

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2068

Wednesday, May 22, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

### Members Present

Ballard  
Boyle  
Carnes,  
Chairman  
Dick  
Doherty, 1<sup>st</sup> Vice  
Chairman  
Horner  
Ledford  
Midget, Mayor's  
Designee  
Pace, Secretary

### Members Absent

Edwards  
Gray

### Staff Present

Almy  
Gardner  
Jones

### Others Present

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, May 17, 1996 at 3:29 p.m., in the office of the County Clerk at 4:33 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:33 p.m.

### Minutes:

#### Approval of the minutes of May 8, 1996, Meeting No. 2066:

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-3** (Ballard, Carnes, Doherty, Horner, Midget, Pace "aye"; no "nays"; Dick, Boyle, Ledford "abstaining"; Edwards, Gray "absent") to **APPROVE** the minutes of the meeting of May 8, 1996 Meeting No. 2066.

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## **REPORTS:**

### **Committee Reports:**

#### **Budget and Work Program Committee:**

Mr. Doherty informed the Commission that he attended the meeting of the City Council in regards to the proposed budget. Mr. Doherty feels that the Council was favorable to the budget.

#### **Comprehensive Plan Committee**

Mr. Ledford informed the Commission that the Comprehensive Plan Committee will meet today, following the TMAPC meeting, to discuss amendments to the Major Street & Highway Plan as it relates to Archer and Brady Streets near the future jail site.

#### **Rules and Regulations Committee**

Mr. Doherty reported that there are several zoning cases on the City Council agenda for May 23 and Mr. Boyle will be in attendance.

#### **Community Participation Committee**

Ms. Pace reported that Chairman Bobbie Gray is attending the NUSA '96 Neighborhood USA Conference.

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

Mr. Gardner informed the Commission that Ms. Kirkwood has received the information concerning her rezoning case and Ms. Kirkwood has withdrawn her request for refund in that regard.

Mr. Gardner presented a request from the City to consider closing Elwood Avenue. Mr. Carnes requested that this item be placed on the June 5, 1996 agenda for discussion and consideration.

**SUBDIVISIONS:**

**Plat Waiver, Section 260:**

**CBOA-1417 (Unplatted)(2824)**

**(PD-14)(County)**

14005 North 129th East Avenue

**TAC Comments:**

Jones presented the request with no representative present.

Nelson recommended that all utilities be provided access the site either by a general utility easement or separate utility easements.

Tulsa County Board of Adjustment case 1417 is a request to permit a cellular tower in an AG-zoned district. The subject tract is 5.2 acres in size and part of a larger undeveloped parcel. The TAC has viewed these uses as interim in the past and noted that a rezoning application or additional Board of Adjustment action would trigger the platting requirement.

Staff would recommend Approval of the plat waiver for CBOA-1417, subject to the following conditions:

1. Approval of the plat waiver for this use only.
2. Grading and drainage plans approved in the permit process.
3. Utility easements and/or easements if required.

NOTE: Due to the Board of Adjustment hearing date, this request will not be transmitted to the TMAPC until May 22, 1996.

On the motion of Nelson, the Technical Advisory Committee voted unanimously to recommend Approval of the Plat Waiver for CBOA-1417, subject to all conditions listed above.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Edwards, Gray "absent ") to **APPROVE** the Plat Waiver for CBOA-1417 subject to the conditions as recommended by TAC.

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**Final Approval:**

**4300 Brooktowne (PUD 541)(773)**

**(PD-9)(CD-6)**

East side of South Peoria Avenue at 43rd Street South

**Staff Comments:**

Mr. Jones informed the Commission that all the release letters have been received. Mr. Jones stated that Staff and the Legal Department are in the final stages of reviewing the Deed of Dedication and Restrictive Covenants and are scheduling a meeting with Mr. Johnsen in that regard. Staff recommends approval of the Final Approval of 4300 Brooktowne subject to Legal Department’s approval of final wording.

**TMAPC Comments:**

Mr. Doherty stated that there was a previous note of concern on the labeling of the emergency access, but the covenants do specifically note that.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace “aye”; no “nays”; none “abstaining”; Edwards, Gray “absent”) to **APPROVE** the Final Approval of 4300 Brooktowne subject to Legal Department’s approval of final wording.

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**Lot Split for Ratification of Prior Approval:**

L-18289 City of Tulsa (283)  
10607 East Admiral Place

**(PD-18) (CD-7)**  
RS-3

L-18290 City of Tulsa (283)  
6928 South 73rd East Avenue

**(PD-18) (CD-7)**  
RS-3

L-18291 City of Tulsa (583)  
3122 East 70th Street

**(PD-18B) (CD-8)**  
RS-1

L-18292 City of Tulsa (1183)  
7057 East 71st Place

**(PD-18) (CD-8)**  
RS-3

**Staff Comments:**

Mr. Jones informed the Commission that these lot-splits for ratification of prior approval are in order and meet Subdivision Regulations. Staff recommends approval.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Edwards, Gray "absent ") to **APPROVE** the Lot-splits for Ratification of Prior Approval finding them in accordance with Subdivision Regulations.

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**ZONING PUBLIC HEARING:**

**Application No.: PUD 234-A**

(Major Amendment to expand existing auto body shop)

**Applicant:** Charles Norman

**Location:** Northeast corner East 15th Street and South Evanston Avenue

**Date of Hearing:** May 22, 1996

**Presented to TMAPC:** Charles Norman

**Staff Recommendation:**

The major amendment is intended to allow expansion of the existing body shop by including a 50' wide residential lot in the PUD. Directly across from this lot is an existing non-conforming warehouse and parking lot in an RS-3 district. The lots immediately north of the PUD on both sides of Evanston Avenue contain single-family dwellings and are zoned RS-3.

Because of the existing non-conforming uses across the street, Staff can support the expansion if adequate buffering is provided.

1. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-234-A 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-234-A 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:**

Development Area A  
(All the PUD except the north 55')

Permitted Uses: Use Units 10, 11, 12, 13, 14, 15 and 17 and automobile painting.  
Outdoor repair of vehicles is permitted only in CH-zoned area

Maximum Building Floor Area: 15,800 SF  
Maximum Building Heights: One Story

Minimum Building Setbacks:

From the South property line: 0 FT  
From the Centerline of South Evanston: 75 FT  
From the East property line: 5 FT  
From the North boundary of Area A: 0 FT

Development Area B  
(North 55' of PUD)

Permitted Uses: Use Unit 10 and storage of vehicles waiting to be repaired or in the process of being repaired.  
No repair of vehicles (work) shall occur in this development area.

