

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2219

Wednesday, October 6, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 4, 1999 at 10:52 a.m., posted in the Office of the City Clerk at 10:46 a.m., as well as in the office of the County Clerk at 10:41 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 September 15, 1999, Meeting No. 2217

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of September 15, 1999 Meeting No. 2217.

Minutes:

Approval of the minutes of September 22, 1999, Meeting No. 2218

On **MOTION** of **HARMON** the TMAPC voted **5-0-1** (Boyle, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Dick, Horner, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of September 22, 1999 Meeting No. 2218.

Ms. Pace in at 1:32 p.m.

REPORTS:

Chairman's Report:

Rules and Regulations Committee

Mr. Boyle reported that the committee discussed the potential public hearing to consider HP zoning for Brady Heights neighborhood. The recommendation of the committee was to set the matter for public hearing. The next available date, based on our notice requirement, is November 17, 1999.

Mr. Boyle indicated that he would like to have an additional review of the proposal in committee forum in order to look at the specific proposals and review the facts that support the rezoning.

Mr. Boyle directed staff to set the committee meeting for an additional review and asked for a motion to set the November 17th public hearing.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to call a public hearing to consider HP zoning for the Brady Heights neighborhood on November 17, 1999 at 1:30 p.m.

TMAPC COMMENTS:

Mr. Westervelt requested staff to obtain a copy of the original count of neighbors for and against the HP zoning proposal.

Director's Report:

Mr. Stump stated that there are four items on the City Council agenda and all items were unanimously approved by the Planning Commission.

CONTINUED ITEMS:

PRELIMINARY PLAT:

Ridge Pointe Villas (PUD-411-C) (2483) (PD-26) (CD-8)
Northeast corner 101st Street South & 85th East Avenue (Amendment to PUD required, recommend continuance to November 3, 1999.)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **CONTINUE** the preliminary plat for Ridge Point Villas to November 3, 1999 at 1:30 p.m.

Crown Colony (3314)

(PD-15) (County)

East of southeast corner of East 76th Street & North 129th East Avenue. (Staff requests a continuance to October 20, 1999.)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **CONTINUE** the preliminary plat for Crown Colony to October 20, 1999 at 1:30 p.m.

Application No.: Z-6690

Applicant: Darin Akerman

Location: 4940 South Columbia

RS-1 to RT

(PD-6) (CD-9)

STAFF RECOMMENDATION:

Staff recommends a continuance to October 20, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **CONTINUE** Z-6690 to October 20, 1999 at 1:30 p.m.

Application No.: Z-6717/PUD-617

Applicant: Charles Norman

Location: South side of East 21st Street South and South Atlanta Place

RS-3 to OL/PUD

(PD-4) (CD-9)

STAFF RECOMMENDATION:

Staff has received a timely request for a continuance to November 3, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **CONTINUE** Z-6717/PUD-617 to November 3, 1999 at 1:30 p.m.

Application No.: PUD-411-8/PUD-411-C-7

Applicant: Roy D. Johnsen

(PD-26) (CD-8)

Location: Southeast corner East 98th Street and South Memorial
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting minor amendment approval to permit a lot-split, revision of development areas, and a reallocation of floor area affecting portions of PUD-411 and 411-C as amended. The minor amendment request relates to a lot-split, preliminary plat and detail site plan currently under TMAPC review.

Staff has examined the request and finds that although four new tracts are created and floor area is reallocated, the existing development standards for PUD-411 and 411-C affecting all areas included in the request are not addressed. Beginning on August 3, 1999, staff requested inclusion of amended development standards affecting each revised tract be addressed as a necessary part of the minor amendment application.

Although progress has been made in defining new lot, tract and development area boundaries and related allocations of floor area, amended development standards for each area have not been proposed.

Staff is of the opinion that the transfer of ownership of land and the subsequent build-out of the Jim Norton Center, Revised Tract I, Revised Tract II and the remainder cannot occur until development standards for each tract are proposed. Similarly, the approval of the Jim Norton Center II Plat cannot occur until development standards are approved. An application of the current PUD-411 and 411-C standards approved in 1986 and 1996 to any proposed development is impossible due to the multiple overlapping of development area specifications when applied to the new boundaries proposed by Minor Amendment PUD-411-8 and PUD-411-C-7.

Staff, therefore, recommends **CONTINUANCE** of PUD-411-8/PUD-411-C-7 until October 20, 1999 or until such time as mutually agreed upon by the applicant and the Planning Commission.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **CONTINUE** the minor amendment for PUD-411-8/PUD-411-C-7 to October 20, 1999 at 1:30 p.m.

SUBDIVISIONS

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-18879 – Jeff Hughes (2393)** (PD-17) (CD-5)
Northwest corner of East 31st Court and South Memorial
- L-18922 – Sack & Associates, Inc. (784)** (PD-18) (CD-8)
Northeast corner 73rd Street South and 109th East Avenue
- L-18933 – John Swindell (2013)** (PD-12) (County)
9514 North Harvard
- L-18942 – Sisemore Weisz & Associates, Inc.** (PD-25) (CD-1)
Southeast corner of East 46th Street North and Lewis Avenue
- L-18944 – Michael R. Loffer (914)** (PD-15) (County)
13227 East 106th Street North
- L-18949 – The Nordam Group, Inc. (3413)** (PD-5) (CD-5)
6911 North Whirlpool Drive
- L-18950 – Paul Wood (1094)** (PD-17) (CD-6)
14949 East 15th Place
- L-18951 – Apparel Realty (2593)** (PD-18) (CD-5)
9120 East Broken Arrow Expressway
- L-18952 – Headrick Surveying, Inc. (3492)** (PD-8) (CD-2)
5635 South Waco Avenue
- L-18953 – City of Tulsa (983)** (PD-18) (CD-8)
3730 East 71st Street
- L-18954 – Stephen Schuller (2593)** (PD-18) (CD-5)
4336 South 91st East Avenue
- L-18958 – John Moody (684)** (PD-18) (CD-8)
10220 East 61st Street
- L-18960 – Mike Phillips (813)** (PD-12) (County)
11108 North Harvard

STAFF RECOMMENDATION:

Mr. Beach stated that all of these lot-splits are in order and staff recommends approval.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Ledford, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations.

L-18945 – Charlene Thielenhaus (1493)
6797 East 24th Street

(PD-15) (County)

STAFF RECOMMENDATION:

Mr. Beach stated that staff has received a telephone call regarding this lot-split. He indicated that there are interested parties wishing to speak today.

TMAPC COMMENTS:

Mr. Boyle asked staff if the lot-split was in accordance with the regulations. In response, Mr. Beach stated that staff finds everything in order and recommends ratification of the prior approval.

