

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2535

Wednesday, January 7, 2009, 1:30 p.m.

Tulsa City Council Chambers

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Ard	Marshall	Alberty	Boulden, Legal
Cantrell	Midget	Feddis	
Carnes	Walker	Fernandez	
Keith	Wright	Huntsinger	
McArtor		Matthews	
Shivel		Sansone	
Sparks			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, December 31, 2008 at 3:12 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, Chair Ard called the meeting to order at 1:32 p.m.

REPORTS:

Chairman's Report:

Mr. Ard welcomed County Commissioner Karen Keith to the Planning Commission.

Comprehensive Plan Report:

Ms. Cantrell reported that at the end of January there will be some small area workshops conducted. The areas haven't been announced at this time, but will be very soon. She welcomed anyone who would like to attend.

Director's Report:

Mr. Alberty reported that the TMAPC receipts for the month of November are up over the November 2007 receipts substantially for both City and County. The receipts are up approximately 16 percent for the year.

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting.

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

1. **LS-20276** – Harden Associates (9310)/Lot-Split (PD 5) (CD 4)
Northeast corner of South Hudson Avenue and East 13th Street, 1219
South Hudson Avenue
2. **LS-20277** – Daniel Isgrigg (7421)/Lot-Split (County)
Northwest corner of East 161st Street and South 145th Avenue, 16010
South 145th East Avenue
3. **Stonegate II –** (9425) Final Plat (PD 17) (CD 6)
Northeast corner of East 51st Street and 177th East Avenue

STAFF RECOMMENDATION:

This plat consists of 131 lots in eight blocks on 30.50 acres.

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

4. **Stonegate Estates** – (8328) Final Plat (PD 26) (CD 8)
Southwest corner of 106th Street South and South Yale Avenue

STAFF RECOMMENDATION:

This plat consists of six lots in one block on 3.54 acres.

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

5. **Ewing Irrigation II** – (9431) Final Plat (PD 18 C) (CD 6)
East of South 107th East Avenue and north of East 61st Street

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 1.40 acres.

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

6. **Overland Park II** – (2322) Final Plat (County)
North of the northwest corner of North 59th Avenue and East 146th Street
North (State Highway 20)

STAFF RECOMMENDATION:

This plat consists of 23 lots in two blocks on 34.51 acres.

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

7. **Rockford Village** – (3093) Change of Access (PD 6) (CD 9)
Lots 12 and 14, Block 1, Rockford Village, South of East 41st Street and
East of South Peoria Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access to add access along East 41st Street South. The property is zoned RM-2.

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

8. **Pine Street Park II Amended** – (0431) Final Plat (PD 16) (CD 6)
South of East Pine Street, between North Mingo Road and North
Garnett

STAFF RECOMMENDATION:

This plat consists of 20 lots in two blocks on 23.15 acres.

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

9. **PUD-230-8 – Hath Forbes Breisch & Assoc.** (PD-17) (CD-5)
Northeast of the northeast corner of South 102nd East Avenue and 41st
Street South (Minor Amendment to reduce the required setback from
internal PUD boundary/lot lines from 50 feet to ten feet.) (Related to
Item 10.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required setback from internal PUD boundary/lot lines and development area boundaries from 50 feet to ten feet for Development Area B, Tract B-1, Tracts 1 – 4 only (see Exhibit A).

Existing PUD development standards call for a 75' setback from the centerline of 103rd East Avenue; a ten-foot setback from US 169 ROW which also calls for an additional two feet of setback for each foot over 15 feet in height; and 50 feet from other property/boundary lines.

The original PUD approved in 1980 (Bishop Acres) had two development areas. They were divided by South 103rd East Avenue, and are depicted as Development Areas A and B on the attached Exhibit A. The original PUD anticipated one six-story, 60,000 square foot (SF) office building in Development Area B and established appropriate setback requirements for that type of use. As time passed, development and market trends in the area dictated this type of development could not be accomplished. Subsequently, the original Development Area B of PUD-230 has been amended seven (7) times; each time adjusting development area boundaries, re-allocating permitted floor area within the new development areas and adjusting sign standards. While these amendments adjusted floor area allocations, building setback and sign standards, none of the amendments addressed the setback from internal development area boundary lines. Imposing a 75-foot setback from the centerline of 103rd East Avenue and a 50-foot setback from internal boundary lines of Tracts 1 – 4 makes the four tracts that comprise Tuscany Point as platted close to un-developable.

