

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2372

Wednesday, March 17, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Carnes	Alberty	Romig, Legal
Coutant	Jackson	Chronister	
Harmon	Ledford	Dunlap	
Hill	Miller	Fernandez	
Horner	Westervelt	Huntsinger	
Midget		Matthews	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March, 12, 2004 at 10:36 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, 2nd Vice Chair Hill called the meeting to order at 1:40 p.m.

Minutes:

Approval of the minutes of February 18, 2004, Meeting No. 2369

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the minutes of the meeting of February 18, 2004, Meeting No. 2369.

Minutes:

Approval of the minutes of February 25, Meeting No. 2370

On **MOTION** of **HARMON** the TMAPC voted 5-0-1 (Bayles, Coutant, Harmon, Hill, Midget "aye"; no "nays"; Horner "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the minutes of the meeting of February 26, 2004, Meeting No. 2370.

REPORTS:

Chairman's Report:

Ms. Hill reported that there are several housekeeping items to address. The applicant for L-19653 has requested a continuance to April 7, 2004.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget, "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **CONTINUE** L-19653 to April 7, 2004 at 1:30 p.m.

Application No.: PUD-703

OL/OM/OH to PUD

Applicant: Roy Johnsen

(Pd-7) (CD-2)

Location: Southwest corner of West 21st Street and South Main

STAFF RECOMMENDATION:

Staff recommends that this application be continued to April 7, 2004 in order to submit a new notice.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget, "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **CONTINUE** PUD-703 to April 7, 2004 at 1:30 p.m. in order to submit a new notice.

Ms. Hill announced the TMAPC appointment of Steve Bradshaw to the River Parks Authority Trustee. Ms. Hill read Chairman Westervelt's letter to Matt Meyer announcing the appointee.

Director's Report:

Mr. Alberty summarized the February 2004 TMAPC receipts. All revenues are up in February.

Mr. Alberty reported on the City Council items.

SUBDIVISIONS:

PRELIMINARY PLAT:

Augustus Addition – (8327)

(PD-26) (CD-8)

North of the northwest corner of East 111th Street and Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 12 lots, one block, and one reserve on approximately four acres.

The following issues were discussed March 4, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG. PUD-702 is pending approval (probably within two weeks) for the property. Put square footage size for each lot on the plat. All approved PUD conditions must be met and put in the covenants. Sidewalks are not planned for the addition.
2. **Streets:** Change 15-foot utility easement to a 17.5-foot u/e along Sheridan Road. On the conceptual the property lines at street intersection are required to have a 30-foot radius. (After discussion this issue was resolved with the technical staff.)
3. **Sewer:** At the southeast corner of Lot 1, Block 2, continue the 15-foot utility easement where the right-of-way encroaches into the easement. A 17.5-foot easement would be acceptable. Reserve A barely mentions utilities. An easement is needed for the proposed sanitary sewer main. Show easement where the sewer line crosses Reserve A.
4. **Water:** A looped water line is required.
5. **Storm Drainage:** Stormwater detention is required and must be placed in a Reserve. Increased flow to the north from lots on the north side of the street must be collected and conveyed to the public drainage system. Add e-mail address for the engineer. Add detention and overland drainage language. Roof drains must be taken to street or public system. Add the stormwater detention facility and other drainage features requested. A concrete ditch liner, low-flow type, may be required along Sheridan Road.
6. **Utilities:** **ONG:** Would like utilities out front. May need additional easements. **PSO:** If the 20-foot building line is turned into a utility easement, then the plat is okay. **Cox:** Additional easements may be needed.

7. **Other: Fire:** A 96-foot cul-de-sac must be used. Access easements or other accesses may be needed and will have to be approved by the Fire Marshal's office. Fire hydrants will be needed if spacing is over 600 feet in a residential area.

Show better scale. Remove "general" from section IA. Reserve A needs to be better defined.

Staff can not recommend approval of the preliminary plat until the Fire Marshal's issues are resolved.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff and the Fire Marshal must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin, Tulsa, Oklahoma 74120, representing Fred Mitchell, stated that he is in agreement with the staff recommendation. He recognized that the property owner to the north, Jan Thompson, is also present today and would like to be notified and involved with this process. Mr. Sack concluded that he would continue to work with Ms. Thompson throughout the process.

Mrs. Fernandez submitted a letter from Ms. Thompson (Exhibit A-1).

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the preliminary plat for Augustus Addition, subject to special conditions and standard conditions per staff recommendation.

PLAT WAIVER:

PUD 567 – (8407)

(PD-18) (CD-8)

11122 East 71st Street South

STAFF RECOMMENDATION:

The platting requirement was triggered by a PUD major amendment.

