

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2184

Wednesday, December 2, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Ledford	Beach	Romig, Legal
Carnes	Midget	Dunlap	Counsel
Harmon	Selph	Huntsinger	
Hill		Stump	
Horner			
Jackson			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 30, 1998 at 9:41 a.m., posted in the Office of the City Clerk at 9:33 a.m., as well as in the office of the County Clerk at 9:33 a.m.

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

Minutes:

Approval of the minutes of November 12, 1998, Meeting No. 2182:

On **MOTION** of **WESTERVELT** the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of November 12, 1998 Meeting No. 2182.

Approval of the minutes of November 18, 1998, Meeting No. 2183:

On **MOTION** of **WESTERVELT** the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of November 18, 1998 Meeting No. 2183.

REPORTS:

Chairman's Report:

Mr. Boyle reminded the Commissioners of the audio conference following today's meeting.

Director's Report:

Mr. Stump reported that there are two items on the City Council agenda for the December 3rd meeting.

Mr. Boyle indicated that Mr. Horner will be representing the TMAPC at the City Council meeting for December 3rd.

SUBDIVISIONS

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 15, Block 1, Southern Heights Addition (983)

7712 South Yale Avenue

Staff Recommendation:

Mr. Beach stated the change of access has been reviewed and approved by the Traffic Engineer. He indicated that staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Change of Access on Recorded Plat for Lot 15, Block 1, Southern Heights Addition as recommended by staff.

Lot 5, Block 1, Airport Industrial Center (3304)

South of the southwest corner East Pine Street and North 145th East Avenue

Staff Recommendation:

Mr. Beach stated the change of access has been reviewed and approved by the Traffic Engineer. He indicated that staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Change of Access on Recorded Plat for Lot 5, Block 1, Airport Industrial Center as recommended by staff.

Lot 6, Block 1, QuikTrip Commercial Center (294)

16114 East Admiral Place

Staff Recommendation:

Mr. Beach stated the change of access has been reviewed and approved by the Traffic Engineer. He indicated that staff recommends approval.

Mr. Westervelt indicated that he would be abstaining from this case.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; Westervelt "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Change of Access on Recorded Plat for Lot 6, Block 1, Quik Trip Commercial Center as recommended by staff.

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PRELIMINARY PLAT:

Hawthorne Woods (3483)

(PD-26) (CD-8)

North of East 121st Street and South Joplin Avenue
(continued from November 18th agenda)

Staff Recommendation:

This subdivision consists of 32 lots in three blocks on 10.45 acres. It will be developed for single-family residential uses.

The Technical Advisory Committee had the following comments:

1. McCormick, Stormwater, stated that stormwater drainage must be taken to the Arkansas River with a 100-year storm sewer system.
2. Beach, staff, stated that the property is zoned RS-1 and has a required front yard of 35 feet, not 30 feet as shown. Several of the lots may not meet the minimum requirement of 13,500 SF of lot area and several may not have a practical amount of buildable area. The topography is another factor that may add to the difficulty in building on these lots. The Board of Adjustment should not grant variances of these requirements based on a justification that the TMAPC approved a plat that created lots that were too small. Sack, applicant, responded that a Board of Adjustment application will be filed to reduce the front yards. The lot sizes and buildable areas will be examined in-office. If relief is needed, he will attempt to file in time for the 1/12/99 BOA hearing.
3. Pierce, PSO, stated that more easements are needed. He submitted a plan indicating the locations. Sack, applicant, agreed to accommodate.
4. Cox, Infrastructure, stated that the curve table on the plat needs work. A reserve area needs to be indicated in the entry area.

5. Eshelman, Traffic, stated that the access limits need to include the words "with median". He also requested sidewalks along the west side of Joplin and the south side of 119th Place and acknowledged that they are not a requirement but are encouraged.

Staff recommends continuance of the preliminary plat until the lot size and setback issues are resolved. Resolution could result in changes that would require additional TAC review.

Waivers of Subdivision Regulations:

1. To allow the scale of 1"=60'

TAC Requirements:

1. A 100-year stormwater drainage system must be provided to carry drainage to the Arkansas River.
2. All Zoning Code requirements must be met or relief granted by the Board of Adjustment.
3. Dedication of a reserve area for a median in the 70-foot wide entry location.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

- 22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
- 23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
- 24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 25. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
- 26. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Preliminary Plat for Hawthorne Woods, subject to requirements recommended by TAC, subject to the standard conditions and a waiver to the subdivision regulations as recommended by staff.

Angel Wing (1082)

(PD-8) (CD-2)

South of the southwest corner of West 71st Street and South Union Avenue

This case was stricken from the agenda.

Retail Center II (2983)

(PD-26) (CD-2)

South of the southeast corner 101st Street and South Delaware Avenue

Staff Recommendation:

This is a subdivision of 2.227 acres into one lot in one block. It would complete the platting of properties at the southeast corner of E. 101st St. and S. Delaware. The abutting parcel to the east was platted recently as Storage Center 1 and will consist of a mini-storage facility. The parcel to the northeast is currently being platted as Retail Center 1 and received preliminary plat approval November 18, 1998.

