

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2420

Wednesday, August 3, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Bernard	Alberty	Boulden, Legal
Bayles	Cantees	Chronister	
Carnes	Dick	Fernandez	
Hill	Harmon	Huntsinger	
Horner	Jackson	Matthews	
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, July 29, 2005 at 3:41 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 Bayles called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of June 22, 2005, Meeting No. 2416

On **MOTION** of **HILL**, the TMAPC voted 6-0-0 (Ard, Bayles, Carnes, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Jackson "absent") to **APPROVE** the minutes of the meeting of June 22, 2005, Meeting No. 2416.

REPORTS:

Worksession Report:

Ms. Bayles reported on the worksession of last week.

Director's Report:

Mr. Alberty reported that there are no items on the BOCC and CC agendas this week.

Mr. Boulden reported that the Sign Advisory Board suggested sign ordinance amendments to the Zoning Code five years ago and they will be on the City Council agenda this Thursday for passage.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19535 – Jeffrey Levinson (9319) (PD 6) (CD 9)

3121 South Rockford

L-19846 – Bob Ketchum (6301) (County)

8208 East 181st Street South

L-19858 – Sack & Associates (9318) (PD 6) (CD 9)

1376 South Rockford

L-19861 – Sisemore Weisz & Associates (8303) (PD 18) (CD 7)

East of northeast corner of East 71st Street South &
Granite

L-19862 – Jan Lamberton (9218) (County)

2644 South 67th West Avenue

L-19863 – Sisemore Weisz & Associates (9433) (PD 18) (CD 5)

Northeast corner of East 61st Street & 129th East Avenue

L-19871 – City of Tulsa (9313) (PD 5) (CD 5)

2200 block of 87th East Avenue

L-19873 – Joann Sondag (2410) (County)

14516 East 176th Street North

STAFF RECOMMENDATION:

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

There were no interested parties wishing to speak.

TMAPC Action; 6-0-0 members present:

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

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FINAL PLAT:

**Tulsa Hmong Alliance Church of the Christian and
Missionary Alliance – (9410)**

(PD-17) (CD-6)

17101 East 21st Street

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 35.35 acres.

All release letters have been received and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the final plat for Tulsa Hmong Alliance Church of the Christian and Missionary Alliance per staff recommendation.

Kings Landing – (8320)

(PD 18) (CD 2)

Northwest corner of Creek Turnpike and Riverside
Parkway

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 4.9 acres.

All release letters have been received and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the final plat for Kings Landing per staff recommendation.

South of East 116th Street, west of South Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 23 lots in one block on 15 acres.

All of the release letters have been received and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the final plat for The Estates of River Oaks per staff recommendation.

Ms. Matthews informed the Planning Commission that Items 14 and 15 are related to Items 4 and 5.

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TMAPC COMMENTS:

Mr. Boulden stated that he would like to revisit Item 3, The Tulsa Hmong Alliance Church of the Christian and Missionary Alliance.

Mr. Boulden stated that there was a requirement by Traffic Engineering that there be limits of no access, but none were designated on the drawing. He indicated that this would have to be changed and the applicant was informed of the changes. He asked staff if this has been worked out.

Mrs. Fernandez stated that if Traffic Engineering required limits of no access, then it will be on the final plat and Traffic Engineering did sign off on the release.

Mr. Boulden stated that he required that the limits of no access be taken out. He explained that his problem with this is that there were no limits of no access on the plat, yet it referred to it. He further explained that he required, because of the unique nature of this, that they refer to limits of access on the plat. It doesn't sound like this was resolved.

Mrs. Fernandez stated that she is not sure where this stands at this point. However, if Traffic Engineering requires limits of no access, then there will be corresponding language in the covenants and possibly this is the problem. Mr. Boulden stated that the problem is that there is only one access and it is

designated as limits of access and nowhere else is there an access point. If it is referred to in the covenant language, but it doesn't exist on the plat, then it leads one to believe that it was left out. He commented that he isn't sure he can sign off on this with that confusion in place.