Staff provides the following information from TAC at their March 4, 2004 meeting:

ZONING:

TMAPC staff: The plat waiver is for property that is planned to adapt an existing building to the requirements of a cosmetology school (interior remodel).

STREETS:

Design an adequate and safe parking lot for vehicular and pedestrian use with at least 8.5-foot wide stalls and 15-foot aisles.

SEWER:

No Comment.

WATER:

No Comment.

STORM DRAIN:

No Comment.

FIRE:

No Comment.

UTILITIES:

No Comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the interior remodeling proposed, the fact that the property has been platted, and because the TAC members recommend approval as long as appropriate parking is provided for the property.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | Yes | NO |
|--|------------|-----------|
| 1. Has property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |

3. Is property adequately described by surrounding platted properties or street R/W?

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an overland drainage easement required?		X
iii. Is on-site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?	X	
a) If yes, was plat recorded for the original P.U.D.?	X	

- | | | |
|-----|---|---|
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | X |
| 11. | Are mutual access easements needed to assure adequate access to the site? | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the plat waiver for PUD-567 per staff recommendation.

CHANGE OF ACCESS ON RECORDED PLAT:

Lots 1 and 2, Lucenta Addition

South of the southwest corner of East 81st Street South and South Sheridan Road

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Sheridan Avenue. The proposal is to change the existing accesses to two 40-foot limited accesses on Sheridan Avenue.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the change of access on recorded plat for Lots 1 and 2 of the Lucenta Addition per staff recommendation.

COMPREHENSIVE PLAN PUBLIC HEARING

Review Additional Capital Improvement Project Request for Conformance with the Comprehensive Plan.

STAFF RECOMMENDATION:

Attached is a City of Tulsa CIP request for a water line extension to serve parts of North Tulsa County and improve service to Owasso. This is an extension of existing service and therefore in accord with the Comprehensive Plan. Staff recommends that the TMAPC likewise find it in accord with the Plan.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **BAYLES** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the additional Capital Improvement Project request and find it in conformance with the Comprehensive Plan per staff recommendation.

Receive and refer letter from the City/County Library to the Planning Commission for possible action.

STAFF RECOMMENDATION:

Ms. Matthews stated that the Planning Commission has been requested to consider a possible amendment to the District 1 Plan, now that a site has been chosen for the new library.

Ms. Matthews stated that a worksession has been set for April 7, 2004 immediately following the TMAPC meeting and a public hearing on April 21, 2004 if this meets with the Planning Commission's approval.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing the City/County Library, stated that the letter from Linda Saferite, Chief Executive Officer of the Tulsa City-County Library, explains the process taken to determine the need for a new library at 11th and Denver Avenue.

Mr. Norman stated that he believes that the subject site best suites the needs for a new Grand Central Library. He requested that the Planning Commission approve the worksession and public hearing dates suggested by staff.

TMAPC COMMENTS:

Mr. Harmon requested that the library consider a drive-through book depository. In response, Mr. Norman stated that this issue has been mentioned many times, and there will be a provision for that type of access.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to direct staff to set a worksession for April 7, 2004 and advertise for a public hearing on April 24, 2004.

* * * * *

ZONING PUBLIC HEARING

Application No.: Z-6936

IM to CBD

Applicant: J.D. Berray

(PD-1) (CD-4)

Location: Southeast corner of East 3rd Street and South Kenosha

STAFF RECOMMENDATION:

Z-6921 February 2004: All concurred in approval of a request to rezone lots east of the southwest corner of East 3rd Street and South Lansing Avenue (816-818 East 3rd Street), east of the subject property, from IM to CBD to allow residential and commercial uses.

Z-6890 May 2003: All concurred in approval of a request to rezone a lot located on the northwest corner of East 3rd Street and South Lansing Avenue, north of and directly across the street from Z-6921, from IM to CBD for industrial and residential use.

Z-6779 August 2000: A request to rezone an acre tract located south and west of the southwest corner of East Archer Street and South Elgin Avenue from IL to CBD. All concurred in approval of CBD zoning.

Z-6754 April 2000: All concurred in approval of a request to rezone a lot at the southwest corner of East 7th Street and South Kenosha from IM to CBD for office use.

Z-6695 June 1999: Approval was granted for a request to rezone a lot located on the southwest corner of East 1st Street and South Detroit Avenue from IL to CBD.

Z-6560 November 1996: A request to rezone the lot located on the northwest corner of East 3rd Street and South Lansing Avenue and across 3rd Street from Z-6921 from IM to CBD was withdrawn by the applicant due to complications with a sales contract.