The Technical Advisory Committee had the following comments on the preliminary plat:

1. Somdecerff, Transportation, stated that a total of 75' of right-of-way is required along Delaware. He also noted that in the 10th line up from the bottom in the legal description, 15" should read 51".
2. Eshelman, Traffic, stated that two of the three access locations must be eliminated, leaving the existing 20' shared access and the most southerly 40' access as the only locations for ingress and egress to the site.
3. Lee, Water, asked that the applicant contact him regarding whether the Fire Marshal required a waterline loop through Storage Center 1 for fire protection.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None.

Special Requirements:

1. Dedication of a total of 75' of right-of-way along the Delaware Avenue frontage.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property lines and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
25. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
26. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Preliminary Plat for Retail Center II, subject to the dedication of total 75' of right-of-way along the frontage of Delaware Avenue as recommended by staff.

South Bay (1483)

(PD-18) (CD-8)

East of the southeast corner of 81st and Sheridan

Staff Recommendation:

This is a subdivision of 3.099 acres into one lot in one block. The property is zoned RM-0, Residential, Multifamily, Lowest Density District. It will be developed as an assisted living facility for Alzheimer's patients.

The following were discussed at the Technical Advisory Committee meeting on the preliminary plat:

1. Jones and Brown, applicants, described the project and distributed a site plan. They noted that the east 23 feet of the property is zoned single-family residential and will have a 50' setback. The site plan indicated the proposed water, sanitary sewer and storm sewer services. They requested a reduction of the 17.5' utility easement along the west side to 11'. The access limits were revised from the preliminary plat submitted to reflect two access points along E. 81st St.

2. TAC expressed no concerns.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None.

Special Requirements:

1. None.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
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6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
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9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

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15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
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23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

- 24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 25. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
- 26. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with the staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Preliminary Plat for South Bay, subject to the standard conditions as recommended by staff.

PLAT WAIVER:

Z-6653 (3693)

(PD-18) (CD-7)

5880 South Mingo Road

Staff Recommendation:

This property was rezoned IL August 27, 1998 and will be redeveloped with industrial related uses. The rezoning triggered the platting requirement.

Staff recommends approval of the plat waiver **subject to** an overland drainage easement on the entire property and access limits being filed by separate instrument.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|-----|--------------------------|
| 1) Has property previously been platted? | ✓ | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | ✓ | <input type="checkbox"/> |

3) Is property adequately described by surrounding platted properties or street R/W?

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

4) Is right-of-way dedication required to comply with major street and highway plan?

5) Will restrictive covenants be filed by separate instrument?

6) Infrastructure requirements

a) Water

i) Is a main line water extension required?

ii) Is an internal system or fire line required?

iii) Are additional easements required?

b) Sanitary Sewer

i) Is a main line extension required?

ii) Is an internal system required?

iii) Are additional easements required?

c) Storm Sewer

i) Is a P.F.P.I. required?

ii) Is an Overland Drainage Easement required?

iii) Is on-site detention required?

iv) Are additional easements required?

7) Floodplain

a) Does the property contain a City of Tulsa (Regulatory) Floodplain?

b) Does the property contain a F.E.M.A. (Federal) Floodplain?

8) Change of Access

a) Are revisions to existing access locations necessary? A document is required to be filed describing the access limits as north 40' for access and south 60' limits of no access.

9) Is the property in a P.U.D.?

a) If yes, was plat recorded for the original P.U.D.? **N/A**

10) Is this a Major Amendment to a P.U.D.?

a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? **N/A**

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **PACE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Plat Waiver for Z-6653 as recommended by staff.

* * * * *

ZONING PUBLIC HEARING

CZ-248 - Tracy Grant

Southwest corner West 55th Place South and South 41st Court

RS to IL
(PD-9) (County)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Industrial.

According to the Zoning Matrix the requested IL zoning **is** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 121.5' x 145' in size and is located on the southwest corner of West 55th Place and South 41st West Court. The property is flat, non-wooded, contains a partially destroyed, vacant single-family dwelling, and is zoned RS in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by a truck storage, zoned IL, and a vacant lot, zoned RS; to south and west by single-family dwellings, zoned RS; and to the east by the Tulsa-Sapulpa Union Railroad right-of-way, zoned RS; beyond the railroad are single-family dwellings, zoned RS-3 within the City limits.

Zoning and BOA Historical Summary: This area has been in transition to industrial zoning and uses for many years.

Conclusion: IL zoning for this tract is compatible with existing development, development trends in the area and the Comprehensive Plan. Therefore, staff recommends **APPROVAL** of IL zoning for CZ-248.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to recommend **APPROVAL** for the IL zoning for CZ-248 as recommended by staff.

Legal Description for C-248:

Lots 1 through 3, Block 5, Opportunity Heights Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Z-6665 - Mark Polumbus

North of northeast corner East 11th Street and South 145th East Avenue

AG to IL

(PD-17) (CD-6)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Industrial.

According to the Comprehensive Plan the requested IL zoning **is** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 20 acres in size and is located north of the northeast corner of East 11th Street South and South 145th East Avenue. The property is flat, non-wooded, vacant, and is zoned AG.