Staff concludes that the 50-foot setback requirement from internal boundary lines and development area boundaries was intended for a single user with a larger footprint and much taller building than is currently allowed. Therefore, staff recommends **APPROVAL** of minor amendment PUD-230-8 for Development Area B, Tract B-1, Tracts 1 - 4 only. The 75-foot setback from the centerline of the street and the original setback from the US 169 ROW (ten-feet, plus two additional feet of building setback for each foot over 15') remain effective.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

10. **PUD-230 – Jack Reed Construction Co.** (PD-17) (CD-5)

Northeast of the northeast corner of South 102nd East Avenue and 41st Street South (Detail Site Plan for a one-story, 4,995 SF office building.)
(Related to Item 9.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a one-story, 4,995 square foot (SF) office building. The proposed use, Use unit 11 – Office, Studios and Support Services is a permitted use within PUD-230.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per PUD

development standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. All sight lighting will be limited to 25-feet in height and will be directed down and away from adjoining properties. Associated with this detail site plan review is minor amendment PUD-230-8 which appears on the January 7, 2009 TMAPC agenda. This minor amendment request would allow the proposed 15' and 11.2' building setbacks along the north and east boundaries respectively. Staff has recommended approval of minor amendment PUD-230-8.

Staff recommends **APPROVAL** of the detail site plan for Lot 1, Block 1 – Tuscany Point, pending the concurrent approval of minor amendment PUD-230-8.

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

12. **PUD-641-5 – Roy Johnsen** (PD-18) (CD-7)

West of the northwest corner of 71st Street South and Sheridan Road
(Minor Amendment to reduce setback for single-story structures from 50 feet to 20 feet.) (Related to Item 13.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required setback for single story structures within Development Area A only, from 50' to 20'. Specifically, the request is for a reduction of setback for single-story structures located along the western 390' of the northern most property line and along the northern most 410' of the west property line (see Exhibits B and C).

Montereau in Warren Woods is a retirement and senior care facility with dwellings that range from independent single-family residential units and single family-two unit structures, to multi-floor, residential multi-occupancy partial care dwellings to full care facilities.

The property immediately adjacent to the north and west of the subject tract which would be most directly affected by a reduction in setback is unplatted and undeveloped property, zoned AG. The adjacent property is also owned by the William Warren Medical Research Foundation, the owner of the subject tract. There is a 17.5 utility easement that would not be affected by a reduction in setback.

Staff can support this request since the request being made is for the rear yard setback of single story structures only. The underlying RS-3 zoning would permit these dwellings to be within 20 feet of the rear property line (section 403 of the Code). If the property to the north were to develop as single family residential, these structures would be no closer to the rear property line than straight RS-3 zoning would permit.

Since the request is for single story residential structures only and is seeking to reduce the rear setback to what the underlying RS-3 zoning would permit, staff recommends **APPROVAL** of minor amendment PUD-641-5, reducing the rear setback for single-story structures only along the western 390' of the northern most property line and along the northern most 410' of the west property line.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

13. **PUD-641 – Roy Johnsen** (PD-18) (CD-7)

North side of East 71st Street, approximately 1,000 feet west of South Sheridan Road (Detail Site Plan for construction of six two-unit independent living dwellings at Montereau in Warren Woods.) (Related to Item 12.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for construction of 6, two unit independent living dwellings at Montereau in Warren Woods. The proposed use is in conformance with development standards of PUD-641, are permitted by minor amendment PUD-641-3.

The submitted site plan meets all applicable building area, livability space, building height and setback limitations. Parking has been provided per the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. Sight lighting will be directed down and away from adjoining properties.

Concurrently, on the January 7, 2009 agenda of the TMAPC is minor amendment PUD-641-5. This request is for a reduction of the setback requirement from the western 390' of the north PUD boundary and northern 410' of the west PUD boundary for single story structures from 50' to 20'. Staff has recommended approval of the aforementioned minor amendment. Approval of this detail site plan would be contingent upon approval of minor amendment PUD-641-5.

Staff recommends **APPROVAL** of the detail site plan for the addition of six, two unit structures in Montereau at Warren Woods as permitted by PUD-641 and minor amendments PUD-641-3 and PUD-641-5.

