

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2349

Wednesday, July 2, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 30, 2003 at 8:40 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 Jackson called the meeting to order at 1:30 p.m.

### **Minutes:**

#### **Approval of the minutes of June 4, 2003, Meeting No. 2346**

On **MOTION** of **HORNER** the TMAPC voted 7-0-1 (Bayles, Carnes, Coutant, Harmon, Horner, Hill, Jackson, "aye"; no "nays"; Ledford "abstain"; Collins, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of June 4, 2003, Meeting No. 2346.

### **Minutes:**

#### **Approval of the minutes of June 18, 2003, Meeting No. 2347**

On **MOTION** of **HORNER** the TMAPC voted 7-0-1 (Bayles, Carnes, Coutant, Harmon, Horner, Hill, Jackson, "aye"; no "nays"; Ledford "abstain"; Collins, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of June 18, 2003, Meeting No. 2347.

**SUBDIVISIONS:**

**FINAL PLAT:**

**Twilight One** – AG (2490)

(PD-23) (County)

3599 South 177<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the final plat for Twilight One per staff recommendation.

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**Waynesfield** – AGR (1272)

(PD-21) (County)

West of South Peoria Avenue and south of East 131<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This plat consists of ten lots, one block on 21 acres.

All release letters have been received for this final plat. Staff can recommend **APPROVAL** of the final plat **with the condition that** the location of the oil well in the area is verified before the TMAPC meeting.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the final plat for Waynesfield per staff recommendation.

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**MINOR SUBDIVISION PLAT:**

Beckville – (2103)

(PD-2) (CD-3)

3501 East 30<sup>th</sup> Street North

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on two acres.

The following issues were discussed September 19, 2002 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG and proposes a one lot, one block, residential subdivision on two acres. There had been a number of lot-splits in the area and this necessitated the plat. Future subdivisions of property will also require plats. Covenants need to be consistent with the Zoning District requirements.
2. **Streets/access:** Access should be shown.
3. **Sewer:** Septic or aerobic systems will be used.
4. **Water:** Rural Water District # 1 will supply water.
5. **Storm Drainage:** N/A
6. **Utilities:** N/A
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. N/A

**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 Comments:**

Mr. Harmon asked if staff's recommendation is to send this back to TAC and review it as a preliminary plat. In response, Mrs. Fernandez stated that staff does not want an approval today because it needs to be considered as a preliminary plat and resubmitted to the Planning Commission for review.

**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"; Collins, Midget, Westervelt "absent") to **APPROVE** staff's recommendation that the plat be sent back to the TAC committee for further review as a preliminary plat.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.: PUD-206-16**

**MINOR AMENDMENT**

**Applicant:** Joel Slaughter

(PD-18) (CD-8)

**Location:** South and west of the southwest corner of East 91st and South Sheridan Road.

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment of the maximum building height on a 1.69-acre tract located south and west of the southwest corner of East 91<sup>st</sup> Street and South Sheridan Road. The existing standard is one-story, not to exceed 26 feet, and the applicant is requesting that this be amended to two-story, not to exceed 26 feet to permit the construction of a health club/spa as included within Use Unit 19.

The applicant's revised submittal, dated June 26, 2003, shows the one-story portion of the building being 33.5 feet from the west boundary with the second story being approximately 53.5 feet from the west boundary. No windows are being proposed on the west side of the second story portion of the building. No parking is proposed within the west 33 feet of the PUD. Gated emergency access is proposed on the west side of the building.

The subject tract is abutted on the west by a developed single-family subdivision. The ground on the subject tract is generally higher than the residential subdivision to the west. There is a second-floor balcony facing toward the residential uses. No windows are being proposed on the west side of the second-story portion of the building. No parking is proposed within the west 33 feet of the PUD. Gated emergency access is proposed on the west side of the building. Staff finds that the revised request is minor in nature, and therefore, staff recommends **APPROVAL** of the request subject to the following development standards:

1. Requirements of PUD-206 as amended shall apply unless modified below.

2. **Development Standards:**

**Maximum Building Height:**

Two stories, not to exceed 26 feet.

**Building Setback from the west boundary of the tract:**

First Story	33 FT
Second Story	53 FT

**Minimum Parking Setback from the west boundary of the tract:** 33 FT

3. There shall be no second-story windows facing west.
4. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
5. 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. All bulk trash containers shall be set back a minimum of 200 feet from the west boundary of the tract.
6. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. 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 the adjacent residential areas or street right-of-way. Within the west 60 feet of the tract no light standard or building-mounted light shall exceed eight feet in height. No light standard nor building-mounted light shall exceed 15 feet in height on the remainder of the tract. No light standards are permitted west of the building.
7. There shall be only gated emergency vehicular access permitted within the west 33 feet of the tract.
8. There shall be an eight-foot high fiber reinforced concrete panel (FRCP) wall matching the existing wall to the south, placed on a 24-inch high berm along the west boundary of the tract.

Mr. Dunlap reiterated that all of the outdoor workout area has been removed from the site plan and there shall be only gated emergency vehicular access permitted within the west 33 feet of the tract.

**TMAPC Comments:**

Mr. Harmon expressed concerns regarding the balcony in the back of the subject building. He indicated that it would be higher than the fence and looking out over the abutting neighborhood.

