

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2158

Wednesday, May 13, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Gray	Dunlap	Linker, Legal
Carnes	Midget	Huntsinger	Counsel
Harmon	Selph	Stump	Myers, Legal
Horner	Westervelt		Counsel
Jackson			
Ledford			
Pace			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, May 8, 1998 at 12:59 p.m., posted in the Office of the City Clerk at 12:57 p.m., as well as in the office of the County Clerk at 12:53 p.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of April 22, 1998, Meeting No. 2155:

On **MOTION** of **HORNER** the TMAPC voted **6-0-1** (Carnes, Harmon, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; Boyle "abstaining"; Gray, Selph, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of April 22, 1998 Meeting No. 2155.

Minutes:

Approval of the minutes of April 29, 1998, Meeting No. 2156:

On **MOTION** of **HARMON** the TMAPC voted **6-0-1** (Boyle, Carnes, Harmon, Jackson, Ledford, Pace, "aye"; no "nays"; Horner "abstaining"; Gray, Midget, Selph, Westervelt "absent") to **APPROVE** the minutes of the meeting of April 29, 1998 Meeting No. 2156.

Reports:

Committee Reports:

Budget and Work Program Committee:

Mr. Horner reported that the Mayor has presented the budget to the City Council and is waiting for approval.

Director's Report:

Mr. Stump reported there are several items before the City Council on Thursday, May 14, 1998. He indicated that Jim Dunlap will be representing staff at the Council meeting. In response, Mr. Boyle stated Mr. Horner will be attending the City Council meeting to represent the TMAPC.

Subdivisions:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18623 Timothy Clark (893) (PD-4) (CD-4)
1407 South Evanston Avenue

L-18634 Robert David (2283) (PD-18) (CD-8)
9505 South Canton

L-18647 Jack Stacy (3492) (PD-8) (CD-2)
5913 South 32nd West Avenue

L-18653 City of Tulsa (1694) (PD-17) (CD-6)
13212 East 21st Street

L-18654 Warren Inman (3103) (PD-2) (CD-1)
1024 North Wheeling

Staff Recommendations:

Mr. Stump stated these lot-splits are in order and meet the Subdivision Regulations; therefore, staff recommends approval.

TMAPC Comments:

Mr. Harmon stated he will be abstaining from L-18623 – Timothy Clark.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** the TMAPC voted **6-0-1** (Boyle, Carnes, Horner, Jackson, Ledford, Pace "aye"; no "nays"; Harmon "abstaining"; Gray, Midget, Selph, Westervelt "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

PARTIAL VACATION OF PLAT:

Muzingo Hill Addition (583)

(PD-18b) (CD-9)

Northwest of East 66th Court and South Birmingham Avenue

Staff Recommendation:

Mr. Stump stated this is a partial vacation of an older plat to accommodate the development that is proposed in PUD-582. He explained that the applicant needs to vacate part of the older plat in order to replat the subject property.

Mr. Stump stated everything is in order and staff recommends approval.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD** the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Gray, Midget, Selph, Westervelt "absent") to **APPROVE** the Partial Vacation of Plat for Muzingo Hill Addition as recommended by staff.

REQUEST WAIVER OF SUBDIVISION REGULATIONS:

Block 26, Gilcrease Hills Village II (2702)

(PD-2) (CD-1)

Northeast of West Pine Street and North Union Avenue

(Waiver of the 200-foot spacing requirement between oil wells and dwellings)

Staff Recommendation:

Mr. Stump stated that this request was before the TMAPC earlier concerning oil wells in and near the subdivision of Block 26, Gilcrease Hills Village II. He indicated that the applicant would like to request that the TMAPC waive the 200' requirement.

Applicant's Presentation:

Mr. Roy Johnsen, 201 West 5th, Suite 440, Tulsa, Oklahoma, 74103, submitted exhibits and stated he represents Concept Builders. He explained the history of the subject property.

Mr. Johnsen explained how the previous Preliminary Plat approval had expired before development commenced by the new developers. He indicated the waiver of the setback from the oil well had expired as well. The six lots that are affected by the 200' setback from oil wells were established as a reserve area in order to replat the property and start development.

Mr. Johnsen stated that Reserve "A" is before the Planning Commission, which consists of six lots, 11-16. He requested a 50' setback for spacing between oil wells and dwellings. He explained that if he is held to the 200' setback he will lose the use of all six lots; however, with a 50' setback he would only lose one lot.

Mr. Johnsen stated the City Zoning Code has no setback provisions pertaining to oil wells. In 1985 when the regulations were adopted that established the setback, initiated by controversy in Tulsa County. He explained that Tulsa County adopted a zoning ordinance requirement that established a setback prohibiting drilling a well within 200' of an existing dwelling. This was for Tulsa County, outside the City of Tulsa Corporate limits. He explained that this ordinance is not applicable to the City of Tulsa and this development is in Osage County.