Mrs. Fernandez stated that staff's standpoint is that if Traffic Engineering does not have limits of no access, other than the access on the panhandle, then the language would be taken out of the covenants. Mr. Boulden indicated that this would be agreeable to him.

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PRELIMINARY PLAT:

Overland Park Phase II – (2322)

(County)

East of the northeast corner of U.S. Highway 75 and
State Highway 20

STAFF RECOMMENDATION:

This plat consists of 34 lots, three reserves, five blocks, on 42.2 acres.

The following issues were discussed July 21, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property has recently been rezoned from AG to RE. Show concept for all phases of development. Reserve and drainage areas need to be properly maintained by the Homeowners Association for the development.
2. **Streets:** Indicate the right-of-way dedication by this plat for dedication on 146th Street North. The 17.5-foot utility easement along 146th Street north should abut the right-of-way, not be separated by the reserve areas. The curve information table lists curves numbered to C18 but only shows on plat through C5; curve data is incomplete. Recommend that the 50-foot temporary turn around easements be created by separate instrument and so noted on face of plat, with pertinent language in the covenants. All utility easements around the perimeter of platted property should be 17.5 feet. "Detention and Reserve Area" should also have 17.5-foot utility easement along property line. Recommend that "reserve area" language, last sentence pertaining to the utility easements be deleted, and that the 17.5 foot utility easement be located as abutting the property line adjacent to 146th Street right-of-way. Recommend conformance with requirement for sidewalks on all streets, with pertinent language in the covenants. Please resolve the apparent error in the legal description showing "660 feet" along

the section line and show the point of beginning. Provide all street names and addresses and rename the arterial "East 146th Street North" (placing Highway 20 in parentheses). Show bearings and/or dimensions for lot lines and reserves. In terminating the northern stub street, the permanent right-of-way should be designed to eliminate the half street dedication. Show limits of no access along 146th Street North and include language in the covenants. Show and dimension any raised island, if proposed for the entry, as a "reserve". Include curve data for numerous intersection radii, arcs and lot lines. In the deed of dedication please provide a complete description of the tract of ownership. The name of both the subdivision and the owner/developer should be consistent between the deed of dedication and the face of the plat. Correct typos in covenants. Show access to reserve areas. Temporary cul-de-sacs must meet with County Engineer approval. E911 addresses must be used in the subdivision.

3. **Sewer:** No comment (out of City service area). Aerobic systems are proposed.
4. **Water:** No comment (out of City service area). Rural Water District # 3 of Washington County is to provide water.
5. **Storm Drainage:** Floodplain and floodway areas in Block 2 should be in a reserve. The detention and reserve area must be outside the floodplain and floodway. Provide language for detention and reserve area.
6. **Utilities: PSO, ONG, Cable:** Additional easements may be needed.
7. **Other: Fire:** The name of the plat needs clarification; Overland Park Phase II is named in the deed of dedication but not on the face of the plat. Surveyors' certificate of authorization has expired. No basis of bearing is shown. Location map needs to correctly show shape of platted property, and locations and names of all subdivisions within the section. The exclusive easements conveyed to RWD # 3 referenced in the deed of dedication and covenants (Article I, Section 1.4.B) are not shown on the plat. Place on a separate page, and increase type for readability when reduced. Each numbered section heading under each article should be in larger type size.

Staff recommends **Approval** of the Preliminary Subdivision 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.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the preliminary plat for Overland Park Phase II, subject to special conditions and standard conditions per staff recommendation.

Pine Street Park – (0431)

(PD-16) (CD-6)

South side of East Pine Street, between Mingo Road and Garnett Road (**Strike from agenda for resubmittal of new plat.**)

Stricken from the agenda.

PLAT WAIVER:

BOA-19907, 19662 (9214)

(PD-9) (CD-2)

930 West 23rd Place

STAFF RECOMMENDATION:

The platting requirement was triggered by BOA 19907 for an addition to an existing church building.

Staff provides the following information from TAC at their September 9, 2004 meeting:

ZONING:

TMAPC Staff: The plat waiver is for property zoned RS-3 for a church use on previously-platted property.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

A hydrology report must be received and approved.