Z-6242 April 1989: All concurred in approval of a request to rezone a tract located between Kenosha and Lansing Avenues on the south side of East 1st Street from IM to CBD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, contains two multi-story buildings, currently used as residential and commercial or office, and is zoned IM. The buildings appear to have undergone recent renovation and may still be in the process.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 3 rd Street South	Urban arterial	80'	2 lanes with some on-street parking
South Kenosha Avenue	CBD collector		2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north by vacant land, mixed commercial, residential, industrial and office uses, zoned IM and CBD; on the south by mixed commercial, office and industrial uses, zoned CBD; on the west by mixed office, commercial, industrial and possibly residential uses, zoned IM and CBD; and on the east by mixed commercial, industrial, office and residential uses (one recently rezoned to CBD from IL to accommodate residential use one-half block from this site), zoned IM and CBD. Farther east is the expressway, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as being in the Downtown East Identity Area. Policies call for redevelopment to be compatible with existing development and recognize that this is a mixed-use area. According to the Plan, the requested CBD is in accord.

The Plan envisions that all or most of the properties within the District will eventually be zoned CBD, in keeping with the mixed-use, higher intensity nature of this Special District. The Plan also encourages more residential use in the downtown area, in order to enhance the markets for the non-residential uses and to make it a more vibrant area.

STAFF RECOMMENDATION:

As noted in the zoning history of this area, this part of the downtown appears to be clearly in transition. All of the previous zoning cases nearby have involved a change to CBD zoning, several with the expressed desire to incorporate residential uses. Therefore, based on the Comprehensive Plan and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of CBD zoning for Z-6936.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt) "absent") to recommend **APPROVAL** of CBD zoning for Z-6936 per staff recommendation.

Legal Description for Z-6936:

Lots 10, 11, and 12, Block 12, Original Town Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and located on the southeast corner of East 3rd Street South and South Kenosha Avenue, Tulsa, Oklahoma, **From IM (Industrial Moderate District) To CBD (Central Business District).**

* * * * *

Application No.: Z-6937

AG to RD/CS

Applicant: John Sanford

(Pd-17) (CD-6)

Location: Northeast corner of East 21st Street and South Lynn Lane

STAFF RECOMMENDATION:

Z-6801 February 2001: Approval was granted to rezone an 11-acre tract located west of the northwest corner of East 21st Street and South 177th East Avenue from AG to RE for residential development.

Z-6736 January 2000: All concurred in approval of a request to rezone a ten-acre tract located north of the northwest corner of East 21st Place and South 177th East Avenue from RS-1 to AG.

Z-6731 December 1999: Staff and TMAPC recommended approval of a request to rezone a 2.5-acre tract located north of the northeast corner of East 11th Street and South 177th East Avenue from RS-3 to AG.

Z-6671 February 1999: All concurred in approval of a request to rezone a ten-acre tract located west of the northwest corner of East 11th Street and South 177th East Avenue from RS-3 to AG.

Z-6530 May 1996: All concurred in approval of a request to rezone an 11.2-acre tract located north of the northwest corner of East 11th Street and South 177th East Avenue from RS-1 to AG.

Z-6519 January 1996: All concurred in approval of a request to rezone twenty acres located north of the northwest corner of East 21st Street and South 177th East Avenue from RS-1 to AG.

Z-6465 October 1994: A request to rezone a five-acre tract located north of the northeast corner of East 21st Street and South 177th East Avenue from AG to CH or CG for a machine shop was denied.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is gently sloping, partially wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 21 st Street South	Primary arterial	120'	2 lanes
South Lynn Lane	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water service along East 21st Street. A City of Tulsa water treatment plant (the A.B. Jewell facility) and Lynn Lane Reservoir are located one-half mile to the east on the south side of East 21st Street.

SURROUNDING AREA:

The property is abutted on the north by vacant land and a single-family residential unit, zoned AG and farther north are scattered single-family dwellings, zoned RS-1. To the west is vacant land, zoned CS; to the east is vacant property, zoned RS-1; and to the south is an outdoor sports complex, zoned AG and CS. To the southeast is a municipal water treatment plant and reservoir, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract Medium Intensity – No Specific land use and Development Sensitive. According to the Zoning Matrix, the requested CS and RD are in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing zoning and trends in the area staff can support the requested CS and RD zoning and therefore recommends **APPROVAL** of CS zoning on the western portion and RD zoning on the eastern portion for Z-6937, as requested.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Tim Downey, 1909 South Lynn Lane, Tulsa, Oklahoma 74134, stated that he lives in the subject area and is closest to the subject property. He requested information regarding the proposed development.