Maximum Building Floor Area: 0 (No buildings are allowed)

3. A 5' landscaped strip shall be provided in the north 7' of the PUD and along the north 65' of the Evanston Avenue frontage. The northwest corner of the PUD shall be landscaped covering a triangular area extending from 25' east of the northwest corner to 30' south of the northwest corner. A 6' screening fence shall be provided along the east property line where it abuts an R district and along the north side of the PUD setback 2' from the property line to the beginning of the required triangular landscaped area. The 6' screening fence shall then extend along the southeast boundary of the landscaped area to the right-of-way line of Evanston Avenue. From this point, a black vinyl-clad chain link fence shall be used to the north end of the curb-cut onto Evanston Avenue. Behind this area of chain link fence appropriate plant materials shall be planted to produce a 5' high hedge.

4. Wall and ground signs are only permitted in the CH-zoned portion of the PUD and shall not exceed the size limitation of the PUD Chapter. Only building walls in the CH-zoned portion of the PUD shall be used to calculate the maximum size of permitted wall signs.
5. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Site Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet in Development Area B.
10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
11. No Building Permit shall be issued until the requirements of Section 1107E 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/County beneficiary to said covenants.

12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**Staff Comments:**

Mr. Jones informed the Commission that TAC has reviewed the amendment. Mr. Jones stated that Traffic Engineering recommended that the northern access point on South Evanston Avenue be eliminated and that no access point into the commercial area be located north of the non-residential zoning line.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, is representing Mr. and Mrs. Barron. Mr. Norman stated that Mr. Barron has been in business at this location for forty-nine years and that this auto rebuilding shop has a reputation of being among the finest, in terms of quality, in the City. Mr. Norman informed the Commission that this application follows the original PUD that was approved by the TMAPC in 1980, at which time Mr. Norman also represented Mr. Barron. Mr. Norman stated that the purpose of the expansion and this request is to permit further compliance with the increasing requirements of EPA and OSHA with respect to automotive repair and body shops. Specifically, some painting and spraying operations were permitted to be conducted outside of a paint booth. Mr. Norman stated that Mr. Barron currently has one booth within the building that was expanded in the 1980 application. Now, all work has to be completed inside a fully-enclosed, ventilated and filtered paint booth. Mr. Norman stated that the present filtering system that was "state-of-the-art" in the early 1980's uses filters that inner-exhausted the air from the booth to the outside air. These types of systems are being phased out and will be replaced with a water filtering system, in which water is constantly pumped through the paint booth to capture any particles that might be in the booth to contain it. After the particles are contained, the particles are removed to an appropriate location. Mr. Norman stated that in order to install a water filtering system in the present building, it would reduce the working space for workers and require the chiseling out of the floor for placement of the sump and plumbing. In turn, the old system will be removed from the inside booth along with the blowers and stack-filters located on the outside of the building. Mr. Norman is requesting an additional 50 feet to the existing operation to accommodate the new system and additional work area. Mr. Norman stated that the Staff recommendations are acceptable to Mr. Barron. Mr. Norman feels it is an improvement to the application to move the parking of the vehicles awaiting repair to the edge of the new building on the south side and away from the north side. The house that was located on the lot where the extension is proposed and the house to the north had shared a driveway, and Mr. Barron felt that even without the request from the property owner to the north, it was appropriate to move his fence two feet to the south. These two feet are not for landscaping but for additional driveway width for the neighbor to the north. Mr. Norman informed the Commission that he was not aware of the recommendation by Traffic Engineering to relocate or eliminate the northern access point on South Evanston Avenue. Mr. Norman stated that this access has been located in this parking area for many years, and in addition, there is a retaining wall that is 2-1/2 feet high and it is impractical and difficult to change that driveway location. Mr.



Norman stated that the vehicles awaiting repair will be in the secured area and customer parking is located to the south in an open lot. Mr. Norman feels this application presents an appropriate solution to the transition of a parking area with a single-family resident located to the northeast. Mr. Norman presented pictures of the neighborhood where Mr. Barron's business is located. Mr. Norman pointed out that there is a single-family home to the northwest of the additional 50-foot lot; directly across the street is the old Pitcock Electric building, which is being used for storage; the next property to the south is off-street parking, which was approved by the Board; to the south of that is a duplex that is now vacant; and farther to the south is a parking lot for the restaurant. Mr. Norman feels that from the aspect of land use relationships, this addition is across from a long-established, not abandoned, non-conforming commercial use. Mr. Norman feels that the expansion will not cause an adverse effect on the neighborhood. Mr. Norman stated that there will not be any outside repairs on vehicles in the area that is proposed.

#### **Interested Parties Comments:**

**Sue Cunningham**, 1430 South College, stated that her property is located directly behind the new addition. Ms. Cunningham stated that her main concern is that her home, specifically her bedroom, which is ten feet from the property line. Ms. Cunningham requested an eight-foot fence be installed in lieu of the six-foot fence for privacy. Ms. Cunningham informed the Commission that she has been in contact with Mr. Barron to discuss her concerns. Ms. Cunningham also expressed concerns that a storage building is to be moved to the back of the parking area. Security is another concern, due to the wrecked vehicles being parked in the back and encouraging theft. Ms. Cunningham stated she feels that the encroachment of this business will encourage more encroachments, causing the neighborhood to turn into a commercial area. Ms. Cunningham presented a petition from neighbors opposing the expansion.

**Dr. Marvin Lomax**, 1427 South College, stated he is objecting to the granting of this exception on the basis that this represents another example of commercial expansion at the expense of the neighborhood. Dr. Lomax stated he feels rather threatened because of the expansion of other industries located at 15th and College. Dr. Lomax expressed that the Barrons are nice neighbors, but he would not want them next door.

**Sheila Swearingen**, 1131 South College Avenue, is representing the Renaissance Neighborhood Association. Ms. Swearingen stated that the neighborhood's position is that they do not want to see this type of commercial development pushing back farther into the neighborhood. Ms. Swearingen believes if this were a new development, the 250-foot expansion into a residential area would not be acceptable. Ms. Swearingen asked the Commission to consider the proximity of this type of commercial use to homes and the effect it will have on them. Ms. Swearingen stated that it maybe true that there is a non-conforming use; however, she does not believe that is any reason that this request should be granted.