FIRE:

No comment.

UTILITIES:

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the previously platted property, the church use and the approved storm drainage plan.

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 right-of-way?	X	

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. | | |
| 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.? | | |
| 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 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the plat waiver for BOA-19907, 19662 per staff recommendation.

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 1, Block 1, Briarglen Center (9420)

(PD 17) (CD 6)

East of South Garnett Road and south of East 31st Street South

STAFF RECOMMENDATION:

This application is made to allow a change of access along East 31st Street near the eastern property boundary (move access point westward) and along South

Garnett Road near the southern property boundary (move access to the south).
The property is zoned CS.

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 **HORNER**, TMAPC voted 6-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the change of access on recorded plat for Lot 1, Block 1, Briarglen Center per staff recommendation.

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CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-268-C-1

MINOR AMENDMENT

Applicant: Mike Lester

(PD-18) (CD-8)

Location: West of the southwest corner of East 91st Street South and South Mingo Road

STAFF RECOMMENDATION:

This proposed minor amendment was originally to allow a wrought iron fence along the south boundary instead of a solid screening fence and to reduce setbacks on the east and west sides of the office development. The wrought iron fence was approved on July 20, 2005 and the setbacks portion continued for proper notice until August 3, 2005.

The applicant requests a minor amendment to reduce the building setback on the west boundary of the PUD from 30 feet to 13 feet, and on the east boundary abutting the residential use from 30 feet to 24 feet. Staff can support these reductions, since the underlying zoning is OL and the revised plan is favorable to the residential use. The residential development to the west backs on to the proposed development and the residential unit to the east sides on to it.

Staff can support these requests and therefore recommends **APPROVAL** of PUD-268-C-1.

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 **CARNES**, TMAPC voted 6-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the minor amendment for PUD-268-C-1 per staff recommendation.

ZONING PUBLIC HEARING

Application No.: Z-6999

RS-3/AG/OL/CS TO RS-4

Applicant: Mike Lester

(PD-18) (CD-8)

Location: West of the southwest corner of East 91st Street South and South Mingo Road

STAFF RECOMMENDATION:

Z-6972/PUD-712 February 2005: All concurred in approval of a request to rezone approximately eight acres in a wrap-around configuration located north and west of the northwest corner of East 51st Street and South 193rd East Avenue from RM-0 to OL. Approval was also granted for a PUD on the entire northwest corner of this intersection to allow retail development with a proposed mini-storage facility around the commercial corner.

Z-6945 August 2004: Approval was granted for RS-3 zoning from AG on a 126.5-acre tract located north and east of the northeast corner of East 51st Street and South 177th East Avenue.

Z-6834 October 2001: The TMAPC and City Council approved rezoning from AG to RS-3 on a property located north of the northwest corner of East 51st Street South and South 177th East Avenue.

Z-6500 September 1995: The TMAPC and City Council approved rezoning from AG to RS-4 on a property north of East 51st Street between Lynn Lane (South 177th East Avenue) and South 193rd East Avenue, abutting the subject property on the south.

Z-5802 May 1983: A request to rezone 23 acres located on the northwest corner of East 51st Street and South 193rd East Avenue, from AG to CS, RM-1 and RS-3 was approved for CS zoning on five acres at the intersection, RM-0 zoning on a 200' strip bordering the CS on the north and the west and the balance rezoned to RS-3.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property includes approximately 90 acres. It is gently sloping, partially-wooded, vacant, and zoned RS-3, OL and AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South 193 rd East Avenue	Primary arterial	120'	2 lanes
East 41 st Street South	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north and east by AG-zoned land with scattered single-family dwellings and agricultural uses; on the northeast corner is vacant property, zoned CS; to the west is vacant land, zoned RS-3; and to the south is vacant property, zoned RS-4.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Detail Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-4 zoning **is** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding zoning and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of RS-4 for Z-6999.

