

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Corrected Minutes of Meeting No. 2354

Wednesday, August 27, 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>
Collins	Bayles	Chronister	Romig, Legal
Coutant	Carnes	Dunlap	
Harmon	Hill	Fernandez	
Horner		Huntsinger	
Jackson		Matthews	
Ledford		Stump	
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 25, 2003 at 8:10 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 1:35 p.m.

### **REPORTS:**

#### **Director's Report:**

Mr. Stump reported that there are several items on the City Council agenda for August 28, 2003.

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### **SUBDIVISIONS:**

#### **FINAL PLAT:**

**Gilcrease Research Center** – IR,IL, IM (9229)

(PD-9) (County)

Northwest corner of West 46<sup>th</sup> Street South and South 49<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 25.35 acres.

Staff has two outstanding issues with the plat as of August 15, 2003. Staff will have a recommendation at the meeting.

Mrs. Fernandez stated that the concerns for this plat were with regard to water, who would serve the property and whether the improvements would be properly installed. Staff can now recommend **APPROVAL** of the final plat for Gilcrease Research Center, as all of the release letters have been received.

**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 **LEDFORD** TMAPC voted 7-0-0 (Collins, Coutant, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Hill "absent") to **APPROVE** the final plat for Gilcrease Research Center per staff recommendation.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** Z-6902/PUD-687                      **RS-1 TO OL/PUD**

**Applicant:** Roy D. Johnsen                                      (PD-18) (CD-2)

**Location:** Southwest corner of East 71<sup>st</sup> Street and South Harvard

**STAFF RECOMMENDATION Z-6902:**

**Z-6827/PUD-654 April 2001:** A request to rezone the subject property from RS-1 to OL with a PUD overlay for office and bank development was withdrawn by the applicant prior to TMAPC and City Council hearings.

**Z-6472/PUD-524 January 1995:** An application to rezone the subject property from RS-1 to CS with a PUD overlay for a 3.2-acre commercial development. Staff and TMAPC recommended denial of the request. Upon appeal by the applicant, the request was also denied by City Council.

**PUD-362 August 1984:** All concurred in approval, subject to conditions, a request to rezone and develop an 8.5-acre tract located west of the subject property on the south side of East 71<sup>st</sup> Street, between South Columbia Avenue

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# Topic Search Results

NOTE: This is not intended as a substitute for official Council Meeting minutes. If an official copy of the Council minutes is required please contact the Council Secretary at 918-596-1990.

Displaying records 1 through 7 of 7 records found.

Date	Type	Agenda Wording & Results (if available)
11/6/2003	Urban & Economic Development	<p>c. Ordinance for rezoning application Z-6902 and PUD-687 requested by Roy Johnsen to rezone property located at or near the SW/c of E. 71 St. &amp; S. Harvard (Owner: F&amp;M Bank &amp; Trust Co.) from RS-1 to OL/PUD. (Emergency Clause) (CD-2)(PD-18) (Council approved application on 10-30-03.) 03-530-2</p> <p>Discussion or Action At Meeting: Public Comment Roscoe Turner - spoke in opposition</p> <p>Moved by Baker, seconded by Justis, to approve the ordinance. Roll Call: Patrick Yea Sullivan Yea Christiansen Nay Neal Nay Williams Yea Medlock Nay Baker Yea Roop Nay Justis Yea Yeas 5 Nays 4 Absent 0 Carried.</p> <p>Moved by Baker, seconded by Justis, that an emergency does hereby exist, whereby the ordinance shall take effect immediately upon execution and publication Roll Call: Patrick Yea Sullivan Yea Christiansen Nay Neal Nay Williams Yea Medlock Nay Baker Yea Roop Nay Justis Yea Yeas 5 Nays 4 Absent 0 Failed. (Required a 2/3 vote)</p>
10/30/2003	Urban & Economic Development	<p>d. Rezoning application Z-6902 and PUD-687 requested by Roy Johnsen to rezone property located at or near the SW/c of E. 71 St. &amp; S. Harvard (Owner: F&amp;M Bank &amp; Trust Co.) from RS-1 to OL/PUD. (CD-2)(PD-18) (TMAPC voted 7-1-0 to recommend approval.) [UED 10-7] [Continued from 10-9-03.] 03-530</p> <p>Discussion or Action At Meeting: Wayne Alberty, TMAPC, explained how the protest was analyzed. Council discussion ensued.</p> <p>Moved by Sullivan, seconded by Justis, to accept the recommendation from TMAPC, regarding the filed protest, that a super-majority vote would not be required of the Council to approve the rezoning application.</p> <p>After continued discussion it was moved by Sullivan, seconded by Justis, to call the</p>



previous question.  
 Roll Call:  
 Justis Yea Patrick Yea  
 Sullivan Yea Christiansen Nay  
 Neal Nay Williams Nay  
 Medlock Nay Baker Yea  
 Roop Nay  
 Yeas 4 Nays 5 Absent 0  
 Motion failed.

Discussion regarding the protest process and the validity of the protest continued with input from Mona Miller, Wendy Martin, John Stephen Denney, Kay Bridger-Riley, Roy Johnsen, Wayne Alberty, and Pat Boulden, as requested by the Council. Wayne Alberty confirmed that the protest considered was the one filed three days prior to the Planning Commission's public hearing on the rezoning application. Roll call was then taken on the open motion.

Moved by Sullivan, seconded by Justis, to accept the recommendation from TMAPC, regarding the filed protest, that a super-majority vote would not be required of the Council to approve the rezoning application.

Roll Call:  
 Justis Yea Patrick Yea  
 Sullivan Yea Christiansen Nay  
 Neal Yea Williams Yea  
 Medlock Nay Baker Yea  
 Roop Nay  
 Yeas 6 Nays 3 Absent 0  
 Carried.

Moved by Justis, seconded by Sullivan, to approve the rezoning application as recommended by TMAPC.

After the motion was made, Council discussion ensued regarding the rezoning application.

Moved by Sullivan, seconded by Justis, to amend the motion to approve the rezoning application as recommended by TMAPC with the added condition that any minor or major change to the PUD be considered as a major amendment and is required to come before the Council.

Roll Call:  
 Justis Yea Patrick Yea  
 Sullivan Yea Christiansen Nay  
 Neal Nay Williams Yea  
 Medlock Nay Baker Yea  
 Roop Nay  
 Yeas 5 Nays 4 Absent 0  
 Carried.

10/28/2003

Urban & Economic Development

6. Discussion of status of protest and scheduling to Council Meeting Agenda regarding rezoning application Z-6902 and PUD-687 requested by Roy Johnsen to rezone property located at or near the SW/c of E. 71 St. & S. Harvard (Owner: F&M Bank & Trust Co.) from RS-1 to OL/PUD. (CD-2)(PD-18) (Medlock) 03-530-3

Discussion or Action At Meeting:  
 Councilor Medlock introduced this item. We are trying to get an answer on the petitions.



Mr. Jim Dunlap and Mr. Wayne Alberty from INCOG were present to respond to some questions. Mr. ---said calculated averages each of lots within 300 f. radius . recognized a matrix of 39 parcels and whether or not they have made a protest or not. certifications of the petitions? exclusion of lots? have not done that yet. standard of inclusion or exclusion of protest? require both co-tenants to include entire lot? will require both husband and wife. Council will decide that. Jackere said he corrected himself by saying has found cases deal with co-tenants. Cannot split property in half if co-tenants don't agree. Vote would not count if both don't agree. Councilor said his concern if one spouse is not present. Jackere said you can sign for both if you have consent. One owner can authorize the other to sign. Councilor Roop said a marriage is a partnership. Could it be assumed that if one signs, it is understood that he or she signs for both. Jackere said he has not seen that case but it would be a fair assumption to make. Councilor Roop has there ever been a successful protest? Jim Dunlap said no in the past 7 years he has been working. In the 60's there was a valid protest but current law started in 1970. Councilor Neal said we should operate under the same procedures we have been operating so far and there are things to change, we should do that later, after this case is resolved. Councilor Sullivan agreed. Said staff should make a recommendations and Council doesn't tell them how to make their recommendations. Councilor Medlock said he is not trying to direct staff on how the make their recommendation. We need to have a clear understanding of the process. He has five questions from homeowners that need to be answered and he said Incog and legal are working on getting those questions answered. Determination by Thursday? Yes. Councilor Christiansen said we have had mixed signs from legal. We need to have an opinion and then move forward. Councilor Medlock said he is just trying to get clear on what the process is. There will be a meeting with incog and legal and Councilor Medlock will be present. He said he will not influence opinion.

10/21/2003

Urban & Economic Development

3. Discussion of status of protest and scheduling to Council Meeting Agenda regarding rezoning application Z-6902 and PUD-687 requested by Roy Johnsen to rezone property located at or near the SW/c of E. 71 St. & S. Harvard (Owner: F&M Bank & Trust Co.) from RS-1 to OL/PUD. (CD-2)(PD-18) (Medlock) 03-530-3

10/9/2003

Urban & Economic Development

4. AUTHORITIES, BOARDS & COMMISSION ITEMS

a. Rezoning application Z-6902 and PUD-687 requested by Roy Johnsen to rezone property located at or near the SW/c of E. 71 St. & S. Harvard (Owner: F&M Bank & Trust Co.) from RS-1 to OL/PUD. (CD-2)(PD-18) (TMAPC voted 7-1-0 to recommend approval.) [UED 10-7] 03-530

Discussion or Action At Meeting:  
Jim Dunlap, TMAPC, presented this item.