Mr. Dunlap stated that the applicant has stated that the balcony is for emergency access only.

**Applicant's Comments:**

**Joel Slaughter**, 6670 South Lewis, Suite 201, Tulsa, Oklahoma 74136, stated that the balcony is for exit only. The width is four feet wide at the lowest and seven feet wide at the largest, in order to open the door. The neighborhood requested that there be no hardware on the exterior of the building and he has agreed with that request. The interior is for exit with an exit light above it and egress hardware. If someone goes out the exit door, he/she wouldn't be able to get back in through the same door. It would not be a place to congregate. He explained that four feet by seven feet is the smallest he could possibly have in order to have exit access.

Mr. Harmon asked why he needed the balcony for an exit instead of a stairwell going down. In response, Mr. Slaughter stated that it is the stairwell down. Mr. Slaughter explained that he needs two means of egress on the second floor. Mr. Slaughter stated that if the City would approve only one exit, he would be willing to have only one. Mr. Slaughter indicated that the occupant load requires two doors exiting the building.

Mr. Harmon stated that it would make more sense to have a stairwell for each exit and remove the balcony. In response, Mr. Slaughter stated that he could do that, but he believes it would be less desirable from a visual standpoint. Mr. Slaughter reiterated that the exit doors would be for emergency situations only and would not be a place to congregate.

Mr. Ledford stated that he feels it would be better to have one stairwell for the two exits than having two stairwells hanging off of the building.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the minor amendment for PUD-206-16 per staff recommendation.

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## ZONING PUBLIC HEARING

**Application No.:** CZ-323

**RE to IL**

**Applicant:** Jerry Atchison

(PD-24) (County)

**Location:** Northeast corner of East 68th Street North and Highway 169 North

### RELEVANT ZONING HISTORY:

**PUD-475-A April 2000:** All concurred in approval of a major amendment to add a 100' x 179' tract abutting the original PUD-475 tract on the northeast. All development standards and conditions originally approved for PUD-475 remained unchanged.

**CZ-252/PUD-607 May 1999:** An application was filed for rezoning and a Planned Unit Development on a five-acre tract located north and west of the northwest intersection of East 72<sup>nd</sup> Street North and North 117<sup>th</sup> East Avenue. The request was to rezone the tract from RE to OL with a PUD for office use. The TMAPC forwarded no recommendation to the County Commission, due to a tie vote at the public hearing. The County Commission voted 2-0-1 to deny the application.

**CZ-246 October 1998:** An application was filed requesting CH zoning on a tract of land located on the southeast corner of East 76<sup>th</sup> Street North and North 117<sup>th</sup> East Avenue from RE to CH for automobile sales. TMAPC recommended denial of CH and approval of CS. The County Commission approved CS zoning per staff recommendation.

**CZ-236 September 1997:** All concurred in approval of a request to rezone a five acre tract located south and west of the southwest corner of East 76<sup>th</sup> Street N. and N. 117<sup>th</sup> East Avenue from RE to IL.

**CZ-209 April 1994:** A request to rezone a 2.8 acre tract located south of the southwest corner of East 75<sup>th</sup> Street North and North 117<sup>th</sup> East Avenue and north of the subject tract from RE to IL. All concurred in approval of IL zoning on the tract but excluded a 40' panhandle that extended to N. 117<sup>th</sup> East Avenue.

**CZ-190/PUPD-475 December 1991:** A request to rezone an 11 acre tract located north of the northeast corner of East 69<sup>th</sup> Street North and the U. S. Highway 169 from RE and IL to IL and IM was filed. IL zoning was approved on the east 431 feet with IM on the balance of the property fronting the service road.

**CZ-161 January 1988:** TMAPC and County Commission approved a request to rezone a .45 acre tract located on the northeast corner of East 69<sup>th</sup> Street North and the Mingo Valley Expressway from RE to IL.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, non-wooded, contains a pole barn contractor business, and is zoned RE.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 68 <sup>th</sup> Street North	Residential street	50'	2 lanes
North 115 <sup>th</sup> East Avenue	Residential street	50'	2 lanes

**UTILITIES:** The City of Owasso serves this area with water and sewer.

**SURROUNDING AREA:** The subject property is abutted on the north by mixed industrial and commercial uses, zoned IL; to the east by single-family dwellings, zoned RE; to the south by the Tulsa County construction lot, zoned IL; and to the west by Highway 169 North, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Owasso 2010 Land Use Master Plan designates the property as Medium Industrial – Corporate Technical.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, surrounding land uses and zoning, staff can support the requested rezoning and therefore recommends **APPROVAL** of IL zoning for CZ-323.

**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 **HARMON**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to recommend **APPROVAL** of IL zoning for CZ-323 per staff recommendation.

**Legal Description for CZ-323:**

The East 178.20' of Lots 4 and 5, Block 1, Jonesville Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northeast corner of East 68th Street North and Highway 169 North, Tulsa, Oklahoma, **From RE (Residential Single-family, Estate District) To IL (Industrial Light District).**

Ms. Bayles disclosed that she has had ex parte communication for PUD-685.