INTERESTED PARTIES COMMENTS:

Kelly Caton, 6785 East 24th Street, Tulsa, Oklahoma 74129, stated that he lives next to the subject property. He requested a 30-day continuance before acting on the ratification of the subject lot-split.

TMAPC COMMENTS:

Mr. Boyle informed Mr. Caton that the Planning Commission has a policy that lot-splits meeting the regulations are approved. He explained that a 30-day continuance would probably not change the actions of the Planning Commission.

Ms. Pace stated that if the lot is split and the owner decides to change the zoning or change the use, they would have to come before the Planning Commission or the Board of Adjustment. She explained that the neighbors would receive a notification of the public hearings.

Mr. Caton stated that there are covenants in the neighborhood that prevents property owners from splitting their property. In response, Mr. Boyle explained that the Planning Commission does not deal with covenants. Mr. Boyle stated that the interested parties would have to go to District Court to enforce the covenants. Mr. Boyle explained that the Planning Commission could grant a 30-day continuance, but the answer will be the same in 30 days as it is today, which is to ratify the prior approval of the subject lot-split.

INTERESTED PARTIES COMMENTS:

Rosie Moon, 6601 East 60th Place, Tulsa, Oklahoma 74145, stated she would like her protest on record and understands that the Planning Commission cannot enforce the covenants. She expressed concerns with increased traffic and noise. Ms. Moon submitted court records from a previous lot-split (Exhibit A-2), which there was an injunction by the Supreme Court to desist.

TMAPC COMMENTS:

Mr. Boyle stated that if the applicant were to split the subject lot and propose a use that is not allowed, then the property owner would have to go before the Board of Adjustment or the Planning Commission to obtain a zoning change or exception.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Ledford, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **RATIFY** lot-split L-18949 given prior approval, finding it in accordance with Subdivision Regulations.

FINAL PLAT:

Tail Wheel Addition (0213) (PD-15) (County)
West side of North 73rd East Avenue, 1/8 mile south of East 126th Street North

STAFF RECOMMENDATION:

Mr. Beach stated that all release letters have been received and staff recommends approval.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the final plat for Tail Wheel Addition as recommended by staff.

Maple Ridge Village (PUD 590) (2783) (PD-26) (CD-8)
East of South Yale Avenue at East 104th Place

STAFF RECOMMENDATION:

Mr. Beach stated that all release letters have been received and staff recommends approval.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the final plat for Maple Ridge Village as recommended by staff.

PRELIMINARY PLAT:

South Pond Estates (463) (PD-20) (County)
West side of South Yale Avenue at 185th Street South

STAFF RECOMMENDATION:

This plat consists of ten lots in two blocks on 48.113 acres in unincorporated Tulsa County. The property is being developed for single-family residential use. Each lot contains about 4.3 acres and each meets the bulk and area requirements of the AG zoning district. The surrounding area also contains rural residential uses with lots of similar size and larger.

The following were discussed **September 16, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted the tract has frontage on South Yale Avenue. The plat proposes a 60-foot public right-of-way from Yale Avenue, west through the middle of the tract and turning north along the west property line until it reaches the north property line.
- Rains, County Engineer, stated that the street labeled Toledo Avenue should be called Sandusky. The applicant should verify.

2. Sewer:

- The lots would have individual septic systems and all are appropriately sized to meet DEQ requirements for on-site sewage disposal.
- There were no comments.

3. Water:

- Water service will be from Rural Water District #4, Okmulgee.
- There were no comments.

4. Storm Drainage:

- Rains, County Engineer, stated that a drainage easement is needed between Lots 1&2 of both blocks.

5. Other:

- The GRDA easement containing the overhead power line running diagonally across the property should be shown with book and page numbers.
- Electric by REC Okmulgee.
- Phone by Bixby Telephone.
- No gas or TV utilities would be provided.

Staff recommends approval of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None required.

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. 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).
3. Paving and/or drainage plans shall be approved by the County Engineer including storm drainage, detention design, and Watershed Development Permit.
4. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
5. Street names shall be approved by the County Engineer and shown on plat.
6. All curve data, including corner radii, shall be shown on final plat as applicable.
7. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
8. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
9. Limits of Access or LNA, as applicable, shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.
10. It is recommended that the developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
12. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality. (Percolation tests required prior to approval of plat.)
13. Privately operated, on-site sewage disposal systems type, size and general location shall be identified and the information regarding their regulation shall be contained in the restrictive covenants.
14. The method of water supply and plans therefor shall be approved by the City/County Health Department.
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.

17. 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.)
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
19. 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.)
20. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the preliminary plat for South Pond Estates subject to the standard conditions as recommended by staff.

World Won For Christ Outreach Ministries (1603) (PD-16) (CD-3)
 North of northeast corner of North Harvard Avenue & East 36th Street

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 10.39 acres. The property is being developed for church use, which is a use by right in the CS district. The surrounding area is mainly RS-3 zoning with large single-family residential lots.

The following were discussed **September 16, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted that access limits along Harvard need to be shown on the plat.

2. Sewer:

- Sketch plat review stated that sewer is available to the southeast.
- Bolding, Wastewater, stated that sewer is available across Harvard to the west of the property and will serve this project.

3. Water:

- There is a 36" water line in a 25' easement running diagonally across the eastern third of the property. Additional 2.5' on both sides of the 25' easement will be dedicated by this plat to make a total of 30'.

4. Storm Drainage:

- A PFPI is being processed for storm sewer. A detention pond with drainage easement will be located in the north-central part of the property. Storm sewer easements are being shown from the southwest and southeast corners of the property, extending to the pond area.

5. Other:

- Pierce, PSO, by email stated that the perimeter easements need to be dedicated utility easements rather than utility and drainage easements. The two items are not compatible in the same easement. He also objects that the deed of dedication language makes these easements exclusive to the City of Tulsa. He also pointed out that the deed of dedication makes no allowance for overhead electrical facilities on the property, which could result in additional cost to the owner. He wants a ten-foot easement along the west side of the property adjacent to Harvard Avenue right-of-way.
- Somdecerrf, Transportation, stated that the legal description needs to match the boundary of the property.

Staff recommends **APPROVAL** of the preliminary plat subject to the conditions listed below:

Waivers of Subdivision Regulations:

- 1 None requested.

Special Conditions:

- 1 None required.

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 storm water 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. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the preliminary plat for World Won For Christ Outreach Ministries subject to standard conditions as recommended by staff.