Surrounding Area Analysis: The subject tract is abutted on all sides by vacant property, zoned AG.

Zoning and BOA Historical Summary: The most recent rezoning activity in this area approved IL zoning on a 119-acre tract located on the southwest corner of East Admiral Place and South 145th East Avenue from AG in August, 1998. There is a request pending final action by City Council on the 20 acres that abut the subject tract on the

south. TMAPC has recommended approval of CS on the south 286' of the west 537' of that tract and denial of rezoning the remainder.

Conclusion: Based on the Comprehensive Plan staff recommends **APPROVAL** of IL zoning for Z-6665.

Interested Parties:

Eck Ruddick, 14673 East 11th Place, Tulsa, OK 74108, stated that he lives 1/4 mile from the subject property. He questioned the staff recommending the approval for this application after denying an IL application in the same area previously. He expressed concerns with the blasting that will take place due to the limestone in the subject area. He indicated that the blasting may damage the foundations of the homes in the immediate area.

Staff Comments:

Mr. Dunlap stated that at the location cited by Mr. Ruddick, the requested IL was not in compliance with the Comprehensive Plan; however, the IL request is in compliance with the subject location. Mr. Boyle asked staff where the other location is in relationship to this case. In response, Mr. Stump stated that the denied location is approximately 1/8 of a mile south of the subject location. Mr. Stump explained that the special district, which would allow industrial zoning, ends 1/4 of mile north of 11th Street. Mr. Stump stated that the area on the southernmost 1/4 mile near 11th Street was not planned for industrial development and that is why staff recommended denial on the previous case.

Mr. Ruddick stated that he understands what the staff is stating. He commented that the neighbors in the subject area would like an opportunity to look at the map. He stated that there are 140 acres in the subject area and it is not far from 145th East Avenue. He indicated that he was informed about this application at his neighborhood meeting two evenings ago. He explained that the neighborhoods in the subject area have been established for approximately 28 years or more. Mr. Ruddick requested a continuance to January in order to discuss this application with the applicant. He stated that the applicant was present at the neighborhood meeting, but would not address the subject.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Ruddick to clarify where he lived in the subject area. In response, Mr. Ruddick stated that his property backs on 11th Street. Mr. Ruddick indicated that he lives about 2/3 of the way between 11th Street and 145th E. Avenue.

Mr. Harmon stated that it appears that Mr. Ruddick is 3/8 of a mile from the subject property. Mr. Harmon asked Mr. Ruddick if he felt that the proposal will impact his property. In response, Mr. Ruddick stated that whatever happens in the 140-acre tract can definitely affect his property and the surrounding properties due to the blasting that will be required to develop the subject property. Mr. Ruddick explained that he is more than one mile from the Albertson's development and the blasting shakes his home. Mr.

Ruddick expressed concerns for the foundations of the homes in the surrounding area of the subject tract.

Mr. Westervelt asked staff when the notice was given for the subject application. In response, Mr. Stump stated that because of Mr. Ruddick's distance from the subject property, he did not receive notice; he is more than 300 feet from the site. Mr. Stump indicated that there were approximately four property owners within the 300 foot radius who received notice.

Bob Johnson, 15324 East 13th Street, Tulsa, OK 74108, stated that the application would be setting a precedent and the blasting would destroy foundations of surrounding homes. He commented that the IL zoning would impact the surrounding neighborhoods.

Applicant's Comments:

Tony Farqwhar, 742650 S. 89th East Avenue, Tulsa, OK 74133, stated that he would be happy to sit down with the neighborhoods and discuss his plans. He commented that he does not know who attended the neighborhood meetings, but he is sure it was not the owner or himself.

Mr. Farqwhar stated that the subject property is adjacent to the Albertson's property. He explained that the subject property will be subdivided into two-acre lots for industry that is related to Albertson's. He commented that Albertson's uses subcontractors and suppliers. He stated that the subject property will go through the platting process and comply with the codes.

TMAPC COMMENTS:

Mr. Boyle asked the applicant if a continuance would be a hardship. In response, Mr. Farqwhar stated that a two-week continuance would not be a problem and he would be happy to meet with the neighborhood. He commented that he is not trying to cause any undue hardships on the surrounding neighbors. He stated that his goal is to have development finished near the same time as Albertson's.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, to **CONTINUE** Z-6665 to December 16, 1998 at 1:30 p.m. in order to allow the applicant to meet with the neighborhood.

TMAPC COMMENTS:

Mr. Boyle informed the interested parties that when Z-6665 is brought back before the Planning Commission it will be considered in the same fashion as it would have been today. He commented that the interested parties may feel more comfortable after discussing the proposal, but it will probably not change how the Planning Commission considers this application. Mr. Boyle concluded that the Planning Commission will still consider industrial zoning that is in a special district that is intended for industrial zoning. He explained that it would be difficult to do anything different.

Ms. Pace stated that it appears that one of the major concerns is the development and installation of the infrastructure. She explained that the Planning Commission cannot consider the blasting issue. She stated that the request is for IL zoning and the district plan allows for medium intensity and the application is for a lesser intensity.