Note: Approval of a detail site plan does not constitute landscape or sign plan approval.

TMAPC COMMENTS:

Mr. Ard stated that staff would like to pull Item 11, PUD-511-1 from the consent agenda.

Ms. Cantrell requested that Item 14, PUD-758 be pulled from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-1** (Ard, Cantrell, Carnes, McArtor, Shivel, Sparks "aye"; no "nays"; Keith "abstaining"; Marshall, Midget, Walker, Wright "absent") to **APPROVE** the consent agenda Items 1 through 10, 12 and 13 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

11. **PUD-511-1 – Tulsa Engineering & Planning/Tim Terral** (PD-6) (CD-9)

East of the northeast corner of 31st Street and Peoria Avenue (Minor Amendment to decrease the building setback from the centerline of 31st Street from 85 feet to 70 feet and increase the maximum permitted height of a privacy wall/fence from eight feet to ten feet.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to decrease the building setback from the centerline of 31st Street from 85' to 70'; and a minor amendment request to increase the maximum permitted height of a privacy wall/fence from eight feet to ten feet.

When PUD-511 was originally approved in 1994, 31st Street was classified by the City of Tulsa Traffic Engineering as a secondary arterial street with a 100-foot wide ROW. The PUD setback from 31st Street was therefore established at 85 feet from the centerline of the street - 50 feet for half the right-of-way plus 35-feet required as the setback from an arterial street by the underlying RE District. Since the original approval of the PUD, 31st Street has been reclassified as an urban arterial street, reducing the right-of-way width to 70-feet. As a note, within the vicinity of the subject tract (from Peoria Avenue to Utica Avenue) the City of Tulsa Board of Adjustment (BOA) has granted five variances reducing the required setback from the centerline of 31st Street. Since the house will continue to meet the 35' setback requirement from the 31st Street right-of-way, staff can support this request.

The applicant is also requesting an increase in the maximum allowable height for a screening/privacy wall from eight feet to ten feet. Within the vicinity of the subject tract and along 31st Street (from Peoria Avenue to Utica) relief has been granted twice with respect to fence/wall height. The BOA permitted an increase for a wall along 31st Street up to 8.5' citing the varying topography of the project location on a tract located immediately east of the southeast corner of 31st Street and Rockford. The BOA also granted an increase to six feet for a fence located along Quaker Avenue in the front yard of a house on the northeast corner of 31st Street and Quaker Avenue. To staff's knowledge, there has never been a request for relief, or relief granted to allow a ten-foot high masonry wall along the 31st Street right-of-way. Citing precedence, staff does not support this request.

Therefore, staff recommends **APPROVAL** of the request to reduce the required setback from the centerline of 31st Street from 85 feet to 70 feet, and **DENIAL** of the request to increase the maximum permitted height of a masonry wall/fence from eight feet to ten feet on Lots 3 and 4, Block 1 – Helmerich Estates/PUD-511.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

TMAPC COMMENTS:

Ms. Cantrell reported that she has had ex parte communication with Mr. Bledsoe and he indicated that his neighborhood has no problems with the request.

Ms. Cantrell asked staff if they were aware that the wall is currently being built and it is ten feet. In response, Mr. Sansone stated that he is aware of the wall being constructed but he is not aware of what height it is at currently. He had discussions with the applicant, as well as Google Street website. Mr. Sansone indicated that he didn't do a site visit. He explained that most minor amendment requests are not generally site visited unless there is something that could be deemed significant. The applicant did disclose to him that the fence was under construction and he is not aware of the overall height of the fence right now. This will become an enforcement issue. Several BOA members are not very happy when something is under construction and then they ask for relief. This is one of the reasons why he is recommending denial of the relief. They could build the wall that is currently under construction up to eight feet, but if they go up to the ten feet; it puts everyone in a precarious situation because now one is building and then asking for forgiveness.

Ms. Cantrell stated that usually one would go before the BOA first for the variance. In response, Mr. Sansone stated that he takes responsibility for that because there was some confusion on his part whether the applicant would need a variance before they receive approval from the TMAPC. Mr. Sansone stated that he believes that if the Planning Commission is inclined to want to approve the minor amendment, it could be approved with it contingent upon receiving the variance from the BOA. Mr. Sansone apologized to the Planning Commission for

putting this on the agenda before advising the applicant to seek relief from the BOA first.