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 **CARNES**, TMAPC voted **6-0-0** (Ard, Bayles, Carnes, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Jackson "absent") to recommend **APPROVAL** of RS-4 zoning for Z-6999 per staff recommendation.

Legal Description for Z-6999:

The West Half of the Northeast Quarter (W/2, NE/4) and the West Half of the North Half of the Northeast Quarter of the Northeast Quarter (W/2, N/2, NE/4, NE/4) all in Section 25, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the official U. S. Government survey thereof, and located west of the southwest corner of East 41st Street South and South 193rd East Avenue, Tulsa, Oklahoma, **From RS-3, OL, CS (Residential Single-family High Density District, Office Low Intensity District, Commercial Shopping Center District) To RS-4 (Residential Single-family Highest Density District).**

* * * * *

Application No.: Z-6991

RS-3 TO RS-3/HP

Applicant: TMAPC

(PD-17) (CD-6)

Location: Southwest corner of East 16th Street South and South Detroit Avenue (Reconsideration)

Mr. Boulden stated that the Planning Commission agreed to reconsider this application on June 15, 2005.

STAFF RECOMMENDATION:

Z-6932 February 2004: A request to rezone a residential lot located on the southeast corner of East 13th Street South and South Owasso Avenue from RS-3 to CH for a storage facility was denied.

Z-6785 October 2000: Approval was granted for a request to rezone a tract located on the west side of South Carthage and north of East 14th Place for a two-story office building from RM-2 to OM.

Z-6738/PUD-626 December 1999: A request to rezone two lots located on the southeast corner of East 15th Street and South Owasso Avenue from OL and RS-3 to CS for a restaurant and accessory parking was withdrawn by the applicant.

Z-6378 April 1993: All concurred in approval of HP overlay zoning on an area located between East 15th Street and East 21st Street and from Cincinnati Avenue on the west to South Peoria Avenue on the east. [Note: This apparently

is the zoning case from which the differences in zoning boundaries were derived.]

Z-6360/PUD-478-A June 1992: Approval was granted for a major amendment to PUD-478 to remove a .37-acre tract from the original PUD. Approval was granted to reduce the number of dwelling units in the PUD from 24 to 23 and to rezone a portion of the PUD located in the northeast corner of the PUD from RS-4 to PK.

AREA DESCRIPTION:

SITE ANALYSIS: The area is totally single-family residential within a historically significant area (North Maple Ridge). Most of the lots were apparently intended to be included in rezoning to HP a number of years ago (Z-6378), but were inadvertently omitted. Currently zoned RS-3, the proposal is to maintain that underlying zoning and add the HP overlay.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 16 th Street South	N/A	50'	2 lanes
South Detroit Avenue		60'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: Maple Park, a remnant of former ODOT right-of-way, lies to the west and is zoned CH; to the north lie commercial and mixed uses south of 15th Street, zoned CH; to the east lie single-family residential uses, zoned RS-3/HP; and to the south lie single-family residential uses, zoned RS-3/HP.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-Residential land use/Cherry Street Special Consideration Area C – Historic District Subarea. Plan policies (Section 3.4.3) encourage working with the Tulsa Preservation Commission, rigorous code enforcement to protect the integrity of the area, development of a compatible trail way and development/redevelopment in the area that enhances and is compatible with existing uses.

STAFF RECOMMENDATION:

It is staff's belief that had two of the lots not been owned by the State at the time the HP overlay was first approved for this area, they would have been included as well. A subsequent scrivener's error resulted in adoption of ordinance text that omitted several of the other lots that were originally intended for inclusion. To alleviate any confusion and to create a block that is entirely HP, staff supports

the requested rezoning. Based on the Comprehensive Plan and recommendations of the neighborhood and Tulsa Preservation Commission, staff therefore recommends **APPROVAL** of HP zoning for Z-6991.

Ms. Bayles announced that Mr. Campbell, owner of the two lots that are in question, is not present today.