**Harold Baker**, 1347 South Evanston, stated he is speaking in favor of Mr. Barron's expansion. Mr. Baker stated that Mr. Barron is a good neighbor and does not feel that the expansion will impact the neighborhood.

**Rowland Corwin**, 1403 South Evanston, feels that what Barron & Hart is trying to do is a good thing. Mr. Corwin stated that the house was in such bad shape that it fell apart when trying to move it. Mr. Corwin stated he has no complaints about Barron & Hart and thinks that they are doing a good thing for the neighborhood.

**Patsy Pitcock**, 1428 South Evanston, expressed she is in favor of Mr. Barron's expansion. Ms. Pitcock stated she has been around the neighborhood for many years and Mr. Barron has been a good neighbor. Mr. Barron keeps his property clean and in good shape. Ms. Pitcock feels that Mr. Barron has done a lot of good for the area.

**Doug Morrison**, 1425 & 1427 South Evanston, stated that Tom Gay and himself are partners in the duplex. Mr. Morrison stated that he has several concerns with the expansion. First, Mr. Morrison asked why the landscaping is being located inside of the fence instead of the outside. Mr. Morrison feels that the landscaping would be a better buffer for the neighbors on the outside. As far as the maintenance of the landscape, Mr. Morrison stated that his renter is responsible for his lawn and would be willing to maintain the landscaped area. Another concern is that Mr. Barron had already started on this project without even approaching the neighbors and receiving their input. Mr. Morrison stated that there is a garage at the back of his property that was actually an attached six-car garage. Mr. Morrison informed the Commission that two of the garages belongs to him and the other four belong to Mr. Barron. Mr. Barron has separated the garages and torn down his portion. Mr. Morrison is concerned that there may be damage to his garages and that no one had contacted him prior to the garages being torn down. Mr. Morrison mentioned that Ms. Pitcock owned the property that Mr. Barron is trying to develop and he feels it is in Ms. Pitcock's best interest if this project is permitted. Mr. Morrison stated that if Mr. Barron is directed to do certain things, such as moving the landscaping to the outside of the fence, then Mr. Morrison would not have a problem with this. Mr. Morrison feels that this expansion will have an effect on his property value since there will not be a buffer between his property and a commercial property.

#### **Applicant's Rebuttal:**

Mr. Norman stated that in respect to the removal of the house, he does not know if the permit was obtained, but a licensed house-moving contractor, who is responsible for getting the permits, was employed. Typically, houses are moved on weekends or at night when the traffic conditions are such that it can be undertaken. Mr. Norman stated that an unfortunate event occurred, in that when the house was being moved it collapsed. The house was in very poor shape and rat-infested. Mr. Norman reminded the Commission of the statement made by one of the neighbors that the house being removed was a favor to the neighborhood. Mr. Norman stated that with the closest neighbors, Ms. Pitcock, indicating that this would be an asset and Mr. Morrison stating that with some modifications it would be acceptable, he feels the Commission should approve the expansion. Mr. Norman agreed to locate the landscaping outside of the fence. Mr. Norman stated that he has known Mr. Barron for many years and has been a customer of his for years. Mr. Norman feels that sound and noise are not problems due to new techniques. Mr. Norman

stated that this street is different from other streets along the 15th Street corridor in that the penetration or encroachment into the neighborhood has already occurred. In this case, it is only the location of a parking area that will be more heavily screened and landscaped than anything else in the 15th Street corridor. Mr. Norman's client is willing to install a eight-foot privacy fence on the east side. Mr. Norman stated that the property on the south side is higher and slopes towards 15th Street and he feels that an eight-foot fence would not provide any screening. A retaining wall will also be installed on the south side to allow for the slope at the north end. Mr. Norman recommends a six-foot because he feels a eight-foot fence becomes a barrier. In closing, Mr. Norman asked the Commission to recognize Barron & Hart as a long-time business trying to change with the modern conditions and codes that are entirely different from and more extensive than in 1980 when Barron & Hart was previously before the Commission.

#### **TMAPC Comments:**

Mr. Doherty asked what the hours of operation are for Barron & Hart. Mr. Norman responded they are from 8:00 am to 6:00 pm, Monday through Friday.

Mr. Carnes questioned why the landscaping is being located inside of the screening fence. Mr. Gardner stated that the landscape is being located inside for maintenance purposes. Mr. Doherty stated that the landscaping will not be visible by the residents.

Mr. Dick asked if Mr. Barron operated any other type of business from this location. Mr. Norman replied in the negative. Mr. Dick stated he has seen several pickup trucks with identification of "SSM" on the side. Mr. Norman stated that Mr. Barron does not recognize that type of truck. Mr. Dick asked who owns the parking on the west side of Evanston directly across where the empty house is located. Mr. Norman replied that Mr. Barron owns the lot and it is used for employee parking.

Ms. Pace asked Ms. Pitcock if her family owns the home that has the electrical supply business in it. Ms. Pitcock replied it was an electrical contracting business that is no longer in service, and she does own the property. Ms. Pace asked if she has any plans for this property and whether she had a BOA action that allowed a business, or if it was grandfathered as a non-conforming use. Ms. Pitcock stated that it was grandfathered long before there was a Planning Commission and she does not have any plans for the property at this time. Ms. Pace asked if it is adjacent to a piece property that Mr. Barron owns. Ms. Pitcock stated that it is. Ms. Pace asked if the home is being used for storage. Ms. Pitcock replied she was storing her extra belongings at the location.

Ms. Pace asked if Mr. Morrison was contacted prior to the demolition permit being issued, since the garages here held in common, and if a demolition permit was even obtained. Mr. Morrison stated he was not contacted and is not aware of a demolition permit. Ms. Pace asked when the house was removed. Mr. Morrison replied it was removed on Mother's Day. Mr. Morrison stated he was contacted by his renters and he went to the site. Mr. Morrison stated there was heavy machinery sitting on his driveway and he had to have his renters move their cars for access. Mr. Morrison stated that Mr. Gay and he have invested a lot of money and time into this property and plan to keep it.

Mr. Midget stated he is familiar with the area and agrees it is a fine facility. Mr. Midget asked what type of material will be used on the proposed building. Mr. Norman informed Mr. Midget that it will be the same type of building material.