PLAT WAIVER:

BOA-18493 (3492)

2135 West 51st Street

(PD 9) (CD 2)

STAFF RECOMMENDATION:

Approval of a special exception August 24 by the Board of Adjustment to allow church use triggered the platting requirement. Request for a building permit for a church flagged the requirement and the applicant is now requesting a plat waiver. This church was heavily damaged by a tornado this past spring and the site plan attached indicates current and future plans to rebuild.

Staff Comments and Recommendation:

Considering that there are requirements for several dedications, a PFPI and on-site detention, staff recommends **DENIAL** of the plat waiver in order to assure proper consolidation and coordination of records related to this tract.

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"/> | <input checked="" type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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? | <input checked="" type="checkbox"/> * | <input type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input checked="" type="checkbox"/> ** | <input type="checkbox"/> |
| iii) Are additional easements required? | <input checked="" type="checkbox"/> ** | <input type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input checked="" type="checkbox"/> *** | <input type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Is on-site detention required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9) Is the property in a PUD? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) If yes, was plat recorded for the original PUD? | | N/A |

10) Is this a Major Amendment to a PUD? ✓
a) If yes, does the amendment make changes to the proposed physical development of the PUD? N/A

- * Right-of-way dedications required – 5.25 feet on 51st Street and 25' radius at southeast corner
- ** Fire Marshal wants additional hydrants on the property. Additional water lines need additional easements.
- *** A PFPI would be required to tie the detention pond into the existing storm sewer.

APPLICANT'S COMMENTS:

Darin Akerman, 6111 East 32nd Place, Tulsa, OK 74135, stated that his client understands staff's recommendation and agrees with the recommendation. He indicated that his client submitted a preliminary plat last week and intends to go through with the platting process.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **DENY** the plat waiver for BOA-18493 as recommended by staff.

BOA-18513 (3003)
1559 East Reading

(PD 2) (CD 3)

STAFF RECOMMENDATION:

Approval of a special exception September 28, 1999 by the Board of Adjustment to allow church use triggered the platting requirement. This church has existed as a lawful, nonconforming use for a considerable time. Request for a building permit to allow a classroom expansion and dining hall flagged the requirement and the applicant is now requesting a plat waiver.

Staff Comments and Recommendation:

The regulations relating to churches are based on the size of the sanctuary and this addition will not enlarge the sanctuary. The property has already been platted and exists in a developed, older part of town. There would be no additional right-of-way or utilities required. The BOA approval was subject to a tie agreement among the four lots that contain the church. Since this BOA application was to allow existing conditions with an addition that would not create additional demand on utility services, staff waived formal review by the TAC and **recommends approval** of the plat waiver.

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? | ✓ | <input type="checkbox"/> |

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? | <input type="checkbox"/> | ✓ |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | ✓ |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | ✓ |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | <input type="checkbox"/> | ✓ |
| iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | ✓ |
| 9) Is the property in a PUD? | <input type="checkbox"/> | ✓ |
| a) If yes, was plat recorded for the original PUD? | N/A | |
| 10) Is this a Major Amendment to a PUD? | <input type="checkbox"/> | ✓ |
| a) If yes, does the amendment make changes to the proposed physical development of the PUD? | N/A | |

* Right-of-way dedications required – 5.25 feet on 51st Street and 25' radius at southeast corner

** Fire Marshal wants additional hydrants on the property. Additional water lines need additional easements.

*** A PFPI would be required to tie the detention pond into the existing storm sewer.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the plat waiver for BOA-18513 as recommended by staff.

* * * * *

BOA-18494 (893)

(PD 4) (CD 4)

Northeast corner E. 15th St. and S. College Ave.

STAFF RECOMMENDATION:

Approval of a special exception on August 24, 1999, by the Board of Adjustment to allow fire station use triggered the platting requirement. The applicant is now requesting a plat waiver to satisfy the requirement.

Staff Comments and Recommendation:

The applicant is the City of Tulsa. It can be assumed that they will provide all of the necessary infrastructure to themselves and that the property will not be transferred for a considerable time. The property has already been platted and exists in a developed, older part of town. There would be no additional right-of-way or utilities required. Staff waived formal review by the TAC and recommends **APPROVAL** of the plat waiver.

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 RW? | ✓ | <input type="checkbox"/> |

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? | <input type="checkbox"/> | ✓ |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | ✓ |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |

- 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? ✓

- 9) Is the property in a PUD? ✓
 - a) If yes, was plat recorded for the original PUD? **N/A**

- 10) Is this a Major Amendment to a PUD? ✓
 - a) If yes, does the amendment make changes to the proposed physical development of the PUD? **N/A**

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the plat waiver for BOA-18494 as recommended by staff.

BOA-18495 (1193)

(PD-5) (CD-5)

Northeast corner East 15th Street and South 73rd East Avenue

STAFF RECOMMENDATION:

Approval of a special exception on August 24, 1999, by the Board of Adjustment to allow fire station use triggered the platting requirement. The applicant is now requesting a plat waiver to satisfy the requirement.

Staff Comments and Recommendation:

The applicant is the City of Tulsa. It can be assumed that they will provide all of the necessary infrastructure to themselves and that the property will not be transferred for a considerable time. The property has already been platted and exists in a developed, older part of town. There would be no additional right-of-way or utilities required. Staff waived formal review by the TAC and recommends **APPROVAL** of the plat waiver.

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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street RW? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Is on-site detention required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- 9) Is the property in a PUD? ✓
 - a) If yes, was plat recorded for the original PUD? N/A

- 10) Is this a Major Amendment to a PUD? ✓
 - a) If yes, does the amendment make changes to the proposed physical development of the PUD? N/A

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the plat waiver for BOA-18495 as recommended by staff.

ZONING PUBLIC HEARING

Application No.: Z-6713

CS to IL

Applicant: R.L. Reynolds

(PD-18) (CD-5)

Location: North of northwest corner East 55th Street South and South 129th East Avenue

STAFF RECOMMENDATION:

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 Special District 1 – Industrial.

According to the Zoning Matrix, the requested IL zoning **may be found** in accordance with the Plan Map by virtue of its location in a Special District.

Staff Comments:

Site Analysis: The subject property is approximately 4.9 acres in size and is located north of the northwest corner of East 55th Street South and South 129th East Avenue. The property is flat, non-wooded, vacant, and zoned CS.

Surrounding Area Analysis: The subject tract is abutted on the north by an office and industrial business, zoned IL; to the west by industrial uses, zoned IL; to the south by a vacant tract also under application for rezoning from CS to IL; and to the east, across South 129th East Avenue, by the Ford Glass plant, zoned IL.

Zoning and BOA Historical Summary: The most recent zoning action in this area was in 1994 when approval was granted to rezone a 3.7-acre tract adjoining the subject property on the north, from CS to IL.