INTERESTED PARTIES:

Bob Haring, 1620 South Detroit, 74120, stated that he lives on Lot 5, Block 4 and today's hearing is to clear up some confusion resulting from language in the 1993 ordinance, which left in question the status of Lots 2, 3, 4 and 5. The Tulsa Preservation Commission (TPC) has recommended unanimously that all of Block 4 be in the Historical Preservation overlay. The TPC surveyed the owners of the properties and four of the owners voted firmly in favor of the HP and one, Mr. Campbell, who recently purchased his property, voted against the HP designation. He explained Mr. Campbell has been working with TPC regarding the development of his property and has a design that he believes will meet the TPC's guidelines.

Mr. Haring requested that the Planning Commission clear up the HP designation once and for all so that there are no further legal questions about these properties.

Mike & Patsy Bragg, 1624 South Detroit, 74120, stated that they live on Lot 6, of Block 4, and requested that the Planning Commission reconfirm HP zoning for all of Lots 1 through 6, Block 4. Ms. Bragg gave five reasons for having HP zoning on the subject properties. 1) oldest neighborhood in Tulsa; 2) current owners relied on zoning map that indicated they were in the HP overlay; 3) homeowners have had to meet the TPC guidelines; 4) by not including the properties in the HP district would create a checkerboard effect and it was clearly intended to be in the HP district; and 5) the TPC unanimously voted to recommend HP zoning for Lots 1 through 6.

Lucky Lamons, 205 West 17th Street, 74119, member of Maple Ridge Homeowners' Association, stated that he lives in Riverview and they will be going through the HP process along with Owen Park. If HP areas are not clearly defined in the neighborhoods it would start a domino effect in other neighborhoods. He requested, as their representative from House District 66, that all of Block 4 be clearly given historic status.

Chip Atkins, 1638 East 17th Place, 74120, representing Swan Lake Neighborhood Association, stated that he is in support of this application and respects Maple Ridge for continuing this fight to keep their neighborhood whole and as an HP district. HP districts improve property values and tax bases of the whole city.

Janice Nicklas, 122 East 25th Street, 74114, President of Maple Ridge Association, stated that she would like to express the unanimous support by the Board of Directors of the Maple Ridge Association to confirm that all of Block 4, Lots 1 through 6 should be in the HP district. The action by the TPC is needed today to preserve and protect the integrity of the North Maple Ridge HP zoning district.

Councilor Baker, City Council District 4, stated that he is present to support the TPC recommendation to recognize and to affirm the HP zoning for the lots in question. The issue was decided by the TMAPC and the City Council in 1993. He indicated his agreement with the statement Mr. Boulden made during the previous public hearing that the City Councilors rely on the zoning maps more than the legal descriptions. He stated that he looks at the zoning map and that is basically what he is voting on.

Councilor Baker stated that it is regretful that Mr. Campbell has been caught in this situation of misinformation and he apologizes. He indicated that he would work to assist Mr. Campbell in anyway to resolve this with the TPC. He understands that Mr. Campbell is close to a COA and it would enable him to move forward.

Councilor Baker stated that the HP is a district and is not just a collection of individual properties, but the total area. Councilor Baker cited the HP process and the involvement of the residents and the Boards. He indicated that he doesn't believe the HP district should be reversed without going back through the process and at least starting it with the same citizens who made the decision that they wanted to live in an area that had these kinds of protections.

Councilor Baker cited the economical benefit and strategy of HP districts. Councilor Baker cited a 2002 study that was conducted in Texas for the period of 1975 to 1991, which indicated a five to twenty percent appreciation of HP homes and districts above similarly-situated properties in the same area. Councilor Baker cited additional studies conducted in the U.S. with the similar appreciation of HP homes. Councilor Baker believes that the additional money that was passed in the 2005 general obligation bond is due to the increase in property values in the City of Tulsa. He concluded that HP was a part of that increase in property values that is enabling the City to do more improvements.

Councilor Baker summarized that HP districts contributes to the economic vitality of City of Tulsa. The importance of preserving the integrity of that system and process is of utmost. He doesn't believe that this problem today should be solved at the expense of the past or future. He thanked the Planning Commission for their time and stated that he looks forward to supporting their recommendation before the City Council to reaffirm including Lots 1 through 6 in the HP zoning.