Mr. Johnsen reminded the Planning Commission that they have the authority to modify the regulations if they are appropriate. He further reminded the Planning Commission that in 1991 the Commission did modify the regulations for the subject property. He explained that Osage County is a different environment and the Osage Nation owns the minerals. The oil wells are leased to producers or operators, and even though the well may be a low-producing well, the Osage Nation does not permit plugging oil wells. He indicated the oil well in question is largely depleted and produces approximately three barrels a day. He stated the oil well is extremely low pressure and the danger one might associate with an oil well blowout or explosion does not exist since it is so depleted.

Mr. Johnsen stated the oil wells need to be secured and his client has done so with an eight foot cyclone fence, as well as three strands of barbed wire at the top. He explained that the entry gates to the oil well are locked. He commented that he could not find any incidence where there had been any explosions, with one exception. He told of one incident where there were a series of tank batteries, which stored approximately 200 barrels of oil. Some children climbed on top of the tanks and lit firecrackers, which produced an explosion with serious injury. He stated he was told of another incident where someone used a solvent to do some cleaning around a well and then tried to jump-start their car, which caused the solvent to exploded.

Mr. Johnsen concluded that the Gilcrease Hills area has developed in close proximity to oil production, apparently successfully and without danger. He described the surrounding area and additional oil wells. He reminded the Planning Commission that there are no tank batteries within this development. He commented that the oil well is in existence and the purchaser of the lot can make his market judgment.

TMAPC Comments:

Mr. Boyle asked Mr. Johnsen about the potential risk of a spill of the liquid associated with the production of oil. Does this not pose a threat if it is as close as 50' to a house. In response, Mr. Johnsen stated the oil well has an underground pipe, which takes the oil to the tank battery. The production is so low-pressure that the amount of the spill will be minimal before being discovered. He stated that oil, in and of itself, is not really considered hazardous or flammable.

Mr. Boyle stated the EPA gets very excited when oil hits the ground and his concern is that by being so close to residences the spill could still travel quite a distance. The oil spill could affect a variety of different pieces of property.

Mr. Boyle asked Mr. Johnsen what would compel the Planning Commission to grant a setback lower than 65' like the lot on the west side, which is basically in the same circumstances. Mr. Johnsen stated he could not answer that question because he does not know the particulars of the well on the west side.

Mr. Boyle asked Mr. Johnsen if a 65' setback would work with the proposed development or create a significant hardship. In response, Mr. Johnsen stated that a 65' setback would be substantially better than the 200'. He commented that it would appear that his client may lose two lots with the 65'. He stated he would prefer the 50' and lose only one lot.

Mr. Stump stated the 65' setback on the west side was approved within the last three years. Back in the '70's the setback was waived to 150' and possibly 100'. He explained that there is no consistent pattern for this area.

Mr. Boyle asked staff if there has been anything approved for this low a setback (50'). In response, Mr. Stump stated that there was none to his knowledge. Mr. Johnsen responded that in 1991 the Planning Commission did approve a 50' setback on the subject property, but that approval has expired.

Mr. Ledford asked Mr. Johnsen how the operator of the oil well will gain access if the Planning Commission should grant the 65' setback. In response, Mr. Johnsen stated the operator has a legal right of access and with the loss of one lot, the operator can gain access through that lot.

Mr. Carnes asked staff why the 50' setback that was approved in 1991 is no longer acceptable. In response, Mr. Stump stated the technical point is that the approval expired because they did not move forward with the plat. It was discovered that the Subdivision Regulations provided for the Board of Adjustment to waive the requirement, which had not been done. Staff re-examined this proposal and has some questions as to whether it has been adequately documented that this is a safe situation with a 50' setback.

Mr. Carnes stated a precedent has been set with a the 65' setback.

Ms. Pace asked how the operator would access the well if the 50' setback was approved and the developer utilized all six lots. In response, Mr. Johnsen stated that with the 50' setback it will prevent one lot from developing.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Gray, Midget, Selph, Westervelt "absent") to **APPROVE** the Request Waiver of Subdivision Regulations for Block 26, Gilcrease Hills Village II to a 65' setback between oil wells and dwellings.

Continued Zoning Public Hearings/Special Requests:

Z-6635 – Charles E. Norman

North and south of East 14th Place and South Lewis

OL/RS-3 TO CS
(PD-6) (CD-4)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Cherry Street – Special Development Sub-area E.