Application No.: PUD-685

RM-2 to PUD

Applicant: Michael Schmitz

(PD-6) (CD-4)

Location: Northwest corner of East 17th Place and South Quincy Avenue

**RELEVANT ZONING HISTORY:**

**Z-6896 June 2003:** A request to rezone an area extending from East 16<sup>th</sup> Street on the north to East 17<sup>th</sup> Place on the south; and from South Quaker Avenue to South Quincy Avenue, from RM-2/HP to RS-4/HP has been recommended for approval by TMAPC and is pending City Council action.

**PUD-561-A November 1997:** An application for a major amendment to PUD-561 to increase the area of the Planned Unit Development by adding an additional 50' lot. The major amendment was approved and the development standards and allowable four dwelling units were not changed. The property is located on the southeast corner of South Peoria Avenue and East 18<sup>th</sup> Street South.

**BOA-17770 July 1997:** The Board of Adjustment granted variances relating to reduced livability space, maximum front yard fence height and permitting a structure in the planned right-of-way. These variances were made conditions of approval by the Planning Commission and incorporated into the approved development standards of PUD-561. The property is located on the southeast corner of South Peoria Avenue and East 18<sup>th</sup> Street.

**PUD-561 June 1997:** A request to develop two existing RS-3 lots located at the southeast corner of South Peoria Avenue and East 18<sup>th</sup> Street with four single-family dwellings with access from a private courtyard off of 18<sup>th</sup> Street. All concurred in approval of the PUD subject to obtaining a variance to allow structures in the planned right-of-way and a variance of the required livability space.

**Z-6427 February 1994:** All concurred in approval of a requested HP overlay zoning designation for the area located between East 15<sup>th</sup> Street to East 21<sup>st</sup> Street; and from Peoria Avenue on the west to South Utica Avenue on the east. The property consisted of approximately 120 acres, which included the subject property, and consisted primarily of single-family dwellings with some scattered multifamily.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is flat, partially-wooded, vacant, and zoned RM-2/HP.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 17 <sup>th</sup> Place South	Residential street	N/A	2 lanes
South Quincy Avenue	Residential street	N/A	2 lanes

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

**SURROUNDING AREA:**

The site is abutted on the north by mixed single- and multifamily residential uses, zoned RM-2 (RS-4 pending at City Council); on the south by single-family residential uses, zoned RM-2 (RS-4 pending at City Council); on the west by single-family residential uses, zoned RM-2; and on the east by multifamily residential uses, zoned RM-2 (RS-4 pending at City Council for all but the immediately adjacent lot).

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as Area D of the Cherry Street Special District (Low Intensity-Residential land use). Plan policies call for the RM-2 zoned portion to be rezoned to single-family residential. The inclusion of this property in the recent neighborhood down-zoning to RS-4 was discussed at length at the TMAPC public hearing; however, it was not included in the rezoning.

According to the Zoning Matrix, the requested RM-2/HP/PUD is **not** in accord with the Plan.

The applicant is proposing six multifamily units (2 two-bedroom units and 4 one-bedroom units) on a tract containing approximately 7,000 SF (net) located at the northwest corner of East 17<sup>th</sup> Place and South Quincy Avenue (1730 South Quincy Avenue).

The subject tract is zoned RM-2. The tract is abutted on the north and west by single-family dwellings zoned RM-2. There are single-family dwellings zoned RM-2 to the south of the tract across East 17<sup>th</sup> Place. There are multifamily dwellings zoned RM-2 to the east of the subject tract across South Quincy Avenue.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-685 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the

development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-685 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. Development Standards:

**Land Area (net)** 7000 SF

**Permitted Uses:**

Multifamily dwellings as included within Use Unit 8.

**Maximum Number of Dwelling Units:** 6

**Minimum Building Setbacks:**

From the north boundary of the PUD

Buildings, except 2<sup>nd</sup> floor balconies 19 FT

2<sup>nd</sup> Floor Balconies 16 FT

From the east boundary of the PUD 22 FT

From the south boundary of the PUD 0 FT

From the west boundary of the PUD 10 FT

**Minimum Off-Street Parking:**

As provided within Use Unit 8.

**Maximum Building Height:**

Three stories, not to exceed 35 feet.

**Minimum Livability Space Per Dwelling Unit:**

200 SF; or 180 SF if a variance is approved by the Board of Adjustment.

### **Perimeter Landscaping and Screening:**

An eight-foot screening fence shall be provided along the west 130 feet of the north boundary and along the north ½ of the west boundary of the PUD. No perimeter landscaping is required on the north or south sides of the PUD. At least 280 SF of landscaped area shall be provided adjacent to the west boundary of the PUD and 550 SF adjacent to the east boundary of the PUD.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards and a Certificate of Appropriateness has been issued by the Tulsa Preservation Commission.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. 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.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. 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 the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed eight feet in height.

9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, traffic engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. The access drive must be a minimum of 18 feet wide. All access shall be approved by the Public Works Department.

**TMAPC Comments:**

Mr. Harmon asked if the subject neighborhood is appropriate for a three-story building. It would seem that a two-story building would be appropriate. In response, Mr. Stump stated that the entire area has a 35-foot height limitation. Mr. Stump further stated that the single-family and multifamily would have the same 35-foot height limitation.