Conclusion: Based on the Comprehensive Plan, the existing zoning and land use patterns in this area, staff recommends **APPROVAL** of the requested IL zoning for Z-6713.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of the IL zoning for Z-6713 as recommended by staff.

Legal Description for Z-6713:

Commencing at the Southeast corner of Lot 2, Block 4, Metro Park, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof; thence North and running parallel to South 129th East Avenue, a distance of 349.00' to the Point of Beginning; thence due West 623.90° to a point on the West line of said Lot 2; thence North along said West line a distance of 349.00'; thence due East a distance of 623.90'; thence South parallel with South 129th East Avenue, a distance of 349.00' to the Point of Beginning.

Application No.: Z-6714

OM/PUD to CO/PUD

Applicant: John W. Moody

(PD-18) (CD-8)

Location: Southwest corner East 73rd Street South and South 101st East Avenue

STAFF RECOMMENDATION:

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 – Corridor.

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

Staff Comments:

Site Analysis: The subject property is approximately 1.24 acres in size and is located on the southwest corner of East 73rd Street South and South 101st East Avenue. The property is flat, non-wooded, vacant and zoned OM/PUD.

Surrounding Area Analysis: The subject tract is abutted on the north, across East 73rd Street South by the Babies-R-Us retail store and associated parking, zoned CS/OM/PUD-498; to the west and south are apartments, zoned CO; and to the east is the Lowe's hardware store and parking lot, zoned CS/RM-2;PUD-521.

Zoning and BOA Historical Summary: The most recent and significant zoning activity in this area was in January, 1995, when approval was granted to rezone the 8.1-acre tract across South 101st East Avenue and to the east of the subject tract from CO and OL to CS/RM-2/PUD-521 for the development of retail shopping and a restaurant.

Conclusion: The subject tract is within an area that is designated Low Intensity – Corridor by the Comprehensive Plan. Based on the surrounding land uses, existing zoning and development in this area, staff can recommend **APPROVAL** of CO zoning if the Planning Commission finds the accompanying PUD-498-A to be satisfactory.

AND

Application No.: PUD-498-A/Z-6714-SP-1

OM/PUD to CO/PUD

Applicant: John W. Moody

(PD-18) (CD-8)

Location: Southwest corner East 73rd Street South and South 101st East Avenue

STAFF RECOMMENDATION:

The Major Amendment/Corridor Site Plan proposes hotel uses (excluding bars and restaurants) on 1.24 acres located at the southwest corner of South 101st East Avenue and East 73rd Street South. The tract is currently zoned OM/PUD. Concurrently, an application has been filed (Z-6714) to rezone the tract to CO/PUD. The subject tract has approximately 400 feet of frontage on East 73rd Street South and 170 feet of frontage on South 101st East Avenue.

The tract is vacant and was approved for mini-storage use pursuant to PUD-498 in 1993. A 40-foot wide underground drainage easement bisects the property. The subject tract is located south of Home Depot and Babies-R-Us stores zoned CS/OM/PUD-498. Lowes store, zoned CS/RM-2/PUD-521, is to the east of the tract. Windsail Apartments zoned CO abuts the tract on the west and south.

Under the original development concept of PUD-498, Lot 1, or Development Area 1, Block 2, was approved for 26,650 SF of mini-storage buildings and use. Open-air storage was permitted, provided that it was substantially screened from the street by building walls. The property subject to PUD-498, at the time of the application, was zoned CO-Corridor. The subject tract was rezoned OM as part of the PUD application.

A Minor Amendment (PUD-498-1) was approved on October 11, 1995, which allocated a portion of the floor area allocated to Lot 1, Block 2, to Development Area 2, Block 1. As a result, the subject tract now has 22,000 SF of floor area. The mini-storage facility was never developed.

The Major Amendment proposes to use Lot 1, Block 2, for a two-story, 63-room hotel containing 27,070 SF of floor area. No restaurants, bars or other commercial uses are proposed or included in the Major Amendment. Access to the hotel would be from East 73rd Street.

If Z-6714 is approved, as recommended by staff, 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-498-A/Z-6714-SP-1 to be, as modified by staff: (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-498-A/Z-6714-SP-1 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: (Net)	1.24 acres
Permitted Uses:	Use Unit 19, Hotel and accessory uses limited to hotel only, excluding bars, restaurants or retail uses.
Maximum Building Floor Area:	27,500 SF
Maximum Building Height:	2 stories, however no greater than 30'.
Maximum Number of Lots:	1
Off-Street Parking:	As required for the Use by the Tulsa Zoning Code.

Maximum Number of Hotel Rooms: 63 plus one resident manager's apartment unit.

Minimum Building Setbacks:

From the centerline of East 73 rd Street South	85 FT
From the centerline of South 101 st East Avenue	85 FT
From other PUD Boundaries	17.5 FT

Landscaped Open Space and Screening:

A six-foot screening wall or fence shall be provided along the west and south boundaries of the PUD. A minimum of 25% of the net land area shall be improved as internal landscaped open space. Landscaping materials shall be in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

3. All access points shall be approved by Traffic Engineering.
4. One ground sign is permitted on the South 101st East Avenue frontage, which shall not exceed 25 feet in height nor 150 square feet of display surface area. No other ground signs are permitted. No ground sign shall be within 150 feet of the south boundary of the PUD. Wall signs are permitted on the north- and east-facing walls of buildings not to exceed two square feet of display surface area for each lineal foot of building wall to which it is attached.
5. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, 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.
6. A Detail Landscape Plan 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, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign within 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.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

9. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height.
10. 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.
11. No building permit shall be issued until the requirements of Section 1107F and 805E 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of the CO zoning for Z-6714 as recommended by staff and to recommend **APPROVAL** of the major amendment and corridor site plan for PUD-498-A/Z-6714-SP-1 subject to conditions as recommended by staff.

Legal Description for Z-6714, PUD-498-A/Z-6714-SP-1:

A tract of land being part of Government Lot 1, of Section 7, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: commencing at the Southeast corner of Baby Superstore, (Plat No. 5110), thence S 0°09'58" W for a distance of 60.00' to the Point of Beginning; thence continuing S 0°09'58" W for a distance of 170.01'; thence N 90°00'00" W and parallel with the South line of said Baby Superstore, for a distance of 234.22'; thence N 45°00'00" W for a distance of 232.86' to a point of curvature; thence along a curve to the right having a radius of 225.00' and a central angle of 23°14'18" for an arch length of 42.13' to a point of tangency; thence S 90°00'00" E and parallel with the said South line for a distance of 357.86' to the Point of Beginning.