Ms. Cantrell asked Mr. Boulden if there is any requirement that variances be sought before appearing before the TMAPC. In response, Mr. Boulden stated that he has no knowledge of any requirement that the BOA relief is first.

Mr. Ard asked Mr. Sansone if the Planning Commission were to deny the height of the fence, the applicant could then go to the BOA for a variance. In response, Mr. Sansone answered affirmatively.

Mr. Sparks asked Mr. Sansone to explain his logic of how this is set at eight feet versus ten feet. What would happen, in staff's mind, if the Planning Commission approved the ten feet in height for the wall. Mr. Sparks stated that if one looks at the scale of the home and the scale of the wall, the extra two feet would make sense. In response, Mr. Sansone stated that Section 210.B of the Zoning Code establishes the maximum height of any residential wall or fence that is located in any required yard not exceed eight feet. This fence will be located in the required side yard along 31st Street and by Code they are not allowed to exceed eight feet in height without seeking relief from the BOA. It is before the Planning Commission today because staff missed the need to go before the BOA for relief. Mr. Sansone explained that he thought that because this was in a PUD, the Planning Commission could relax the height and he has now been corrected on that. Staff is basing their denial strictly on setting a precedent. If ten feet is granted here today, staff's experience is that once it is granted, someone will ask for it again. If the wall is approved at ten feet today, then someone could come in and ask for twelve feet in height along the same development area. There is a small difference in grade between the road grade and the property grade. He believes that the property is approximately two feet higher than the road. If one is at the road and the ten-foot wall is allowed, then it could be construed as being 11.5-foot to 12-foot wall. Mr. Sansone stated that he spoke with the applicant extensively prior to the hearing and felt that it would be better for staff to recommend denial and then leave it up to the Planning Commission and the applicant to determine whether the ten-foot wall should be approved. Mr. Sansone concluded that the recommendation for denial is strictly on the precedent issue and nothing else.

Mr. Carnes stated that in the years past, he doesn't think the BOA nor the Planning Commission has gone to the ten feet in height. He would definitely think that this would be setting a precedent.

Mr. McArtor asked staff why the applicant wants to build a ten-foot wall. In response, Mr. Sansone stated that he wasn't able to discern that from his conversations with the applicant. He believes it is scope and scale of the house that make the applicant want the ten-foot high wall. Mr. Sansone reiterated that he based his recommendation on the precedent issue.

Mr. McArtor asked whether, if the Planning Commission denied the height increase, that would influence the BOA's decision for the relief. In response, Mr. Boulden stated that he believes that the Planning Commission decision could be persuasive to the BOA.

Mr. Boulden asked staff if there is an application pending with the BOA for the variance. In response, Mr. Sansone answered negatively.

Mr. Boulden asked if there would be any merit to continuing this application and allowing the applicant to go before the BOA. In response, Mr. Sansone agreed that there would be some merit in continuing the minor amendment for the wall. Mr. Sansone suggested that the Planning Commission could make a decision regarding the setback issue for the house and then continue the minor amendment for the wall.

Ms. Cantrell stated that she is a little concerned about voting without a variance because it is a judicial process and the Planning Commission is a legislative process. Anything that would hamper or try to influence the BOA one way or another could be problematic. There are certain procedures that they need to go through to determine a variance. She believes that a vote up or down would influence the BOA's decision. Ms. Cantrell indicated that variances should always precede the Planning Commission's determination. In response, Mr. Sansone stated that he agreed with Ms. Cantrell.

In response to Mr. Boulden, Mr. Sansone stated that he doesn't know if the permits are being held up because of the fence. In his past experience, the permit center would permit the wall and the house separately.

Mr. McArtor asked if there is any reason to wait. Will the BOA hear any information that the Planning Commission doesn't have today and if so what would that be? In response, Mr. Sansone stated that he doesn't believe that they would hear anything different. Mr. Sansone further stated that staff for the BOA would probably look at the TMAPC case report for information and do the same amount of research with respect to other properties within the subject area and fence heights. A variance requires a hardship and the applicant will have to prove a hardship following the criteria from the Zoning Code.

Mr. Ard agrees with Ms. Cantrell that the issue regarding the wall should go to the BOA first and then come back to the TMAPC.