TMAPC COMMENTS:

Mr. Harmon explained that CS zoning would allow certain uses and requested Legal to read the uses allowed. Mr. Romig read the allowed uses.

Intercom system was accidentally turned off.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt) "absent") to recommend **APPROVAL** of CS zoning on the western portion and RD zoning on the eastern portion for Z-6937 per staff recommendation.

Legal Description for Z-6937:

The West 400.00' of the S/2, S/2, SW/4, SW/4 of Section 12, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located on the northeast corner of East 21st Street South and South Lynn Lane, Tulsa, Oklahoma, **From AG (Agriculture District) To CS (Commercial Shopping Center District) And** The S/2, S/2, SW/4, SW/4, LESS AND EXCEPT THE West 400.00' thereof, Section 12, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located on the northeast corner of East 21st Street South and South Lynn Lane, Tulsa, Oklahoma, **From AG (Agriculture District) To RD (Residential Duplex District).**

Application No.: Z-6938

RS-3 to CS

Applicant: Theodore Goehl

(PD-9) (CD-2)

Location: Northwest corner of West 49th Street and South Tacoma Avenue

STAFF RECOMMENDATION:

BOA-19694 October 2003: The Board of Adjustment approved a request for an amended site plan to expand a carwash facility, originally approved by the Board by a special exception in 1985. The property abuts the subject property on the west.

Z-6337 December 1991: A request to rezone a 5.8-acre tract located on the northeast corner of West 51st Street and South Tacoma, from RM-2 and RS-3 to CS was approved for the entire tract less and except the north 10' that abuts RS-3 zoning, which remained RS-3.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, partially-wooded, contains a single-family dwelling and accessory buildings, and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
West 49 th Street South	Residential	50'	2 lanes
South Tacoma Avenue	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north by single-family dwellings, zoned RS-3; to the east by a church, zoned RS-3; to the south by a shopping center, zoned CS; to the west by a carwash, zoned CS and to the northwest by a shopping center, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - Residential. According to the Plan, the requested CS **is not in accord** with the Comprehensive Plan.

STAFF RECOMMENDATION:

This property is surrounded on three sides by non-residential uses and is unlikely to remain viable as a single-family residence as the area continues to redevelop. However, absent a specific redevelopment plan, as would be required by a Planned Unit Development application, staff cannot support this intrusion into what appears to be a stable single-family residential neighborhood. The location would not meet the Development Guidelines definition of a Medium Intensity Node, and provisions of the Comprehensive Plan do not support the requested CS zoning. Therefore, staff cannot support the request and recommends **DENIAL** of CS zoning for Z-6938.

Applicant's Comments:

Theodore Goehl, 4774 South Tacoma, Tulsa, Oklahoma 74107, stated that he owns the subject property. He indicated that he purchased the home for his son; however, he and his wife are currently living on the subject property.

Mr. Goehl stated that the new car wash was allowed to reorient their canopy and the halogen lights shine into his home. Mr. Goehl described his property and utilities.

Mr. Goehl stated that the commercial trash collections start at 2:30 a.m. directly behind his home at the Sonic. He commented that the trash collectors are noisy and rattle his windows. He further commented that the refrigerated semi-tractor trailers making food deliveries to the two restaurants in the area are also noisy. There are numerous air conditioners that run in the summer time that are very noisy.

Mr. Goehl explained that the car wash facility attracts kids playing their music too loud and hanging out in the subject area late into the evening. He stated that 49th Street that accesses the Riverside Chevrolet and Cherry Hills apartments are very busy. He commented that customers trying out new and used cars come up 49th Street and there are concerns about the neighborhood kids and the church. There is a lot of foot traffic on 49th Street late into the night.

Mr. Goehl stated that he would like to rezone the subject property to commercial. He complained about the lights from the car wash, the smells from the two restaurants, the traffic noise off of Union and 49th Street, and the pedestrian traffic.

Mr. Goehl stated that the previous tenant was manufacturing crack cocaine from the subject site and the neighbors didn't do anything about it. He indicated that he purchased the property from his friend to help him out and build a home there. With all of the underground wiring, electrical and gas under the property it has to become something like a commercial property or benefit a church.

Mr. Goehl stated he had pictures to submit, but decided he didn't want to show them since his neighbors were present.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Goehl if he was planning to develop the subject property himself. In response, Mr. Goehl stated that he isn't sure if he would develop it or not.