Application No.: Z-6715 RS-3 to OL

Applicant: Robert David

(PD-18) (CD-8)

Location: 8890 South Yale Avenue

STAFF RECOMMENDATION:

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 135' x 305' in size and is located on the northwest corner of East 89th Street South and South Yale Avenue. The property is flat, non-wooded, contains a single-family dwelling, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned OL; to the west by single-family dwellings, zoned RS-3; to the south by offices, zoned OL and OM; and to the east, across South Yale Avenue by vacant property, zoned OL.

Zoning and BOA Historical Summary: The most recent zoning action in this area rezoned a 200' x 305' tract located 200' north of the subject tract from RS-3 to OL in March, 1999.

Conclusion: The Comprehensive Plan designates the site as Low Intensity-No Specific Land Use and OL zoning may be found in accord. Based on the Comprehensive Plan, surrounding zoning patterns and land uses, staff recommends **APPROVAL** of Z-6715 for OL zoning.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of OL zoning for Z-6715 as recommended by staff.

Legal Description for Z-6715:

The South 135' of the North 635' of the E/2, NE/4, SE/4, SE/4, Section 16, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

Application No.: Z-6716 RM-2 to CS

Applicant: Alvin Hayes, Jr.

(PD-2) (CD-3)

Location: West of southwest corner East Oklahoma Street and North Lewis Avenue

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity-No Specific Land Use. The property is also in the Springdale neighborhood, whose adopted economic development plan also designates this as Medium Intensity.

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

Staff Comments:

Site Analysis: The subject property is approximately 1.28 acres in size and is located west of the southwest corner of East Oklahoma Street and North Lewis Avenue. The property is flat, non-wooded, contains single-family residential use and non-conforming automobile storage, and is zoned RM-2.

Surrounding Area Analysis: The subject property is abutted to the north by single-family dwellings, zoned RM-2; to the west by single-family residential uses, zoned RM-2; to the northeast by automobile sales and automotive repair fronting on North Lewis, and zoned CS; and to the south and southeast by single-family dwellings, zoned RM-2.

Zoning and BOA Historical Summary: A request to rezone three lots located west of the northwest corner of East Oklahoma Place and North Lewis and north of the subject tract, from RM-2 to CS was approved for a replat and development of a new Walgreen's drug store. This rezoning was approved in February, 1999.

Conclusion: The site in question appears to be surrounded on most of three sides by relatively stable single-family residential uses. Most appear to be in fair-to-good repair and several have made significant improvements to their properties. Except for the commercial uses on the Lewis frontage and the non-conforming automobile storage on the subject property, this neighborhood does not appear to have experienced commercial intrusion or otherwise be in transition at this time. Although the plans for the area would support the requested CS zoning, staff cannot support this zoning at the present time. Location of an auto sales lot as proposed would represent a significant intrusion into the neighborhood and may result in de-stabilizing an otherwise viable area. Therefore, staff recommends **DENIAL** of Z-6716.

APPLICANT'S COMMENTS:

Alvin Hayes, Jr., 6968 South Utica, Tulsa, Oklahoma 74136, stated that all of the subject property is contiguously owned by his client. He explained that the use is commercial use and part of his client's property is already zoned commercial. The commercial use is a used car dealership and he does not expect any impact upon the community regarding traffic and noise.

Mr. Hayes stated that staff assumed that there would be a piece of property in the middle of the proposal that would adversely affected. He indicated that the owner of the property in the middle is deceased and he expects to a deed to the property soon. He commented that the car lot may be beneficial to the neighborhood.

INTERESTED PARTIES COMMENTS:

Imogene Timblin, 2215 East Oklahoma, Tulsa, Oklahoma 7416, stated that she has lived in the neighborhood for thirty years and it is a nice residential area. She indicated that in the last six months there have been wreckers coming and going at all hours of the night and parking the cars along the street. She stated that the street gets blocked and she has to go several blocks before getting to the major arterials. She commented that the Fire Department has had to take an alternative route because of the parked cars.

Ms. Timblin stated that she opposes this application and feels that it will greatly impact her neighborhood.

Don Smith, 2219 East Oklahoma, Tulsa, Oklahoma 74110, submitted photographs (Exhibit B-1) and stated that he opposes this application. He commented that the proposed business will impact the neighborhood.

Phyllis Pinkerton, 2229 East Oklahoma Street, Tulsa, Oklahoma 74110, stated that she live across the street from the car lot. She disputed the statements that cars are being delivered by wreckers at all hours of the evening. She stated that the fire trucks have not had trouble getting into the neighborhood.

Ms. Pinkerton stated that the car lot has improved the neighborhood because the owners keep it mowed and cleaned. She indicated that she no longer has snakes and rodents on her property. Ms. Pinkerton concluded that she is in support of this application.

Sandy Gomez, 2236 East Oklahoma Street, Tulsa, Oklahoma 74110, stated that the subject property has been vacant with tall weeds and rodents. She indicated that she cleaned the subject property and installed a fence. She commented that the noise the neighbors were hearing kids using the subject property to ride their dirt bikes on. Ms. Gomez submitted letters from neighbors supporting this application (Exhibit B-2).

Misty Hasket, 2155 East Newton Place, Tulsa, Oklahoma 74110, stated that she is opposed to this application. She indicated that the owners of the subject property have stored 150-plus junk cars on a grassy area. She stated that the applicant's cars have blocked Oklahoma Street and there has been traffic coming and going from the lot all hours of the night.

Ms. Hasket stated that the in last six months she has had rodents and snakes coming from the subject property. She commented that she can see over the fence and she has seen the rodents and snakes on the subject property. She indicated that she has lived in the neighborhood for three years and this is the first time she has had rodent and snake problems.

TMAPC COMMENTS:

Ms. Pace stated that this is an example of strip zoning in the established neighborhoods. She commented that it is difficult to deal with this type of application and decide where to hold the zoning line. She stated that the applicant is violating the Code if she is parking cars on grassy areas.

Ms. Pace stated that the neighborhood should be protected and this application appears to be a spot-zoning situation which would intrude too far into the neighborhood.

Mr. Harmon stated that the photographs submitted indicate that it is a nice neighborhood and the proposal would be invasive of the neighborhood.

TMAPC Action; 7 members present:

On **MOTION of PACE**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **DENIAL** of the CS zoning for Z-6715 as recommended by staff.

Legal Description for Z-6716:

Beginning at the Northeast corner of Lot 29, Springdale Acre Lot Addition, thence W 124', thence S 142.5', thence W 50', thence S 157.5', thence E 174', thence N 300' to place of beginning, less the S 20' thereof; and the W 50' of the N 150', Lot 28, Springdale Acre Lot Addition, to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof.