Interested Parties:

Art Justis, City Councilor, stated that he does have concerns with the subject application. He indicated that one of the problems is that the neighborhood has not had the opportunity to discuss this proposal with the developer. He requested a continuance until after the first of the New Year.

TMAPC COMMENTS:

Mr. Boyle informed Mr. Justis that a motion for a continuance to December 16th is on the table. He stated that the continuance for the 16th is an effort to recognize that the developer does have plans and has the right to proceed with some due speed. In response, Councilor Justis stated that he requested the mid-January continuance in order to get everyone together after the holidays.

Mr. Westervelt asked the applicant if a continuance to mid-January would be a hardship. In response, Mr. Farqwhar stated that the Planning Commission is only the first step and if it is continued to January, then it will be another month before going to the City Council. Mr. Farqwhar stated that a continuance to January would create a hardship.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **CONTINUE** the proposal of IL zoning for Z-6665 to December 16, 1998 at 1:30 p.m.

Mr. Boyle announced that Ms. Hill will be abstaining from the following case.

Z-6666 - Floyd Reiman

Southwest corner East 33rd Street South and South Jamestown
East Avenue

RM-1 to CS, CG & RS-3

(PD-6) (CD-7)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the west 140' of the subject tract as Medium Intensity – Residential and the eastern tract as Low Intensity – Residential.

According to the Zoning Matrix the requested CG and CS zoning **are not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 120' x 275' in size and is located on the southwest corner of East 33rd Street South and South Jamestown Avenue. The property is flat, non-wooded, contains two residential dwellings that were used as a children's daycare facility for several years and are now vacant, and is zoned RM-1 and RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by two single-family dwellings, zoned RM-1 and vacant lots, zoned RM-2 and RM-1; to the south by single-family dwellings, zoned RS-3 and RM-1; to the east by single-family dwellings, zoned RS-3; and to the west by a children's daycare facility, zoned CG.

Zoning and BOA Historical Summary: The most current rezoning activity in this area has rezoned vacant residential lots located south of the subject tract to PK for additional parking for the church that is located south and west of the subject tract. The subject tract was approved for a special exception by the Board of Adjustment in 1985.

Conclusion: The Comprehensive Plan does not support commercial zoning on the subject tract. Staff recommends **DENIAL** of CS or CG zoning for Z-6666.

Applicant's Comments:

Candice Parham, 1425 South Marion, Tulsa, Oklahoma 74112, stated that the subject property has been vacant for four years. Ms. Parham distributed photographs as an exhibit. She described the surrounding property as having heavy commercial uses, which extends to 31st Street. There are apartment complexes within one block of the subject property, as well as several vacant properties.

Ms. Parham stated that the subject property will be utilized as residential and light commercial use. She indicated that there are three different properties and each is adjoined by an enclosed walkway. She stated that the subject property was previously used for a daycare facility. The two properties on either side will be used as residential with the center property be used as commercial.

Ms. Parham stated that after speaking with INCOG, she was advised that trying to zone the center property as CS would more than likely be denied. She explained that with the information from INCOG she decided to request CS zoning for the entire parcel.

Ms. Parham stated that the name of the business is Love on a Leash, which is an animal boarding and grooming facility. She indicated that the business also sharpens blades. She explained that the notice used the word "kennel" and this usually indicates outside dogs. She stated that the subject business will not have outdoor kennels and will have only indoor kennels. She explained that the subject business utilizes their

boarding facilities for animals that require special needs, as well as rescued animals. She commented that the owners are members of the Tulsa Poodle Club.

Ms. Parham commented that she believes that the opposition comes from the fact that the word "kennel" was used in the notice. She explained that she invited the neighbors to the office of Love on a Leash and several of the neighbors' fears were quashed.

Ms. Parham stated that the application was filed because they are trying to pursue a lease-agreement with the owner of the subject property. She commented that the lease for the subject property was listed as commercial property and unfortunately it was not actually zoned commercial.

TMAPC COMMENTS:

Mr. Boyle asked Ms. Parham if she reviewed the Comprehensive Plan before filing the application. In response, Ms. Parham answered negatively.

Interested Parties:

Tony Beach, 3307 South Jamestown, Tulsa, Oklahoma 74135, stated that she has strong objections to the zoning change. She explained that Jamestown and 33rd Street receive heavy traffic due to other commercial uses in the subject area. She commented that vehicles use Jamestown because there is less traffic than on Harvard. She stated that the added noise and traffic will decrease the land value in subject area.

Ms. Beach stated that the new business would not have access from 31st or Harvard. She explained that all customers would have to use Jamestown or 33rd Street, which are over used. She commented that the parking is not adequate for any type of commercial use.

TMAPC COMMENTS:

Mr. Harmon stated that he viewed the subject property and it is rather decrepit and it would seem that to have someone to fix the property up would help the surrounding neighborhood. In response, Ms. Beach stated that it would be nice to have someone on the subject property, but she would prefer that it remain residential. Ms. Beach stated that there have been several wrecks at the intersection of 33rd and Jamestown and the City has added stop signs. Ms. Beach commented that too many vehicles are already utilizing the street.