TMAPC COMMENTS:

Mr. Carnes stated that what he believes the Planning Commission is looking at today is a scrivener's error. He doesn't believe that there is any question about Lots 3, 4, 5 and 6 being in the HP district. He believes that the real issue today is Lots 1 and 2 and the Planning Commission did not include these two lots in the HP district in 1993. If it appears that everyone is ready to rezone these two lots with the HP layer, then it should be done.

Mr. Midget stated that he disagrees with Mr. Carnes's statement. He believes that there was a mistake and he believes that they were included and that there was a scrivener's error because it stated Lots 1 and 6, when it should have read Lots 1 through 6. The zoning map is the basis to reinforce this.

Mr. Midget stated that he completely understands Councilor Baker's comments about maintaining the integrity and the value of having HP districts throughout the City of Tulsa. This particular scrivener's error has caused an unfortunate mistake and miscommunication and today the Planning Commission is here to correct that problem and to make sure that it doesn't happen in the future.

Councilor Baker stated that the maps he has seen and his understanding from seeing the maps is that all of Lots 1 through 6 should have been included in the HP district. There is no question that Lots 1 and 2 were State property at the time. He understands that the ordinance impacts the property once it comes back into the City's jurisdiction. He doesn't believe it is a good policy to allow individual property owners to have the option to opt out of HP. If a neighborhood, for some reason, would like to go back and reconsider their situation, then they should have that right because they are the ones who initiated in the first place. It makes common sense that Lots 1 and 2 belong in the HP district, just as the lots across the street or the lots next to them belong in the district. The neighborhood has relied on the validity of the HP guidelines for their area since 1993 when repairing and remodeling their homes. He urged the Planning Commission to recognize this and to support it. Anything that is built next to the residential areas that currently exists will follow the same guidelines.

Ms. Bayles asked Legal Counsel what consideration would be made today if State-owned or Federal owned property was within the district boundaries, as proposed for HP overlay zoning. In response, Mr. Boulden stated that he would advise to disregard it and it is of no consequence to the Planning Commission. While there are zoning regulations that may overlay State property, it is a legal test that has to be satisfied as to whether or not it can actually be regulated while it is under State ownership. As this case gives an example, it is not always under State ownership and then it has to be dealt with in the future. It is best to zone the property as the Planning Commission thinks it fits and then the zoning would be in place if it should fall out of State ownership in the future.

Mr. Carnes stated that he stands by his statement, but he would make a motion to approve the HP zoning for Z-6991 for all of Lots 1, 2, 3, 4, 5 and 6, Block 4 per staff recommendation.

Mr. Boulden stated that the map that is on page 12.1 shows that Lots 1, 2 and 3 are cut at an angle and the motion has been made to zone all of those lots angle or not. Some of these are on park property and he asked if it is the intent.

Mr. Alberty stated that staff advertised "less and except" and the portion that remains in the park will not be included. It would only be the portion of the area that would be to the east of the line.

Mr. Boulden stated that he would like to make sure that the motion includes the "less and except".

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bayles, Carnes, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Jackson "absent") to recommend **APPROVAL** the HP zoning for Z-6991 for all of Lots 1, 2, 3, 4, 5 and 6, Block 4, less and except that portion under City of Tulsa ownership, per staff recommendation.

Legal Description for Z-6991:

Lots 1 through 6, Block 4, less and except that portion under City of Tulsa ownership, Maple Park Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and on the southwest corner of East 16th Street and South Detroit Avenue, Tulsa, Oklahoma, **From RS-3/HP (Residential Single-family High Density District/Historic Preservation District) To RS-3/HP (Residential Single-family High Density District/Historic Preservation District).**

Application No.: CZ-356

AG TO RE

Applicant: J.R. Donelson

County

Location: West of northwest corner East 156th Street North and North Lewis Avenue

STAFF RECOMMENDATION:

There has been no action in this area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 63 acres in size; it is located on the north side of East 156th Street North and west of North Lewis Avenue. The property is rolling hills, partially-wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 156 th Street North	Secondary arterial	100'	2 lanes

UTILITIES: Washington County Rural Water District 3 serves this area with water and sewer would be by septic or lagoons.