Application No.: CZ-256
Applicant: Charles Hennessey
Location: 6841 North Peoria Avenue
(Southeast corner East 69th Street and North Peoria)

RS to CS
(PD-24) (County)

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as being in the Peoria Special District. Plan policies indicate this area is committed to commercial development and the Special District configuration recognizes the strip type of development that has occurred. Uses allowed within this Special District should be compatible with other existing and planned uses. (Item 3.1, District 24 Plan.)

According to the Zoning Matrix the requested CS zoning **may be found** in accordance with the Plan Map by virtue of its location within a Special District.

Staff Comments:

Site Analysis: The subject property is approximately .91-acre in size and is located on the southeast corner of East 69th Street North and North Peoria Avenue. The property is flat, partially wooded, contains two single-family dwellings and a commercial building, and is zoned RS in the County.

Surrounding Area Analysis: The subject tract is abutted on the north, across East 69th Street North by a vacant lot, zoned CS and beyond the vacant lot is a single-family dwelling, zoned RS; to the south and east are single-family dwellings, zoned RS; and to the west across North Peoria is a salvage yard and commercial businesses, zoned IL.

Zoning and BOA Historical Summary: The most recent rezoning activity in this area approved CS zoning on a 1.3-acre tract located on the southeast corner of East 71st Street North and North Peoria Avenue.

Conclusion: Based on the existing zoning, uses, and development in this area, and the proposed retail and children's nursery, staff recommends **APPROVAL** of CS zoning for CZ-256.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of CS zoning for CZ-256 as recommended by staff.

Legal Description for CZ-256:

The North 53' of the North 80' of Lot 7 and the South 27' of the North 80' of Lot 7, and the North 120' of the South 220' of Lot 7, all in Block 10, Golden Hill Addition to the city of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

Application No.: Z-6718

RS-3 to CO

Applicant: Charles Norman

(PD-18) (CD-8)

Location: Northeast corner East 66th Street and South 101st East Avenue

STAFF RECOMMENDATION:

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-Corridor.

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

Staff Comments:

Site Analysis: The subject property is approximately 1.18 acres in size and is located on the northeast corner of East 66th Street South and South 101st East Avenue. The property is gently sloping, partially wooded, vacant and zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by a baseball field and single-family dwellings, zoned RS-3; to the west are single-family dwellings and mobile homes, zoned CO; to the east is vacant property, zoned CO; and to the south, vacant property, zoned CO/PUD-595-A.

Zoning and BOA Historical Summary: Similar corridor zoning has been approved to the south, east and west of the just tract.

Conclusion: The subject tract is part of an area that is in transition from residential uses to more intense uses. Staff can support the requested rezoning based on the Comprehensive Plan, the existing zoning and development in the area and recommends **APPROVAL** of CO zoning for Z-6718.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of CO zoning for Z-6718 as recommended by staff.

Legal Description for Z-6718:

Lots 9 and 10, Block 6, Union Gardens Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Application No.: CZ-257

AG to IM

Applicant: Charles Norman

(PD-15) (County)

Location: West side of North Whirlpool Drive (North Yale Avenue) between East 66th and East 76th Street.

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 15 Plan, a part of the North Tulsa County Comprehensive Land Use Plan and Intensity Development Concept, designates the subject tract as High Intensity – Industrial.

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

Staff Comments:

Site Analysis: The subject property is approximately 56.3 acres in size and is located on the west side of North Whirlpool Drive (North Yale Avenue) between East 66th Street North and East 76th Street North. The property is gently sloping, partially wooded, vacant, and is zoned AG in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant land, zoned AG; to the south by a cemetery, zoned AG; to the west by the Cherokee Expressway, zoned AG; and to the east by Nordam Manufacturing Company and offices, zoned IM.

Zoning and BOA Historical Summary: The most recent rezoning activity in this area occurred in 1994 when approval was granted to rezone approximately 988 acres east of the subject tract on the east side of Whirlpool Drive from IL to IM.

Conclusion: Based on the Comprehensive Plan and the Regional Industrial Land Use Plan Year 2000, for the Tulsa Metropolitan Area, the subject property is part of the proposed industrial area which extends from U.S. Highway 75 North on the west; North Memorial Drive on the east; bounded on the north by East 76th Street North; and approximately one-half mile south of East 56th Street North as proposed industrial use. All public utilities are available to this area, and the property is in close proximity to a major transportation network. Staff therefore recommends **APPROVAL** of IM zoning for CZ-257.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of IM zoning for CZ-257 as recommended by staff.

Legal Description for CZ-257:

All that part of the N/2, SE/4 and the S/2, NE/4 of Section 33, T-21-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: beginning at the Northeast corner of the SE/4; thence S 1°06'42" E along the East boundary of the SE/4 a distance of 1,320.29'; thence S 88°44'38" W a distance of 2,134.43' to a point in the Easterly right-of-way of U. S. Highway 75 (Cherokee Expressway); thence N 35°59'00" E along the right-of-way a distance of 257.89'; thence N 32°10'47" E a distance of 0.00'; thence continuing along the right-of-way on a curve to the left having a radius of 5,879.60' a distance of 1,417.04' to a point in the S/2, NE/4; thence N 88°43'36" E a distance of 1,147.06'; thence S 1°06'42" E a distance of 148.33' to the South boundary of the NE/4 (North boundary of the SE/4); thence N 88°43'36" E along the common boundary a distance of 200.00' to the Point of Beginning.

Application No.: Z-5773-SP-3

Applicant: Roy Johnsen

(PD-18) (CD-8)

Location: South southeast corner East 62nd Street and South Mingo Road
(Corridor Site Plan)

STAFF RECOMMENDATION:

The Corridor Site Plan proposes to change the use of an existing building which previously received Corridor Site Plan approval for the development of prototype aeronautic simulators and related products (Use Unit 22 – Scientific Research and Development). The new use (Use Unit 15 – Other Trades and Services) proposed is for design, development and fabrication of components of aeronautic simulators. No exterior change to the building is proposed. The required parking for a Use Unit 15 use is less than required for the initial use, therefore no change in the parking area is required. Staff can support the use as being compatible with the surrounding area.

Therefore, staff recommends **APPROVAL** of Z-5773-SP-3 subject to the following conditions:

1. All activities and storage of materials shall be within the existing building.
2. Trucks or truck trailers shall not be parked on the subject tract except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
3. Product shipping by semi-trailer truck shall be limited to 15 trips per month.

TMAPC COMMENTS:

Mr. Harmon asked staff how they would enforce the restriction regarding the number of trips made by semi-trailer trucks. In response, Mr. Dunlap stated that the applicant indicated that the trips will be less than the restriction.