Mr. Harmon explained to Mr. Goehl that if he was planning to develop the property with some type of plan in mind, he could file a PUD and have a lesser zoning, which would be less intrusive. Mr. Harmon stated that commercial zoning would be straight zoning and anything could go in. In response, Mr. Goehl stated that he discussed placing a home for abused men. Mr. Goehl explained that he has to know it would be zoned commercial before he could sell it. In response, Mr. Harmon stated that Mr. Goehl is talking about marketing, which is different from developing.

Mr. Goehl stated that no one would want to live on the subject property because of the noise and smells in the subject area. The residents of the house adjacent to him have sealed their home to keep the smells out.

INTERESTED PARTIES:

Darla Hall, 4224 South 24th West Avenue, Tulsa, Oklahoma 74107, stated that she is very familiar with this area and she has to agree with the staff recommendation to deny this application. This is a very stable neighborhood with sewers, gas, etc. This would be terrible intrusion to have commercially-zoned property in the neighborhood. She commented that a PUD for offices

perhaps would work, but the smell of the Sonic and Kentucky Fried Chicken is better than the smelling the West Tulsa Refinery and the sewer facility.

Ms. Hall commented that she has never received any complaints from the neighbors regarding noise late in the evening. If commercial is allowed on the subject property, then it would continue to move into the neighborhood. Ms. Hall described the subject area and the buffering between commercial and the neighbors. Tacoma is a residential street and the main arterial is Union Avenue. Perhaps the car wash would like to expand into the neighborhood and has expressed interests in the subject property. Ms. Hall concluded that she would like to request that the Planning Commission accept the staff recommendation for denial.

TMAPC COMMENTS:

Mr. Harmon asked Ms. Hall if she could support a PUD with something less intrusive. In response, Ms. Hall stated that she believes that there are some things that could be developed there under a PUD, but there are houses abutting the subject property and they would need protection. These houses already have a car wash and Sonic abutting their backyards with a large fence between them. Perhaps an office would not be too intrusive, but a house would work there nicely as well.

INTERESTED PARTIES:

Sally Jones, 4760 South Tacoma, Tulsa, Oklahoma 74107, stated that she lives next door to the subject property. She commented that when Mr. Goehl moved into the neighborhood the businesses were established. She commented that the only issue is the car wash. She explained that kids hang out late at night and play their music too loud. There are rumors in the neighborhood that the car wash wants to expand.

Ms. Jones stated that the businesses were in place when the applicant purchased the subject property. She indicated that the small restaurant is only open until 2:00 p.m. and then it closes down. She commented that the only smell in the morning is bacon cooking, which is a good smell. She stated that the subject property has beautiful contours and would be a good place for a home.

Ms. Jones stated that the concept of building a men's home in the middle of a residential area is not a good idea. It would be dangerous for the children in the subject area. She commented that she doesn't want something that would generate more traffic and the opportunity for kids to hang out in the neighborhood, which would happen if the subject property was zoned commercial.

Flora M. Oxford, 4750 South Tacoma, Tulsa, Oklahoma 74107, stated that she is a widow and lives alone. She commented that she built her home with her husband 50 years ago. She requested that the subject property remain residential.

Ms. Oxford stated that she does run a business from her home. She explained that she organizes trips for senior citizens once a month. She indicated that she has permission from the church to park their cars on the church parking lot, which is across the street from her home. She stated that she sees nothing wrong with her phone calls that she makes to the people wishing to travel.

Ms. Oxford stated that the shopping centers in the subject area have empty spaces and another strip mall is not needed. Ms. Oxford submitted a petition (Exhibit B-2) opposing the rezoning.

Ms. Hill read a letter of protest from Edna and Joseph Prater (Exhibit B-1).

Applicant's Rebuttal:

Mr. Goehl reiterated the source of his electrical power and the smells from the local restaurants. He stated that the commercial car wash is very noisy and disturbs the neighborhood late in the night. He complained about his neighbor's air conditioning unit being noisy in the summer time. He indicated that the tour buses that pick the Senior Citizens up for their trips are noisy and disturb the neighborhood. He explained that the buses run their air conditioners while waiting for everyone to board the bus and then when they return, there are 40 to 50 cars slamming their doors and starting their engines further disturbing the neighborhood.

Mr. Goehl described the various neighbors' homes and their activities. He doesn't understand why his neighbors are opposing him. He explained that he has ten people working for him and will probably hire another today. This subject property has to be turned into commercial in order to bring jobs to Tulsa. He would like to sell the property and he would prefer commercial zoning in order to make a profit on the sale.