Ms. Cantrell stated that not only will the applicant have to prove a hardship, the ethical requirement for the BOA is much different. She wouldn't be able to participate in this decision since it is a variance.

Applicant's Comments:

Tim Terral, Tulsa Engineering & Planning, 6737 South 85th East Avenue, 74133, stated that the ten-foot wall portion will be on 31st Street only. There is a topographic issue regarding the wall. There is a 12-foot elevation difference from the centerline of 31st Street up to what the finished floor elevation will be. Basically a five-foot or six-foot person in the window of the home and then the ten-foot wall will have visual line of about 14 feet from the centerline. It is a topographic issue and seeking relief for the privacy and noise abatement issues on 31st Street.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Terral if he would object to continuing the wall portion of the application. In response, Mr. Terral stated that if that is what is needed, he would agree. Mr. Terral further stated that he was unaware of the BOA issue at this point and thought it would be handled with the minor amendment for the PUD.

Mr. McArtor stated that he wouldn't make a big deal about this and if the Planning Commission wanted to continue this he would agree. He doesn't see the necessity of continuing this application because the standard is higher for the BOA. He doesn't see that what the Planning Commission decides today will be persuasive. He doesn't believe that the BOA will care what the Planning Commission determines for this minor amendment. He doesn't like the idea of deferring some other outfit and it goes against his nature, especially when there is no legal means. It doesn't really matter whether the applicant comes before the Planning Commission or the BOA first.

Ms. Cantrell stated that she would be more comfortable with the applicant going to the BOA first because the standards and the law are very different for a variance. She can't help looking at this as whether it is an appropriate variance and that is not her role to look at.

Mr. Terral stated that he doesn't really know what the height of the wall will be at this time.

Ms. Cantrell moved to approve the minor amendment with respect to the setbacks and continue the minor amendment with respect to the wall and take it before the BOA.

Mr. Carnes seconded the motion.

Mr. Sansone read from the Zoning Code regarding minor amendments, changing structure heights and read definitions for structures. Mr Sansone stated that this is why he put this application in front of the Planning Commission today because this is a fence and it meets the definition of a wall or fence. He believes it meets the definition of structure by the minor amendment section of the PUD Chapter.

He believes that the Planning Commission is allowed to adjust the height without the BOA approval.

Mr. Terral stated that this is the reason he did the minor amendment and he wasn't aware that he needed to go to the BOA and come before the Planning Commission.

Mr. Boulden stated that he would have to make the distinction that the structure did say fence and not wall. There may be a material difference between a fence and a wall. Mr. Boulden indicated that he doesn't want to give any firm advice on this issue at this point. His initial reaction is that the wall would fall under the minor amendment area, but he doesn't know the argument against that and a staff member is advising that this should go before the BOA. In response, Mr. Terral stated that today is the first time he heard anything about having to go before the BOA, but if that is needed, he will do so. In response, Mr. Boulden stated that it sounds like it would be best to continue this and let him discuss this with staff and the applicant.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Keith, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Marshall, Midget, Walker, Wright "absent") to **APPROVE** the minor amendment for PUD-511-1 request to reduce the required setback from the centerline of 31st Street from 85 feet to 70 feet per staff recommendation, and **CONTINUE** the minor amendment request to increase the maximum permitted height of a masonry wall/fence from eight feet to ten feet for PUD-511-1 to January 21, 2009.

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14. **PUD-758 – HRAOK, Inc./C. Dwayne Wilkerson** (PD-6) (CD-9)

East of the northeast corner of Peoria Avenue and 41st Street (Detail Site Plan for a 240 unit, three- and four-story apartment complex, including a parking ramp.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 240 unit, 3 and 4 story apartment complex including a parking ramp at the above described location. The proposed use, Use Unit 8 – Multi-family and Similar Uses is in conformance with Development Standards of PUD-758.

The submitted site plan meets all applicable building floor area, dwelling unit density, open and livability space requirements. Building height and setback limitations have been met as well. Parking has been provided per the applicable use unit within the Zoning Code. An 8' screening fence will be constructed along

the west and southern boundary lines. Trash enclosures will be screened from public view. There is no sight lighting or signage proposed at this time. All sight lighting will however be limited to 16-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula with the exception of balcony mounted shielded light fixtures. Principal access to the site will be from 39th Street, while an exit only access point will be provided along Rockford Road. Exterior finish of the buildings appears to meet PUD development standards and will be of masonry construction (masonry includes stone, stucco and cementious fiber board such as Hardi Plank).