SURROUNDING AREA:

The property is abutting vacant land on the north, east and west, zoned AG, and to the south by single-family dwellings, zoned RS-1 within the city limits of Skiatook.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Under provisions of the Metropolitan Area Development Guidelines, this area is not within a potential medium intensity node and would therefore be classified as low intensity. The requested RE zoning is in accord with the Zoning Matrix.

STAFF RECOMMENDATION:

Based on the Development Guidelines and surrounding development staff can support the requested rezoning and recommends **APPROVAL** of RE zoning for CZ-356.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Laura Frossard, 4971 East 26th Street, 74114, stated that she owns property adjacent to the subject property. She commented that her objection to this rezoning is that it would be a serious change in land use for this entire section. She suggested that the subject property be zoned AG-R and there is AG-R zoning immediately to the south. She believes it would be more compatible with the surrounding land use and it would allow the size of lots that the developer is proposing. AG-R allows agricultural use, which is what the subject area is currently populated with.

Ms. Frossard read from the Guide to Planning and Zoning. She commented that this proposal is a classic case of wasteful scattering of development in rural areas. She stated that there is no Comprehensive Plan for this part of North Tulsa County. There is no Comprehensive Plan to deal with development issues like the proposal and it allows the developers to decide how the property will be

utilized and what is going to take place. She described the proposal as suburban sprawl.

TMAPC COMMENTS:

Ms. Matthews stated that she would like to correct one of the comments Ms. Frossard stated regarding there not being a Comprehensive Plan for the subject area. If there is not a district plan for the subject area, then Development Guidelines would prevail and they are an adopted part of the Comprehensive Plan. In this case the low intensity – no specific land use is what prevails.

Ms. Bayles asked Ms. Matthews to restate the staff recommendation relative to the relationship to the Comprehensive Plan. Ms. Matthews read the staff recommendation which indicated that under provisions of the Metropolitan Area Development Guidelines, the subject property is not within a potential medium intensity node and would therefore be classified as low intensity. The RE zoning is in accord with the Zoning Matrix.

Ms. Frossard stated that she did look into the guidelines, but she feels that there should be more proactive planning before allowing this rezoning. She commented that this is piecemeal rezoning and no one is looking at the whole picture.

Ms. Matthews pointed out that there is RS-1 zoning immediately to the south of the subject property.

Ms. Bayles asked Ms. Frossard about the dismissal she filed. In response, Ms. Frossard stated that she didn't receive notice for the original rezoning of the subject property and she should have. She explained that she filed a lawsuit in District Court in order to have her opportunity to speak about this zoning. When the BOCC sent it back to the Planning Commission for renoticing and a rehearing she filed a dismissal. She commented she just wanted an opportunity to speak to the Planning Commission and address the issues on the zoning.

Ms. Bayles asked Ms. Frossard if there were any other neighbors in the subject area who are opposed to this besides Mr. and Mrs. Donald Carter. In response, Ms. Frossard stated that she is unaware of any other residents against this project.

Applicant's Rebuttal:

Lou Reynolds, 2727 East 21st Street, 74114, representing Mr. J.R. Donelson, stated that he would have to respectfully disagree with Ms. Frossard's statements. There is a Comprehensive Plan for the subject area. Immediately to the south is property that is within the city limits of Skiatook that has been platted into 45 lots that will be approximately 1.5-acre lots. Immediately to the south of the subject property are homes (Exhibit A-1). Skiatook has a Comprehensive Plan for the south side of 156th Street and their plan states that it is equivalent to

City of Tulsa's RS-1 zoning. The preliminary plat for the proposed subdivision has been approved by the Planning Commission and in the process of the preliminary plat, his client has worked with all of the utility companies and service providers. Rural Water District 3, Washington County, recognizes the future growth in the subject area and has required his client to build a 12-inch waterline on the perimeter of the subject property.