Mr. Johnsen spoke on behalf of the applicant providing a historical overview of the property and application as well as describing the concept of "nodes". He stated this application is the result of consideration and compromise.

The Council Chair announced, without objection, that as there were only four speakers signed up to speak in favor of the application and seven signed up to speak against the application, all those signed up would be allowed 5 minutes each to speak.

Public Comment

Bill Brumbaugh - spoke in support

William Grant - spoke in support and read part of a letter of support from Robert Hunt

Robert Gilbert - President of F&M, spoke in support

Steven Berklacy - spoke in opposition

Kay Bridger-Riley - attorney for some opposing parties, spoke in opposition



Councilor Medlock called for a point of order asking the Chair since there were 30 minutes set aside for the opposition to speak, and Ms. Bridger-Riley was their attorney, could the speakers be allowed to yield their time back to Ms. Bridger-Riley? The Council Chair denied the District 2 Councilor's request.

Janet Hasegawa - spoke in opposition  
Mona Miller - spoke in opposition  
John S. Denney - spoke in opposition  
Vernon Mudd - spoke in opposition  
Steven A. Novick - spoke in opposition

Mr. Johnsen, on behalf of the applicant, clarified that there would not be an ATM at the site since a drive-up ATM would not be allowed and F&M feels a walk-up ATM is unsafe. He discussed the comprehensive plan and the differences between spot zoning and the node concept as well as commercial and office zoning.

Mr. Dunlap commented further on zoning differences, and explained that TMAPC felt this particular use with this particular PUD would be compatible for this area.

Councilor Medlock questioned Mr. Dunlap as to whether a request for a drive-up ATM would be a major or minor amendment. Mr. Dunlap stated he believed it would be a minor amendment, but the Council could require it to have to come before the Council for approval. Mr. Johnsen indicated the applicant would not object to such a requirement.

After continued discussion regarding the verification of the filed protest, Mr. Johnsen stated that if the protest comes back requiring a  $\frac{3}{4}$  vote of the Council, then he would like the continuation of this item be held when the full Council could be present. The Council agreed they would like the continuation to be held when all Councilors will be present.

Pat Boulden, City Legal, agreed to notify the Council if the majority requirement is reached prior to reviewing the entire protest, but added that they would continue looking at all the protests in case the applicant would want to contest a part of it.

Moved by Baker, seconded by Sullivan, to continue this item to such time as TMAPC can inform the Council as to the voting requirement on this matter.

Roll Call:

Justis Yea Patrick Yea  
Sullivan Yea Christiansen Yea  
Neal Absent Williams Yea  
Medlock Nay Baker Yea  
Roop Yea  
Yeas 7 Nays 1 Absent 1  
Carried.

10/7/2003

Urban &  
Economic  
Development

3. Determination of the percentage of owners of the area of the lots within a 300 foot radius of the exterior boundary of the territory included in the proposed change in rezoning application Z-6902 and PUD-687 (application to rezone property located at or near the SW/c of E. 71 St. & S. Harvard (Owner: F&M Bank & Trust Co.) from RS-1 to OL/PUD.) (Medlock) 03-350-7

Discussion or Action At Meeting:

Councilor Medlock introduced this item. Said this changed late yesterday. Deals with the petition of homeowners at 71st and Harvard. Opinion by Mr. Boulden came last week. then he asked that Legal, Mr. Jackere, to reviews again. Mr. Boulden said Guier Wood



should be treated as one piece of property and there should be unanimous agreement of unit owners for the vote to count. Since there was not unanimous agreement, vote should not be validated. Mr. Jackere said two things not reviewed by Mr. Boulden. Unit Ownership Act says that separate parcel of land should be entitled to same treatment as other properties. This means each unit in the condominium or lot should count as a percentage for the vote and count as a separate unit.

Local and statutory provision defines a lot as parcel of land and should be considered in zoning code. With these two provisions, the condominium should have individual votes for each unit and a vote as it is within the 300 foot radius. Mr. Jackere also said there should be more specific language in declaration than just 51% of votes

Dateline for petitions was last night. Now TMAPC has to certify the petitions and determine if two thirds majority of Council membership needs to approve? Jackere said TMAPC should consider.

Medlock asked: How much time do we need? Jim Dunlap from TMAPC said no way by Thursday night. Petitions are long. Councilor Medlock said Council can continue hearing. Okay to have representatives at TMAPC discussions? Jim said it is all in public records, no mystery. Medlock : would like to be present at discussions if possible.

Baker to Jackere: what effect do the petitions have on your opinion? Jackere has not looked at petitions. TMAPC opinion was based on opinion by Boulden. TMAPC will review again.

Baker asked: How are you all going to propose to resolve this? Not sure.

Sullivan; I own a condominium at the Lake. Common areas owned by association like pools, etc., you are saying notice requirements are different? this changes 300 foot requirement? Medlock: Guier Wood was not counted and that took more than 50% of people in 300 radius. Homes themselves were not counted, not only common areas were not counted. All signatures were invalidated by Boulden's opinion.

Boulden said because condo sat on one lot, it was described as one lot. To determine who owns that one, all of owners do. So they all have to sign unanimously. If not, their signatures don't count.

Sullivan said they should count homes separately. Jackere talked about unit ownership of state. Each owner has percentage of the lot.

Neal to Jackere: Is your opinion agreed by Ms. Rupp-Carter? Martha has read and agrees.

Medlock. Instance in which husband and wife don't agree. This cancels out the vote.

Medlock why not divide it? They should be divided.

Patrick too much uncertainty. Leave to TMAPC. No rush. Looks like it will come to a super majority vote. Leave until we hear from Planning Commission.

Medlock: would like to have hearing and continue it. Patrick, we should have whole council. Medlock. the meeting is videotaped. Sullivan: this will affect future cases.

Would like to listen to TMAPC before because this is a major precedent. Should have full council.

Mona Miller: all petitions filed separately. Easily to see who is Guier Woods. Should not take more than 2 hours to look at this. Medlock: I cannot see that this won't get the 50% threshold. We should ask TMAPC to have something by Thursday.

Sullivan: we should follow legal channels and should wait for TMAPC.

10/7/2003

Urban &  
Economic  
Development

5. Rezoning application Z-6902 and PUD-687 requested by Roy Johnsen to rezone property located at or near the SW/c of E. 71 St. & S. Harvard (Owner: F&M Bank & Trust Co.) from RS-1 to OL/PUD. (CD-2)(PD-18) (TMAPC voted 7-1-0 to recommend approval.) 03-530

Discussion or Action At Meeting:

Jim Dunlap from TMAPC introduced this item. This area is residential and the application is for low intensity office including a bank with drive-in facility but no ATM. One word left out in minutes. Drive-in banking facilities "and."...

Councilor Medlock asked if this was a walk up not a driving ATM. Would this change be



a minor or major adjustment? if zoning change, Mr. Dunlap said it would be a minor amendment. F&M could ask for this change by council action. Bill Christiansen said minor amendment would involve less notice, no council action, so that was a good observation. Sam Roop asked, can we make it a condition that if they apply for a minor amendment it should come to the Council? Jim Dunlap said he didn't believe that would be a problem.

Constituent: this is important issue. should be heard by full council. Should continue hearing for 3 weeks.



and South Delaware Avenue from RS-1 to RS-1/PUD for a 16 dwelling Unit development

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 3.39 acres in size and is located on the southwest corner of East 71<sup>st</sup> Street South and South Harvard Avenue. The property is sloping, partially wooded, vacant and zoned RS-1.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 71 <sup>st</sup> Street South	Primary arterial	120'	7 lanes
South Harvard Avenue	Secondary arterial	100'	5 lanes

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

**SURROUNDING AREA:** To the north across 71<sup>st</sup> Street and to the south of the site are single-family dwellings zoned RS-1; to the east across Harvard Ave. and northeast across the intersection are duplexes zoned RS-2/PUD114 and RS-3 respectively; and to the west by single-family dwellings, zoned RS-1.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-Residential land use. According to the Zoning Matrix, the requested OL zoning **is not** in accord with the Plan.

**STAFF RECOMMENDATION:**

This lot is undeveloped, bordered by a primary and a secondary arterial on two sides, and is surrounded by single-family and duplex residential uses. Although the proposed OL zoning is a Low Intensity district, the uses allowed are not in accord with the Comprehensive Plan. If the site is developed in accord with the accompanying PUD 687, as modified by staff, the office and bank uses should be compatible with the surrounding residential uses. Also the existing development and topography would make nonresidential reuse of the other three corners of the intersection inappropriate and unlikely. In staff's opinion, the rezoning and PUD are a reasonable compromise between the need to protect the nearby residents and the landowner's right to a reasonable use of his property. Therefore, staff recommends **APPROVAL** of OL zoning for Z-6902 if PUD 687 is also approved.

If the TMAPC and City Council approve Z-6902, staff would recommend that the District 18 Plan be amended to designate the subject tract as Low Intensity – No Specific Land Use.