Mr. Swiney stated that by making this restriction part of the record it puts the applicant on notice. If the neighbors see that there are too many trips then it will be their responsibility to count the trips per month and file a complaint.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of the corridor site plan for Z-5773-SP-3 subject to conditions as recommended by staff.

Legal Description for Z-5773-SP-3:

Lot 1, Block 1, Newhart-Hutson Addition, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma.

Application No.: Z-6719

CS to IL

Applicant: R.L. Reynolds

(PD-18) (CD-5)

Location: Northwest corner of East 55th Street South and 129th East Avenue

STAFF RECOMMENDATION:

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 Special District 1-Industrial Area. Plan text provisions specify that future industrial uses are encouraged to locate here.

According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map by virtue of its location within a Special District.

Staff Comments:

Site Analysis: The subject property is approximately 5.0 acres in size and is located at the northwest corner of East 55th Street South and South 129th East Avenue. The property is flat, non-wooded, vacant, and is zoned CS.

Surrounding Area Analysis: The subject property is abutted on the north by a vacant tract, zoned CS and also under application for IL zoning. To the south and west are industrial uses, zoned IL; and to the east, across South 129th East Avenue, is the Ford Glass plant, zoned IL.

Zoning and BOA Historical Summary: The most recent rezoning activity in this area approved IL zoning on a 3.7-acre tract located north of the subject tract and in the southwest corner of the Broken Arrow Expressway and South 129th East Avenue.

Conclusion: Based on the Comprehensive Plan, the existing zoning and development in this area, staff recommends **APPROVAL** of IL zoning for Z-6719.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of the IL zoning for Z-6719 as recommended by staff.

Legal Description for Z-6719:

Lot 2, Block 4, Metro Park, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof, thence North parallel with S. 129th East Avenue a distance of 349.00'; thence due West 623.90' to a point on the West line of said Lot 2; thence South along said West line a distance of 349.00' to the Southwest corner of said Lot 2; thence due East along the North right-of-way of East 55th Street South a distance of 623.90' to the Point of Beginning.

Application No.: Z-6720

Applicant: R.L. Reynolds

Location: South of southwest corner East Skelly Drive and South 129th East Avenue

CO to IL

(PD-17) (CD-6)

STAFF RECOMMENDATION FOR Z-6720:

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-Linear Development Area and Corridor. Plan text provisions require that Planned Unit Developments be submitted and developed at medium intensity and that PUD provisions address issues such as compatibility with existing nearby uses, through traffic into adjacent low intensity areas and screening of parking, among others. Policy 3.6.1.4 specifically excludes industrial uses from this area.

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

Staff Comments:

Site Analysis: The subject property is approximately 2.12 acres in size and is located south of the southwest corner of the Skelly By-pass, (I-44) and South 129th East Avenue. The property is flat, non-wooded, contains a single-family dwelling and accessory buildings, and is zoned CO.

Surrounding Area Analysis: The subject tract is abutted on the north by mobile homes sales, zoned IL; to the west by single-family dwellings, zoned RS-2; to the south by a single-family dwelling, zoned CO; and to the east across South 129th East Avenue

is a mini-storage facility, zoned CG/PUD-537 and a single-family dwelling and non-conforming trucking business, zoned RS-2.

Zoning and BOA Historical Summary: The most recent TMAPC action in this area approved a Corridor Site Plan for retail sales of truck parts and accessories on the adjoining property to the south. A Planned Unit Development, which allowed a mini-storage facility, was approved in 1995 on property across South 129th East Avenue from the subject tract.

Conclusion: Based on PUD-618, which excludes the objectionable industrial uses, staff recommends **APPROVAL** of Z-6720 for IL zoning, if PUD-618 is approved.

AND

STAFF RECOMMENDATION FOR PUD-618:

The PUD proposes Warehousing, Wholesaling, excluding garbage trucks, storage, truck stop, truck wash, truck establishments; and Building Contract Construction Service and Storage-limited to heavy construction equipment storage/parking and repair all of which shall be within a building on 2.49 acres (gross) located at 420 South 129th East Avenue. The tract has 321 feet of frontage on 129th East Avenue and is 288 feet deep. The tract is currently zoned CO. Concurrently, an application has been filed (Z-6720) to rezone the tract to IL. There is a single-family subdivision to the west of the subject tract zoned RS-2. The property to the north of the tract is zoned IL and is used as mobile home sales. The property to the south of the tract is zoned CO and is currently being developed as a Truck Pro store. To the east of the tract, across 129th East Avenue, is a mini-storage zoned CG/PUD-537 and RS-2 zoned property used for parking and repair of garbage trucks.

The Comprehensive Plan designates the subject tract as Medium Intensity-Linear Development Area and Corridor. Plan text provisions require that Planned Unit Developments be submitted and developed at medium intensity and that PUD provisions address issues such as compatibility with existing nearby uses, through traffic into adjacent low intensity areas and screening of parking, among others. Policy 3.6.1.4 specifically excludes industrial uses from this area. Based on the limitation on Use Unit 25 uses to heavy construction, equipment storage/parking and repair all of which shall be within a building only, staff can support the amended PUD request as modified by staff if Z-6720 is approved IL.

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-618 to be, as modified by staff: (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-618 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)	2.49 AC	108,578 SF
(Net)	2.12 AC	92,528 SF

Permitted Uses:

Uses permitted as a matter of right in Use Unit 23, Warehousing and Wholesaling, excluding garbage truck(s) storage, truck stop, truck wash, trucking establishments; and Building Contract Construction Service and Storage-limited to heavy construction, equipment storage/parking and repair, all of which shall be within a building, as permitted in Use Unit 25.

Maximum Building Height:*

Sidewall	23 FT
Peak of Roof	33 FT

Maximum Number of Buildings:

(Not including Accessory Buildings) 2

Maximum Floor Area Ratio per Lot:

0.25

Minimum Lot Frontage:

On South 129th East Avenue 160 FT

Minimum Building Setbacks:

From the north boundary of the PUD	16 FT
From the south boundary of the PUD	16 FT
From the centerline of South 129 th East Avenue	120 FT
From the west boundary of the PUD	75 FT

Maximum Access Points onto South 129th East Avenue:

2**

Minimum Parking Area Setback:

From the west boundary of the PUD 75 FT

Off-Street Parking:

As required by the
Tulsa Zoning Code.

*Architectural elements may exceed maximum building height with Detailed Site Plan approval.

**Access points shall be approved by Traffic Engineering.

Landscaped Open Space:

A minimum of 15% of the net land area of each lot shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code and in accord with the proposed Detailed Landscape and Screening Plan as shown on Exhibit "B", including an eight-foot screening wall or fence along the west boundary of the PUD.

