

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2377

Wednesday, May 5, 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	Horner	Chronister	
Harmon	Ledford	Dunlap	
Hill	Miller	Fernandez	
Jackson	Westervelt	Huntsinger	
Midget		Matthews	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May 3, 2004 at 3:10 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 1st Vice Chair Jackson called the meeting to order at 1:40 p.m.

REPORTS:

Director's Report:

Mr. Alberty reported on the TMAPC receipts for the month of April 2004.

Mr. Alberty reported that there one item on the City Council agenda for Thursday, May 6, 2004.

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SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19492 – Billy Frazier (9230) (PD 23) (County)

7820 West 51st Street

L-19566 – Robert Duncan (9201) (PD 1) (CD 4)

815 South Cincinnati

L-19672 – Lou Reynolds (9318) (PD 6) (CD 9)
1389 East 27th Street

L-19674 – Jeff Levinson (9319) (PD 6) (CD 9)
1440 East 35th Street

L-19677 – Beth Andrews (9319) (PD 5) (CD 5)
8181 East Skelly Drive

L-19678 – Sherita Shatwell (1320) (PD 12) (County)
9118 North Harvard

L-19681 – Eric T. Cooper II (9022) (PD 23) (County)
3839 South 225th West Avenue

L-19683 – Russell Girod (9227) (PD 9) (CD 2)
4619 South Vancouver Street

L-19684 – John Cook (9410) (PD 17) (CD 6)
15920 East 12th Street

L-19685 – Tulsa Development Authority (0235) (PD 2) (CD 1)
1152 North Main

L-19687 – Sisemore Weisz & Associates (0420) (PD 16) (CD 6)
¼ mile north of East Apache, east side of North Garnett Road

L-19688 – Greg McGee (9216) (PD 23) (County)
4601 West 30th Street

STAFF RECOMMENDATION:

Ms. Chronister stated that all of these lot-splits are in order and staff recommends **APPROVAL**.

TMAPC Action; 6-0-0 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Bayles, Coutant, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Gary Place Addition – (9329)

(PD 6) (CD 9)

South of the southwest corner of East 47th Street South and South Gary Avenue

STAFF RECOMMENDATION:

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

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

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 **HILL**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt) "absent") to **APPROVE** the final plat for Gary Place Addition per staff recommendation.

Roskam Ranch Estates – AG (0174)

(PD 19) (County)

185th East Avenue and 127th Street North

STAFF RECOMMENDATION:

This plat consists of 19 lots in four blocks on 60.21 acres.

The releases for the plat have been received and staff can recommend **APPROVAL** of the final plat with the condition that the oil well exhibit be received for the site.

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, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt) "absent") to **APPROVE** the final plat for Roskam Ranch Estates, subject to the oil well exhibit be received for the site per staff recommendation.

PRELIMINARY PLAT:

Avalon Park at Memorial – (8326) (PD 26) (CD 4)

10600 South Memorial (continuance to 5/19/04 requested by staff due to TAC review on 5/6/04)

STAFF RECOMMENDATION:

Staff requests a continuance to May 19, 2004 because this preliminary plat will be heard at TAC on May 6, 2004.

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, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt "absent") to **CONTINUE** the preliminary plat for Avalon Park at Memorial to May 19, 2004 at 1:30 p.m.

North Garnett Commercial Center – (1405) (PD 15) (County)

South of the southeast corner of 126th Street North and Garnett Road

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 13.3 acres.

The following issues were discussed April 15, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL and AG. The plat is for a commercial center and the zoning is for IL (industrial) types of uses so the developer needs to make sure that his proposed uses will be permitted in the existing IL zoning district. The AG tract to the east must have proper access assured by the plat.
2. **Streets:** On the concept plan, curb and easement lines are not definitively identified. It is recommended that the southwest access along the east/west mutual access easement be moved east to provide a minimum 125 feet to the centerline of North Garnett (shows 85 feet). Add an additional eight feet of right-of-way at the northwest corner for a right-turn lane. Include a limits-of-no-access paragraph and mutual access easement language to the covenants. Make sure that the proposed mutual access easement is maintained and specify this in the covenants.
3. **Sewer:** Out of Tulsa service area. No sanitary sewer.
4. **Water:** Washington County Rural Water District # 3 will serve the addition.
5. **Storm Drainage:** Add stormwater to the detention label easement. Include the bearings and distances on all easement boundary lines. With multiple lots, the stormwater detention should be placed in a reserve. An overland drainage easement is required to convey the offsite drainage flowing onto the site from the south. Place the proposed storm sewers in like easements. They will be conveying public drainage from offsite. In the covenants add storm sewers to Section I.B., along with the accompanying standard language for them. Add standard language for stormwater detention easement and overland drainage easement. Include information about the reserve with the stormwater detention easement.
6. **Utilities: ONG:** Standard language in the covenants is needed.
7. **Other: Fire:** N/A

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his 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.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Richard Fort, 12525 North 113th East Avenue, Collinsville, Oklahoma 74021, stated that he would like to know what the use would be on the subject property.