**STAFF RECOMMENDATION FOR PUD-687:**

The PUD proposes uses permitted by right in an OL district and drive-in banking facilities on 3.39 acres located at the southwest corner of East 71<sup>st</sup> Street and South Harvard Avenue. The tract has 742 feet of frontage on East 71<sup>st</sup> Street and 243 feet of frontage on Harvard Avenue.

The subject tract is zoned RS-1. Concurrently, an application (Z-6902) has been filed to rezone the tract to OL. There are single-family dwellings to the north of the tract across East 71<sup>st</sup> Street that are zoned RS-1. Duplex uses, zoned RS-2/PUD-114, are to the east of the tract across South Harvard. Single-family dwellings zoned RS-1 abut the tract on the west. Attached single-family dwellings zoned RS-1 abut the subject tract on the south.

Previously, a PUD application was filed (PUD-654) and subsequently withdrawn prior to hearing by the Tulsa Metropolitan Area Planning Commission. PUD-654 proposed an F&M Bank facility (4,621 SF of floor area) and an adjoining two story office building (38,577 SF of floor area). F&M Bank has redesigned the office park to a smaller scale. As now proposed, the F&M Bank facility would be adjoined by two office buildings, each one story in height. The floor area of the buildings (10,000 SF and 10,189 SF) is less than the previous design with a resulting increase in landscaped area and a decrease in required parking area.

If Z-6902 is approved and the Comprehensive Plan is amended as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-687 as modified by staff, to be: (1) consistent with the Comprehensive Plan if amended as recommended by staff; (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-687 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:

**Net Land Area:** 147,780 SF 3.39 Acres

**Permitted Uses:**

Drive-in banking facilities and uses as permitted by right within an OL district except the following uses shall be prohibited: Funeral Home, Drive-in ATM Facility, Broadcast or Recording Studio, Prescription Pharmacy, Studio or School for Teaching Ballet, Dance, Drama, Fine Arts, Music, Language, Business or Modeling, and Union Hall.

**Maximum Building Floor Area:** 24,435 SF

**Maximum Building Height:** One story, not to exceed 33 FT

**Minimum Building Setbacks:**

From the centerline of East 71<sup>st</sup> Street 110 FT

From the centerline of Harvard Avenue 105 FT

From the south boundary of the PUD

Building Wall 25 FT

Drive-In Canopy 45 FT

From the westerly boundary of the PUD 110 FT

**Minimum Off-Street Parking:**

As required by the applicable Use Unit of the Tulsa Zoning Code.

**Maximum Number of Lots in PUD:** One

**Minimum Setbacks For Bulk Trash Containers:**

100 feet from south and west PUD boundaries.

**Minimum Landscaped Area:**

42 percent of the net lot area.

**Building Design:**

All buildings shall be constructed in substantial accordance with the concepts depicted within the submitted building elevations (Exhibit E-7,

E-8 and E-9), which shall include size, pitched roof, an architectural style compatible with residential structures, and an exterior finish predominately stucco in appearance with stone accents. Minor variation in building orientation and footprint may occur pursuant to finalization of the detail site plan.

**Signs:**

One wall sign shall be permitted at the principal bank building, not to exceed 48 square feet of display surface area. There shall be no east-, south- or west-facing wall signs.

One ground sign shall be permitted at the principal entrance on 71<sup>st</sup> Street with a maximum 16 square feet of display surface area and four feet in height.

**Access:**

There shall be a maximum of two vehicular access points to East 71<sup>st</sup> Street and one access point to Harvard Avenue. All access shall be approved by Public Works. Pedestrian access shall be reviewed during detail site plan review.

**Other Bulk and Area Requirements:**

As established within an OL district.

3. Landscaping and screening shall be in substantial compliance with the applicant's text and conceptual site plan. There shall be a six-foot high or higher masonry wall having textured block, brick, stone or textured pre-cast concrete on both sides constructed and maintained along the south boundary of the PUD (except in floodplain areas along the westerly portion of the south boundary) and including a northwesterly extension along the boundary of the floodplain area for a distance of approximately 213 feet, then northerly a distance of approximately 94 feet to the north boundary of the PUD. There shall be a landscaped strip a minimum of ten feet in width along the north, south and east boundaries of the PUD except for approved access points. There shall be a landscaped strip a minimum of 74 feet in width along the westerly boundary of the PUD. Parking areas within the PUD shall be screened from East 71<sup>st</sup> Street and South Harvard Avenue by screening fences, berms and/or landscaping to at least a height of 3.5 feet. All landscaping shall meet or exceed the requirements of the Tulsa Zoning Code.

4. 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.
5. A detail landscape plan for the 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.
6. 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.
7. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
8. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
9. 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 or building-mounted light within the south 25 feet of the PUD. No light standard nor building-mounted light shall exceed ten feet in height in the south 100 feet nor 15 feet in the remainder of the tract. Canopy light fixtures in the drive-through banking facility shall not extend below the ceiling of the canopy.

10. 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 are fully in compliance with all applicable City ordinances and regulations, and that they have been completed and installed in accordance with the approved plans (and fully in accordance with the plans and specifications of any Privately Funded Public Improvement ["PFPI"] approved by the City therefor) prior to issuance of an occupancy permit on that lot.
11. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
15. There shall be no development in the regulatory floodplain.

**Note: Comments from July 17, 2003 TAC meeting:**

**PUD-687 – Southwest corner of 71<sup>st</sup> and Harvard**

General Comment – No utilities shown on Exhibits. Section VI (P.4) of Outline Development Plan – specify size and location of utilities to site. Show bearings and distances per legal description on Exhibit E-4. Detention easement required on plat and reserve for floodplain.

Water – Will building be sprinkled? A looped water main required with fire hydrants installed. Twenty feet R/W/E required.

Stormwater – Show regulatory floodplain limits and label creek/floodplain.

Wastewater – Sanitary sewer mainline extension is required to serve the property.

Transportation – No comment.

Traffic – Provide two approach lanes for Harvard Avenue due to bank drive-in volume.

**Mr. Harmon in at 1:40 p.m.**

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing F & M Bank and Trust Company, submitted a packet of exhibits (Exhibit A-5) and stated that this application is for a branch bank and with a drive-through facility and two adjoining small office buildings. All of the buildings are one story in height and the plan has been revised from the original plan two years ago. He indicated that the revisions were based on input from neighborhood meetings and other individuals who had concerns about the project.

Mr. Johnsen cited the history of the development at the intersection of 71<sup>st</sup> and Harvard. The development that currently exists in the subject area has largely occurred in the early 1970's or before. The traffic count, for 71<sup>st</sup> and Harvard, in 1973 was approximately 13,000 cars a day. East 71<sup>st</sup> and Harvard were two-lane roads. In 1970, a new Zoning Code was adopted and there weren't commercial PUD provisions at that time and did not exist until the mid 1970's. He explained that 71<sup>st</sup> Street is a primary arterial and it was designated on the Major Street and Highway Plan, as such, more than 20 years ago. He indicated that 71<sup>st</sup> Street is a six-lane divided facility and is a very significant road. It is fully developed to plan standards. The traffic on 71<sup>st</sup> Street is close to 50,000 (combining 71<sup>st</sup> and Harvard traffic), which is below capacity.

Mr. Johnsen stated that the subject application was filed on the premise that a bank and two office buildings would not be adversely impacting the neighborhood that is immediately adjoining or other residential properties in the subject area. This is an application that is predicated on the concept that these arterial street intersections are unique. There have been significant changes since the Comprehensive Plan was initially adopted, and the Plan had a target date of 2000 (planning period).

Mr. Johnsen referred to the revised site plan in Exhibit A-5 and explained the different uses and buildings in the revised site plan. He compared the revised detail site plan with the proposed site plan in 2001 (PUD-654). He pointed out that the new proposal reduces the floor area to one-story structures and breaks the proposed floor area into two smaller buildings to capture a residential scale for the project. The previous application was withdrawn by the applicant prior to the TMAPC meeting and was never heard by the Planning Commission. He indicated that the new proposal has 42% of landscaping and the parking spaces have been reduced since the floor area has been reduced. The floor area ratio is approximately .16 and the standard office density is .30. The proposal is on a residential scale, given the size of the land and the location. OL zoning is not considered a commercial district, but an office district and is Office Low-Intensity.

Mr. Johnsen stated that several neighbors indicated that they would prefer an eight-foot high masonry wall rather than a six-foot wall. F & M Bank would agree to an eight-foot height, but feels it should be the call of the neighbors who

immediately abut the subject property. Mr. Johnsen commented that the properties abutting the subject property have small yards and the topography drops, so that an eight-foot wall on the boundary could be oppressive.

Mr. Johnsen pointed out the office uses that would not be allowed in the proposal, which are listed in the staff recommendation. The bank is trying to be responsive to the neighborhood and has agreed to the deletion of an ATM facility. He acknowledged the concerns regarding drainage issues and explained that stormwater drainage would be addressed during the platting procedures and will not be an impact to the upstream or downstream properties.

Mr. Johnsen addressed the lighting issues and concerns and read the staff recommendation. He commented that the staff recommendation is restrictive on the lighting and his client is in agreement with the limitations. Mr. Johnsen indicated that another concern is traffic and read the conclusions of a traffic report conducted by Mr. Jon Eshelman, Traffic Engineering Consultants. The traffic count analysis indicated that the projected traffic is acceptable and can be handled by the existing street system. Traffic Engineering reviewed the issue regarding the median being modified and it was found that it would not impact the subject area. He indicated that the City of Tulsa does not pay for the median modification, but rather that the developer would pay the fees for the modification.