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

Staff Comments:

Site Analysis: The subject property is approximately 4.59 acres in size and is located east of South Lewis Avenue on the north and south sides of East 14th Place South. The property is gently sloping, non-wooded, contains some single-family dwellings and some vacant lots, and is zoned OL and RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and northeast by the Broken Arrow Expressway, zoned RS-3; to the south and east by retail and office uses, zoned CH and to the west by two restaurants, zoned CS.

Zoning and BOA Historical Summary: There has been no zoning activity in this area.

Conclusion: The Comprehensive Plan encourages commercial development in this area between the Broken Arrow Expressway, Lewis Avenue and E. 15th Street. Redevelopment in this area should encourage traffic flow away from 15th Street and should also provide maximum open landscaped space. Based on the Comprehensive Plan and existing zoning and development in this area, staff recommends **APPROVAL** of CS zoning for Z-6635.

Applicant's Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma, 74103, representing Albertson's Stores, stated his client has contracted to buy approximately 30 separate parcels of land in the subject area from 22 separate ownership interests. The project boundaries for the proposed store do not include the existing Braum's store or Rocket Lube. He explained that the Impressions Restaurant at the corner is under consideration but not part of this application since the property is already zoned CH.

Mr. Norman stated the application is to rezone the part of the property that is in the residential area in which older homes and several duplexes exist. He explained that all of the owners of the homes and duplexes have agreed to place their properties under

contract for the redevelopment of the subject area. He stated the contracts are subject to the partial vacation of the existing plat to permit the replat of the property under the Subdivision Regulations and the partial closing of East 14th Place in accordance with the Comprehensive Plan. The application was considered appropriate for CS zoning, which will require the replat and landscaping in accordance with the Landscaping Chapter of the Zoning Code.

Mr. Norman stated that currently his client is actively developing the stormwater drainage plans, which will require on sight stormwater detention. He explained the stormwater detention will be underground.

TMAPC Comments:

Mr. Boyle asked Mr. Norman if the Planning Commission will eventually see a PUD on the subject property or if straight zoning will be adequate. In response, Mr. Norman stated that a PUD does not offer anything either to the Planning Commission or to the property owner because the surrounding property is zoned in the CH district. There will be no transfer of density and only one development area. The platting process will review all of the issues that a PUD reviews.

Mr. Boyle asked Mr. Norman if the Planning Commission will be seeing the street vacation. In response, Mr. Norman stated the street vacation is almost out of Public Works and on its way to City Council for public hearings. The City Council will refer the street vacation request back to the Planning Commission for comments and observation. He explained that there will be some re-routing of the utilities in the area.

Interested Parties:

Mr. Dean Meade, 6520 East 87th Place, owner of two properties on the east side of Atlanta Avenue. He expressed concerns regarding his water supply to his property on Atlanta.

Applicant's Rebuttal:

Mr. Norman stated he is working with the Public Works and utilities to maintain existing service within the perimeter of the subject area. He explained that the conversion of the existing utilities and the re-routing of utilities will be done simultaneously. He stated that there will be no interruption of services.

Mr. Norman stated he has met with two homeowners' associations and has received enthusiastic reception to the proposed development.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Harmon, Ledford, Jackson, Pace "aye"; no "nays"; none "abstaining"; Gray, Midget, Selph, Westervelt "absent") to recommend **APPROVAL** of CS zoning for Z-6635 as recommended by staff.

Legal Description for Z-6635:

All of Block 5, City View Hill Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except Lots 12 through 24; and Lots 7, 8, 9, 10, 11, 12, 19, 20, and 21, Block 4, City View Hill Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; and a strip of land lying in part of Lots 13 through 15 inclusive in Block 4 of City View Hill Addition to the Original Townsite of Tulsa, Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows: beginning 56.5 West of the Southeast corner of said Block 4, thence N 51°28' W a distance of 144.1' to a point on the West line of Lot 13, thence South along said West line a distance of 90' to the Southwest corner of said Lot 13, thence East along the South line of Lots 13, 14, and 15, a distance of 112.5' to the point of beginning in Tulsa County, State of Oklahoma.

PUD-588 – Stephen Schuller

1659 East 11th Street (Northwest corner East 11th and South Utica)
(Proposed convenience store)

CH/CS/RM-2/RS-4 TO PUD

(PD-4) (CD-4)

Staff Recommendation:

The PUD proposes a convenience store on a two-acre tract located at the northwest corner of East 11th Street South and South Utica Avenue. The present use is a convenience store, residential and vacant property. The applicant proposes to remove the existing structures and construct a new convenience store not exceeding 9000 SF.

The Major Street and Highway Plan designates South Utica Avenue and East 11th Street south as secondary arterial streets. East 10th Street is a residential street.