Ms. Bayles asked staff if this PUD has been to TAC for review. She requested the report to be read. In response, Mr. Dunlap stated that he doesn't have the entire report with him, but the comments related to the PUD process were related to the width of the drive, which was initially was ten feet and it is now 18 feet. Ms. Bayles asked if the driveway width was the only consideration. In response, Mr. Dunlap stated that when a PUD is before the TAC Committee, there are technical people attending wanting to discuss drainage and size of lines, which are not PUD issues, but are handled during the platting process.

The applicant indicated his agreement with staff's recommendation.

**INTERESTED PARTIES OPPOSING PUD-685:**

**Brent Capehart**, 1417 East 20th, Tulsa, Oklahoma 74120; **Dr. John Ruffing**, 1638 East 17th Place, Tulsa, Oklahoma 74120; **Jennifer Gemmell**, 1332 East 17th Place, Tulsa, Oklahoma 74120; **Dusty Peck**, 1716 South Quincy, Tulsa, Oklahoma 74120; **Paul Atkins**, no address given; **Sandra Kline**, no address given; **Darin Stockton**, 1716 South Quincy, Tulsa, Oklahoma 74120.

**Mr. Midget in at 1:45 p.m.**

**COMMENTS OF INTERESTED PARTIES OPPOSING PUD-685:**

Requested that Ms. Bayles be declared to be a conflict of interest because she is on the TPC; size of proposed building is out of proportion with the existing neighborhood; 35-foot high building is too high; the setback, size and scale is outside of the scope; proposal is not in harmony; a valid COA has not been issued and is currently being appealed in court; the subject proposal would overload the sewer and water supply; drainage problems; property values would decrease; inappropriate development; increasing the population density would increase the burglaries and traffic issues; proposal is too large for the subject lot; inadequate parking; turn into the proposed driveway is inadequate; twenty-eight neighbors are opposed to the subject proposal and two neighbors are for the proposal; questioned if it was appropriate to rule on the PUD due to the fact that the COA is being appealed in court; would the PUD have to follow the HP guidelines; applicant had a COA, but did not act on it for three years and it was not recertified; list of cars were read that would not be able to make the turn radius for the proposal (Exhibit A-3 traffic report); the model provided is straight forward as to the size of the proposal compared to the houses surrounding it.

**Applicant's Rebuttal:**

**Mike Schmitz**, Architect representing Mr. Arnold Schmidt, 1601 South Detroit, Tulsa, Oklahoma 74120, stated he has had extensive design conversations at the TPC and it was his understanding that if it was appealed, it would go to the Board of Adjustment (BOA), which it did last week and it was not allowed to be heard due to notification problems. The TPC was fully prepared to present their case, but was unable to do so.

Mr. Schmitz stated that his client purchased the RM-2-zoned property in 1998 with the intention of building apartments on the site. Mr. Schmitz cited the history of the process his client has been through to obtain a Certificate of Appropriateness from the TPC. He explained that after obtaining the first COA it was economically unsound to build the structure and therefore, the COA expired. His client reapplied for a COA and was approved on May 9, 2002.

**Mr. Midget out at 2:30 p.m.**

Mr. Schmitz stated that he was advised to submit a PUD due to the many variances requested. He explained that after the first hearing in front of the BOA, his client withdrew his COA application and asked that the TPC vacate their decision, which they did. He indicated that he redesigned the project to make it more acceptable to the neighbors and Councilor Baker. A new design was presented in October 2002 and it is very similar to the proposal today. He listed the following changes: all masonry veneer brick with concrete block base to match any required retaining walls; flat roof, which matches and is consistent with many historically-significant apartment buildings in the Swan Lake area; reduced the height from 40 feet to 32- to 34-foot height, and the building length decreased from 120 feet to 106 feet and the width decreased from 33 feet to 30 feet.. He explained that these changes would match the apartment directly across the street to the east, which is a three-story apartment with six parking places. There are two existing three-story brick apartments on the intersection. A duplex is located on the other corner that has a bungalow appearance.

Mr. Schmitz indicated that all of the changes and modifications were presented to the Swan Lake association in October 2003. He stated that Mark Dolph of the association liked the changes that were made and the new design was something most of the neighbors considered acceptable. Mr. Schmitz read a letter dated April 2003 from the Swan Lake Executive Board to the TPC "...In the fall of 2002, Mr. Schmidt obtained an approved COA for this property that the neighborhood did review and approved of."

Mr. Schmitz stated that the new design was presented at the TPC subcommittee meeting and full meeting on October 10<sup>th</sup> where it was unanimously approved. There were no Swan Lake neighborhood representatives or neighbors in attendance at the last two TPC meetings. He reported that the TPC decision was appealed by the Swan Lake neighborhood to the Board of Adjustment. According to Mr. Paul Atkins, the appeal was due to the TPC's process rather than the project. He indicated that Mr. Atkins complimented the owner and architects during the BOA meeting for their efforts to not only meet their needs but also accommodate the neighborhood guidelines. BOA denied the appeal 5-0-0. Mr. Atkins filed an appeal in the District Court and it is currently pending. Mr. Schmitz reiterated the numerous meetings he attended with the TPC and Swan Lake neighbors and the numerous changes and modifications his client has made to the proposal. He indicated that on May 6<sup>th</sup> and May 8<sup>th</sup> the TPC voted unanimously for final approval. The vote for recommendation from the subcommittee level was unanimous and it included the vote of the Swan Lake neighborhood representative on the subcommittee. The second appeal to the BOA was dismissed due to lack of notification to the TPC by the appellant.