Mr. Johnsen stated that approving this application would not be setting a precedent. The four corners are well established and well protected by sound-proofing walls, as well as two lots on the northeast corner of 71<sup>st</sup> Street, which the City of Tulsa owns. This was part of the acquisition, and the likelihood of convincing the City to tear down the sound-proofing wall in order to allow access for any type of commercial use is very slight. The subject corner is distinguishable from the other corners, and if this is approved, it would not change what already exists on the other three corners.

Mr. Johnsen stated that his clients have met with interested parties and have tried to be responsive to address their questions and concerns. A brochure was sent to a large area to inform the neighbors of the proposal. Mr. Johnsen submitted a petition with approximately 141 signatures in support, which represent 111 addresses plus letters of support (Exhibit A-3 and A-4).

Mr. Johnsen stated that on the revised site plan, the parking area along the south boundary has been moved to the front and away from the residential properties to the immediate south. He indicated that the elevations were incorporated into the development standards and will require detail elevations to be submitted as part of the detail site plan review. Mr. Johnsen concluded that the proposal embodies everything that the Planning Commission has tried to achieve over the years. The subject property is an intersection property that would be difficult to develop in anything other than in a non-residential fashion. Quality housing

cannot be built in a tight site like the subject property and expect the market to respond favorably. None of the developers he discussed the subject property with thought it would be feasible or appropriate to try to develop residential use.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Johnsen the number of cars the intersection is designed to handle and what the projections might be if this is approved. In response, Mr. Johnsen stated that the planned capacity of a primary arterial (71<sup>st</sup> Street) is 40,600 vehicles per day and it currently carries 14,500 vehicles. Projections for the peak hours in the afternoon are 119 entering and 139 exiting, which means that both streets would operate at Level C, which is considered a very good level of service in an urban area.

**Mr. Jackson explained that there are numerous interested parties signed up to speak on this application. There will be a three-minute limitation for each person. He requested that the interested parties not repeat issues that have been addressed or mentioned.**

**INTERESTED PARTIES:**

**Kay Bridger-Riley**, no address given, asked if she would only be allowed three minutes.

Mr. Westervelt recommended that additional time be given to the professional people representing more than one party. He reiterated that each person only give new information and not to repeat prior statements.

**Councilor Chris Medlock**, District 2, representing Councilor Bill Christiansen, stated that he has maintained an open mind, as much as possible, and is very desirous of finding a permanent solution to this situation so that this procedure isn't done every two years. He indicated that he discussed this with Councilor Christiansen and they are very concerned about the precedent that would be established if this is granted. Council District 2 and Council District 8 have many similar situations that are potentially out there in the next five to ten years in which this could happen. He commented that he is desirous of finding a compromise between the neighborhood associations, but barring that from happening, he would be siding with those who are requesting to not develop. He requested the Planning Commission to be very careful in their decision and weigh the facts before them and those given to them by the neighborhood's counsel. Unless this is an absolute slam-dunk, he requested that the Planning Commission not recommend approval for this variance.

**Kay Bridger-Riley**, 3515 East 74<sup>th</sup> Street, Tulsa, Oklahoma 74136, stated that she lives in the subject area and she is not only representing the neighborhood but she is also a homeowner who is directly affected. She informed the Planning Commission that she filed with the City Clerk and TMAPC a letter with petitions representing over 50 percent of the homeowners within 300 feet of the subject

property. She stated that she has filed petitions with over 400 property owners and she hasn't sent out her mailing to solicit petitions at this time. She indicated that her office and some of the other designated drop-off locations are still receiving signatures on a daily basis.

Ms. Bridger-Riley stated that she represents residents in Guier Woods, Guier Glenn, Pebble Creek, South Ridge Estates, Sleepy Hollow, Den Wood Estates, Vienna Wood, Drawbridge, Williamsburg, Richmond Hills, Wellington South, Braeswood, Park Plaza South, Max Campbell (4245 South Darlington), Glen Oak, Timberwood and a number of duplexes on the southeast corner of 71<sup>st</sup> and Harvard.

**TMAPC COMMENTS:**

Mr. Westervelt informed Ms. Bridger-Riley that the Planning Commission is a recommending body and are more technical in nature. Numbers are not as important to the Planning Commission as are facts. There is a time limit in order to hear everyone today and he requested that she move directly to the pertinent facts that would help the Planning Commission to better understand her position.

Ms. Bridger-Riley stated that there has been no showing of need for this proposal. There are 29 banks within a three-mile radius of 71<sup>st</sup> and Harvard, and so there is no need for another bank in the area.

Ms. Bridger-Riley commented that there have been promises made to the residents of the subject area when the condemnation and the plan were being developed. Ms. Bridger-Riley submitted City Council meeting minutes (Exhibit A-9) in which former Councilors made promises to the residents that the subject tract would never be commercial. She commented that the bank purchased the property with the full knowledge of the zoning battles that had gone on before and that it was zoned residential.

Ms. Bridger-Riley submitted letters of opposition (Exhibit A-8). Ms. Bridger-Riley discussed the following concerns: Noise, additional traffic; would set a precedent by allowing commercial zoning; drainage concerns; increase in crime; property values decreasing; this would allow spot zoning; office use is inconsistent with the subject area and violates the Comprehensive Plan; office tenants have 24-hour access to the property, one of the protestants owns over 15 properties in the subject area and if this rezoning is allowed, he would be silly to not bulldoze the duplexes and other properties that he owns and change it into commercial because it would some of the most valuable property. It would be an unfair profit that the Planning Commission would allow the bank to make off of that property versus what the residential owners were compensated.

Ms. Bridger-Riley stated that neither stated the Planning Commission nor the City Council has ever sought or allowed to be a part of unjust compensation to big corporations over individual citizens and property owners, but it does need to be

addressed because that is what would be happening in the subject area if this were approved. Every one of the residents who did not claim any kind of commercial use for their property gave up that right. Ms. Bridger-Riley submitted photographs of examples of homes with walls on arterial streets (Exhibit A-1). Ms. Bridger-Riley reminded the Planning Commission of past applications that they had denied and quoted Planning Commission members from past meeting minutes.

Mr. Westervelt reminded the interested parties that there is a time limit for speaking in order to allow everyone a chance to speak on this issue. He informed the interested parties that the Planning Commission does not deal with stormwater drainage and it will be addressed by Public Works during the platting process. He requested that the speakers limit their comments regarding drainage because it does not affect or change the Planning Commission's decision. The Planning Commission has confidence that Public Works will handle these issues before building permits are issued.

Mr. Westervelt informed the interested parties that the Planning Commission does not look at other uses whether there is an economic need for a property to be constructed. This is not how the zoning laws are written and it isn't something that would impact the Planning Commission's opinion. He requested that the comments be focused on issues that the Planning Commission can act on.

**Steve Schuller**, 100 West 5<sup>th</sup> Street, Suite 500, Tulsa, Oklahoma 74103, submitted proposed amendments to the conditions for approval (Exhibit A-6) and stated that he is representing the incorporated homeowners association at Guier Woods. He indicated that his client neither supports nor opposes this project, but if the Planning Commission is inclined to recommend approval of the PUD, his client has two key issues that should be addressed.

Mr. Schuller explained that he understands that the Planning Commission doesn't concern itself in detail with stormwater drainage there is a serious problem in the subject area. He stated that the proposed underground system would flow into Guier Woods. There have been silting problems in the ponds and this would exacerbate the problem. The staff's recommendation does not have as much detail as he would prefer to see in the conditions and he requested that the amendment to the conditions he drafted be considered if the Planning Commission is inclined to approve this application.

Mr. Schuller stated that the other issue his client is concerned about is traffic, and particularly if the center median is opened up at Harvard and 71<sup>st</sup> intersection. He explained that traffic would back up when a vehicle attempts to turn left into the driveway of the proposed site. He commented that there are currently problems with residents turning in and out of their subdivisions during the peak times.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Schuller if he was aware of the City's median policy with regard to primary and secondary arterials. In response, Mr. Schuller stated that he doesn't know it as thoroughly as some people. Mr. Westervelt stated that he is not a Traffic Engineer, but he asked if it is true that if the center median isn't opened it would cause more congestion problems in the intersection that would otherwise be done if the simple guidelines were followed. In response, Mr. Schuller stated that if the driveway is blocked by the center median, then it would eliminate the driveway as a target destination for people traveling north on Harvard Avenue and would approach the bank from a different direction. Mr. Westervelt asked Mr. Schuller if he had an exhibit to demonstrate his theory. In response, Mr. Schuller answered negatively.

Mr. Stump stated that the current median appears to extend to the southern boundary of the subject tract. He believes that the applicant is simply requesting that the median not be truncated or shortened in anyway to allow a left-hand turn.