The subject tract is abutted on the north by single-family dwellings and vacant lots zoned RS-4 and RM-2; to the northwest by a vacant single-family dwelling, zoned RS-4; to the southwest by retail sales, zoned CH; to the east by vacant property, zoned CH; and to the south by vacant property currently under construction for a parking garage for medical offices and the hospital zoned CH.

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-588 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-588 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:**

Land Area

Gross	2.0 Acres	88,742.78 SF
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Permitted Uses:

Those uses allowed as a matter of right in Use Unit 13, Convenience Goods and Services.

MAXIMUM BUILDING FLOOR AREA: 9,000 SF

MAXIMUM BUILDING HEIGHT: 1 Story

MINIMUM BUILDING SETBACKS:

From centerline of East 10 th Street	80 FT
From centerline of South Utica Avenue	100 FT
From centerline of East 11 th Street	80 FT
From West property boundary	25 FT

MINIMUM LOT WIDTH, FRONTAGE AND AREA:

The Development Area of the PUD shall consist of the entire property described above, having 290 feet of frontage along South Utica Avenue on the east, 213 feet of frontage along East 10th Street on the north, and 210 feet of frontage along East 11th Street on the south.

BULK TRASH CONTAINER MINIMUM SETBACKS:

25' from any abutting "R" district.

SIGNS:

Signs accessory to permitted principal uses shall be permitted; subject to compliance with the restrictions of the Tulsa Zoning Code and the following standards:

Two double-faced ground signs, each not exceeding 25 feet in height, shall be permitted, one at the southeast corner of the PUD and one at the northeast corner of the PUD. Each sign shall not exceed an aggregate display surface area of 120 square feet per side.

Wall or canopy signs shall not exceed an aggregate display surface area of two square feet per each lineal foot of the building or canopy wall to which the signs are affixed, except that no wall signs shall be erected or installed upon the north and west sides of any building within the PUD. Wall or canopy signs shall not exceed the height of the building or canopy.

No roof or projecting signs shall be permitted.

VEHICULAR ACCESS:

There shall be a maximum of four (4) access points, two (2) on East 11th Street, one (1) access point onto South Utica and one (1) access point onto 10th Street, which shall provide ingress and egress. The access onto 10th Street shall be at least 100 feet east of the west boundary of the PUD.

LANDSCAPING AND SCREENING:

Minimum internal landscaped open space	10% of lot area
Minimum width of landscaped areas along streets	5 feet
Minimum width of landscaped area along the west 100 feet of the north side of PUD	15 feet

Landscaping of open space shall be in accordance with a Detailed Landscaping Plan to be approved by the TMAPC, in accordance with the screening provisions set forth below:

The rear masonry wall of the convenience store shall serve as a screening wall, and the balance of the area of the PUD between the parking areas and the residential areas to the west and north of the property shall be screened from view by a masonry screening wall (matching the rear wall of the store) extending northward along the alley from the northwest corner of the store building to a point eight feet south of the north property line of the PUD; such wall will be six feet in height between the store building and the northwest corner of the trash container enclosure, and four feet in height between the trash container enclosure and the north property line. In addition, a masonry wall (four feet in height) will extend approximately ~~70~~ 60 feet eastward from the alley, parallel to and eight feet south of the north property line of the PUD. The PUD will be further screened from view in the north and west portions thereof by trees planted on both sides of such 4-foot high masonry wall, the locations of such trees to be staggered so as to provide for the greatest extent of screening possible, in keeping with the residential character of the land uses facing that portion of the PUD.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan 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 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.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height and all such lights shall be set back at least 50 feet from an RS district abutting the PUD.
8. The Department 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 have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
9. No Building Permit shall be issued until the requirements of Section 1170F 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, making the City beneficiary to said Covenants.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TMAPC Comments:

Mr. Boyle asked Mr. Dunlap to explain the difference between 60' and 70' of the wall. In response, Mr. Dunlap stated the fence will be four feet high and staff recommends that it extend 70' to the east. He explained that the applicant is requesting that the fence extend 60' to the east.

In response to Mr. Boyle, Mr. Dunlap stated that staff thought the 70' length fence would provide more screening to the residential properties to the north. Mr. Stump stated that staff wanted to screen all of the frontage that has RS-4 across from the subject property. This would cut down the amount of headlights that would be shining into residential homes. If this fence is set back eight feet from the property line and four feet high there should be adequate sight distance.

Mr. Boyle asked if a car could pull out beyond the four feet fence to see before making a turn. In response, Mr. Stump stated that there will be a full car space beyond the fence before reaching the curb.