Mr. Schmitz stated that he discussed the traffic issues with Mark Brown, Public Works, and he stated that the streets are not overburdened. During the TAC meeting stormwater, sewer, water and traffic was discussed. The one issue that was brought up was the driveway, which was presented as a ten-foot drive, but he understands that the TAC committee required an 18-foot drive.

Mr. Schmitz stated that the proposal is required to have landscaping on the east and west and his client is in excess of the requirement. He informed the Planning Commission that the proposed setback is 17.3 feet off of the curb and he described existing buildings in the area that are closer to the curb. The 32- to 34-foot height is consistent with the existing building across the street.

**TMAPC COMMENTS:**

Mr. Ledford asked Ms. Gemmell if the owner/developer has requested a meeting with the homeowners association or the neighbors in the area. In response, Ms. Gemmell answered affirmatively. Ms. Gemmell stated that she doesn't have a problem with the design of the building, but the size of the building is a problem.

Mr. Jackson asked Mr. Romig if Commissioner Bayles should abstain since she is on the TPC. In response, Mr. Romig stated that Commissioner Bayles does not have to abstain and today's application is not to review the TPC's actions.

Mr. Jackson asked Mr. Romig if the Planning Commission should continue this case until the COA in District Court is ruled upon. In response, Mr. Romig stated that the COA in District Court is different and the appeal that was dismissed by the BOA has not been appealed at this time.

Mr. Jackson recognized Mr. Capehart.

Mr. Capehart stated that an appeal for the current COA was filed this afternoon. He explained that Mr. Romig is unaware of the appeal because it was filed today.

**Mr. Midget in at 2:47 p.m.**

Mr. Harmon stated that the proposal is too intense and overbuilt for the neighborhood.

Mr. Jackson stated that it is a good development and this type of proposal is seen all over. He reminded the Planning Commission of all of the modifications Mr. Schmitz has done to please the neighborhood and TPC. There are other apartment buildings within the neighborhood on the same size lots.

Mr. Carnes stated that the project is too large.

Mr. Jackson asked staff what could be built on an RM-2 lot, which is what the subject property is zoned. In response, Mr. Stump stated that the proposed building could not be built without some variances on the setbacks. Mr. Stump further stated that with the existing zoning, the applicant could build eight units and they are proposing six. With a PUD the maximum under RM-2 zoning in the subject area would be ten units.

Mr. Jackson stated that the applicant is proposing 60% of what could be developed with a PUD. In response, Mr. Stump agreed with Mr. Jackson's statement.

Ms. Bayles stated that this application received the highest scrutiny of any in an HP district. The TPC took Councilor Baker's statements to heart, with regards to the neighborhood association and the developer to continue in a dialogue until there was a solution acceptable to both parties. The scale and density is a consideration at TPC, as well as the design. The design proposed today is a direct result of the negotiated process. The density is not the issue, but rather the scale of the building. She explained that she would prefer to have a report in hand from the TAC committee before rendering a decision.

Mr. Ledford stated that he doesn't disagree with the scale and density of the project. The TAC minutes are needed along with the PUDs. The density and scale matches the neighborhood with some of the existing apartment buildings.

Ms. Coutant stated that the scale is large and the density is high. Possibly they could have the garages below ground level in order to bring the height down.

Mr. Midget stated that his main concern is the scale of the building. The scale is overwhelming and he hopes that the applicant didn't have the impression that the Planning Commission would approve this application when it was cut out of the downzoning of Swan Lake.

Mr. Jackson asked staff if the TAC report is available. In response, Mr. Dunlap stated that he could have the report within three minutes, unless Mr. Schmitz has the report with him. Mr. Dunlap stated that in his opinion, the pertinent question was the drive width and the TAC decided it should be 18 feet.

Mr. Jackson stated that the TPC issued a COA after reviewing this proposal extensively and staff is recommending a conditional approval with an 18-foot drive width.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 4-3-1 (Carnes, Harmon, Hill, Horner, "aye"; Bayles, Jackson, Ledford "nays"; Coutant "abstaining"; Collins, Midget, Westervelt "absent") to recommend **DENIAL** of PUD-685.

**Application No.: CZ-324**

**AG to RE**

**Applicant:** Joe E. Donelson

(PD-14) (County)

**Location:** South and east of southeast corner of East 146<sup>th</sup> Street North and Highway 75 North

**RELEVANT ZONING HISTORY:**

There has been no recent zoning activity in this vicinity.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, partially wooded, largely vacant and zoned AG. A large utility installation traverses the area and several ponds are scattered throughout the property.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 146 <sup>th</sup> Street North	Primary arterial street	120'	2 lanes
U.S. Highway 75 North	Freeway	varies	4 lanes

**UTILITIES:** Washington County Rural Water District provides water service to the area and septic systems would be required.