**INTERESTED PARTIES IN FAVOR OF THE PROPOSAL:**

**Bob Hunt**, 3212 East 73<sup>rd</sup>, Tulsa, Oklahoma 74136, 20-year resident of Guier Wood and stated that his interest is what would be best for Guier Wood. He commented that he doesn't have a personal agenda and he doesn't have any reason to think that there should not be a development on the subject tract that would be for Guier Wood's benefit as a community. There are protestants of this application that claim to be residents of Guier Woods, but that is not the case. There are several people that own property in Guier Woods, but they do not live there. Some of the owners live out of state and their property is up for sale. There are 20 people in favor of the proposal and they are permanent residents of Guier Woods. They are looking forward to something that benefits Guier Woods as a community. Today's proposal is the best proposal as of today. Over a good many years, nothing has happened in the way of residential development and no one has come forward and offers to build anything in the way of residences. This would be compatible with the community needs. He explained that currently there is a wooden fence in place that badly needs repair and the proposal would be to replace it with a masonry wall. There is an opportunity to have the drainage issues addressed instead of increasing the flow into the existing drainage system. The masonry wall and the stormwater drainage issues would greatly benefit the residents, and hunt encourages favorable consideration of this application. If this is not approved, it only creates a longer range of uncertainty in the use of the subject property. He is not concerned with individual property values because it is not important to the community. What is important to the community is what the use would be on the subject property. Left undeveloped, it becomes something of significance. He encouraged the Planning Commission to approve this application and send it to City Council.

**Bill and Carol Brumbaugh**, 7210 South Gary, Tulsa, Oklahoma 74136; stated that he and his wife are owners of their residence and are south of the subject

property line. He indicated that Beverly Lindsey and John and Joyce Salton are all in favor of this project as well. This project takes a lot of uncertainty out of the use that would take place on the subject property. He commented that he has been in the real estate business for 43 years in Tulsa and this would be the highest and best use of the subject property.

**Denise Simms**, 7032 South Indianapolis, Tulsa, Oklahoma 74136, stated that she lives on the northeast corner of where the bank would be located and she is the only one that has an open area. She explained that there is currently a wooden fence and she can see the subject property, as well as hear the noise from the street. She commented that she would not like to have an apartment building or a commercial business next to her property. She stated that a home built on the subject property would not block the noise. She commented that there is no one who would purchase the subject property and build a house on it. F&M has proposed landscaping and something pleasant to look at, and it will not generate that much more traffic to go to the bank. People in the neighborhood could walk to the bank and it would be very convenient for her. This is a good proposal for the community and it would be better than looking at another concrete wall.

**Bill Grant**, 7236 South Gary Avenue, Tulsa, Oklahoma 74136, stated that he is in favor of this proposal. He explained that he and his wife live in Guier Woods within 500 feet of the subject property. The quality of any possible residential development on this corner would not lend itself to expensive single-family new homes. This would leave duplexes or other multifamily alternatives and quality couldn't not be compacted into this tight of space. The apartments could be 35 feet in height and the bank is proposing a single story. There would be more noise, 24-hour traffic, less landscaping and less security for the abutting Guier Woods homeowners. An apartment or multifamily dwelling would be a depressant on the surrounding market values, including the other three corners.

Mr. Grant cited the multiple problems that he has encountered with the subject property being empty. The subject property is ready to be built and occupied rather than some type of quasi-residential development that could take several years to sell the lots and actually develop the property. He requested the Planning Commission to not listen to the irrelevant facts and to approve this proposal.

**INTERESTED PARTIES OPPOSING THE PROPOSAL:**

**James Knighten**, 6500 South Harvard, Tulsa, Oklahoma 74136, **E. B. and Mona Miller**, 7211 South Gary Place; **Glenn Visser**, 7149 South Indianapolis, Tulsa, Oklahoma 74136; **Peggy Enlow**, 7308 South Gary Place, Tulsa, Oklahoma 74136; **Janet Hasegawa**, 3208 East 69<sup>th</sup> Street, Tulsa, Oklahoma 74136; **John S. Denney**, 3130 East 70<sup>th</sup> Street, Tulsa, Oklahoma 74136; **Will Sanditen**, 7217 South Gary, Tulsa, Oklahoma 74136; **Carl Sutton**, 7202 South Jamestown, Tulsa, Oklahoma 74136; **Bob Phillips**, 7226 South Gary Place,

Tulsa, Oklahoma 74136; **Martin Rinehart**, 6766 South Evanston, Tulsa, Oklahoma 74136; **Valerie Randolph**, 6921 South Delaware Place, Tulsa, Oklahoma 74136; **Brad Culvert**, 3437 East 75<sup>th</sup> Street, Tulsa, Oklahoma 74136; **David** , 3405 East 66<sup>th</sup> Place, Tulsa, Oklahoma 74136; **Guy Donohue**, 3811 East 74<sup>th</sup> Street, Tulsa, Oklahoma 74136; **Bonnie Henke**, 3449 South Atlanta Place, Tulsa, Oklahoma 74136; **Robert Johnson**, 1714 South Richmond, Tulsa, Oklahoma 74136.

**COMMENTS OF INTERESTED PARTIES OPPOSING:**

Approval would cause a domino effect at each intersection along Harvard; there are very few intersections in Tulsa without commercial uses and would like to keep it residential; the subject property has never been marketed for homes; once the zoning is changed it doesn't guarantee that a bank would always be in place; fear that other properties along 71<sup>st</sup> would be razed and have office or commercial uses; commercial zoning would be detrimental to the subject area; the property would best for residential use; this would be stripped zoning; office vacancy rate in Tulsa is at 15% and the two office buildings are not needed; several past City Council members assured the residents that commercial would never be allowed on the subject corner and would remain residential; City of Tulsa planners promised that this would always be a residential area because it is one of the most beautiful neighborhoods in Tulsa; It would be unfair to rescind their promise; the staff's recommendation is fallacious; the staff's fallacious reasoning and their recommendation as to what is the Comprehensive Plan and what is the spirit of zoning is in this City is once again a request for the Planning Commission to break an agreement that was made with the citizens of Tulsa and further undermine the public trust; the widening of 71<sup>st</sup> Street involved federal funds and the final environmental impact statement is residing someplace in Washington D.C.

**TMAPC Comments:**

Mr. Harmon asked Ms. Randolph who promised her that the subject property would never be rezoned. In response, Ms. Randolph stated that she does not have that information in front of her, but it is in the minutes of the meetings regarding the widening of 71<sup>st</sup> Street. It was recommended that there would always be a residential corridor along 71<sup>st</sup> and Harvard. She commented that the Councilors who made the promises no longer hold office. She further commented that she is sure that the past Councilors had every good faith that their reasoning at that time would be upheld by of those who have assumed their positions.

Mr. Harmon stated that Ms. Randolph stated that the past Councilors promised that it would remain residential, but then she changed her statement that the past Councilors recommended that it remain residential. He asked Ms. Randolph if it was truly a recommendation or promise. In response, Ms. Randolph stated that past Mayor Susan Savage and past Street Commissioner J.D. Metcalfe can be found in the written record.

Ms. Bridger-Riley pointed out the testimony of J.D. Metcalfe and Darla Hall from past minutes, which quotes the promises to the citizens that the subject property would remain residential.

Mr. Harmon stated that he can't find any covenant or statements to the residents that this would remain residential. In response, Ms. Henke stated that if the Planning Commission would go back to numerous news articles, there have been a number of attempts to develop this property and during the time 71<sup>st</sup> Street was being present for widening, it was represented to everyone that the subject property would remain residential.

Mr. Harmon stated that he finds evidence that people say that it is not suitable for commercial. In response, Ms. Henke stated that the subject property is currently zoned residential and there is no denying that people purchase property based on what their expectation is of how the area would develop.

Mr. Westervelt recognized Ms. Bridger-Riley.

Ms. Bridger-Riley stated that the draft environmental impact study is enclosed with her exhibits (Exhibit A-9). It did recognize that there would be commercial development at the corner of 71<sup>st</sup> and Harvard, but after numerous meetings with the landowners and property owners the final study talks about the residential issue.

**Rebuttal:**

Mr. Johnsen stated that he believes that the other corners at the subject intersection are clearly distinguishable from the subject property. They were developed in 1970 and have interior street patterns. The other corners are not in the same position that the subject property is in. There were two old farm houses on the subject property that had been removed and there are changes that have occurred since the Comprehensive Plan was originally adopted. This Planning Commission would not have any difficulty in distinguishing the northwest, northeast or the southeast corner of this intersection when it comes to zoning.

Mr. Johnsen stated that there are some subtleties in the Comprehensive Plan that are not fully understood. The Comprehensive Plan starts with a concept that intersections are unique properties and that is where commercial use should be located. However, the Comprehensive Plan is more sophisticated than that because there are intensities. OL Office-Light Intensity falls within the category of low intensity development. The Comprehensive Plan breaks this down to where there could be no specific land use or residential land use, and it designated this as low-intensity residential, which is probably flawed to some extent because an RM-1, which is multifamily, is a may-be-found. The Zoning Code and Development Guidelines recognize that within an RM-1 in a PUD,

office uses are allowed because they are considered the same intensity. Under a zoning perspective, office use is low intensity, and with the type of conditions he has submitted and the additional conditions that staff has imposed, that assures a low intensity use.

Mr. Johnsen indicated that his client contacted several contractors regarding the subject property regarding the possibility of developing it as residential. All of the developers answered negatively and it was not due to land price or development cost, but that expensive homes could not be marketed on a tract like this that has no stub streets and that faces 71<sup>st</sup> Street.