Ms. Paces asked staff if it was necessary to have an access point across from the residential land use. In response, Mr. Stump stated that commercial zoning goes to the west of the entry point for the subject property all up and down Utica. It is currently zoned RM-2 directly across from the subject property on 10th, and if someone requested commercial zoning it would in all likelihood be granted because of the existing commercial zoning surrounding it.

In response to Ms. Pace, Mr. Stump stated the district plan for the RM-2 area is medium intensity and behind that is low intensity with no specific land use to the west of the entry point.

Applicant's Presentation:

Mr. Stephen Schuller, 320 South Boston, Suite 1024, Tulsa, Oklahoma, 74103, representing Quick Trip Corporation, stated the application is consistent with the zoning patterns in the subject area. He commented the proposal provides good conditions and limitations to protect the residential areas to the north and west.

Mr. Schuller submitted exhibits, which included an architect's drawing of the proposed development.

Mr. Schuller stated that there are two significant differences from staff on the landscaping and screening area. He explained that one difference is that the wall along the alley will be six feet in height and extend to the trash dumpster, and continue from there at four feet in height to the north. He indicated the fence will angle outward toward the street at the end to provide additional screening from the residential area to the north and west. He stated that if the fence is moved closer to the driveway, then there is the concern of the safety of the drivers turning out on 10th.

TMAPC Comments:

Mr. Boyle asked Mr. Schuller if he agrees with staff on everything except the height and length of the fence. In response, Mr. Schuller stated he agreed with staff on all other issues, except the stated issues with the wall.

Mr. Boyle stated the wall up to the dumpster is supposed to be a six foot wall, dropping to a four foot from and around the dumpster. In response, Mr. Stump stated the eight foot height was a mistake and staff does want a six foot fence from the Quik Trip building all the way along the west boundary.

Ms. Pace asked Mr. Schuller if he considered, when designing the facility, the substantial traffic of individuals with physical disabilities in the subject area. She explained that the largest apartment building in Tulsa for people with disabilities is in the vicinity. In response, Mr. Schuller stated the subject site has a greater grocery business than gas sales and this store has been enlarged to accommodate the demand.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** to recommend **APPROVAL** of PUD-588 subject to a six foot high fence from a point on the south to the corner on the north and then a four foot fence to the 60' point as the applicant proposes.

Further TMAPC Comments:

Mr. Harmon stated that this fence is designed to bend to the north, which puts the fence approximately 10' closer to the right-of-way. He expressed concerns that bending the last 10' feet toward the fence has the tendency to block the view of people turning out to 10th Street.

Mr. Boyle asked the applicant how far the property line is from the curb. In response, Mr. Schuller stated it is 12' and the fence is eight feet back from the property line, which would total 20'.

Mr. Schuller stated the fence that will be angled toward the street and set back far enough so that it doesn't block the drivers' view.

Mr. Boyle asked the applicant if he feels strongly about the fence angling toward the street. In response, Mr. Schuller stated that this not a strong item.

Mr. Ledford stated the design is architecturally more pleasing and the sight distance should not be blocked since drivers will be on the east side of the driveway turning out to 10th Street.

Ms. Pace asked the applicant if there will be sidewalks and if they are accessible to people with disabilities. In response, Mr. Schuller stated that there will be sidewalks and they have to be accessible.

Mr. Horner stated he is pleased to hear that the sidewalks will be replaced because there are several vehicles for people with disabilities in the area.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Harmon, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Gray, Midget, Selph, Westervelt "absent") to recommend **APPROVAL** of PUD-588; subject to staff recommendation with following modification: The four (4) foot high screening wall along the northwest side of the PUD shall extend 60' east from the alley rather than 70' as recommended by staff.

Legal Description for PUD-588:

A tract of land lying in Block 9, Park Dale Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Amended Plat thereof, being all of Lots 3 through 10 and the West 13.4' of Lot 2 of said Block 9; and Lots 23 through 31, Block 9, Amended Plat of Park Dale Addition, to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, less the South 2.5' thereof and less a parcel of land deeded to the City of Tulsa at Page 692, Book 2958 described as follows:

Beginning at the Southeast corner of said Lot 32, thence North along the East line of said Lot 32 for a distance of 140.00' to the Northeast corner of said Lot 32, thence West along the North line of Lot 32 for a distance of 30', thence South parallel to and 30.00' West of the East line of said Lot 32 to a point, said point being 30.00' West and 22.00' North of the Southeast corner of said Lot 32, thence around a curve to the right having a radius of 23' to a point on the South line of Lot 30, thence East along the South line of Lots 30, 31, and 32 for a distance of 52.00' to the point of beginning; and a 20' alley that lies between said lots with entire tract being described by metes and bounds as follows, to-wit: beginning at the Northwest corner of Lot 10 of said Block 9 thence East along the North line of Block 9 for a distance of 213.4', thence S 00°20'45" E and parallel to the West line of Lot 10 for a distance of 140.00', thence S 01°48'08" W for 20.01', thence S 00°16'11" W for a distance of 118.00' to a point on a curve, thence along a curve to the right with an initial bearing of S 02°29'10" W and a radius of 23.00' for a distance of 24.30', thence West and parallel with the South line of said Block 9 for a distance of 199.40' to a point on the West line of Lot 23, thence N 00°20'45" W along the West line of Lots 23 and 10 for a distance of 297.50' to the point of beginning.