Mr. Boyle stated that his only concern at this point is the concept of further encroachment into a residential neighborhood. Mr. Boyle stated that this is the second request for this type of encroachment into a neighborhood in recent months. Mr. Boyle feels this will create a trend of allowing encroachment of commercial into residential. Mr. Boyle asked Mr. Norman if this is a unique situation that should allow this commercial use to go deeper into the neighborhood. Mr. Norman feels this is an accessory to a commercial use because it is a passive use and not an area of activity. As far as the non-conforming use on Ms. Pitcock's property, Mr. Norman believes it will not go away until it has been abandoned for a three-year period, and that property has the potential of being re-established for a use in the same classification. Mr. Norman asked how one can create a transition and an effective barrier to any further encroachment beyond that use line that has been there for some sixty years. Mr. Norman stated that the Commission has seen what well design walls, fence and landscaping strips has done for the Brookside area and other place on 11th Street. Mr. Norman stated the Mr. Barron was instrumental in helping to eliminate in this neighborhood a bar and afternoon club that was a real problem for many years.

Mr. Doherty questioned whether the metal storage building will remain or be eliminated. Mr. Norman stated that Mr. Barron would like to keep the storage building and have it located in two of the back parking spaces. Mr. Doherty stated that there is always a concern that in the future there may be a different operation at this site, since the use runs with the land and not with the operation. Mr. Doherty questioned if there could be a limitation on the length of time that a car may sit at the location. Mr. Norman informed the Commission that Mr. Barron stated that sometimes there is a week waiting-time on parts, but usually not more than two to three weeks. Mr. Barron does not recall any cars ever being there longer than sixty days.

Ms. Pace stated that it is always nice to see midtown businesses succeed. Ms. Pace stated this is a Use Unit 25, which is extremely high on the use unit matrix. She asked Mr. Norman if he felt this is a heavy use for this small lot. Mr. Norman replied that under the conditions imposed by the PUD and under the industry-type standards that are presently in effect, Mr. Norman does not feel it is a heavy use. Mr. Norman feels that under the PUD which controls the building type and which does not allow openings on the north and east walls, the prohibition against any outside work, and with new technology that reduces the noise, it is not a problem for the neighborhood. Ms. Pace stated that in any event it is considered industrial. Mr. Norman replied he believes it is heavy commercial instead of industrial. Ms. Pace believes Mr. Barron owns the frontage along the west side of 15th Street where the chicken restaurant is located. Ms. Pace feels this is ample space to extend this commercial use on an already commercially-zoned property. Mr. Norman asked Mr. Barron if he owns the property where the chicken place is located. Mr. Barron replied in the affirmative. However, Mr. Norman reminded the Commission that these cars

are damaged, and some cars that are brought in on wreckers or tow trucks are not driveable. Trying to locate this portion of the business across the street would not be functional for Mr. Barron. Ms. Pace replied she agrees because it is a heavy use. Ms. Pace stated that a PUD is a creative way to get around tightly-zoned pieces of property. Ms. Pace stated according to the District 4 Plan, it has always limited commercial development to 140 feet off the arterials. Ms. Pace expressed that Mr. Barron has exceeded this limitation by 50 feet on the previous development and another 50 feet with this proposed development which is allowed in a PUD. However, Ms. Pace feels that Mr. Norman should show the Commission it this an innovative land use according to 1101, Section A, and 1104 of the PUD. Ms. Pace stated that according to 1107-D, there are four points to be considered in granting a PUD of this size. Ms. Pace feels that this request does not fulfill the four points to be considered and she asked Mr. Norman to address these points... Mr. Norman stated that he feels that he has addressed these points. In respects to the intensity, Mr. Norman stated that according to the application and Staff recommendation, there is no increase in the building floor area over what would be permitted within the CH-zoned part of the property; therefore, there is no increase in permitted intensity along 15th Street. Mr. Norman stated that when a PUD is used as a device to deal with smaller properties in transition areas, it is hard to find innovation; however in this instance, the practical pre-existing facts and existing conditions, must be considered under terms of the Development Guidelines. Mr. Norman feels that with the 50-foot parking area for the storage of cars only, height limitation on lights, fencing and landscaping, the requirements of the PUD have been met. Ms. Pace asked if Mr. Norman intends to respect the non-use, other than driving, of the north 30 feet, and if there would there be any objection to moving the privacy fence inward. Mr. Norman expressed the need for driveways in this area to maneuver the cars in and out of the parking area. Mr. Gardner pointed out that Staff's recommendation to locate the fence and to locate the landscaping inside the fence was due in part to the maneuvering of the parked cars.

Mr. Carnes asked Ms. Cunningham to confirm the location of her property. Ms. Cunningham indicated where her property is located and requested a eight-foot fence for privacy.

Mr. Boyle stated that he is generally opposed to encroachment into the neighborhood, but in this particular case he is in support of the application because of the support from the neighbors most directly impacted by it and the physical facts. The PUD provisions of the zoning code is preserved because there is a better land use than prior to the PUD.

Mr. Carnes stated that he had driven by the property and was prepared to vote against the request; however, after hearing about Pitcock Electric having operated in the area for many years, he has to consider the uses in the neighborhood, not just the map, and with the restrictions that Mr. Boyle is considering he would vote in favor of the request.

Mr. Doherty recognized Mr. Morrison. Mr. Morrison requested that an eight-foot privacy fence be placed adjacent to his property for buffering purposes. Mr. Doherty stated that an eight-foot fence may be more barrier than Mr. Morrison would want, due to the nearness of his property. Mr. Doherty recommended that Mr. Morrison address this during the site plan stage. Mr. Morrison asked if this is not approved, what will become of the lot. Mr. Morrison

expressed concern with the lot becoming a nuisance. Ms. Pace informed Mr. Morrison that he should contact Code Enforcement if it becomes a problem.

Mr. Doherty stated that he was opposed to the request, but after hearing the history of the property and the fact that this was a rundown residential unit that was beyond repair and that it has been removed, he feels the property is limited to this type of use. Mr. Doherty requested that because of the intrusion into the neighborhood that Mr. Boyle consider a condition on hours of operation, limitations on the storage time of vehicles and the type of operation in the new addition. Mr. Boyle asked Mr. Norman if the limit of operation in the new addition to painting only is inappropriate to the plans. Mr. Norman stated there will be some other activities taking place; however, 44' x 80' of it will be occupied by a paint booth and he would ask that a restriction not be applied. Mr. Boyle stated he feels that the 60-day limitation on storage of vehicles is enough of a restriction and that the dictating of type of operation in that portion of the building is one step too far for him.

Mr. Midget stated that the property owner should maintain the landscaped area and not the adjacent property owner. Mr. Midget stated that he is opposed to the request because it is an encroachment into the neighborhood and he can not support it.