**SURROUNDING AREA:** The subject property is abutted on the north and south by vacant land and scattered large-lot single-family residential uses, zoned AG; on the northwest by vacant land, zoned CG and OL; and on the southwest by vacant land and large-lot single-family residential uses, zoned AG. The parcels at the northwest and northeast corners of this site are the subject properties of CZ-325 and CZ-326, both requests to rezone from AG to CS.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Collinsville Comprehensive Plan 1981 - 2000 designates the property as Agriculture/Corridor on the west and Low Intensity – Residential and Development Sensitive on the east half.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan staff can support the requested rezoning and recommends **APPROVAL** of RE zoning for CZ-324.

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

**INTERESTED PARTIES:**

**Curtis Coderre**, 6501 East 146<sup>th</sup> Street North, Collinsville, Oklahoma 74012, submitted his comments and concerns (Exhibit B-1), which relate to CZ-324, CZ-325 and CZ-326. He expressed concerns regarding encroachment of Highway 20 improvements, drainage problems, increased stormwater flow, existing creek cannot handle the drainage and it would flood his septic system and his home. He commented that he is not against this project, but there are details that he doesn't know about.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Coderre if he realizes that this is an application for rezoning and it is yet to see how it is redeveloped. RE zoning is one of the least intensive zonings available. In response, Mr. Coderre stated that he doesn't disagree with the statement, but any development of the subject property has its consequences in increased stormwater flow. In response, Mr. Harmon stated that the Planning Commission doesn't deal with stormwater drainage, which would be addressed by the County Engineer.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; Horner "abstaining"; Collins, Westervelt "absent") to recommend **APPROVAL**

**Legal Description for CZ-324:**

A tract of land situated in Section 27, T-22-N, R-13-E of the IBM, Tulsa County, Oklahoma according to the U. S. Government survey thereof and being more particularly described as follows, to-wit: Beginning at the Southeast corner of the NE/4 of said Section 27, thence N 89°52'24" W along the South line of said NE/4 for 1,320.34' to the Northeast corner of the W/2 of said SE/4, thence S 00°02'09" W and along the East line of said W/2, SE/4 for 1,397.21', thence N 89°52'06" W for 308.52', thence S 00°02'15" W for 1,246.52' to the South line of said Section 27, thence N 89°51'48" W along the South line of said Section 27 for 616.54', thence N 00°02'27" W for 1,246.49', thence N 89°52'06" W for 1,713.57' to the East line of the W/2, W/2 of said Section 27, thence N 00°02'46" W for 2,717.69' to the Southeast corner of the NW/4, NW/4 of said Section 27, thence N 89°52'45" W along the South line of said NW/4, NW/4 for 698.55', thence S 00°05'18" E for 165.00', thence N 87°45'55" W for 564.73' to the Easterly right-of-way of North Yale Avenue, thence N 11°13'55" E along said right-of-way for 83.13', thence N 00°05'10" W along said right-of-way for 340.36', thence S 89°47'32" E for 1,124.85', thence N 00°04'00" W for 643.55', thence S 89°53'05" E and parallel to the North line of said Section 27 for 330.00', thence N 00°06'55" W for 400.00' to the North line of said Section 27, thence S 89°53'05" E along the North line of said Section 27 for 3,277.13', thence S 36°32'25" W for 821.27', thence N 89°52'55" E for 970.81' to a point on the East line of said Section 27, being 660.87' S 00°04'31" W from the Northeast corner of said Section 27, thence S 00°04'31" W along the East line of said Section 27 for 1,983.01' to the

point of beginning and containing 341.82 acres more or less, and located south and east of the southeast corner of East 146<sup>th</sup> Street North and Highway 75 North, Skiatook, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-family, Estate District).**

\*\*\*\*\*

**Mr. Midget out at 3:00 p.m.**

**Application No.: CZ-325**

**AG to CS**

**Applicant:** Joe E. Donelson

(PD-14) (County)

**Location:** Southeast corner of East 146<sup>th</sup> Street North and Highway 75 North

**RELEVANT ZONING HISTORY:**

There has been no zoning activity in the immediate vicinity.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is flat, non-wooded, vacant and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 146 <sup>th</sup> Street North	Primary arterial street	120'	2 lanes
U.S. Highway 75 North	Freeway	varies	4 lanes

**UTILITIES:** Washington County Rural Water District provides water service to the area and septic systems would be required.

**SURROUNDING AREA:** The subject property is abutted on the north by commercial use, zoned CG; on the west by a large parcel of vacant land, zoned CG and OL; on the east and south by vacant land and scattered large-lot residential uses, zoned AG. A portion of the latter is the subject property of CZ-324, a request to rezone from AG to RE.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Collinsville Comprehensive Plan 1981 - 2000 designates the property as Recreation – Open Space - Corridor and Development Sensitive.

**STAFF RECOMMENDATION:**

As noted previously, two large parcels of commercial zoning (one of which is vacant) are to the northwest and west of this site. Extension of commercial zoning farther east appears to be the beginning of strip zoning in this area, as no commercial zoning exists immediately north of the property

This site does not qualify as a Medium Intensity node under the terms of the Development Guidelines, nor is the requested commercial zoning in accord with the Collinsville Comprehensive Plan. Therefore, staff cannot support the requested rezoning and recommends **DENIAL** of CS zoning for CZ-325.