Mr. Carnes out at 2:45 p.m.

PUD-536-1 – Duane Phillips

(PD-18) (CD-9)

1340 East 61st Street South

(Minor Amendment to increase the allowable floor area)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to increase the allowable floor area for the residential lifecare/retirement portion of the center from 35,000 to 38,000

square feet of floor area. The addition of the one-story retirement center containing 54 individual residences or apartments is part of the planned expansion of the center outlined in the approval of PUD 536 in 1995. Total allowed floor area was approved for 95,000 square feet with 60,000 square feet for a 186-bed nursing home use and the balance for 54 units devoted to life care residential uses.

Staff has reviewed the request and finds the proposed increase in allowed floor area to the retirement or lifecare portion of the nursing home complex will conform to the bulk, height, access, setback, site screening and total landscaped area standards contained in the approved outline development plan. The increase in size of the proposed retirement center structure, while maintaining the approved 54 residences, does not increase the residential density of the development, does not alter the intent or character of the PUD as originally approved and increases the allowed floor area by less than 15%.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment to increase the allowable floor area for the retirement center from 35,000 to 38,000 square feet.

NOTE: Minor Amendment approval does not constitute Site, Landscape or Sign Plan approval.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** the TMAPC voted **6-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Carnes, Gray, Midget, Selph, Westervelt "absent") to **APPROVE** of the Minor Amendment for PUD-536-1 as recommended by staff.

Legal Description for PUD-536-1:

Lot 1, Block 1, Ambassador Manor, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

AND

PUD-536 – Duane Phillips

(PD-18A) (CD-9)

1340 East 61st Street South

(Detail Site Plan to add single-story lifecare building to eastern portion of existing complex)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval to add a 38,000-square-foot single-story lifecare building to the eastern portion of a 10.42-acre nursing center complex. The addition is the final phase of the planned expansion of the center outlined in the approval of PUD-536 in 1995. The proposed building will accommodate 54 lifecare retirement residences with associated parking and access drives. No increase

in the existing 186 nursing beds is planned within the structure on the western portion of the site.

Staff has reviewed the request and finds the site plan conforms to the approved use, height, building setbacks, parking area setbacks, parking, access, site screening and total landscaped area standards contained in the original approval. The proposed 38,000-square-foot building, however, exceeds the maximum floor area allowed for the lifecare center. In a related application, the applicant has requested Minor Amendment approval to increase the allowed floor area for the lifecare center (PUD-536-1).

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan subject to the following condition:

Approval of Minor Amendment FUD-536-1 to allow an increase in maximum floor area of the life care center from 35,000 to 38,000 square feet.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** the TMAPC voted **6-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Carnes, Gray, Midget, Selph, Westervelt "absent") to **APPROVE** of the Detail Site Plan for PUD-536; subject to conditions as recommended by staff.

Legal Description for PUD-536:

Lot 1, Block 1, Ambassador Manor, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Zoning Public Hearings:

Z-6636 – Charles Schmidly
12115 East Admiral Place

RS-3 TO IL
(PD-5) (CD-6)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity - Corridor

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

Staff Comments:

Site Analysis: The subject property is approximately 3.3 acres in size and is located east of the northeast corner of North 121st East Avenue and East Admiral Place. The property is flat, non-wooded, contains a day-care facility, a single-family dwelling and accessory buildings, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by apartments, zoned RM-0; to the east by a day-care, a single-family dwelling and accessory buildings, zoned IL; to the west by a mobile home park, zoned RM-1; and to the south by mobile home sales and service, zoned IL.

Zoning and BOA Historical Summary: The property abutting the subject tract on the east was rezoned from RS-3 to IL in 1993.

Conclusion: Based on the Comprehensive Plan, the surrounding zoning and the existing development in this area, staff recommends **APPROVAL** of IL zoning for Z-6636.