Ms. Pace feels that this is rewarding the property owners who let their property go. Ms. Pace used the example of Carpet City to support her feelings. Ms. Pace feels this is a scale issue. Ms. Pace stated Mr. Barron has done a very good job staying small-scale; however, Mr. Barron has outgrown this property. Ms. Pace feels this would be a disservice to Mr. Barron by limiting his power to grow to a large-class, commercial venture. Ms. Pace stated that she feels Mr. Norman will be back before the Commission with more PUDs on both sides of 15th Street.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-2-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford "aye"; Midget, Pace "nays"; none "abstaining"; Ballard, Edwards, Gray "absent") to recommend **APPROVAL** of the major amendment to expand an existing auto body shop for PUD-234-A subject to modifications to Staff's recommendation to allow the point of access located at the north end of South Evanston Avenue to remain, privacy fence located on the northside of the property be moved to the inside of the landscape area, privacy fence on the eastside of the property be an eight-foot fence in lieu of a six-foot fence, hours of operation limited to 7:00 am to 7:00 pm and days of operation limited to Monday through Friday and limit the maximum storage time of vehicles to 60 days.

**Legal Description for PUD 234-A:**

Lots 25, 26, 27, 28, 29, 30, 32, 33, 34, Block 7, Rosemont Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and located on the northeast corner of E. 15th Street and S. Evanston Avenue, Tulsa, Oklahoma.

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**Application No.: PUD 166-I**

(Major Amendment to add additional retail sales uses)

**Applicant:** Stephen A. Schuller

**Location:** 9241 South Sheridan Road

**Date of Hearing:** May 22, 1996

**Presented to TMAPC:** Stephen A. Schuller

**Staff Recommendation:**

The applicant is proposing to add permitted retail uses to the one-acre tract at the northeast corner of Sheridan and 93rd Street South. The current use permitted on this tract under the provisions of PUD 166-E is a garden center. The maximum amount of building floor area permitted (7,000 sq.ft.) would not change nor would any of the other development standards of PUD 166-E.

Staff can support adding the proposed uses so long as all the other existing conditions of PUD 166-E still apply.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 166-I 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 166-I subject to the following conditions.

The existing development standards and conditions of PUD 166-E be made a condition of approval, except at modified below.

Permitted Uses: Garden center, artist supply store, book store, camera and photographic supply store, clothing and accessories store, dressmaking shop florist, interior decorating service (with retail sales), jewelry store, shoe store, sporting goods store, stationery store, swimming pools and spa store, toy shop, variety store, wallpaper store, watch and jewelry repair service and wig shop.

**Staff Comments:**

Mr. Gardner stated that Staff recommends approval subject to the two conditions listed and adding a third condition that no outside storage of supplies shall be visible from Sheridan or 93rd Street South.

**Applicant's Comments:**

**Stephen A. Schuller**, 320 South Boston, stated that he has spoken with the District 18 Planning Chair and found there to be no problem with the application. Mr. Schuller provided the list of proposed uses to the Rev. Dan Grimes of the homeowners association of the residential property to the south. Mr. Schuller stated that Rev. Grimes expressed

concern with three of the uses. Mr. Schuller proposed deleting three uses from the list. These three consist of the variety store, watch and jewelry repair service and wig shop. Mr. Schuller stated that the uses he proposed were generally uses in the use units 13 and 14 that are compatible with the neighborhood and with the PUD. Mr. Schuller has no objections to deleting these three to accommodate the homeowners association's request.

**TMAPC Comments:**

Mr. Doherty questioned as to why the homeowners association is against these three types of businesses. Mr. Schuller stated that the homeowners association indicated that they would prefer nice, quality, attractive, solid uses in the area. Mr. Doherty does not oppose the deletion of the three uses.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray "absent ") to recommend **APPROVAL** of the Major Amendment to add additional retail sales uses for PUD-1661-I subject to the following amended conditions as recommended by Staff and applicant's amended submission.

- 1.) The existing development standards and conditions of PUD 166-E be made a condition of approval, except as modified below.
- 2.) Permitted Uses: Garden center, artist supply store, book store, camera and photographic supply store, clothing and accessories store, dressmaking shop, florist, interior decorating service (with retail sales), jewelry store, shoe store, sporting goods store, stationery store, swimming pools and spa store, toy shop and wallpaper store.
- 3.) No outside storage of supplies shall be visible from Sheridan or 93rd Street South.

**Legal Description for PUD 166-I:**

Part of Lot 2, Block 1, Sheridan Square, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, more particularly described as follows: Beginning at the Southwest corner of said Lot 2, thence N 00°09'03" W along the West line thereof a distance of 185.00' to a point; thence N 89°50'57" E a distance of 224.88' to a point; thence S 00°09'03" E a distance of 181.51' to a point on the South line of said Lot 2, said point lying on the North line of East 93rd Street South; thence Westerly along the said South line of Lot 2 as follows: S 84°48'23" W a distance of 19.30' to a point of curve; thence along said curve to the right, having a radius of 462.56' and a central angle of 05°02'34", a distance of 40.71' to a point of tangent; thence S 89°50'57" W a distance of 165.00' to the point of beginning and located at 9241 South Sheridan Road, Tulsa, Oklahoma.

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**Application No.: Z-6054-SP-1**

(Corridor Site Plan for single-family subdivision)

**Applicant:** Jack Spradling

**Location:** South of Southwest corner of 81st Street South and Garnett Road

**Date of Hearing:** May 22, 1996

**Presented to TMAPC:** Jack Spradling

**Staff Recommendation:**

The proposed Corridor Site Plan is for a single-family subdivision with lots meeting RS-3 standards. No Bulk and Area Requirements are proposed. A tract northwest of the site plan is proposed for multi family with its only access through the entire half-mile of subdivision streets. In Staff's opinion, the site plan does not provide sufficient access to Garnett Road, especially the western lots. It also does not provide a corridor collector street to serve the lots, and one is needed. The only street proposed with a 60' right-of-way is a new street fronting the Mingo Valley Expressway which does not connect to any other street not in the Corridor Site Plan. There are also insufficient stub streets to the south side of the property and straight streets which are too long and which will encourage high speed traffic.

Finally, no subdivision plat has been filed for this tract and therefore there has been no TAC review of this subdivision. Staff recommends CONTINUING this Corridor Site Plan until the subdivision plat is ready for Final Plat approval.

**Staff Comments:**

Mr. Gardner stated that in a Corridor District when the specific proposed land use is single-family residential, the controlling factor is the plat. At this time, a preliminary plat has not been filed and Staff is recommending that the site plan be continued until T.A.C. has approved a subdivision plat.