Mr. Johnsen acknowledged that the original property owner applied for a retail/commercial request and the Planning Commission denied it. It went to the City Council and the first votes were favorable. When the ordinance came back for adoption it was turned down due to citizens not in favor of the application. Mr. Johnsen agreed that the retail/commercial use should have been denied. He pointed out that this application is not the same.

Mr. Johnsen stated that he had not been able to find a City Council resolution or anything that states the subject property must remain residential. He commented that this should be in the context that the Councilors were looking at a corridor from Lewis to Yale and as a corridor they were stating that this would not strip out commercially if the 71<sup>st</sup> Street was widened. The City probably did commit that they would not strip out the corridor and he doesn't believe that they will. He stated that this application does not represent any of that which was being addressed during the 71<sup>st</sup> Street widening. If this application is approved, the subject area would still remain predominately residential. The properties that were mentioned by the interested parties that could possibly be candidates for rezoning are not located at a corner. The history shows that intersections have always been the crossroads of where the trading posts were located and where commercial uses would normally be located. The proposal is for office use that he believes most people would prefer over any type of residential that is not likely to occur. The bank is not asking the City Council to bail them out, but is trying to present that this is a reasonable application that would not interfere with the neighborhood and would not adversely affect the property values. If this meets the Planning Commission's normal policy and practices, then it should be approved. Why would anyone try to force a use that would be marginal at best on a tract that is very suited for the proposed use and would be done in a way that would not harm the surrounding areas.

Mr. Johnsen pointed out the properties that are in support of this proposal. Five of the eight ownerships that abut the subject property are in support of this application.

Mr. Johnsen stated that Mr. Schuller supplied him an early draft of his requested amendments to the conditions. He commented that he believes Mr. Schuller's

comments are appropriate regarding the drainage, which is that the drainage improvements be in compliance with City ordinances and is acceptable to him. Regarding the median that was mention by Mr. Schuller, he has discussed this with Mr. Eshelman, Traffic Engineering Consultants, who stated that there is not a significant problem with the median proposal. In this situation where there is substantial public improvement in place, that the traffic that would be generated by this use would not detrimentally affect the level of service. If the median cut is not permitted, which has already been approved by the City of Tulsa Engineering Department, it would make it difficult for the bank to function properly. Corners are unique because they have access to two streets and with the median changed as proposed, there would still be more than enough space before reaching the Guier Woods entrance and that should not impact it at all.

Mr. Johnsen concluded this proposal would not impact the surrounding corners because the City is in full control of that due to the walls and owning the two lots at the northeast corner. This proposal would not impact what happens at 61<sup>st</sup> and Harvard or 31<sup>st</sup> and Lewis nor 41<sup>st</sup> and Lewis. These streets are clearly distinguishable and they are not primary streets. He requested the Planning Commission approve the application per staff recommendation.

**TMAPC Comments:**

Mr. Harmon asked Mr. Johnsen why this location is important to F&M Bank. In response, Mr. Johnsen stated that his client has studied the demographics and they have one at 101st and Yale. This site is within their spacing and they are a neighborhood-type banking facility. It is visible site and they have customers in the subject area who would be better served.

Mr. Jackson recognized Mr. William Allen.

Mr. William Allen, 3213 East 73<sup>rd</sup> Street, 74136, Guier Woods Subdivision, stated that he president of Guier Woods Inc. Board of Directors. The Board of Directors have taken the position, split vote, not to take any type of position regarding the subject application. In light of Mr. Johnsen's characterization of the appearance of Steve Schuller on their behalf, which seems to indicate that the Board is in favor of the application, that is bogus and not true. The Board decided it would be better if the individual homeowners made their own statement to the Council.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Romig if the environmental study should have any impact on their decision today. Mr. Romig stated that the environmental study should not have any impact except perhaps the statement of how the subject property would be used in the future. However, there is no legal requirement or binding effect on the zoning decision.

Mr. Jackson stated that Mr. Johnsen and the bank has submitted a nice packet that illustrates a low intense use, which would be compatible with the

neighborhood. There would be no direct intrusion with the neighborhood, single-story buildings, 43% of the property would be landscaped and a masonry wall installed around the perimeter is a good project. The subject area would be a good place for low intensity office use and would probably be utilized. Mr. Jackson concluded that this would not be a detriment to the neighborhood.

Mr. Midget stated that he was involved in the first project in 1994 that was proposed by Mr. Ralph Jones and he was very opposed to the project because of the level of intensity of its use. He further stated that he would be opposed to commercial zoning on the subject property.

Mr. Midget stated that he recalls the first application F&M Bank submitted and he had concerns with the intensity; however, the new application has significant changes and it appears to be residential-friendly. F&M has tried to address the major concerns of this development and in particular with the abutting property owners. He recognizes that there are some residents opposed to this project, but he has to weigh the information himself and he believes that the proposed land use is a reasonable development and he would be supportive. F&M Bank is a good corporate neighbor and they are homegrown and he doesn't believe they would build anything injurious to the neighborhood. It would remove some of the uncertainty that the neighbors mentioned previously.

Ms. Coutant stated that she does understand that people are more pleased with this proposal than the past proposals. The Comprehensive Plan states that this is low intensity-residential and it is zoned RS-1. Although the project is considered pretty and residential-like looking, it is not residential. To say that this corner is distinguishable to the other three corners does not get us anywhere because they are all a part of the residential area. She indicated that she would be opposed to this application.

Mr. Westervelt stated that he wishes that the City of Tulsa had purchased the subject property when the intersection improvements were made. However, the Planning Commission does not have the opportunity to view the property in that way and it must be viewed as it is today. There is nothing good about things that are so divisive and split the people up between those for and against something in the neighborhoods. There were a number of comments from interested parties that stated this application would resolve uncertainty with regard to the alternatives that could be allowed. He commented that he is aware that with regularity, in the right circumstances, that the Comprehensive Plan is amended by the Planning Commission. He also noted that RM-1 is may-be-found and considering how OL is used as a buffer between residential and other uses, and noting this is indeed an OL use and is within a PUD (which gives the Planning Commission control over the types of uses allowed and the way they may look). Additionally, he made clear that this is not a two-lane road with painted stripes, but rather a major arterial and there is enough paving within the intersection to land an airplane. Noting, additionally, that the homes are not oriented towards

the intersection, and with the walls that were constructed by the City and the city property ownership on the adjacent corner and the size of the street, and digesting that an extra 119 vehicles in one direction and an extra 139 vehicles on a road that is designed to handle 40,000 vehicles on the primary and secondary (actual vehicles are 23,008 and 14,500) appears minimal in impact, he stated that he is compelled to believe that this is a good opportunity to settle the long-range uncertainty and seize on this opportunity. There is still an opportunity to further tailor the PUD to help make this property as minimally impacting to the community. Mr. Westervelt stated that he does not find any one or particular group that would be impacted negatively by this proposed facility.

Mr. Westervelt stated that understanding that the Planning Commission does modify the Comprehensive Plan with some regularity with the right situations, noting the unusual topography, the City's walls and a unique corner, all of this notwithstanding F&M Bank's credibility in this community and applauding their facilities, he would make a motion of approval of the application as submitted and as supported by our staff and ask staff to further amend the Comprehensive Plan. He thanked the interested parties for their straightforward comments and conducting themselves in a professional way.

**Motion seconded by Mr. Horner.**

On **MOTION** of **WESTERVELT** to recommend **APPROVAL** of Z-6902 for OL zoning and recommend **APPROVAL** of PUD-687 as submitted and as supported by our staff and ask staff to further amend the Comprehensive Plan.

Mr. Harmon stated that he is definitely supporting Mr. Westervelt's motion and he believes it has merits. He does have some reservations that this is close to spot zoning; however, this is a unique situation and it would not be setting precedent. The next application in the subject area may not be approved because there are a lot of factors that were considered in this decision.

Mr. Westervelt amended his motion to include item ten from Mr. Schuller's submittal. Mr. Horner seconded the amended motion.

On amended **MOTION** of **WESTERVELT**, to recommend **APPROVAL** of Z-6902 for OL zoning and recommend **APPROVAL** of PUD-687 as submitted and as supported by our staff; subject to include the amendment to item ten of the development standards as submitted by Mr. Stephen Schuller.

Ms. Coutant stated that she would like to make another comment. She read from an exhibit regarding the widening of 71<sup>st</sup> Street from four lanes to six lanes and quoted past City Councilor Darla Hall where she promised that there would not be any commercial development in the subject area. This is documenting that there were promises and the residents may have done something differently

through the years if there were no assurances that something like what is happening today would not happen. To say that the OL use would be buffering the rest of the neighborhood from other commercial development is incorrect. There is nothing to buffer because it is being dropped into a residential neighborhood.