TMAPC COMMENTS:

Mr. Midget stated that he wouldn't feel comfortable with a straight zoning for commercial. Perhaps a PUD with light office could be considered, but not commercial zoning.

Mr. Harmon stated that commercial zoning is too intrusive. There are less intrusive ways to develop the subject property.

Ms. Bayles stated that she agrees with staff's recommendation.

Ms. Hill stated that the neighborhood is a stable neighborhood and she supports the staff's recommendation. Regarding the possibility of a PUD, it would have to be restrictive and protective of the neighborhood. Perhaps with a PUD it would still be inappropriate for the neighborhood.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to recommend **DENIAL** of CS zoning for Z-6938 per staff recommendation.

Application No.: Z-6939

RS-3 to IL

Applicant: John Belie

(PD-17) (CD-6)

Location: East of northeast corner of East Admiral Place and South 145th East Avenue

STAFF RECOMMENDATION:

Z-6875/PUD-679 June 2003: An application for rezoning and for a Planned Unit Development was submitted on a 28-acre tract located at the southwest corner of East Admiral Place and South 161st East Avenue. The proposal was for a temporary vehicle storage use which is also related to an auto auction business located north and west of East Admiral Place and South 161st East Avenue. The request to rezone the property from AG, CS, and SR to IL was approved and the PUD was approved subject to conditions.

Z-6823 July 2001: All concurred in approval of a request to rezone a two-acre tract located on the north side of East Admiral and west of South 161st East Avenue from RS-3 to IL for parking and storage area for an automobile auction.

Z-6587/PUD-560 June 1997: A request to rezone a 12.5-acre tract located on the south side of Admiral Place, and southeast of the subject tract, from AG to IL and PUD for light industrial development, was approved subject to conditions.

Z-6585/PUD-556 February 1997: A request to rezone a 4.5-acre tract located on the south side of East Admiral Place and west of 161st East Avenue, from SR to CS or IL. Approval was granted for IL zoning to a depth of 350' fronting East Admiral Place with the balance of the property remaining SR zoning.

Z-6297 April 1991: All concurred in approval of a request to rezone a 2.5-acre tract located west of the northwest corner of East Admiral Place and South 161st East Avenue and east of the subject tract, from RS-3 to IL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, partially-wooded, contains a single-family dwelling and accessory buildings, and is zoned RS-3. A large sign in the front yard indicates "East Tulsa Golf Carts" and gives two phone numbers.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Admiral Place	Secondary arterial	100'	2 lanes
South 145 th East Avenue	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by U.S. 412, zoned RS-3; farther to the north of the highway by Rogers County; to the east by a trucking firm, zoned IL; to the south by vacant land, zoned CG; and to the west by a construction firm, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity-Industrial land use and Special District 1-Industrial. According to the Plan, the requested IL **may be found in accord** by virtue of its location within a Special District. Plan policies (Section 3) recognize the existing industrial uses in the area and the potential for future industrial development here.

STAFF RECOMMENDATION:

Based on existing nearby industrial uses and the Comprehensive Plan, staff can support the requested industrial zoning and therefore recommends **APPROVAL** of IL zoning for Z-6939.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt) "absent") to recommend **APPROVAL** of IL zoning for Z-6939 per staff recommendation.

Legal Description for Z-6939:

The West 283.4' of the following tract: that part of Lot 3, Section 3, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: beginning at a point on the East line of Lot 3 and 16.5' South of the Northeast corner of Lot 3; thence West and parallel with the North line of Lot 3, a distance of 488.22' to a point 16.5' South of the North line of Lot 3; thence South and parallel with the East line of Lot 3, a distance of 634.69' to a point 40' North of the South line of Lot 3; thence East and parallel with the South line of Lot 3 a distance of 488.22' to a point on the East line of Lot 3 and 40' North of the Southeast corner of Lot 3; thence North on and along the East line of said Lot 3 a distance of 634.62' to the Point of Beginning, and located east of the northeast corner of East Admiral Place and South 145th East Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

Application No.: PUD-681-1

MINOR AMENDMENT

Applicant: Ricky Jones

(PD-26) (CD-8)

Location: South of southeast corner of South Louisville and East 111th Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to permit the termination of the private north/south street to be with a cul-de-sac rather than a stub street.

PUD-681 was approved by the City Council in June 2003. The PUD was approved for a maximum of 15 single-family lots on 15 acres located south of the southeast corner of South Louisville Avenue and East 111th Street. The access to the PUD was to be from the east through PUD-667 with a stub street provided to the undeveloped property to the north. The streets were to be private and gated. The following access and circulation standard was approved:

There shall be a minimum of two access points into the PUD. Provisions shall be made within PUD-667 that ensure continued access to the subject

tract through PUD-667 and proper maintenance of the streets within PUD-667. This provision shall be approved by the City of Tulsa Legal Department. All access shall be approved by Public Works and the Tulsa Fire Department.