TMAPC COMMENTS:

Mr. Jackson asked staff to explain the platting process and answer Mr. Fort's questions.

Mr. Alberty stated that today's hearing is on a subdivision plat and not on the use. The use would allow anything that is permitted in IL zoning, which is light industrial. What is being considered today is the division of the land into two lots, which is a requirement prior to development. During the platting process, water, sewer, utilities, etc., are addressed.

Mr. Alberty asked Mr. Fort if his concerns have anything to do with the subject plat. In response, Mr. Fort stated that he lives north of the subject property and is opposed to it being rezoned to commercial.

Mr. Alberty stated that the subject property has already been rezoned to an IL district. The proposed use is a mini-storage use, which is a permitted use. The issue for the land use has already been determined and today the issue is how the land is divided and how the utilities and drainage are going to be handled.

Mr. Fort expressed concerns about drainage from a pond and creek in the subject area. In response, Mr. Alberty stated that this is a preliminary plat and the County Engineer will have to review all of the drainage plans and it might be more appropriate for the questions to be addressed through him. Mr. Alberty informed Mr. Fort he would have to initiate the meeting with the County Engineer.

TMAPC Action; 6 members present:

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

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Berryhill Estates – (9220)

(PD 9) (County)

South and west of West 33rd Street and 57th West Avenue (**continuance to 5/19/04 requested by staff due to TAC review on 5/6/04**)

STAFF RECOMMENDATION:

Staff requests a continuance to May 19, 2004 in order to have a TAC meeting on May 6, 2004 regarding this plat.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Margaret, 336 East 40th Street, Sand Springs, Oklahoma 74063, stated that she doesn't have a problem with coming to another meeting on May 19, 2004. She expressed her frustration that this project has been in development for six months and she doesn't understand why the information is not available.

TMAPC COMMENTS:

Mr. Alberty asked the interested party what her interest would be in this project. In response, she stated that she was a landowner and would like a permit to build her home. There are multiple owners on this plat.

Mrs. Fernandez stated that the engineer for the project did not show at the last TAC meeting and therefore it had to be continued to May 6, 2004. Several of the owners of the plat were present and were very concerned about it, but the engineer was not present to represent the project. She indicated that this project has been in the development stage for over one year. She explained that property owners have been trying to get a plat on the subject property where there have been lot-splits. Staff is hopeful that tomorrow's TAC meeting will be productive and move it along.

Mr. Alberty stated that there is a long history with the subject property. The lot-splits exceeded the four lot-splits that the law allows and some land sales have taken place. The interested-parties issues are with the individual she purchased the land from because the landowner is well aware of what is required and had continued to make an attempt to file lot-splits that exceed the four-lot maximum. The owner has now agreed to subdivide the land, which would make it legally viable. The engineer has to meet the requirements of the Subdivision Regulations.

Frank Mason, 3315 South 61st West Avenue, Sand Springs, Oklahoma 74063, stated that he would like some direction regarding whom to discuss the subdividing issues with. He expressed concerns with the access and streets.

Mr. Jackson suggested that Mr. Mason attend the TAC meeting tomorrow to discuss his concerns.

Ms. Coutant asked if the public is allowed to attend the TAC Committee meetings. In response, Mr. Alberty stated that anyone can attend the meetings because it is a public meeting.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt) "absent") to **CONTINUE** the preliminary plat for Berryhill Estates to May 19, 2004 at 1:30 p.m.

REINSTATEMENT of Preliminary Plat:

Stonebrook Addition – RS-3 (1182)

(PD 8) (CD 2)

Northwest corner of 81st Street and South Elwood

STAFF RECOMMENDATION:

The applicant is requesting reinstatement of this plat, as the preliminary plat expired on February 19, 2004. Staff has no objection to the request to reinstate the plat.

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 **HILL**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt) "absent") to **APPROVE** the reinstatement of preliminary plat for Stonebrook Addition per staff recommendation.

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 1, Block 1, Airpark Distribution Center (0420) (PD) (CD)

North of East Apache Street and East of North Garnett Road

This application is made to allow a change of access along North Garnett Road. The proposal is to add a 40-foot limited access on Garnett Avenue and shifts in existing accesses.

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, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt) "absent") to **APPROVE** the change of access as submitted for Lot 1, Block 1, Airpark Distribution Center per staff recommendation.