Mr. Harmon reminded Ms. Beach that there are several vacant homes in the subject area and no one is buying them to rehab as residential property. Ms. Beach stated that she does not believe that having light commercial will improve the subject area. Ms. Beach explained that the houses are in such bad shape that they will have to be torn down and the applicant will have to do the same on the subject property. If the applicant is willing to tear down a house and rebuild, then someone else would be willing to do the same and live there.

Interested Parties:

Michael Beach, 3307 South Jamestown, Tulsa, Oklahoma 74135, stated that the City of Tulsa provides adequate facilities for stray animals and it is not inside a residential area, but rather located away from residential homes. He objects to the boarding or kennel in the residential area. He expressed concerns with traffic problems and inadequate parking.

Lou Porter, 7003 South Indianapolis, Tulsa, Oklahoma 74136, stated that he owns the subject property. He commented that the subject property is vacant and he has problems with vandalism. He stated that the subject property is not worth fixing for residential living. He explained that west of the two properties there is commercial property, which is not indicated on the INCOG case map.

Further comments are inaudible.

TMAPC COMMENTS:

Ms. Pace asked Mr. Porter if he owns the subject property that is being considered today. Mr. Porter answered affirmatively. Mr. Porter explained that the lot on the corner will continue as a residence, which blocks the area from the kennel. He agreed that Jamestown is a very busy street.

Interested Parties:

Hollis Copeland, 3321 East 33rd, Tulsa, Oklahoma 74135, stated that he owns the apartment building near the subject property. **Inaudible.**

Mr. Copeland stated that there are several empty lots and the owners are trying to sell the lots as commercial. He explained that the properties are too expensive as commercial to purchase and develop for residential.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Copeland what his position is regarding the application. Mr. Copeland stated that he would prefer that the subject property remain residential.

Interested Parties:

Ms. Francis Mabry, 3241 South Jamestown, Tulsa, Oklahoma 74135, submitted a letter of opposition. She agreed with the previous interested parties that the traffic is a problem.

Applicant's Rebuttal:

Ms. Parham stated she cannot rebut to Ms. Mabry's letter because she was not given a copy of the letter. (Mr. Romig provided a letter to Ms. Parham.)

Ms. Parham stated that she respects the property owners' wishes to keep the traffic to a minimum, but Jamestown is the only street that is a through-street from 31st Street to 36th Street. **Inaudible**

Ms. Parham stated that a staff member of the business will utilize one of the tracts for residential use. She explained that the owner wishes to keep the business looking like a residence as much as possible. She stated that there will be no changes to the façade and only renovations will be made to make the subject property habitable.

Ms. Parham stated that the parking for the commercial facility will be directly on 33rd Street. She explained that animal boarding and grooming does not require stays longer than five to ten minutes per customer. She stated that there will not be a great deal of parking or traffic with this commercial business. She indicated that the commercial facility does not groom more than ten dogs a day.

Ms. Parham indicated that the commercial facility is assisting the City of Tulsa by being a rescue facility. The Rescue Foundation works with the City of Tulsa to find homes for the stray animals. She indicated that the facility generally will have four to five dogs being boarded under the rescue program. The facility generally rescues poodles, which are of small size. She reiterated that the animals are not boarded outside. Occasionally the facility will board fifteen animals. Ms. Parham commented that this is a small business and fifteen animals is the maximum they can accommodate.

Ms. Parham stated that all parking for the subject property will be along 33rd Street. She explained that the commercial facility would be the only property operated as commercial, which is the center property.

TMAPC COMMENTS:

Mr. Boyle asked the applicant what zoning she is requesting for each of the three properties. In response, Ms. Parham stated that she is requesting CS zoning on each of the three properties.

Mr. Boyle asked staff if the applicant is going to use the two end tracts as residential and the middle CS, the Planning Commission could grant lower zoning if it was appropriate. In response, Mr. Stump stated that if the use is on the commercial area and the parking related to it, the Planning Commission could grant a lower zoning.

In response to Mr. Boyle, Ms. Parham stated that the commercial use will be limited to the middle tract, but she would like to keep the westernmost property zoned commercial for future use. She explained that the westernmost property is going to be leased by an employee and it is directly across from commercial. She stated that it would be difficult to continue to lease the westernmost property out as residential in the near future with the commercial being located directly across the street.

Mr. Boyle asked the applicant if she would have an objection to the Planning Commission granting an RS-3 on the easternmost property. Ms. Parham stated that all three properties are connected with an internal walkway and she was advised to request CS zoning for all three properties. Mr. Stump stated that it would not be a problem to leave the easternmost property as RS-3 and zone the westernmost property commercial.

Mr. Horner stated that there is logic to leaving the eastern side RS-3 and zoning the western portion CS. He further stated that he has become acquainted with Lou and Margene Porter personally, no business relationship. He commented he wanted to disclose this to the Planning Commission.

Mr. Westervelt asked if the Planning Commission is using the existing RM line as the commercial zoning line. Mr. Harmon stated that the line in the middle would be the dividing line and east of the line will remain RS-3 and west of the line will be zoned CS.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, to recommend **DENIAL** of the CS zoning for the eastern tract and **APPROVAL** CS zoning for the two western tracts.