The preliminary plat for the subject tract (Estates of Waterstone) was discussed at the February 18, 2004 Planning Commission meeting. At this meeting the applicant stated the following:

- 1) The stub street to the north cannot be developed to meet the City's criterion for a public street because of the slope permitted.
- 2) The property owner to the north has developed an estate and does not want a stub street into his property, even if it were to be a private street.
- 3) A reserve area has been designated on the plat for any future access.

The applicant also stated that a cul-de-sac with a 96-foot radius is being proposed as required by the Fire Department.

Staff finds that the requested modification does not substantially alter the circulation system and is minor in nature. Therefore, staff recommends **APPROVAL** of the request, subject to approval by Public Works and the Tulsa Fire Department.

TMAPC COMMENTS:

Mr. Harmon asked how long the cul-de-sac would be. In response, Mr. Dunlap stated that the cul-de-sac would be over 600 feet in length.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, Oklahoma 74105, stated that the cul-de-sac would be approximately 600 or 700 feet in length. Mr. Jones submitted a letter of approval from the Fire Marshal (Exhibit C-1). He indicated that he discussed this issue with Darryl French, Traffic Engineer, and he is in agreement with the cul-de-sac proposal. He explained that it is unusual to have a private street stubbing into public property. Mr. Jones requested that the Planning Commission approve this application per staff recommendation.

TMAPC COMMENTS:

Mr. Harmon expressed concerns that cul-de-sacs are becoming longer than 500 feet. He requested a worksession in the near future to discuss this issue. In response, Mr. Dunlap noted that Mrs. Fernandez stated that this issue is one of the items that would be considered and discussed for the next fiscal year. He indicated that Mrs. Fernandez has been working on this issue and reviewing other jurisdictions and requirements.

Mr. Jones stated that lot width and density come into play regarding the length of a cul-de-sac. The cul-de-sac should not be dictated by the length, but on the number of lots that would access the cul-de-sac. He commented that since this is a low density, it would meet with that requirement. He indicated that there is a preliminary plat approved and a PUD approved. Because of the terrain, he may have to come back with additional lots.

Mr. Dunlap stated that he did discuss this issue with Mr. French and he indicated that he could support this proposal based on the slope of the land, the number of lots proposed and the fact that the abutting properties on the north and east do not want stub streets.

Mr. Alberty stated that there are many reasons for limiting the length of a cul-de-sac. One of the reasons is to do with the length of a dead-end water line. The length had to do with the Fire Department's ability to maintain pressure. Sometimes this issue has been solved by doing a loop/loop waterline. The other reason for limiting a cul-de-sac was due to the length of the Fire Department's hoses because they typically do not install fire hydrants at the end of a cul-de-sac.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-681-1 subject to approval by Public Works and the Tulsa Fire Department per staff recommendation.

Application No.: PUD-288-13

MINOR AMENDMENT

Applicant: Molly A. Jones

(PD-6) (CD-9)

Location: 2660 South Birmingham Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required five-foot side yard to 4.2 feet for new addition and veneer (rock) to addition.

The request proposes to reduce the setback from the northerly lot line between Lot 8 and Lot 9. Staff finds that the request to reduce the required northerly side yard setback from five feet to 4.2 feet for a new addition and veneer (rock) to addition does not substantially alter the approved development and is minor in nature. Therefore, staff recommends **APPROVAL** of the request.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-288-13 per staff recommendation.

Application No.: PUD-586-A-4

MINOR AMENDMENT

Applicant: Roy Johnsen

(PD-18) (CD-8)

Location: 10505 East 91st Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the number of business signs along East 91st Street from two to four.

Development Area A-1 contains a heart hospital and medical office building. The approved standards for business signs within Development Area A-1 permit two signs along 91st Street.