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COMPREHENSIVE PLAN PUBLIC HEARING

Review Additional Capital Improvement Project Requests for conformance with the Comprehensive Plan.

The additional capital improvement project requests from the City of Tulsa include two more phases to the proposed water line extension to north Tulsa County and a second phase to the North Cherokee wastewater system, also serving north Tulsa County.

STAFF RECOMMENDATION:

Attached are three additional capital improvement project requests from the City of Tulsa. These include two more phases to the proposed water line extension to north Tulsa County and a second phase to the North Cherokee wastewater system, also serving north Tulsa County.

These are all enhancements to existing capital improvements and staff finds them in accord with the Comprehensive Plan. Staff further recommends that the TMAPC find likewise.

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, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt) "absent") to recommend **APPROVAL** of the Capital Improvement Projects and find them in accord with the Comprehensive Plan per staff recommendation.

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CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-703

OL/OM/OH TO PUD

Applicant: Roy Johnsen

(PD-7) (CD-2)

Location: Northwest corner of West 22nd Street and South Main

STAFF RECOMMENDATION:

The PUD consists of approximately 1.16 acres (net) located at the northwest corner of West 22nd Street and South Main Street. The site is presently zoned OL, Office Low Intensity, and OH, Office High Intensity.

The PUD proposes nine lots designed for single-family detached dwellings. A common architectural theme would be established and each residence is planned to be built along a predetermined side lot line established to provide privacy to the adjoining residence and to achieve a more useful aggregate of yard space.

The surrounding neighborhood is diverse and includes office, single-family and multifamily uses at various intensities, which include Harwelden to the south, the first Tudors project (detached single-family residences of similar design) presently under construction on the east side of South Main Street, the Woodward Terrace Condominiums to the immediate southeast and the 2300 Riverside Tower approximately 425 feet to the south. To the north is property zoned OL, OM and OH.

The proposed residential uses and the intensity of those uses are permitted by the underlying general zoning districts presently existing and no changes in the underlying general zoning districts are proposed.

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-703, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-703 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: 50,394 SF 1.157 acres

Permitted Uses:

Detached single-family residences and customary accessory uses

Maximum Number of Dwelling Units: 9

Minimum Lot Size: 4,240 SF

Minimum Lot Width: 40 FT

Maximum Building Height: 35 FT

Minimum Required Yards*:

From centerline of 22nd Street 30 FT

From centerline of Main 40 FT

From right-of-way of Boulder 10 FT

From north boundary of PUD 25 FT

From interior side lot line

One side lot line 6 FT

Other side lot line 0 FT

Eaves within side yard limited to one foot.

*Screening walls not exceeding seven feet in height may be located along the property lines adjoining public streets.

Minimum Livability Space Per Lot: 200 FT

Other Bulk and Area Requirements:

As provided within an RM-2 District.

Minimum Off-Street Parking:

Within each lot, two spaces shall be provided.

3. All access shall be approved by TMAPC, the Fire Department and Public Works.
4. 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.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
6. 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.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.

9. 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.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

John Arrington, 2300 Riverside Drive, #3-E, Tulsa, Oklahoma 74114, stated that he wanted to find out what is happening on the subject property. He expressed concerns for the lots to the north of the subject application.

Mr. Dunlap stated that there was a new notice sent out regarding this request, which indicated the change. This application is for the property outlined in the heavy-dashed line on the case map.

Applicant's Rebuttal:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated the north portion of the property, which is not under application, is zoned OL/OM at the present time. He anticipates that there may be a future PUD, but for the present it will remain conventionally zoned. The subject application is a market test and hopefully it will do as well as the development to the east. The property to the north will probably be some type of office use or a new PUD will be filed.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt) "absent") to recommend **APPROVAL** of PUD-703 per staff recommendation.

Legal Description for PUD-703:

A TRACT OF LAND BEING A PART OF BLOCK 3, THIRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 3; THENCE SOUTH 0°06'12" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 3 FOR 164.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING SOUTH 0°06'12" EAST ALONG SAID EASTERLY LINE AND ALONG A SOUTHERLY EXTENSION OF SAID EASTERLY LINE FOR 141.00 FEET TO A POINT THAT IS 10.00 FEET SOUTHERLY OF AS MEASURED PERPENDICULARLY TO THE SOUTHERLY LINE OF SAID BLOCK 3; THENCE NORTH 90°00'00" WEST 10.00 FEET SOUTHERLY OF AS MEASURED PERPENDICULARLY TO SAID SOUTHERLY LINE FOR 400.00 FEET; THENCE NORTH 0°06'12" WEST ALONG A SOUTHERLY EXTENSION

