this application.

Applicant's Rebuttal:

Mr. Schuller stated that one speaker mentioned the Sand Springs Planning Commission letter, but he didn't mention the fact that the area was in transition. He commented that he is looking at the letter of June 19, 2002 from Bob Wolfram, who is the Planner in Sand Springs. He stated that the Osborne Garage looks to him like an automotive repair business and it appears that it might have been one of the properties that sought Board of Adjustment approval in the 1980's, and for some reason, the application was withdrawn; however, the business has continued. He commented that the business seems to be as deep into the neighborhood as the subject property and actually is somewhat farther away from the frontage road along the expressway than the subject property.

Mr. Schuller stated that with the CG zoning, which he is proposing with the subject property, the proposed use of a repossessed vehicle lot must have BOA approval. The applicant would be subject to various requirements that the BOA would choose to impose to govern and limit the development of the subject property. There are a lot of built-in provisions that would protect the neighborhood.

Mr. Schuller commented that he traveled Wekiwa Road and found it to be well-suited for commercial traffic. He indicated that it is a concrete road and is wide enough to handle commercial traffic.

Mr. Schuller stated that one or both of the speakers who live along Wekiwa Road must be operating the fireworks stands. He further stated that he doesn't believe that a repo-lot is a junkyard because he bought his first car at a repo-lot operated by GMAC when he was law student. It was a fine yard and the cars were neatly stacked and parked. There was no junk lying about or anything like that. He stated that CG zoning is appropriate for the subject area and he understands that it is tough for residents to recognize that there is progress and change. There are commercial zoning and commercial uses already in place in an area and it is bound to become commercially developed because of the patterns of the highways and current development.

TMAPC Comments:

Ms. Hill asked Mr. Schuller what hours of operation he anticipated his client would operate the proposed business. In response, Mr. Schuller stated that he would expect during the daytime hours because that is when he would be working to get the cars. Mr. Schuller commented that it would be impractical to repossess the cars at night. Mr. Schuller stated that the hours of operation would be discussed during the BOA application.

Mr. Midget asked Mr. Schuller if he tried to contact the neighbors in the subject area and explain the proposal. In response, Mr. Schuller stated that he was engaged recently to handle this application and he has not tried to contact anyone because he was not aware of the petitions and letters in the file. Mr.

Schuller stated that he is not sure if his client tried to contact any of the neighbors or not.

Mr. Harmon stated that he has seen repo-lots, having been a bank officer for 40 years. They are not pretty sites and cars are not repossessed in the middle of the day, but rather in the dead of the night. Mr. Harmon concluded that with all of this in mind, he is in support of the staff's recommendation for denial.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner, Westervelt "absent") to recommend **DENIAL** of CH zoning for CZ-309.

APPLICATION NO.: PUD-378-A-7

MINOR AMENDMENT

Applicant: Russell Patterson

(PD-26) (CD-8)

Location: 10127 South 78th East Avenue

Staff Recommendation:

The applicant is requesting a minor amendment to change the building envelope for Lot 9, Block 1 for residential construction in The Village Addition.

The site plan proposed will change the northeast portion of the building setback within the eastern 37 feet of the lot from 25 feet to ten feet.

Staff views the request to be an acceptable amendment with no detriment to surrounding neighbors. Therefore, staff and recommends **APPROVAL** of the minor amendment per the submitted site plan, if the applicant shows that the required 2500 SF of livability space is still provided on the lot.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner, Westervelt "absent") to **APPROVE** the minor amendment for PUD-378-A-7, subject to conditions as recommended by staff.

APPLICATION NO.: PUD-378-A-8

MINOR AMENDMENT

Applicant: Russell Patterson

(PD-26) (CD-8)

Location: 10123 South 78th East Avenue

Staff Recommendation:

The applicant is requesting a minor amendment to change the building envelope for Lot 8, Block 1 for residential construction in The Village Addition.

The site plan proposed will change the northeast portion of the building setback within the eastern 37 feet of the lot from 25 feet to ten feet.

Staff views the request to be an acceptable amendment with no detriment to surrounding neighbors. Therefore, staff and recommends **APPROVAL** of the minor amendment per the submitted site plan, if the applicant shows that the required 2500 SF of livability space is still provided on the lot.

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 **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner, Westervelt "absent") to **APPROVE** the minor amendment for PUD-378-A-8, subject to conditions as recommended by staff.