Interested Parties:

Mr. Noble Allen, 426 South Garnett Road, Tulsa, Oklahoma 74128, stated he is an employee at a boat sales operation located on the southeast corner of 122nd and Admiral Place. He expressed concerns with more mobile home sales moving into the subject area. He explained that his company is a family-owned business and the family owns several lots in the subject area. He indicated that the large trucks are blocking the street when they are moving trailers in and out of the lots. He concluded that he objects to the mobile home park.

TMAPC Comments:

Mr. Boyle stated it is difficult for the Planning Commission to reject this application when the Interested Party has described the same activity already in existence. The Interested Party has the same zoning across the street that the applicant is seeking.

Ms. Pace stated it appears that Public Works need to take a look at accommodating the businesses that use the large trucks to move the trailer homes around. She explained that the Planning Commission is not the board that can address these issues, but the Interested Party may need to call Public Works about improving the streets. In response, Mr. Boyle stated that this could possibly be a Code Enforcement problem if the trucks are knocking down utility poles and cutting curbs for access points that are not approved.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER** the TMAPC voted **6-0-0** (Boyle, Horner, Harmon, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Carnes, Gray, Midget, Selph, Westervelt "absent") to recommend **APPROVAL** of IL zoning for Z-6636 as recommended by staff.

Legal Description for Z-6636:

Beginning 40' North of the Southwest corner of Government Lot 2, thence North 466.8', East 466.8', South 466.8, West 466.8', less the East 151' thereof, Section 5, T-19-N, R-14-E, Tulsa County, State of Oklahoma.

PUD-589 – Roy D. Johnsen

**RS-1 TO RS-1/PUD
(PD-6) (CD-9)**

West of northwest corner East 41st Street South and South Lewis Avenue
(Request for Continuance by Interested Parties)

Staff Comments:

Mr. Dunlap informed the Planning Commission that staff has received a timely request for a continuance from the surrounding property owners of the subject property.

There were no interested parties wishing to speak.

The applicant agreed with the continuance request.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Gray, Midget, Selph, Westervelt "absent") to **CONTINUE** PUD-589 to May 27, 1998.

PUD-440-2 – J.B. Barrett

(PD-18) (CD-7)

4905 East 103rd Street South
(Minor Amendment to reduce the side-yard building setback to construct an addition to the existing single-family dwelling)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the side-yard building setback abutting South Yale from the required 35 feet to 27 feet to construct a room addition to an existing single-family dwelling.

Staff has reviewed the request and finds the proposed 429-square-foot room addition abuts the South Yale Avenue side-yard and does not encroach on any residential yards or utility easements. The additional lot coverage of the proposed room addition conforms to the livability space requirements of the PUD.

The owner has provided a written approval from the Wexford HOA for the reduction in building setback and for the architectural style of the room addition as required by the covenants contained in the recorded plat.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment per the submitted plot plan reducing the side-yard abutting South Yale from required 35 feet to 27 feet.

TMAPC Comments:

Mr. Ledford asked staff how the Planning Commission knows that the letter from the Homeowners' Association is an authorized letter. He expressed concerns that the Planning Commission does not know if the author of the letter is the President of the Homeowners' Association. In response, Mr. Stump stated staff has not checked back with the author of the letter to ensure that it is a legitimate letter. He explained that staff has no reason to believe that the letter is a fraud. He stated that the neighbors would have received notice of the application and there are no protestants present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER** the TMAPC voted **6-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Carnes, Gray, Midget, Selph, Westervelt "absent") to **APPROVE** of the Minor Amendment for PUD-440-2 as recommended by staff.

Legal Description for PUD-440-2:

Lot 1, Block 1, Wexford Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

PUD-523-3 – Larry Young

(PD-18) (CD-8)

8221 South 85th East Avenue

(Minor Amendment to allow reduction of the required rear yard)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow the reduction of the required rear yard from 20 feet to ± 14 feet to accommodate the southeast corner of a proposed ± 3200 square foot single-family dwelling.

Staff review of the plot plan submitted as part of the application finds that the lot is of an irregular shape with a north side-yard being 115 feet deep, a south side-yard being 72 feet deep, a rear-yard 72 feet in width and a front-yard of 155 feet. The proposed

structure (64 foot by 50 footprint) encroaches into the minimum required rear-yard setback at the southeast portion of the lot. The encroachment is not within any utility easements. Plat restrictions require that homes in Bristol Park Addition be at least 2500 square feet.

Staff is of the opinion that the encroachment is minor in nature and does not compromise the standards of the PUD nor the rear-yards of residential single-family lots which abut the subject property (Lots 40 and 41, Block 1). A minor amendment was approved in March, 1997 for a similar request reducing a required rear-yard from 20 feet to four feet on an irregularly-shaped lot which was also in Development Area C (PUD-523-1).