OF THE WESTERLY LINE OF LOT 11 IN SAID BLOCK 3 AND ALONG SAID WESTERLY LINE FOR 42.38 FEET; THENCE NORTH 32°46'52" EAST FOR 0.00 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 246.58 FEET AND A CENTRAL ANGLE OF 22°03'23" FOR 94.92 FEET; THENCE NORTH 90°00'00" EAST FOR 344.88 FEET; THENCE NORTH 0°06'12" WEST FOR 11.00 FEET; THENCE NORTH 90°00'00" EAST FOR 20.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CONTAINING 50,394 SQUARE FEET OR 1.157 ACRES, MORE OR LESS, and located south of the southwest corner of West 21st Street South and South Main Street, Tulsa, Oklahoma, **From: OL/OM/OH (Office Low Intensity District/ Office Medium Intensity District/Office High Intensity District) To: OL/OM/OH/PUD (Office Low Intensity District/Office Medium Intensity District/Office High Intensity District/Planned Unit Development [PUD-703]).**

ZONING PUBLIC HEARING

Application No.: Z-6943 **RM-2 TO IL**
Applicant: Michael I. Aston (PD-2) (CD-3)
Location: 1714-1718 East Latimer Place

STAFF RECOMMENDATION:

RELEVANT ZONING HISTORY:

No recent rezoning activity has occurred on or near the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: This application includes two parcels, one parcel with two residential lots, which is approximately 95' x 125', and the second parcel directly across East Latimer Place, a 45' x 125' residential lot. The property is flat and non-wooded. The north lot contains a single-family dwelling and the lots on the south side of East Latimer Place are vacant. All three lots are zoned RM-2.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Latimer Place	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

This property lies adjacent to the Crutchfield neighborhood, an area of mixed residential, commercial, industrial and institutional uses. The subject property is abutted on the east by single-family dwellings, zoned RM-2 and less than one block farther east by a very large former industrial tract that now appears to have a variety of uses on it, zoned IL; to the south by vacant land and mixed commercial/office/industrial uses, zoned IM; to the west by a vacant former industrial area, zoned CH; and to the north by mixed commercial/office/industrial uses, zoned RM-2. The lots are immediately adjacent to and north of a large area designated by the Plan as High Intensity-Industrial land use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tracts as Low Intensity-No Specific land use and Special District 2 - Industrial. Plan policies designate this for future industrial development. The requested IL zoning **may be found** in accord with the Plan, because of the properties' location within a Special District.

STAFF RECOMMENDATION:

This area is heavily mixed with industrial, commercial, institutional and residential uses. It has been in transition for many years, as reflected in the Plan language. Staff can support the requested rezoning, based on the Industrial Special District designation in the Plan, adjacent land uses and designations and trends in the area. However, because two non-contiguous lots are involved, one of which would not have adequate frontage for an IL district, staff points out that the applicant may have to apply for various BOA actions in order to develop the property under straight IL zoning. Staff, alternately, suggests that the applicant consider an accompanying PUD. Either way, with applicant's knowledge of probable BOA actions or need for a PUD, staff recommends **APPROVAL** of IL zoning for Z-6943. If the applicant desires to seek a PUD designation, staff recommends a continuance until such time as a PUD application is prepared.

Staff further recommends that all of Special District 2 in the District 2 Detail Plan be considered for possible Plan amendments to more accurately reflect land uses in the area.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Aston if he understands that he may have to go before the Board of Adjustment in order ask for relief on the setbacks in order to build the proposed warehouse. In response, Mr. Aston stated that he understood and had planned to go before the BOA.

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, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford, Miller, Westervelt) "absent") to recommend **APPROVAL** of IL zoning for Z-6943 per staff recommendation.

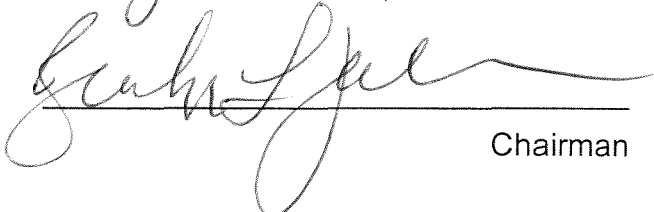
Legal Description for Z-6943:

Lots 9 and 10, Block 8, and Lot 18, Block 7, Berry-Hart Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located east of the northeast corner and the southeast corner of East Latimer Place and North Utica Avenue, Tulsa, Oklahoma, **From RM-2 (Residential Multifamily Medium Density District) To IL (Industrial Light District).**

There being no further business, the Chair declared the meeting adjourned at 2:10 p.m.

Date Approved:

May 19, 2004



Chairman

ATTEST: Mary M. Bayles

Secretary