TMAPC COMMENTS:

Ms. Pace stated that she agrees with leaving the eastern portion as RS-3. She commented that she is very familiar with the neighborhood. She stated that the Planning Commission and Council do not rezone property just because something is ugly. She explained that the Planning Commission's function is not to rezone because other departments (such as enforcement of the Codes) are not doing their jobs. She stated that she would have to vote against any thing as high as CH zoning on the western parcel because it is abutted by RM-1 and PK further south. She indicated that further south of the PK zoning there is RS zoning.

Ms. Pace stated that if the proposed business cannot be achieved through the Board of Adjustment with a lesser zoning on the west parcel she would have to deny it. She commented that one cannot get commercial value out of the surrounding properties. She indicated that the subject area is a very desirable area and if the owners would sell the vacant properties as residential, they would more than likely sell for residential uses. Ms. Pace commented that this would be spot zoning.

Ms. Parham requested to interject in order to clarify some issues.

Ms. Parham described the surrounding properties and their uses. Mr. Boyle reminded Ms. Parham that the Planning Commission has already reviewed the surrounding uses. Mr. Boyle asked Ms. Parham if she any information that has not been discussed. In response, Ms. Parham stated that she has a few other things she would like to discuss and apologizes for being out of order. Ms. Parham explained that she does real estate law and not zoning changes.

Mr. Carnes requested the Chairman for a point of order.

Mr. Boyle asked Ms. Parham if she realized that the motion on the table will grant what she wants. Ms. Parham answered affirmatively.

Ms. Pace stated that the Planning Commission does not look at the uses, but the land zoning classifications. She commented that regardless how someone is using property, with or without Board of Adjustment approval, it is TMAPC's job to maintain appropriate land use separations. She reiterated that this application would be spot zoning.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **5-2-1** (Boyle, Carnes, Harmon, Horner, Jackson, "aye"; Pace, Westervelt "nays"; Hill "abstaining"; Ledford, Midget, Selph "absent") to recommend **DENIAL** of the CS zoning for the eastern tract of Z-6666 and **APPROVAL** of the CS zoning for the two western tracts of Z-6666.

Legal Description for Z-6666:

The West 70' of the East 140' of the West 165' of the North 120' of Block 23, Albert Pike Subdivision, Tulsa County, State of Oklahoma; **and** the East 70' of the West 165' of the North 120' of Block 23, Albert Pike Subdivision, Tulsa County, State of Oklahoma; **FROM:** RM-1 (Residential Multifamily Low Density District) **TO:** CS (Commercial Shopping Center District).

* * * * *

Z-6667 - Roy Johnsen

Northwest corner South Mingo Road and US Highway 169

AG TO OL

(PD-18) (CD-8)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 6.1 acres in size and is located in the northwest corner of South Mingo Road and U. S. Highway 169 South. The property is sloping, partially wooded, vacant, and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the northwest by single-family homes, zoned RS-3/PUD-268; to the north by two medical office buildings and accessory parking lots presently under construction, zoned RM-1/PUD-268-B; to the east by an in-line hockey facility, zoned CO; and to the south by the Mingo Valley Expressway, zoned AG.

Zoning and BOA Historical Summary: A Planned Unit Development (PUD-268) was approved in 1981 for single-family and multifamily residential development on the abutting property to the north. In 1997 a major amendment was approved which allowed a medical and general office complex on eight acres of PUD-268 which abuts the subject tract on the north and fronts on South Mingo Road.

Conclusion: Based on the Comprehensive Plan, the surrounding land uses, and existing zoning, staff recommends **APPROVAL** of OL zoning for Z-6667 if the Planning Commission finds PUD-597 to be satisfactory.

AND

PUD-597 - Roy Johnsen

Northwest corner South Mingo Road and US Highway 169

AG TO OL/PUD

(PD-18) (CD-8)

Staff Recommendation:

The proposed PUD consists of 6.12 acres located at the northwest corner of the interchange of Highway 169 and South Mingo Road. The site has 250 feet of frontage on and derives its access from Mingo Road and extends southwesterly from Mingo Road a distance of 1350 feet along Highway 169. The tract was initially included within the right-of-way of Highway 169, but was privately acquired upon being declared surplus by the Oklahoma Department of Transportation.

North of the east 243 feet of the site and extending north along Mingo is a developing medical office park approved as PUD-268-B. The remainder of the northwesterly boundary of the site is adjoined by Woodland Glen, a single-family development having lots abutting the site with the only potential connecting access from 95th Place South.

The PUD proposes an office park intended for individual lot ownership with interior lots deriving their access from private mutual access drives. The proposal would permit transfer of the initial allocation of permitted floor area and would also permit subsequent adjustment of lot boundaries. Related zoning case Z-6667 is requesting a change to OL.