Based on the plot plan submitted and the irregular shape of the lot, staff recommends **APPROVAL** of the minor amendment to reduce the required northeast rear-yard for Lot 43 from 20 feet to 44 13 feet to accommodate the siting of the house per the submitted plot plan.

TMAPC Action; 6 members present:

On **MOTION** of **LEDFORD** the TMAPC voted **6-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Carnes, Gray, Midget, Selph, Westervelt "absent") to **APPROVE** of the Minor Amendment for PUD-523-3 as amended and recommended by staff. (Language deleted is shown as strikeout type, language added or substituted is underline type.)

Legal Description for PUD-523-3:

Lot 43, Block 1, Bristol Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Other Business:

PUD-261-C – Greg Breedlove (PD-18) (CD-2)

East of northeast corner East 71st Street and South Riverside Drive
(Detail Site Plan for an office complex with three two-story buildings)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for an office complex consisting of three two-story buildings totaling 19,665 square feet of floor area on a 1.77-acre tract.

Staff has reviewed the request and finds the site plan conforms to the approved use, area and bulk, height, floor area, setback, parking, access and total landscaped area requirements contained in the original approval of PUD-261 C.

Staff notes that the parking provided is at a ratio of one space for each 300 square foot of building floor area (1:300). For Use Unit 11 uses no dance studios, schools, funeral homes or medical/dental offices would be allowed with the number of spaces/building floor area provided in the site plan submitted per Section 1211 D of the Zoning Code.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-261-C as submitted with the following condition:

No funeral home, schools, dance studios or medical/dental offices will be permitted.

NOTE: Detail Site Plan approval does not constitute Sign or Landscape Plan approval.

There were no interested parties wishing to speak.

The applicant indicated that he agrees with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER** the TMAPC voted **6-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Carnes, Gray, Midget, Selph, Westervelt "absent") to **APPROVE** of the Detail Site Plan for PUD-261-C; subject to the conditions as recommended by staff.

* * * * *

PUD-360-A – Ricky Jones

(PD-18) (CD-8)

East of northwest corner 91st and Memorial

(Revised Detail Site Plan to extend approved time for temporary bank trailer)

Staff Recommendation:

The applicant is requesting a six-month extension to the approved time a temporary bank trailer can remain on site while a single-story 3,384-square-foot branch bank and drive-through facility is being constructed.

The temporary bank trailer had formally received Detail Site Plan approval in December, 1996 as a Liberty branch bank. The approval allowed the trailer/temporary drive-through facility until August 31, 1998. The temporary site was partially developed by Liberty before being acquired by Bank One in 1997.

Bank One received approval for a revised Detail Site Plan on April 15, 1998, but did not request an extension of time to allow the continued use of the temporary facility. The approval recognized the use of the temporary trailer and its location on the site as approved by TMAPC in 1996.

Staff has reviewed the request and finds the extension of time is a reasonable request in light of the time lost during acquisition of the site by Bank One. Staff notes that a Detail Landscape Plan has not been submitted by the applicant and is required as a condition of the issuance of a building permit.

Staff, therefore, recommends **APPROVAL** of the six-month extension of time to allow the use of a temporary bank trailer for PUD 360-A, Development Area A-1, subject to the following conditions:

1. Approval of a Detail Landscape Plan reflecting the revisions to the site plan approved on April 15, 1998 and also indicating the landscape materials to be installed in conjunction with the use of the temporary trailer and parking areas.
2. Removal of the temporary trailer facility and installation of all permanent landscaped materials by February 28, 1999.

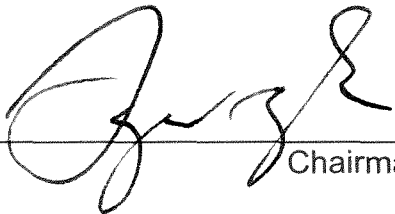
There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

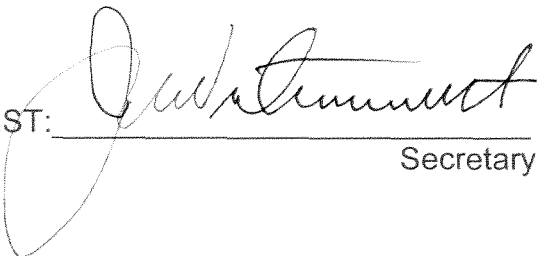
On **MOTION** of **HARMON** the TMAPC voted **6-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Carnes, Gray, Midget, Selph, Westervelt "absent") to **APPROVE** of the Revised Detail Site Plan for PUD-360-A; subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:03 p.m.

Date approved: 5-27-98



Chairman

ATTEST: 

Secretary