Mr. Reynolds stated that the proposal is for 21 lots on 63 acres and will average over 2.5 acres each. On the north end of the subject property, which Ms. Frossard referred to, there will only be four or five lots running across 1,900 feet. The houses will be built more than 300 feet from the property line adjacent to Mr. Carter.

Mr. Reynolds stated that RE zoning allows animals by right in the Tulsa County Zoning Code. It is not correct to say that it is irresponsible development and development without a plan. This proposal is being carefully planned by the stakeholders. His client has followed all of the guidelines and he has not objected to any requirement. The proposal is not as dense as the development to the south of the subject property. Mr. Reynolds submitted a map from the City of Skiatook that indicates their annexation in the subject area and additional lands are planned to be annexed soon. He requested that the Planning Commission approve the RE zoning.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bayles, Carnes, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Jackson "absent") to recommend **APPROVAL** the RE zoning for CZ-356 per staff recommendation.

Legal Description for CZ-356:

A tract of land situated in the SE/4 of Section 18, T-22-N, R-13-E, IBM, Tulsa County, State of Oklahoma according to the U. S. government survey thereof, being more particularly described as follows, to-wit: Commencing at the Southeast corner of said Section 18, thence S 88°48'07" W and along the South line of said Section 18 for 500.00' to the Point of Beginning thence continuing S 88°48'07" W and along the South line of said Section 18 for 2,134.78' to the Southwest corner of the SE/4 of Section 18; thence N 01°25'25" W for 1,323.35' to the Northwest corner of the SW/4 of the SE/4 Section 18, thence N 88°49'27" E for 2,035.37'; thence S 01°23'53" E for 330.00'; thence S 25°46'21" E for 387.69'; thence S 01°23'53" E for 640.00' to the Point of Beginning and containing 62.98 acres more or less and located west of the northwest corner East 156th Street North and North Lewis Avenue, Skiatook, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-Family, Estate District).**

* * * * *

Application No.: PUD-677-2

MINOR AMENDMENT

Applicant: Sack & Associates/Mark Capron (PD-26) (CD-8)

Location: West of northwest corner East 121st Street South and South Sheridan Road

STAFF RECOMMENDATION:

This is an application for a minor amendment to increase the allowable building heights from 35' to 45', or not more than three stories (exclusive of basement) and a roof pitch of 4:12, for lots of one-half acre or more; and a 40' maximum height, not more than three stories (exclusive of basement), roof pitch of 4:12 for lots of less than one-half acre in the Crestwood at the River development. The same is being requested for lots of one-half acre or more in PUD-713-2, the Estates of River Oaks, immediately north of and adjacent to this PUD.

According to Section 1107.H.9, City of Tulsa Zoning Code, changes in structure height qualifies as an allowed minor amendment, provided the character of the approved development is not substantially altered. Staff can support this request and recommends **APPROVAL** of PUD-677-2.

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 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the minor amendment for PUD-677-2 per staff recommendation.

Application No.: PUD-713-2

MINOR AMENDMENT

Applicant: Sack & Associates/Mark Capron (PD-26) (CD-8)

Location: 6020 East 116th Street South

STAFF RECOMMENDATION:

This minor amendment request is to increase maximum allowable building heights from 35' to 45' on lots greater than or equal to one-half acre, or three stories maximum exclusive of basements. Roof pitch would be 4:12. This PUD

is immediately adjacent to and north of PUD-677-2, which requested in part the same minor amendment. According to City of Tulsa Zoning Code Section 1107.H.9, changes in allowable building height are permitted as minor amendments, so long as they do not substantially alter the spirit of the original PUD. Staff can support the request and therefore recommends **APPROVAL** of PUD-713-2.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Dick, Harmon, Midget "absent") to **APPROVE** the minor amendment for PUD-713-2 per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 2:26 p.m.

Date Approved:

8-24-05

Sherry M. Bayles

Chairman

ATTEST:

[Signature]

Secretary