If the property is rezoned to OL, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-597 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-597 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:

Gross Land Area: 6.12 acres

Permitted Uses: As permitted by right within an OL District

Maximum Floor Area: 80,000 SF

Maximum Floor Area Ratio Per Lot:

One Story 0.30

Two Story 0.35

Maximum Building Height:

Within 310 feet of the centerline of South Mingo Road 2 stories

Remainder of PUD 1 story

Minimum Building Setbacks:

From centerline of Mingo Road 100 FT

From abutting single-family residential development:

One story buildings 20 FT

Two story buildings 100 FT

From expressway right of way 10 FT

Minimum Off-Street Parking Setback

From abutting single-family residential development 20 FT

Minimum Access Drives Setback:

From abutting single-family residential development 50 FT*

Minimum Lot Frontage:

Within 200 feet of Mingo Road centerline 200 FT

Remainder of PUD 0 FT

Signs:

Signs shall comply with the requirements of Section 1103.B.2 of the Zoning Code. For lots only fronting the Mingo Valley Expressway, no sign shall have a display surface area of greater than 50 SF and if a ground sign, it shall not exceed a maximum height of six feet and wall signs shall not be allowed on the north side of the building.

Minimum Landscaped Area: 15% of net lot area

*Minor deviation may be approved during Detail Site Plan approval.

3. No front of an office building shall face northwesterly toward the single-family residential area.
4. A landscaped area of not less than 15 feet in width and a six-foot screening wall or fence shall be located along the northwesterly boundary adjoining a residentially developed area. Landscaping throughout the PUD shall meet the requirements of the landscape chapter of the Tulsa Zoning Code.
5. Allocated floor area may be transferred to another lot or lots by approval of a minor amendment.
6. Lot boundaries may be adjusted by approved lot-split (with accompanying tie provision) and the recording of a declaration executed by the owners of the affected lots that the resulting ownership boundaries shall thereafter be deemed the "Lot" boundaries for the purposes of application of the bulk and area and other development standards.
7. A mutual access easement shall be delineated by platted easement providing vehicular and pedestrian access to and from South Mingo Road and connection to interior drives of adjoining office properties.
8. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
9. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. 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 the lot, 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.
10. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
11. All trash, mechanical, and equipment areas shall be screened from public view by persons standing at ground level. No bulk trash container shall be within 100 feet of a residential lot.

12. 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 eight feet in height and all such lights shall be set back at least 25 feet from a residential lot.
13. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
14. 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 and making the City beneficiary to said Covenants that relate to PUD conditions.
15. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
16. Approval of the PUD is not an endorsement of the layout. This will be done during the subdivision platting process.
17. There shall be no outside storage of recyclable material, trash or similar material, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
18. There shall be no access to the South 95th East Avenue stub to the north of the PUD.

Applicant's Presentation:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that he agrees with the staff's recommendation. He explained that when he submitted the application he submitted a conceptual site plan. The tract is narrow in depth and he was trying to move the buildings farther back from the single-family residences with a drive on the north side. He commented that the tract closest to Mingo, with 250' of frontage on Mingo, will have a two-story building subject to a reasonable setback. He indicated that staff has suggested a 100' setback. The balance of the application will have single-story buildings.

Mr. Johnsen stated that north of the Mingo frontage there is an existing medical office complex, which includes a one-story building and a two-story building. He informed the Planning Commission that his proposal exceeds the existing building setbacks.

Mr. Johnsen stated that staff also suggested that the north drive should be brought to the south boundary of the property and the buildings moved northwardly. The parking will be to the south of the building. The buildings will front to the expressway and be limited to one story except the building fronting Mingo, which will be a two-story building.

Mr. Johnsen concluded that he feels that this is a nice concept of a tract between single-family residential, a major highway and its intersection with an arterial (Mingo and Highway 169). He stated that this is an appropriate use and seems consistent with the office development to the immediate north.

TMAPC COMMENTS:

Mr. Westervelt asked if the Woodglen Five cul-de-sac will connect to the proposal. In response, Mr. Johnsen stated that the dedicated stub-off of the cul-de-sac is not paved and there is a significant grade change. Mr. Johnsen indicated that he does not plan to connect to the cul-de-sac. Mr. Johnsen stated that he would accept a condition that he not extend access to the north.

Mr. Westervelt asked Mr. Johnsen if he discussed his proposal with Public Works. In response, Mr. Johnsen stated that he talked with Mr. Eshelman. Mr. Johnsen explained that after talking with Mr. Eshelman, it was decided to have the access point at the northern point of the Mingo frontage and then curve to the south boundary of the property. Mr. Johnsen indicated that Mr. Eshelman approved the access point.

Interested Parties:

Joseph T. Whitaker, 9332 South 95th East Place, Tulsa, Oklahoma 74133, stated that a number of the neighbors have requested that he speak on their behalf. He commented that most of the concerns may have been already addressed during Mr. Johnsen's presentation.

Mr. Whitaker expressed concerns with the buildings being two-story and requested that they be limited one-story. He commented that he would prefer to have the driveway on the north side instead of the south side. He explained that if the commercial buildings abut the property line it will detract from the residential area. He stated that by having the buildings on the south side of the subject property they will set back farther and less of an eyesore.