**Applicant's Comments:**

**Jack Spradling**, 1660 East 71st Street, stated he is aware of the concerns expressed by Mr. Doherty. Mr. Spradling stated that there is a current option that has been executed on the property to the north of that multi family tract which extends to 81st. This option is the subject of a court hearing held on Tuesday and Mr. Spradling does not have the results of said hearing. Mr. Spradling stated that the plan is that the part set aside for multi family will be joined with the other tract and be a continuous multi family development off of 81st Street.

**TMAPC Comments:**

Mr. Doherty stated that he does not have a problem with the applicant who wishes to preserve notice, but he does not want to imply by continuing that this Commission does not have very serious concerns with the layout proposed. Mr. Doherty stated that he feels that the location of the multi family in this development absolutely does not work. The development is on the interior and uses single-family residential streets for access. Mr. Doherty expressed his concerns with this project as it is developing.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gary "absent ") to recommend **CONTINUANCE** of the Corridor Site Plan for single-family subdivision for Z-6054-SP-1 to the June 26, 1996 meeting.

**Legal Description for Z-6054-SP-1:**

A tract of land situated in the NE/4 of Section 18, T-18-N, R-14-E, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: beginning at the southeast corner of the NE/4 of said Section 18, thence S 89°01'17" W and along the South line of the NE/4 for 2,197.44'; thence N 11°23'22" W for 157.91'; thence N 01°05'12" W for 682.06'; thence N 88°43'19" E for 920.29'; thence N 01°16'41" W for 379.33'; thence N 89°04'29" E for 1,253.73' to the East line of the NE/4 of Section 18; thence S 01°16'41" E and along the East line of Section 18 for 1,220.61' to the point of beginning, and located south of the southwest corner of E. 81st Street S. and S. Garnett Road, Tulsa, Oklahoma.

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**Application No.: CZ-225**

AG

**Applicant:** Stephen A. Schuller

IL

**Location:** 6409 North 115th East Avenue

**Date of Hearing:** May 22, 1996

**Presented to TMAPC:** Stephen A. Schuller

**Present Zoning:**

**Proposed Zoning:** CS or

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 15 Plan, a part of the North Tulsa County Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 3 - Development Sensitive.

According to the Zoning Matrix the requested CS or IL **is not in** accordance with the Plan Map.

### Staff Comments:

**Site Analysis:** The subject property is six acres in size and located south of the southeast corner of U.S. Highway 169 North and East 66th Street North. It is sloping, partially wooded, vacant, and zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property, zoned RMH; to the south and east by vacant land, zoned AG; to the west by the Mingo Valley Expressway and beyond the road, vacant land zoned AG.

**Zoning and BOA Historical Summary:** Industrial zoning has been approved north of the subject tract and RMH zoning has been approved to the northeast. However, the tract abutting the subject land was denied IL zoning in 1990 due to the developmental sensitivity of the property (flooding).

**Conclusion:** The North Tulsa County Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, recommends that this area remain essentially undeveloped, or if development occurs, that protection be given to retain natural sites and open areas and that this area be used for agriculture or recreation land uses. Staff, therefore, recommends **DENIAL** of IL zoning for CZ-225.

### **Applicant's Comments:**

**Stephen Schuller**, 320 South Boston, stated that he is not in agreement with Staff recommendation though he recognizes why the District Plan is the way it is. However, Mr. Schuller feels it is important that the Commission look at the zoning district configuration in this immediate area. Mr. Schuller stated that the Comprehensive Zoning Map (CZM) No. 24, which is where the property is located, shows that almost all of the zoning that has occurred on the entire grid has been industrial, as indicated by blue on the map. Mr. Schuller noted that the industrial areas are close to the creeks that run through the property. Mr. Schuller feels it is important to realize that any sort of construction of buildings or those types of uses on the property would require a variety of approvals from various agencies to address whatever flooding problems there might be on the property. Mr. Schuller pointed out that this property itself is not particularly low and it currently has a house located on it, next to the sales office of an RV and mobile home park in the RMH-zoned area. Mr. Schuller indicated on the map where the RS, RMH, CH and RMH districts are located. Mr. Schuller presented the No. 18 zoning map which is the nine-square-mile grid to the north extending into Owasso. Mr. Schuller stated that the zoning along the Mingo Valley Expressway has been consistently industrial to 76th Street North, where it is mixed with commercial zoning, as indicated by orange on the map. Mr. Schuller feels that the commercial and industrial zoning along the expressway are consistent with the existing zoning patterns and he feels the existing regulatory scheme for development of what might be a flood prone area would protect this area in this special district against any damage or dangers from proposed developments.

**TMAPC Comments:**

Mr. Boyle asked if this is a billboard situation. Mr. Schuller replied that a billboard would be one optimum use of the property that would not cause a flooding problem.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **4-3-1** (Boyle, Dick, Horner, Ledford "aye"; Carnes, Doherty, Pace "nays"; Midget "abstaining"; Ballard, Edwards, Gray "absent ") to recommend **APPROVAL** of the IL zoning for CZ-225.

**Legal Description for CZ-225:**

All of that part of the SW/4, NW/4 of Section 5, T-20-N, R-14-E of the IBM, Tulsa County, Oklahoma, lying East of the Public Highway right-of-way, more particularly described as follows, to-wit: Beginning at a point on the North line of said SW/4, NW/4 a distance of 1,118.4' East of the Northwest corner of said SW/4, NW/4, thence South a distance of 1,320' to a point on the South line of said SW/4, NW/4, thence East along said South line to the Southeast corner of said SW/4, NW/4, thence North along said East line of said SW/4, NW/4 to the Northeast corner of said SW/4, NW/4, thence West to the point of beginning, and located at 6409 North 115th East Avenue, Tulsa County, State of Oklahoma.

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**Items Z-6538 and Z-6538-SP-1 were heard simultaneously**

**Application No.: Z-6538**

**Present Zoning: AG**

**Applicant: Wayne Alberty**

**Proposed Zoning: CO**

**Location: South of SE/c 91st Street & South Mingo Road**

**Date of Hearing: May 22, 1996**

**Presented to TMAPC: Wayne Alberty**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Corridor and Development Sensitive on most of the tract.