Mr. Harmon stated that the concept that the residents were promised something was of a concern to him; however, but they were not able to point out to him that the City Council or this Planning Commission had made that direct promise or he would feel differently about this proposal. Simply a comment from a Councilor that the residents were promised this, does not constitute evidence that a promise came from someone who had the authority or the ability to make that promise. Based on this, he believes that the promise may have been word-of-mouth and not from someone who could actually commit or commit the City to this promise.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-1-0 (Bayles, Carnes, Harmon, Horner, Jackson, Midget, Westervelt "aye"; Coutant "nay"; none" abstaining"; Collins, Hill, Ledford "absent") to recommend **APPROVAL** of Z-6902 for OL zoning and recommend **APPROVAL** of PUD-687 as submitted and as recommended by staff; subject to including the amendment to item ten of the development standards as submitted by Mr. Stephen Schuller. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

**Legal Description for Z-6902/PUD-687:**

a tract of land that is part of the NE/4, NE/4 of Section 8, T-18-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma according to the U. S. Government survey thereof, said tract of land being described as follows: Commencing at the Northeast corner of the NE/4, NE/4 of said Section 8; thence S 01°09'18" E along the Easterly line of Section 8 for 321.61'; thence S 88°39'02" W for 56.00' to the Point of Beginning of said tract of land, said point being on the Northerly line of Guier Woods, an Addition to the City of Tulsa, Tulsa County, Oklahoma; thence continuing S 88°39'02" W along said Northerly line for 488.53'; thence N 38°09'18" W for 256.15'; thence N 64°29'18" W for 95.70'; thence N 48°03'49" W for 14.63' to a point on the present Southerly right-of-way of East 71<sup>st</sup> Street South; thence Easterly along said Southerly right-of-way line as follows: N 88°37'57" E for 34.99'; thence S 72°55'57" E for 12.65'; thence N 88°37'57" E for 61.30'; thence N 70°11'52" E for 18.97'; thence N 88°37'57" E for 278.45'; thence S 71°53'46" E for 52.50'; thence N 88°37'57" E for 243.91' thence S 46°17'15" E for 57.40' to a point on the present Westerly right-of-way line of South Harvard Avenue thence S 01°09'18" E parallel with the Easterly line of said Section 8, and along said Westerly right-of-way line for 202.45' to the Point of Beginning and containing 3.39 acres more or less, and located on the Southwest corner of East 71<sup>st</sup> Street South and South Harvard Avenue, **From**

RS-1 (Residential Single-family Low Density District) To OL/PUD (Office Low Intensity District).

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Mr. Jackson announced a five minute recess at 4:05 p.m.  
Mr. Jackson called the meeting back into session at 4:10 p.m.

Application No.: CZ-328

AG TO CS

Applicant: David C. Charney

(PD-15) (County)

Location: Northeast corner of East 106<sup>th</sup> Street and Highway 75 North

**STAFF RECOMMENDATION:**

**CZ-173 June 1989:** All concurred in approval of a request to rezone the 12.6-acre tract located on the southeast corner of East 106<sup>th</sup> Street North and Highway 75 North from AG to CS for a proposed used automobile, truck and tractor sales.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately five acres in size and is located on the northeast corner of East 106<sup>th</sup> Street North and Highway 75 North. The property is gently sloping, non-wooded, vacant, and zoned AG.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
North Yale Avenue	Secondary arterial	100'	2 lanes
Highway 75 North	Freeway	Varies	4 lanes
East 106 <sup>th</sup> Street North	Secondary arterial	100'	2 lanes

**UTILITIES:** The subject tract is served with water from a rural water system and sewer would have to be serviced through a septic system or some alternative.

**SURROUNDING AREA:** The subject property is surrounded on the north, east and west by vacant property zoned AG and on the south by a large strip of vacant property, zoned CS.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, designates the property as Corridor Intensity-Agricultural.

The requested CS zoning **is not** in accord with the Comprehensive Plan Corridor Intensity-Agricultural designation.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and lack of existing development nearby, staff cannot support the requested rezoning. This appears to be a clear case of spot zoning and premature at best. Therefore staff recommends **DENIAL** of CS zoning for CZ-328.

The applicant presented **CZ-328 and CZ-329 at the same time since they are mirrored applications.**

**Application No.: CZ-329**

**AG to CS**

**Applicant:** Don A. West

(PD-15) (County)

**Location:** Northeast corner of East 96<sup>th</sup> Street and Highway 75 North

**STAFF RECOMMENDATION:**

**CZ-264 May 2000:** A request to rezone a 3.4-acre tract located on the northwest corner of East 96<sup>th</sup> Street North and Highway 75 North from RS to CS was approved for CS zoning on the south 150' with the remainder remaining RS.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately five acres in size and is located on the northeast corner of East 96<sup>th</sup> Street North and Highway 75 North. The property is gently sloping, non-wooded, vacant, and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
North Yale Avenue	Secondary arterial	100'	2 lanes
Highway 75 North	Freeway	Varies	4 lanes
East 96 <sup>th</sup> Street North	Secondary arterial	100'	2 lanes

**UTILITIES:** Water in this area is provided by a rural water system and waste treatment and disposal would require septic systems.

**SURROUNDING AREA:** The subject property is surrounded on the north, south and east by vacant property zoned AG and on the west by a large amount of vacant property, zoned CS and a single-family residential subdivision, zoned RS. To the southwest is a church, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, designates the property as Corridor Intensity-Corridor land use. Plan policies (section 9) call for locating more intense uses here and for providing appropriate access into, out of and within such developments.

The requested CS zoning **is** in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Although the requested CS zoning is in accord with the Comprehensive Plan, there is very little existing development adjacent to the site. Staff believes that to rezone this property at this time would be premature and constitute spot zoning. Therefore, staff recommends **DENIAL** of CS zoning for CZ-329.

**Applicant's Comments:**

**David C. Charney**, P.O. Box 240, Owasso, Oklahoma 74055, stated that the subject property is located on the corner of a highway and arterial road. There has been a consistent effort to zone the nodes around the intersection of the streets in Owasso for commercial uses in order to promote commerce in the town. He informed the Planning Commission that he is representing the application for CZ-329 as well with the same request. He stated that everything he is going to say on the application for CZ-328 is relevant to CZ-329.

Mr. Charney stated that the North Tulsa County Plan is a fill-in-the-gap type of comprehensive plan. Mr. Charney cited what he believes to be inconsistencies in the North Tulsa County Plan. He commented that staff shouldn't decide if the timing is right for an entrepreneur and recommend denial because it is too early to predict the use as staff recommended on CZ-329. He wants to promote commerce and that is the reason for applications for CZ-328 and CZ-329. The market place should determine if an area is ready for commercial businesses and not staff.

**TMAPC COMMENTS:**

Mr. Harmon asked staff how they determined that CZ-328 would be spot zoning. There is CS zoning across the street from the subject property. In response, Mr. Stump stated that the staff recommendation is primarily concerned with the eastern portion near Yale. This is a fairly wide request for commercial and the

area to the south is behind some residential lots next to US Highway 75. By extending this to 106<sup>th</sup> and Yale, it would be the first corner zoned commercial. He stated that unfortunately the maps do not show the dedicated rights-of-way. Mr. Harmon asked if the request had only been for the first 200 or 300 feet staff still considered this spot zoning. In response, Mr. Stump stated that they would not if the request for the zoning was for the portion across the street from the CS zoning. Mr. Harmon asked staff if their concern was for the commercial zoning request at the corner of Yale and 106<sup>th</sup>. In response, Mr. Stump stated that there are two residences at that intersection on two quadrants. The current CS zoning across from US Highway 75 has been dormant since it was rezoned 14 years ago. Staff is concerned that possibly they are preempting a more appropriate use, which may be residential in the subject area, by zoning it for commercial in the early stages.

**INTERESTED PARTIES:**

**Sandra Farney**, 9611 North Yale, Sperry, Oklahoma 74073, submitted a letter of protest (Exhibit B-1) from Betty Helt, 5015 East 106<sup>th</sup> Street North, Sperry, Oklahoma 74073, stating that 106<sup>th</sup> is not a major entrance or exit for US Highway 75; therefore, the danger for traffic would be greatly increased if there were businesses in the subject area. She explained that currently there have been several fatalities in the subject area. Ms. Farney expressed concerns regarding the utilities accommodating a business. The southeast corner of 106<sup>th</sup> and US Highway 75 is currently CS and is vacant and has been for many years. Ms. Farney submitted 34 letters requesting denial (Exhibit B-1).

**TMAPC COMMENTS:**

Mr. Jackson asked Ms. Farney if she had any other reasons for not wanting to have a convenience store. In response, Ms. Farney stated that there is no need for a convenience store and there are too many dangers regarding the traffic. She explained that it is difficult to get out from the arterial roads onto US Highway 75. In response, Mr. Jackson asked if it is possible to reach Mingo to US Highway 75 on 106<sup>th</sup>. In response, Ms. Farney stated that 106<sup>th</sup> reaches Highway 169.

**Applicant's Rebuttal:**

Mr. Charney stated that he does realize that some homes have access off of Yale. He explained that he was trying to be sensitive to the fact that configuration of the request would access off of 106<sup>th</sup> and not off of Yale. If the easterly 200 feet does not seem appropriate because it was near an existing residence, he would amend the application to exclude that portion. This basic commercial node is something everyone should embrace in order to promote commerce.

**TMAPC COMMENTS:**

Mr. Ledford asked Mr. Charney what type of access limitations for there are US Highway 75 and any type of stipulations along 106<sup>th</sup> Street North were in the

deed. In response, Mr. Charney stated that along US Highway 75 there are complete limits of no access, but he does not know how far east it exists. He commented that during the platting process that could be determined.