**Applicant's Comments:**

**Pat Lloyd**, 201 South Hominy, Skiatook, Oklahoma 74070, stated that he is one of the principal owners of the subject property. Highway 20 and Highway 75 is one of the busiest intersections between Tulsa and Bartlesville. All four corners of the intersection were zoned commercial several years ago. There are three businesses located on the west side of Highway 75 and they exceed the distance from the exit ramp than what he is proposing. Mr. Lloyd cited the history of businesses in the subject area and their distance from the intersection. He indicated that the subject property is less than 1,000 feet from the exit ramp. There is a proposed one million square foot warehouse constructed 15 miles north of the subject property. It will increase the traffic drastically. This is an area that is going to grow. CS zoning would be the ideal way to plan for future use on the subject property.

**INTERESTED PARTIES:**

**Kyle Smalygo**, 123 North 7<sup>th</sup> Street, Collinsville, Oklahoma 74021, stated that he is in support of the application. He indicated that he is currently working with the City of Collinsville, ODOT and multiple others to extend the forced main sewer line to Highway 75.

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFOORD**, TMAPC voted 6-1-1 (Bayles, Carnes, Coutant, Harmon, Hill, Ledford, "aye"; Jackson "nay"; Horner "abstaining"; Collins, Midget, Westervelt "absent") to recommend **DENIAL** of CS zoning for CZ-235 per staff recommendation.

\*\*\*\*\*

Mr. Ledford out at 3:05 p.m.

Application No.: CZ-326

AG to CS

Applicant: Joe E. Donelson

(PD-14) (County)

Location: Southwest corner of East 146<sup>th</sup> Street North and North Sheridan Road

**STAFF RECOMMENDATION:**

There has been no zoning activity in the immediate vicinity.

Mr. Midget in at 3:06 p.m.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is partially wooded with slightly rolling topography.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 146 <sup>th</sup> Street North	Primary arterial street	120'	2 lanes
North Sheridan Road	Secondary arterial street	100'	2 lanes

**UTILITIES:** Washington County Rural Water District provides water service to the area and septic systems would be required.

**SURROUNDING AREA:** The subject property is abutted on the north, east, south and west by vacant land and large-lot single-family residential uses, zoned AG. The property to the west and south of the subject property is the subject of CZ-324, a request to rezone from AG to RE.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Collinsville Comprehensive Plan 1981 - 2000 designates the property as Medium Intensity – Commercial-Office.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and pending rezoning requests on adjacent and nearby property, staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for CZ-326.

The applicant indicated his agreement with staff's recommendation.

**INTERESTED PARTIES:**

**Curtis Coderre**, 6501 East 146<sup>th</sup> Street North, Collinsville, Oklahoma 74021, reiterated his concerns regarding drainage, increased traffic, stormwater runoff, lighting and the impact it would have on his property. He explained that whatever is developed on the subject property would affect his life since his property is across the street.

**TMAPC COMMENTS:**

Mr. Harmon informed Mr. Coderre that the Planning Commission is only considering rezoning at this time and not discussing development standards. He further stated that he is not dismissing Mr. Coderre's concerns, but today the request is strictly for rezoning.

**Mr. Midget out at 3:10 p.m.**

Ms. Hill encouraged Mr. Coderre to discuss his concerns with the developer. In response, Mr. Coderre stated that this is more global than the developer and there are issues that the developer can address and issues that the County could address.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of CS zoning for CZ-326 per staff recommendation.

**Legal Description for CZ-326:**

A tract of land situated in Section 27, T-22-N, R-13-E of the IBM, Tulsa County, Oklahoma according to the U. S. Government survey thereof and being more particularly described as follows, to-wit: Beginning at the Northeast corner of said Section 27, thence S 00°04'31" W along the East line of said Section 27 for 660.87', thence N 89°52'55" W for 970.81', thence N 36°32'25" E for 821.27' to the North line of said Section 27, thence S 89°53'05" E along the North line of said Section 27 for 482.70' to the point of beginning and containing 11.02 acres more or less, and located in the southwest corner of East 146<sup>th</sup> Street North and North Sheridan Road, Skiatook, Oklahoma, **From AG (Agriculture District) To CS (Commercial Shopping Center District).**

\*\*\*\*\*

**Application No.: Z-6899**

**IL to CS**

**Applicant:** Curtis Parks

(PD-18) (CD-6)

**Location:** Northwest corner of East 58<sup>th</sup> Street and South Garnett Road

**RELEVANT ZONING HISTORY:**

**Z-6877 January 2003:** A request to rezone a 1.16-acre tract located north of the northeast corner of East 61<sup>st</sup> Street and South 107<sup>th</sup> East Avenue from RS-3 to IL was approved for IL zoning for a landscaping and tree service business.

**Z-6762 June 2000:** All concurred in approval of a request to rezone a one-acre lot located at 5629 South 107<sup>th</sup> East Avenue from RS-3 to IL for warehouse use.

**Z-6662 December 1998:** All concurred in approval of a request to rezone a 1.1-acre tract located north of the northeast corner of East 61<sup>st</sup> Street South and South 107<sup>th</sup> East Avenue from RS-3 to IL.