APPLICATION NO.: PUD-378-A-9

MINOR AMENDMENT

Applicant: Russell Patterson

(PD-26) (CD-8)

Location: 10119 South 78th East Avenue

Staff Recommendation:

The applicant is requesting a minor amendment to change the building envelope for Lot 7, Block 1 for residential construction in The Village Addition.

The site plan proposed will change the northeast portion of the building setback within the eastern 30 feet of the lot from 25 feet to nine feet.

Staff views the request to be an acceptable amendment with no detriment to surrounding neighbors. Therefore, staff and recommends **APPROVAL** of the minor amendment per the submitted site plan, if the applicant shows that the required 2500 SF of livability space is still provided on the lot.

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 **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner, Westervelt "absent") to **APPROVE** the minor amendment for PUD-378-A-7, subject to conditions as recommended by staff.

APPLICATION NO.: PUD-657-1

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-18) (CD-8)

Location: West of northwest corner of East 81st Street and South Yale Avenue

Staff Recommendation:

The applicant is requesting a minor amendment to the PUD to allow for the use of the existing building and parking in Development Area A, without meeting all of the PUD requirements.

PUD-657 was approved by the City Council in November 2001. The PUD consists of 4.70 acres (net) located approximately 660 feet west of the northwest corner of East 81st Street and South Yale Avenue. The approved development standards allow those uses permitted by right within a CS district, excluding the uses included within Use Unit 12 A, Adult Entertainment Establishments, and Dance Halls, as included within the Use Unit 19.

There are two development areas within the PUD. Development Area A, which is the subject of this minor amendment, contains 1.79 acres and is located to the west of Development Area B. Development Area A is abutted on the west by an electric substation, zoned AG; on the north by a multifamily development (Country Hollow Apartments), zoned RS-3/PUD-176; and on the east by Development Area B of PUD-657, which has been approved for commercial

uses. To the south of the subject tract, across East 81st Street is a regional stormwater detention facility, zoned RS-3.

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-657-1 subject to the following conditions:

The use of the existing building and the accessory use of existing parking areas within Development Area A shall be subject to all of the standards of PUD-657 accepted development standards (set forth), as herein modified:

A3. Building Design Limitations:

Current Standard:

The exterior finish of building walls (excepting doors, windows and architectural features) shall be stucco, masonry or Drivet-type finish.

Modification:

The existing building shall not be subject to the above set forth building design limitations.

A4. Landscaping and Screening:

Current Standard:

Landscaping and screening with the PUD shall be in compliance with the requirements of the landscaping and PUD chapters of the Tulsa Zoning Code. A six-foot or higher wall or fence shall be constructed and maintained along the north boundary of the PUD.

Modification:

Existing landscaping shall be maintained and shall be deemed the required landscaping of Development Area A; provided, however, a six-foot or higher screening wall or fence shall be constructed and maintained along the north boundary of the PUD and a landscaped area five feet in width shall be provided along the north boundary of Development Area A, which shall contain not less than five trees meeting the requirements of the landscape chapter of the Tulsa Zoning Code.

A6. Current Standard:

All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

Modification:

All trash, mechanical and equipment areas, excluding building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

Provided however,

- a. Prior to the issuance of an occupancy permit, a detail site plan and landscape plan must be approved by TMAPC and no gravel parking areas will be permitted.
- b. Any expansion of the existing building or parking area shall meet the original PUD-657 development standards applicable for new construction. If the existing building is expanded by more than 25% of its original foot print or a building is constructed which is not an integral part of the existing building, the entire Development Area shall comply with the original requirements of PUD-657.

For the purposes of the foregoing provisions, existing shall mean as depicted within the ALTA/ACSM Land Title Survey, certified by Sack And Associates, Inc., on the 27th day of June, 2002.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

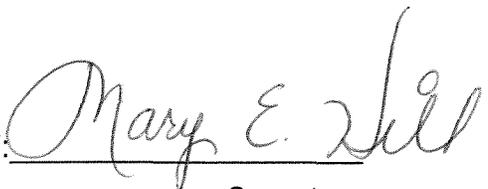
On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner, Westervelt "absent") to **APPROVE** the minor amendment for PUD-657-1, subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:46 p.m.

Date Approved: 7-17-02



Chairman

ATTEST: 
Secretary