According to the Zoning Matrix the requested CO is in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 3.47 acres in size and located south of the southeast corner of East 91st Street South and South Mingo Road. It is sloping, non-wooded, vacant and zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north by a vacant tract, zoned AG; to the south by Tee Town Golf facility, zoned CO; to the west by vacant land, zoned RM-1; and to the east by the Mingo Valley Expressway, zoned AG.

**Zoning and BOA Historical Summary:** The areas to the northeast and south have been rezoned to CO, with the property on the south being developed into a golf range.

**Conclusion:** The subject tract is within the area that is designated Corridor by the Comprehensive Plan. The property to the northeast and south is zoned CO. Based on the surrounding zoning and the new development in the area, Staff can support the request and recommends **APPROVAL** of CO zoning for Z-6538.

**Staffs Comments:**

Mr. Jones informed the Commission of a possible expansion of the highway by the State in this location.

**TMAPC Comments:**

Mr. Doherty stated that since the State has not prepared plans to develop this area, then potential State plans have no bearing on the zoning.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray "absent ") to recommend **APPROVAL** of the CO zoning for Z-6538 as recommended by Staff.

**Legal Description for Z-6538**

Part of the North 330' of the South 660' of Government Lot 1, Section 19, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the South line of said North 330' of the South 660', said point lying 50' East of the Southwest corner thereof; thence N 01°09'30" W parallel to the West line of said Lot 1, a distance of 223.77' to a point; thence S 82°35'46" E a distance of 86.22' to a point; thence S 74°57'32" E a distance of 101.70' to a point; thence S 86°53'10" E a distance of 86.34' to a point; thence S 79°34'35" E a distance of 171.73' to a point; thence N 86°28'51" E a distance of 122.03' to a point; thence S 78°55'39" E a distance of 92.99' to a point; thence S 68°32'06" E a distance of 81.25' to a point; thence N 64°03'00" E a

distance of 40.81' to a point; thence S 89°29'03" E a distance of 107.20' to a point; thence S 71°05'02" E a distance of 236.74' to a point; thence S 52°21'25" E a distance of 49.39' to a point on the said South line of the North 330' of the South 660'; thence S 88°58'08" W along said South line a distance of 1,130.13' to the point of beginning, and located south of the southeast corner of East 91st Street South and South Mingo Road, Tulsa, Oklahoma.

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**Application No.:** Z-6538-SP-1 (Corridor Site Plan for hockey facility)

**Applicant:** Wayne Alberty

**Location:** South of SE/c 91st Street & South Mingo Road

**Date of Hearing:** May 22, 1996

**Presented to TMAPC:** Wayne Alberty

**Staff Recommendation:**

The Corridor Site Plan is submitted concurrently with rezoning application Z-6538. The 3.73 acre tract is immediately north of the Tee Town Golf Center and south of a single-family dwelling on a large lot zoned AG. The northern boundary of the tract is a large drainageway. Across Mingo Road to the southwest is a development area of PUD 268-A which allows multi family or single-family dwellings. To the northwest is a storm drainage easement. The proposal is for indoor and outdoor hockey rinks with the indoor rink having a maximum floor area of 21,000 sq. ft. A "pro shop" for sale of hockey equipment and clothing is also proposed.

The use proposed appears to be compatible with surrounding existing and planned uses. The site plan does not comply with two Corridor District design requirements. First, it does not comply with the 200' setback from the centerline of Mingo Road, and secondly its principal access is not onto a corridor collector street. Because of existing geographic and floodplain features, it does not appear appropriate to require either of these. The Board of Adjustment would still need to grant a variance of these requirements.

The Public Works Department has also informed Staff that this development occupies the land needed for construction of a planned new west-bound entrance to US 169. This ramp location is not currently on the adopted Major Street and Highway Plan and there is no specific time determined for the construction of this ramp.

Staff recommends **APPROVAL** of Corridor Site Plan Z-6538-SP-1 subject to granting of the necessary variances by the Board of Adjustment.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray "absent ") to recommend **APPROVAL** of the Corridor Site Plan for Z-6538-SP-1 subject to granting of necessary variances by the Board of Adjustment as recommended by Staff.

**Legal Description for Z-6538-SP-1:**

Part of the North 330' of the South 660' of Government Lot 1, Section 19, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the South line of said North 330' of the South 660', said point lying 50' East of the Southwest corner thereof; thence N 01°09'30" W parallel to the West line of said Lot 1, a distance of 223.77' to a point; thence S 82°35'46" E a distance of 86.22' to a point; thence S 74°57'32" E a distance of 101.70' to a point; thence S 86°53'10" E a distance of 86.34' to a point; thence S 79°34'35" E a distance of 171.73' to a point; thence N 86°28'51" E a distance of 122.03' to a point; thence S 78°55'39" E a distance of 92.99' to a point; thence S 68°32'06" E a distance of 81.25' to a point; thence N 64°03'00" E a distance of 40.81' to a point; thence S 89°29'03" E a distance of 107.20' to a point; thence S 71°05'02" E a distance of 236.74' to a point; thence S 52°21'25" E a distance of 49.39' to a point on the said South line of the North 330' of the South 660'; thence S 88°58'08" W along said South line a distance of 1,130.13' to the point of beginning, and located south of the southeast corner of East 91st Street South and South Mingo Road, Tulsa, Oklahoma.

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**Application No.: Z-6539**

**Present Zoning: RE-3**

**Applicant: Teresa Shields**

**Proposed Zoning: OL**

**Location: South of SW/c 28th Street North and North Cincinnati Avenue**

**Date of Hearing: May 22, 1996**

**Presented to TMAPC: Teresa Shields**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - Office.

According to the Zoning Matrix the requested OL is in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is 1.26 acres in size and located south of the southwest corner of East 28th Street North and North Cincinnati Avenue. It is sloping, non-wooded, has a church on it, and zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north by an office, zoned OL; to the south by a church, zoned OL; to the west by single-family dwellings, zoned RS-3 and to the east across North Cincinnati Avenue by single-family dwellings, zoned RS-3.

**Zoning and BOA Historical Summary:** The lots to the north and south of the subject tract are zoned OL, with the northern most lot being rezoned OL in 1982.

**Conclusion:** The subject property is designated as Medium Intensity - Office by the Comprehensive Plan. OL zoning is compatible with the existing zoning and surrounding land uses; therefore, Staff can support the request and recommends **APPROVAL** of OL zoning for Z-6539.

**Applicant's Comments:**

The applicant is in agreement with Staff's recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray "absent ") to recommend **APPROVAL** of the OL zoning for Z-6539.