Mr. Ledford stated that if the Planning Commission doesn't know where the limitations on access are, then he may have a CS tract that has no access. In response, Mr. Charney agreed. Mr. Charney stated that he doesn't recall there being a limits of no access in the abstract, but he would imagine it would be 300 feet from Yale and he couldn't imagine it extending beyond that point.

Mr. Ledford recommended that Mr. Charney check into this information before the Planning Commission acts on this request.

Mr. Charney stated that he would agree to hold the application until he can get this information if it is available.

Mr. Stump agreed with Mr. Ledford that the application should be continued in order to confirm the limits-of-no-access.

Mr. Ledford stated that he noticed the same concerns with CZ-329 and they are both on US Highway 75 and along an arterial street. He suggested that both zoning cases be continued until the details are available.

Mr. Stump stated that if the plans are on file, staff should be able to get the information from the Highway Department by next week. Mr. Stump suggested continuing the two zoning cases (CZ-328 and CZ-329) to September 17, 2003.

Mr. Charney agreed to the continuance to September 17, 2003 and he would research the limits-of-no-access.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Collins, Coutant, Harmon, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Hill "absent") to **CONTINUE** CZ-328 and CZ-329 to September 17, 2003 at 1:30 p.m.

**TMAPC COMMENTS:**

Mr. Midget suggested that Mr. Charney meet with the interested parties prior to the continued hearing. Mr. Midget informed Mr. Charney that the continuance does not indicate that the Planning Commission would approve the zoning request. In response, Mr. Charney stated that he would get with the interested parties and he understands that a continuance does not indicate that he would be approved at the next hearing.

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## ZONING PUBLIC HEARING

Application No.: PUD-498-B-1/Z-6714-SP- MINOR AMENDMENT  
1b

**Applicant:** John W. Moody (PD-18) (CD-8)

**Location:** Southwest corner of East 73<sup>rd</sup> Street and South 101<sup>st</sup> East Avenue

### STAFF RECOMMENDATION:

PUD-498-B was approved by the City Council on February 22, 2001. The PUD permitted a hotel with a maximum building floor area of 35,000 SF and a maximum height of three stories not to exceed 40 feet. The maximum number of hotel rooms is 60 plus one resident manager's apartment unit. The minimum building setbacks from the centerline of East 73<sup>rd</sup> Street and South 101<sup>st</sup> East Avenue are each 85 feet. The minimum area that is to be improved as internal landscaped open space is 25% of the net land areas.

This minor amendment proposes to increase the maximum building floor area from 35,000 SF to 40,246.98 SF and increase the number of rooms from 60 and one manager's apartment to 72 and one manager's apartment. The minor amendment also proposes to reduce the minimum building setbacks from the centerline of 73<sup>rd</sup> Street and 101<sup>st</sup> East Avenue from 85 feet to 55 feet. The minimum landscaped area would be reduced from 25% of the net land area to 24.68% of the net land area.

The subject tract is located south of Home Depot and Babies-R-U's stores, zoned CS/OM/PUD-498. Lowe's store, zoned CS/RM-2/PUD-521, is to the east of the tract. Windsail Apartments zoned CO abuts the tract on the west and south.

Staff finds that the requested minor amendment does not substantially alter the character of the development or the approved PUD standards. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. **Maximum Building Floor Area:** 40,246.98 SF
2. **Maximum Number of Hotel Rooms:**  
72 plus one resident manager's apartment unit.
3. **Minimum Landscaped Area:**  
24.68% of net land area.
4. **Minimum Building Setbacks:**  
From centerline of East 73<sup>rd</sup> Street South 55 FT

From centerline of South 101<sup>st</sup> East Avenue 55 FT  
From other PUD boundaries 17.5 FT (unchanged)

5. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
6. 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.
7. 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 25 feet in height.
8. 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.
9. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

Except as modified above, the development standards of PUD-498-B and Corridor Site Plan Z-6714-SP-1 as amended shall remain applicable.

**Mr. Horner out at 4:34 p.m.**

**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 **HARMON** TMAPC voted 7-0-0 (Collins, Coutant, Harmon, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Hill, Horner "absent") to **APPROVE** the minor amendment for PUD-498-B-1/Z-6714-SP-1b per staff recommendation.

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Application No.: PUD-312-A-3

MINOR AMENDMENT

Applicant: R.L. Reynolds

(PD-18) (CD-5)

Location: Northwest corner of East 48<sup>th</sup> Street and South Garnett

**STAFF RECOMMENDATION:**

The applicant is proposing to establish two development areas within Development Area A of PUD-312-A. The subject tract is located at the northwest corner of South Garnett Road and East 48<sup>th</sup> Street. Proposed Tract A would contain approximately 10.3 acres and proposed Tract B would contain approximately 4.6 acres. Office and Commercial uses have been approved within Development Area A.

Staff finds that the request does not substantially alter the allocation of land to particular uses or the relationship of uses within the project. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. The requirements of PUD-312-A shall apply unless modified below.
2. Development Standards:

**TRACT A**

**Maximum Building Floor Area:**

Uses included within Use Units 12, 13, 14, and 17 (vehicle repair and services only)	129,938 SF
Uses included within Use Units 11 and 19	276,680 SF

**TRACT B**

**Maximum Building Floor Area:**

Uses included within Use Units 12, 13, 14 and 17 (Vehicle repair and service only)	38,562 SF
Uses included within Use Units 11 and 19	63,320 SF

3. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
4. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**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 **HARMON** TMAPC voted 7-0-0 (Collins, Coutant, Harmon, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Hill, Horner "absent") to **APPROVE** the minor amendment for PUD-312-A-3 per staff recommendation.

\*\*\*\*\*

**Mr. Horner in at 4:40 p.m.**

**OTHER BUSINESS:**

**Application No.:** PUD-397-B

**DETAIL SITE PLAN**

**Applicant:** Michael Dwyer

(PD-18) (CD-7)

**Location:** Southwest corner of East 62<sup>nd</sup> Street and South 90<sup>th</sup> Place

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan of a one-story medical office building located on the southeast corner of East 62<sup>nd</sup> Street South and South 90<sup>th</sup> East Place. The proposed use, Medical Office, Use Unit 11, although not noted on the site plan, is in conformance with development standards.

The proposed building is in compliance with permitted floor area, building height and setbacks. Parking meets minimum requirements in regard to number of spaces provided and design. Proposed landscaping meets minimum street yard requirements and minimum net lot area requirements. The required five-foot

landscaped strip provided on the East 62<sup>nd</sup> Street frontage is not properly scaled and is not in compliance with zoning code requirements.

No parking lot lighting, either pole or wall-mounted, is proposed. The bulk trash container will be screened as required by development standards. Per the applicant, there are no overhead power lines.

Staff recommends **APPROVAL** of PUD-397-B detail site plan contingent upon provision of the required minimum five-foot landscaped strip along the East 62<sup>nd</sup> Street frontage.

*(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; 8 members present:**

On **MOTION** of **HARMON** TMAPC voted 8-0-0 (Collins, Coutant, Harmon, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Hill "absent") to **APPROVE** the detail site plan for PUD-397-B contingent upon provision of the required minimum five-foot landscaped strip along the East 62<sup>nd</sup> Street frontage per staff recommendation.

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**Application No.: PUD-527-B**

**DETAIL SITE PLAN**

**Applicant:** R. A. Ellison

(PD-26) (CD-8)

**Location:** 5002 East 118<sup>th</sup> Place

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a two-story, single-family residential dwelling located east of the southeast corner of South Allegheny Avenue and East 118<sup>th</sup> Place South. The proposed use, Use Unit 6, is in conformance with development standards.

The proposed dwelling complies with all development standards regarding livability space, maximum height permitted and front and side setback requirements. Per minor amendment, PUD-527-B-1, "the minimum depth of required yards may be amended by TMAPC through site plan approval, but in no

case shall the depth be less than five feet or the width of the utility easement which ever is greater". The proposed setback for Lot 1, Block 2 is ten feet. The utility easement is located five feet from the rear lot line. The proposed dwelling has no exterior doors on the south elevation facing the rear lot line.

Staff recommends **APPROVAL** of PUD-527-B detail site plan.

(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; 8 members present:**

On **MOTION** of **HARMON** TMAPC voted 8-0-0 (Collins, Coutant, Harmon, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Hill "absent") to **APPROVE** the detail site plan for PUD-527-B per staff recommendation.

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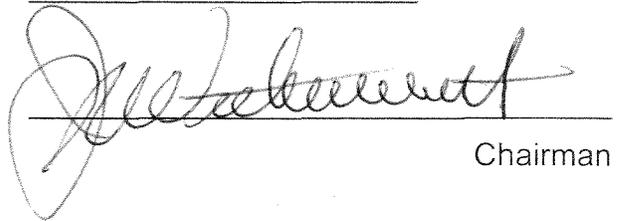
**Commissioners' Comments:**

Mr. Ledford stated that it would help to have some input from Owasso regarding zoning cases CZ-328 and CZ-239.

There being no further business, the Chair declared the meeting adjourned at 4:41 p.m.

Date Approved:

11/19/05

  
Chairman

ATTEST: Marcy M. Bayles  
Secretary