**Z-6574 January 1997:** All concurred in approval of a request to rezone a tract located on the east side of South 107<sup>th</sup> East Avenue and north of East 61<sup>st</sup> Street South from RS-3 to IL for a trucking establishment.

**BOA-17002 April 1995:** The Board of Adjustment approved an amended site plan to increase the building for the City's maintenance facility and to increase the FAR of the tract. The property is located on the east side of South Garnett Road and east of the subject property.

**BOA-16774 September 1994:** The Board of Adjustment approved a special exception to permit a residential treatment center, a variance of the setback from South Garnett Road and a variance of the required number of parking spaces and all-weather surface for parking on a tract located east of the subject property on the east side of South Garnett Road.

**Z-6222 November 1988:** All concurred in approval of a request to rezone a 4.3-acre tract located east of the subject property on the east side of South Garnett Road from AG to IL for industrial uses.

**BOA-12634 June 1983:** A special exception to allow a City garage, equipment storage, material storage, and administration office in an AG-zoned district was approved by the Board of Adjustment per plan submitted. The property is located east of the subject tract on the east side of South Garnett Road.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is flat, non-wooded, vacant, and zoned IL.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Garnett Road	Secondary arterial street	100'	2 lanes

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

**SURROUNDING AREA:**

The site is abutted on the north by a wholesale supply business, zoned IL; to the south by a gas field compressor business, zoned IL; to the east by a commercial/office strip shopping center, zoned IL; and to the west by vacant land, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as Special District 1 – Industrial Area.

According to the Zoning Matrix the requested CS zoning **may be found** in accordance with the Plan Map. Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding uses, staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-6899.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of CS zoning for Z-6899 per staff recommendation.

**Legal Description for Z-6899:**

The East 200' of the South 300.49' of Lot 1, Block 1, Garnett Place Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof and located in the northwest corner of East 58<sup>th</sup> Street South and South Garnett Road, Tulsa, Oklahoma, **From IL (Industrial Light District) To CS (Commercial Shopping Center District).**

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**Mr. Carnes out at 3:13 p.m.**

**OTHER BUSINESS:**

**Application No.: PUD-516-A**

**DETAIL SITE PLAN**

**Applicant:** Mark Capron

(PD-26) (CD-8)

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

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a medical office building. The proposed use, Use Unit 11, Offices, Studios, and Support Services, is in conformance with PUD development standards.

The 0.4957-acre site covers development areas 'II' and 'III', with maximum 5,500 square feet of building floor area as permitted by development standards. The proposed office building meets minimum setback and maximum height requirements. Landscaped area provided and parking are in compliance with the Zoning Code and development standards, and screening of the south boundary is already in place.

PUD-516-A development standards require that "all buildings shall have pitched roofs and an architectural style that will be compatible with the surrounding residential structures. Elevation drawings of the office and retail buildings shall be submitted with the detail site plans. Variations in rooflines, brick or stone facades, and buildings with offset rather than straight exterior wall are encouraged". The elevations provided show minor variations in roofline and offset exterior walls. Other features include a mix of stone and brick veneers, copper roofs over dormers and attic vents, a composition roof and decorative spires. Staff finds these design elements to be in general conformance with the above-noted PUD standards.

Per the applicant, no parking lot or wall-mounted (other than decorative) lighting is proposed, nor is an outdoor bulk trash container planned for the site. For clarification, a statement to this effect should be added to the site plan notes. In addition, the word "hospital", which was inadvertently included in the "floor area" notes, should be deleted.

Staff recommends **APPROVAL** of PUD-516-A detail site plan contingent upon the following revisions to the site plan: deletion of the word "hospital" from the building floor area notes; addition of a note clarifying that no parking lot or wall-mounted lights are proposed; and addition of a note that no outdoor bulk trash containers are proposed.

*(Note: Detail site plan approval does not constitute landscape and sign plan approval.)*

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Collins, Ledford Midget, Westervelt "absent") to **APPROVE** the detail site plan for PUD-516-A subject to deletion of the word "hospital" from the building floor area notes; addition of a note clarifying that no parking lot or wall-mounted lights are proposed; and addition of a note that no outdoor bulk trash containers are proposed per staff recommendation.

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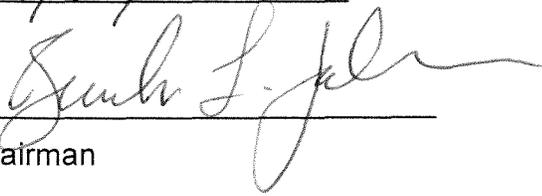
**COMMISSIONERS' COMMENTS:**

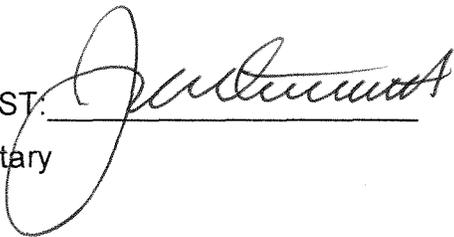
Ms. Bayles requested that the TAC report or notes be included within the Planning Commission packets.

Mr. Dunlap stated that the TAC notes would be included.

There being no further business, the Chair declared the meeting adjourned at 3:15 p.m.

Date 7/16/03 Approved:

  
Chairman

ATTEST:   
Secretary