TMAPC COMMENTS:

Mr. Boyle asked staff which way the drive is oriented at this time. In response, Mr. Stump stated that staff has recommended that the buildings be closer to the residential and limited to one-story. Mr. Stump indicated that the buildings will have a roof similar to a residential. Mr. Stump commented that the homes in the adjacent residential neighborhood are two-story for the most part. Mr. Stump clarified that the proposal is for office buildings, not commercial buildings.

Mr. Stump explained that the office buildings will be inactive later in the evenings. Mr. Stump stated that the buildings will act as a good buffer for noise from the vehicular activity of the offices during the day and the expressway. Mr. Stump stated that in his opinion as a planner, it is better designed to locate a basically inactive side of an office building closer to the residences and the active portion (parking lot and driveway) away from the residences. Mr. Stump concluded that with the buildings being single-storied the impact visually will not exist.

TMAPC COMMENTS:

Mr. Westervelt asked the staff if the Trails will be able to connect to the subject property. In response, Mr. Stump stated he did not know if this subject property was included in the Trail Plans.

Interested Parties:

Teresa Harris, 9206 East 95th Street, Tulsa, Oklahoma 74133, stated that she opposes the rezoning because it will diminish the property values. She explained that her home abuts the subject property and she has not received a conceptual site plan since it has been changed. She requested a copy of the conceptual site plan to review.

Name is inaudible, 9345 South 94th East Avenue, stated that she lives on the cul-de-sac directly behind 95th East Avenue. She further stated that she wants to clarify that the applicant is agreeing to limit their buildings to one-story. She agreed with the parking area being moved to the south side of the subject property. She explained that six months ago she purchased her home and was assured that the subject property would not be developed.

Note:

TMAPC received several letters from interested parties in the subject area. The letters were collected by Vicki Jurries, 9339 South 95th East Place, who indicated that some of the interested parties were for the application with conditions. The balance of the letters indicated that they opposed the proposed development.

Applicant's Rebuttal:

Mr. Johnsen stated that he was not aware that the Trails was an issue and he doesn't know how to respond the issue. He commented that he would encourage his client to cooperate if it is workable for the Trails. He indicated that perhaps the Trails issue can be addressed during the Detail Site Plan review. He stated that there is a flat area wide enough for a truck along the right-of-way, which will probably be available for the Trails System.

Mr. Westervelt asked Mr. Johnsen if he is suggesting that there is sufficient right-of-way still remaining that the trail could come through. In response, Mr. Johnsen answered affirmatively.

Mr. Johnsen stated that he feels that the staff's concept is a sound concept. He commented that moving the street to the south makes sense.

Mr. Dunlap reminded the Planning Commission that staff has an addition to the recommendation that there be no access to the north on the stub street.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to recommend **APPROVAL** for the OL/PUD zoning for Z-6667/PUD-597, subject to the conditions as recommended by staff. (Language deleted by TMAPC is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

Legal Description for PUD-597:

Part of the SE/4, NE/4 of Section 24, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows to-wit: Commencing at the Southeast corner of said SE/4, NE/4; thence North along the East line of said SE/4, NE/4 a distance of 999.98'; thence S 88°50'25" W a distance of 60.00' to the Point of Beginning; thence S 88°50'25" W a distance of 60.00'; thence S 59°36'01" W a distance of 1,375.84' to a point on the West line of said SE/4, NE/4; thence South along the West line of said SE/4, NE/4 a distance of 39.95'; thence N 76°47'00" E a distance of 39.95'; thence N 76°47'00" E a distance of 534.93'; thence N 68°16'06" E a distance of 376.29'; thence N 59°37'48" E a distance of 440.23' to a point 60.00' West of the East line of said SE/4, NE/4; thence N 01°09'35" W a distance of 252.72' to the Point of Beginning.

TMAPC COMMENTS:

Mr. Boyle directed staff to check with the Trails Master Plan in regard to the Z-6667/PUD-597.

Z-6668 - C. Eric Pfanstiel

Northwest corner East 12th Street and South Lewis Avenue

OM to IL

(PD-4) (CD-4)

Applicant has withdrawn this Case and therefore was stricken from the agenda.

Mr. Westervelt announced that he will be abstaining from PUD-594.

PUD-594 - Jason C. Potter

Northwest corner East Admiral Place and North Harvard
(Detail Site Plan)

(PD-3) (CD-3)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 4,305 square foot convenience store on 57,535 square foot tract (net).

Staff has reviewed the request and finds conformance to bulk and area, floor area, height, setback, access and mutual access, circulation, screening, lighting and total landscaped area standards contained in the approved outline development plan.

Staff notes that the City Council modified the Planning Commission approval with the additional requirement of a four-foot solid fence ten feet south of the north property line with landscaping on both sides of the fence. The Site and Landscape Plans conform to this requirement.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-594 as submitted.

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

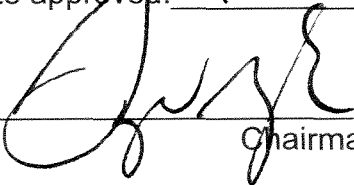
There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; Westervelt "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Detail Site Plan for PUD-594 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:50 p.m.

Date approved: 12-16-98


Chairman

ATTEST: Brandon J. Jackson
Secretary