Therefore, staff recommends APPROVAL of the detail site plan for the Enclave at Brookside, PUD-758.

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

TMAPC COMMENTS:

Ms. Cantrell stated that one of the Planning Commissioners expressed concern defining masonry to include Hardi Plank. In response, Mr. Sansone stated that Hardi Plank was included in the definition of masonry in the approval of the PUD. Development standards were presented to the Planning Commission and approved with masonry finishes and shall include stone, brick, stucco or composite materials such as "Hardi Plank". In response to Ms. Cantrell, Mr. Sansone stated that Hardi Plank was specifically called out for this PUD and wouldn't automatically be in future PUDs. Mr. Sansone indicated that he had an email discussion about this with Mr. Marshall and the minutes revealed that this material would only be in concealed balcony areas.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **SPARKS**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Keith, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Marshall, Midget, Walker, Wright "absent") to **APPROVE** the detail site plan for PUD-758 per staff recommendation.

PUBLIC HEARING

16. **Riverwest** – (8202) Preliminary Plat (PD 8) CD 2)

North of West 71st Street South, East of Okmulgee Expressway/U.S.
75 (Continued to January 21, 2009)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that this application is continued for renoticing.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Keith, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Marshall, Midget, Walker, Wright "absent") to **CONTINUE** the preliminary plat for Riverwest to January 21, 2009.

17. **CZ-397 – TMAPC Staff** **AG to RE**

East of southeast corner 261st West Avenue and 263rd West Avenue (County)

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

PROPOSED ZONING: RE **PROPOSED USE:** Residential Subdivision

RELEVANT ZONING HISTORY:

CZ-340 June 2004: A request for rezoning a 40± acre tract of land from AG to RS was submitted. All concurred in denial of RS zoning and approval of RE zoning, on property located on the northeast and southeast corner of South 263rd West Avenue (Coyote Trail) and Pawnee County Line. (Note that TMAPC is the applicant on the current application because the applicant on CZ-340 believed the property in the CZ-397 case was included in CZ-340).

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 12± acres in size and is located east of southeast corner of South 261st West Avenue and South 263rd West Avenue. The property appears to be used residentially and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 257 West Avenue	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by the Keystone Reservoir and vacant land, zoned AG; on the north by the Keystone Reservoir and vacant land, zoned AG; on the south by sparsely developed large lot single-family residential uses and vacant land, zoned AG; and on the west by sparsely developed large lot single-family residential uses and vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Metropolitan Development Guidelines, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RE zoning is in accord with those Guidelines.

STAFF RECOMMENDATION:

Based on the Development Guidelines and trends in the area, staff can support the requested RE zoning and therefore recommends **APPROVAL** of RE zoning for CZ-397.

Sound system was on and off throughout this application and difficult to hear recording.

Mr. Sansone stated that the subject property is back in front of the Planning Commission today because during mapping it was discovered that this was not included in the first rezoning (CZ-340).

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Keith, McArtor, Shivel, Sparks, "aye"; no "nays"; none "abstaining"; Marshall, Midget, Walker, Wright "absent") to recommend **APPROVAL** of the RE zoning for CZ-397 per staff recommendation.

Legal Description for CZ-397:

A tract of land located in Section 6, T-19-N, R-10-E, Tulsa County, State of Oklahoma, more particularly described as follows: Commencing at the NW corner of Section 5; thence S 89°47'29" E along the north line of Section 5 a

distance of 550.72' to a Corps of Engineer's property line; thence S 05°57'30" E along said Corps of Engineer's property line a distance of 1033.26'; thence N 89°46'12" W along said Corps of Engineer's property line a distance of 330.51'; thence S 00°10'30" W along the said Corps of Engineer's property line a distance of 328.97'; thence S 45°16'02" W along said Corps of Engineer's property line a distance of 465.95' to a point on the west line of said Section 5; thence N 89°50'41" W along the said Corps of Engineer's property line a distance of 165.84' to POB; thence S 00°08'54" W along the said Corps of Engineer's property line a distance of 657.93' to the north line of Sailboat Addition; thence N 89°51'57" W along the north line of said Sailboat Addition a distance of 1017'; thence N 00°02'38" E a distance of 231' to the centerline of Coyote Trail; thence north and east along centerline of Coyote Trail a distance of 218'; thence east to the POB. **From AG (Agriculture District) To RE (Residential Single-family Estate District).**