Staff finds that the request to modify the approved signage does not substantially alter the character of the signage and is minor in nature. Therefore staff recommends **APPROVAL** subject to the following conditions:

- A. Business signs shall be subject to the general use conditions set forth in Section 1103.B.2. and the following requirements:
- B. The number of ground signs in the Development Area A-1 shall not exceed:
 - (1) Four on East 91st Street South
 - (2) Two on internal collectors
 - (3) One on Mingo Valley Expressway

- C. Ground signs shall not exceed 12 feet in height when adjacent to a collector street or public or private minor streets.
- D. Ground signs adjacent to 91st Street shall not exceed an aggregate display surface area of one square foot for each lineal foot of arterial street frontage within the lot nor more than 25 feet in height.
- E. Ground signs within a freeway sign corridor oriented toward the freeway shall:
 - (1) not exceed an aggregate display surface area of one square for each lineal foot of freeway frontage within the lot;
 - (2) not exceed 40 feet in height;
 - (3) be spaced at least 300 feet from any other ground sign.
- F. Ground signs on lots abutting a public or private interior street shall not exceed an aggregate display surface area of two-tenths of one square foot for each lineal foot of street frontage.
- G. For non-residential uses, wall and canopy signs shall not exceed an aggregate display surface area of two square feet for each lineal foot of building wall to which the sign is affixed.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-586-A-4, subject to the conditions recommended by staff.

OTHER BUSINESS:

Application No.: PUD-468

AMENDED DETAIL SITE PLAN

Applicant: Kaddo (CEI Eng.)

(PD-18) (CD-8)

Location: 6922 South Mingo Road

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new filling station. The proposed use is in conformance with PUD development standards.

Development Standards for Lot 1, which includes the Sam's Club building, permit a total of 162,500 square feet. Sam's Club currently comprises 146,977 square feet. The proposed filling station and canopies add an additional 5652.75 square feet and are, therefore, in compliance with maximum floor area permitted. The proposed building's height and building setbacks are also in compliance with development standards. Minimum landscaped area required for Lot 1 is 12.5%. With the proposed filling station, the combined site for Lot 1 will retain a minimum 14.2% landscaped area.

Per the zoning code, a total of 654 parking spaces are required for the existing Sam's Club. Currently there are 960 parking spaces provided on site. The proposed filling station would remove 123 of those spaces, leaving a total of 837 spaces for the combined site. The filling station would only require one space; therefore, the combined site as proposed would meet parking requirements per the zoning code.

No new parking lot lighting is proposed; however, flat lens lighting is proposed for the filling station canopies. Submitted plans do not indicate whether or not these lights are to be installed "flush" with the canopy; however, Kennebunkport calculations and photometrics provided by the applicant indicate compliance with development standards and the zoning code regarding lighting visibility.

Staff recommends **APPROVAL** of PUD-468 detail site plan as proposed on condition that the canopy lighting is mounted either "flush" with the canopy ceiling or recessed, but in no case mounted below the canopy ceiling.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the amended detail site plan as proposed on condition that the canopy lighting is mounted either "flush" with the canopy ceiling or recessed, but in no case mounted below the canopy ceiling per staff recommendation.

Application No.: PUD-527-B

DETAIL SITE PLAN

Applicant: Michael Dankbar

(PD-26) (CD-8)

Location: 5007 East 119th Street

STAFF RECOMMENDATION:

Mr. Dunlap stated that the subject PUD was approved with a standard that the lot lines could be varied with detail site plan. On this particular site there was a 15-foot building line on the east and a five-foot utility easement on the east. When it was platted there was a scrivener's error and the five-foot utility easement is in place, but the 15-foot building line was labeled as a building line and utility easement.

Staff is recommending approval of this request to be 11 feet from the east property line, subject to approval from Public Works.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Miller, Westervelt "absent") to **APPROVE** the detail site plan for PUD-527-B, subject to Public Works approval of the 11-foot easement from the east property line per staff recommendation.

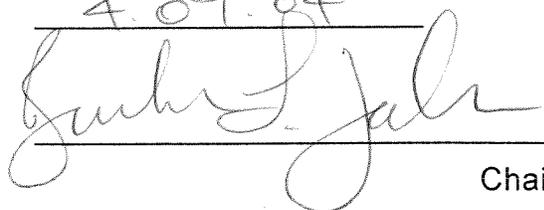
Commissioners' Comments

Mr. Horner stated that Ms. Hill did an exemplary job as Chair today.

Ms. Hill reminded the Planning Commissioners to RSVP to Barbara Huntsinger regarding the Crutchfield Tour on Wednesday, March 24th, 2004.

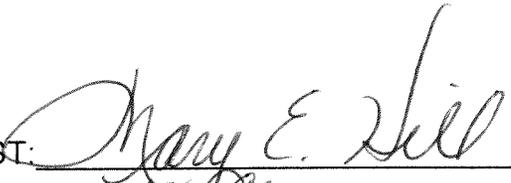
There being no further business, the Chair declared the meeting adjourned at 2:35 p.m.

Date Approved:

4.07.04


Chairman

ATTEST:



2nd Vice Chair Secretary