**Legal Description for Z-6539:**

The North 198' of South 396' of East Half, Northeast Quarter, Southeast Quarter, Southeast Quarter, Section 23, T-20-N, R-12-E the IBM, Tulsa County, State of Oklahoma, and located south of the southwest corner of East 28th Street N. and N. Cincinnati Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6540**

**Applicant:** Stephen A. Schuller

**Location:** 3816 Southwest Boulevard

**Date of Hearing:** May 22, 1996

**Presented to TMAPC:** Stephen A. Schuller

**Present Zoning:** CG

**Proposed Zoning:** CH

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as High Intensity - Corridor.

According to the Zoning Matrix, the requested CH **may be found in** accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is 1.62 acres in size and located on the northwest corner of South Yukon Avenue and Southwest Boulevard. It is sloping, non-wooded, vacant, and zoned CG.

**Surrounding Area Analysis:** The subject tract is abutted on the north and northwest by the Red Fork Expressway, zoned RS-3; to the east by abandoned commercial buildings, zoned CH; to the south by a vacant lot and single-family dwelling, zoned CH; and to the south, across Southwest Boulevard by a single-family dwelling and parking lot, zoned RS-3.

**Zoning and BOA Historical Summary:** A request to rezone the subject property from RS-3 to CH was denied and CG zoning was approved in 1979. It was determined that the CG zoning was more appropriate and compatible with the surrounding uses at that time.

**Conclusion:** The Comprehensive Plan designates this area as High Intensity and according to the Plan Map Matrix CH zoning may be found in accordance with the Plan. CH zoning is the dominant commercial zoning in the area and Staff can support the rezoning request as a logical extension of the district to the expressway boundary. Therefore, Staff recommends **APPROVAL** of CH zoning for Z-6540.

**TMAPC Comments:**

Mr. Doherty asked what use is intended for the property that CG would not accommodate and CH would. Mr. Schuller stated that his client does not have any specific use. It is for marketing efforts because the adjacent tract is also owned by his client. Mr. Gardner reminded TMAPC that CG zoning was approved in 1979 when CH had no off street parking requirements. The policy requested for CH was amended in 1984.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray "absent ") to recommend **APPROVAL** of the CH zoning for Z-6540.

**Legal Description for Z-6540:**

A tract of land lying in the NW/4, SE/4, Section 22, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the East line of said NW/4, SE/4, 13.50' from the Southeast corner thereof, said point being on the Northwesterly right-of-way line of Southwest Boulevard, thence Northerly along the East line of said NW/4, SE/4 a distance of 337.68' to a point; thence Southwesterly on a curve to the left having a radius of 5,584.58' a distance of 390.85' to a point, thence S 46°36'11" W a distance of 140.44' to a point on the South line of said NW/4, SE/4; thence Easterly along the South line of said NW/4, SE/4 a distance of 388.27' to a point on the Northwesterly right-of-way line of Southwest Boulevard; thence Northeasterly along the Northwesterly right-of-way line of Southwest Boulevard a distance of 19.79' to the point of beginning, and located at 3816 Southwest Boulevard, Tulsa, Oklahoma.

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**Application No.: Z-6541**

**Present Zoning: AG**

**Applicant: Greg Breedlove**

**Proposed Zoning: RS-2**

**Location: Southside of 116th Street South at Granite Avenue**

**Date of Hearing: May 22, 1996**

**Presented to TMAPC: Greg Breedlove**

**Staff Comments:**

Mr. Gardner informed the Commission that a letter has been received from Mr. Breedlove requesting that Z-6541 be continued until an application for a Planned Unit Development has been submitted.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Edwards, Gray "absent ") to **CONTINUE** the Zoning Public Hearing for Z-6541 until the June 26, 1996 meeting.

**Legal Description for Z-6541**

The NW/4, NW/4, NW/4, SE/4, Section 34, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma according to the U.S. Government survey thereof, less the West 25' for roadway easement; and the SW/4, NW/4, NW/4, SE/4 and the NW/4, SW/4, NW/4, SE/4, Section 34, T-18-N, R-13-E of IBM, Tulsa County, Oklahoma, according to the U.S. Government survey thereof, less the West 25' for roadway easement, and located south of E. 116th Street South and west of South Sheridan Road, Tulsa, Oklahoma.

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**Application No.: PUD 411-C-3/Z-5842-SP-5A**

(Minor Amendment to PUD and Corridor Site Plan to allow a community swimming pool)

**Applicant:** Roy D. Johnsen

**Location:** Southeast corner East 99th Street South & South 87th East Avenue

**Date of Hearing:** May 22, 1996

**Presented to TMAPC:** Roy D. Johnsen

**Staff Recommendation:**

The applicant is requesting Minor Amendment and Corridor Site Plan revision to allow a community swimming pool in an addition which contains approximately 155 units.

Staff has not received a site plan of sufficient detail to provide an appropriate recommendation.

Therefore, Staff recommends **CONTINUANCE**.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5th, Suite 440, presented a new site plan which defines a specific pool area. Mr. Johnsen stated that the pool house is the same as in the elevations that were submitted to Staff. The pool house is a pitched-roof structure, small and less than 500 square feet in size and located on one single-family lot in Ridge Point. Mr. Johnsen stated that Scott Bruce of INCOG has reviewed the latest site plan which does show the pool location on the lot and Scott has approved the plan.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray "absent ") to recommend **APPROVAL** of the Minor Amendment to PUD-411-C-3 and Z-5842-SP-5A and Revised Corridor Site Plan dated May 22, 1996, to allow a community swimming pool.

**Legal Description for PUD 411-C-3/Z-5842-SP-5A:**

Lot 14, Block 3, Ridge Point Addition and located on the southeast corner of E. 99th Street South and S. 87th East Avenue, Tulsa, Oklahoma.

\*\*\*\*\*

**OTHER BUSINESS:**

**PUD 455-A Chris Savage**

(Site Plan for two restaurants)

North of the northeast corner of 71st Street and Yale Avenue

**Staff Recommendation:**

The applicant is requesting site plan approval for Charleston's Restaurant and the Boomerang Grill.

Staff has reviewed the request and finds that the plan as submitted conforms to the parking, setbacks, height and landscaped area requirements of the PUD.

Staff recommends **APPROVAL**.

NOTE: Site plan approval does not constitute landscape or sign plan approval.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray "absent ") to **APPROVE** the Site Plan for two restaurants for PUD-455-A.

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There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved: June 5, 1996

Paul H. ... Chairman

ATTEST: Frances Lee  
Secretary