18. **Z-7123 – Timothy Scott Nall** **RS-3 to CG**
3755 and 3751 South Tacoma Avenue (PD-9) (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CG **PROPOSED USE:** Tree service

RELEVANT ZONING HISTORY:

Z-7036 December 2006: All concurred in approval of a request for rezoning a .66± acre tract of land from RS-3 to IL on property located southwest corner of West 39th Street and Highway 75 South

Z-6962 December 2004: All concurred in approval of a 4± acre tract from RS-3 to IL for light industrial uses located on the northeast corner of West 39th Street and South Tacoma Avenue and abutting southeast of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .48± acres in size and is located 3751 and 3755 South Tacoma Avenue. The property appears to be used residentially and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Tacoma Ave	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by industrial uses, zoned IL; on the north by single-family residential and mixed uses, zoned RS-3; on the south by part of an industrial use, zoned IL; and on the west by U.S. Highway 75, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 5, which is planned for low-impact (non-polluting) industrial uses such as distribution centers and warehousing. According to the Zoning Matrix, the requested CG zoning **may be found** in accord with the Plan due to its location within a Special District. The area is also designated as Development Sensitive due to its proximity to the Arkansas River and some tributaries. However, stormwater improvements in recent years, as well as improved bridgework for the railroad, may have mitigated that problem.

STAFF RECOMMENDATION:

This area has undergone several rezonings in the past years and is clearly in transition. The property is adjacent to industrial uses and a highway. Therefore, based on the District 9 Plan, surrounding uses and trends in the area, staff recommends **APPROVAL** of CG zoning for Z-7123.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Keith, McArtor, Shivel, Sparks, "aye"; no "nays"; none "abstaining"; Marshall, Midget, Walker, Wright "absent") to recommend **APPROVAL** of the CG zoning for Z-7123 per staff recommendation.

Legal Description for Z-7123:

Lots 5 and 6, Block 1, Blake Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; AND a part of Lot 16, Block 4, Interurban Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, described as follows: Beginning at the NW/c of said Lot 16; thence S 24°53'16" E a distance of 190.09'; thence N 00°00'00" W a distance of 172.44' to a point on the north line of said Lot 16; thence N 90°00'00"

W along said north line a distance of 80' to the POB. **From RS-3 (Residential Single-family District) To CG (Commercial General District).**

OTHER BUSINESS:

19. Election of 2009 TMAPC Officers

TMAPC COMMENTS:

Mr. Ard stated that the nominating committee has put forward the slate of officers for 2009 as follows: Michelle Cantrell, Chair; John Shivel, 1st Vice Chair; Phil Marshall, 2nd Vice Chair; and Joshua Walker, Secretary.

There were no nominations from the floor.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Keith, McArtor, Shivel, Sparks, "aye"; no "nays"; none "abstaining"; Marshall, Midget, Walker, Wright "absent") to **APPROVE** the 2009 TMAPC Officers as follows: Michelle Cantrell, Chair; John Shivel, 1st Vice Chair; Phil Marshall, 2nd Vice Chair; and Joshua Walker, Secretary.

Commissioners' Comments

Mr. Ard stated that over the last month the City has had some real losses of clients and personnel, Kurt Ackermann and Mr. Charles Norman. He further stated that both men have done great things for our community and it will be a great loss. He would like to recognize the fact that they both were an integral part of the Planning Commission for many years. The City will miss them greatly and personally he has nothing but fond memories of his interactions with both men.

Ms. Cantrell stated that this is Mr. Ard's last day on the Planning Commission and she appreciates everything he has done. Mr. Ard has been chair now for over two years and it will be difficult to fill his shoes. Ms. Cantrell concluded that she is sorry that Mr. Ard is leaving and he will be missed.

Mr. Ard stated thanked Ms. Cantrell and stated that he has really big feet. Mr. Ard jokingly stated that he was going to make a motion to rezone Woodward Park to CBD, but he knew he wouldn't get a second.

There being no further business, the Chair declared the meeting adjourned at 2:20 p.m.

Date Approved: 1-21-09

Michelle Contess

Chairman

ATTEST: Justine A. Walk
Secretary