Signs:

One identification ground sign shall be permitted at each of the entrances on South 129th East Avenue with a maximum of 20 square feet of display surface area and six feet in height.

Wall signs shall be permitted not to exceed one square foot of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building. Wall signs shall be permitted on only the east-facing walls. No wall signs shall be permitted on the north-, west- or south-facing walls.

Loading Docks:

No loading docks shall be located on the west side of the building.

Outside Activities and Storage:

All storage of materials shall be within the building located on the property.

3. 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.
4. 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.
5. 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.
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 20 feet in height and all such lights shall be set back at least 75 feet from the west boundary of the PUD.
8. 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.
9. No building permit shall be issued until the requirements of Section 1107F 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, 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.

STAFF COMMENTS:

Mr. Dunlap stated that after additional discussion with the applicant the staff recommendation has been amended as listed above. With this modification staff recommends approval of the rezoning request for Z-6720 if PUD-618 is approved as recommended by staff.

INTERESTED PARTIES COMMENTS:

Mike Buchert, 542 South 127th East Avenue, Tulsa, Oklahoma 74128, stated he is representing the neighborhood immediately west of the subject property. He indicated that based on the current changes to the staff recommendation he is in support of the proposal. He explained that his major concern was the outside usage and now that everything has to be inside the building he withdraws his objections.

APPLICANT'S COMMENTS:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that the screening fence will be eight feet high and it is a similar screening fence that will be on the property to the south where the TruckPro is located. He indicated that the proposed

building will be set back 75 feet from the neighborhood. He commented that the proposal is a less intensive use than the corridor use to the south and better screening and setbacks.

In response to Ms. Pace, Mr. Stump stated that the standard is a 20 SF sign six feet in height, which is a small sign. Mr. Stump indicated that there is wall signage proposed on the side facing 129th East Avenue.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to recommend **APPROVAL** of IL zoning for Z-6720 and recommend **APPROVAL** of PUD-618, as amended by the applicant, subject to conditions as recommended by staff.

Legal Description for Z-6920/PUD-618:

Lot 1, Plainview Heights Addition, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof.

Application No.: PUD-408

Applicant: Randall Pickard

(PD-18) (CD-9)

Location: South of southwest corner East 51st Street and South Columbia Place
(Abandonment of PUD-408)

STAFF RECOMMENDATION:

The subject tract is approximately .6 acres in size and located approximately 150 feet south of the southwest corner of Columbia Place and East 51st Street South. The tract is zoned OL/RS-2/PUD-408. There is a dwelling on the site that is being used as a church office. PUD-408 allowed office uses in the existing structure. The Board of Adjustment has recently approved church uses on the tract.

Staff can support the underlying zoning on the tract without the PUD. Therefore, staff recommends **APPROVAL** of the request to abandon PUD-408.

Mr. Stump stated that this is an unusual proposal. He explained that the reason for recommending abandonment is because there is nothing to be gained if the underlying zoning is appropriate with or without the PUD.

APPLICANT'S COMMENTS:

Randall Pickard, 10051 South Yale, Suite 203, Tulsa, Oklahoma 74137, representing the church, stated that the church owns three tracts, including the subject tract.

Mr. Pickard stated that his client has accomplished the two conditions required by the Board of Adjustment (tie agreement and approved site plan).

INTERESTED PARTIES COMMENTS:

Michael Skaistis, 5132 South Columbia Court, Tulsa, Oklahoma 74105, stated that he lives east of the subject property. Mr. Skaistis asked staff what the status was regarding the site plan.

Mr. Stump stated that the church use in these districts is a special exception use and the applicant did appear before the BOA and was granted a special exception conditioned upon abandoning a PUD, because the proposed use conflicts with some of the provisions in the proposal, and an approved site plan. He indicated that the applicant reappeared before the BOA and submitted a site plan.

Mr. Skaistis stated that the neighborhood was not notified and there wasn't a sign posted to the public regarding the BOA request. He expressed concerns that if the PUD is lifted then his neighborhood will suffer property damage through loss of property value.

Mr. Skaistis asked staff if the church would have to go back to the Board of Adjustment if they decide to change the site plan. In response, Mr. Stump answered affirmatively. Mr. Stump stated that property owners within 300 feet would be notified of the request to change the site plan.

Mr. Skaistis stated that he purchased his property four months ago and the church was illegally using the subject property for church educational use. In the last four months the church has removed several older trees and that is upsetting. He indicated that the church is presently using the back of the subject property for lumber storage and metal guttering storage. He stated that no one from the church has contacted the neighbors to request their thoughts regarding the development. He expressed concerns regarding noise, traffic and visual pollution of the neighborhood. He commented that the proposal will lower the value of his residential property.

Mr. Skaistis requested some type of screening or protection from the subject property. He asked the Planning Commission if it was possible to place restrictions on the zoning approval. In response, Mr. Stump answered negatively.

Mr. Boyle asked staff if the PUD standards could be changed in order to protect the neighborhood. In response, Mr. Stump stated that it is possible, but the subject property is only a piece of the PUD and the majority of the church is not in a PUD.

Mr. Skaistis stated that the neighborhood is not concerned with what develops north of their property because it is more of a commercial area. He explained that the neighborhood would like protection along the south and east property lines of the subject tract. He commented that the neighborhood is not concerned with the main church property or the north portion of the PUD.

TMAPC COMMENTS:

In response to Ms. Pace, Mr. Dunlap stated that the PUD was to use the existing dwelling on the subject tract as an office. He explained that the church now owns the property and would like to add onto the house. He stated that there are two vehicles to obtain conditions, one is through a PUD or go through the Board of Adjustment. Mr. Dunlap stated that the church went to the Board of Adjustment and obtained approval of a site plan that shows an addition to the existing structure to the north. Mr. Dunlap explained that the Board of Adjustment approved the request with the conditions that they obtain a tie agreement and abandon the PUD.

Mr. Harmon asked Mr. Skaistis if he was of the opinion that the owner of the subject property is irresponsibly and perhaps illegally using the existing property. In response, Mr. Skaistis answered negatively and explained that the church went to the Board of Adjustment and obtained a special exception to use the existing dwelling for church use.

Mr. Westervelt asked Mr. Skaistis to explain what damages would occur by changing from the office use to the church education uses and abandoning the PUD. Mr. Westervelt asked Mr. Skaistis explain how this would damage the value of the surrounding properties. In response, Mr. Skaistis stated that he purchased his home in an area that is clearly a residential atmosphere with large trees. Mr. Skaistis explained that under an RS-2 zoning the church could chop every tree down and pave for parking, subject to setbacks. Mr. Stump stated that the applicant could use the property for parking if the Board of Adjustment approved it to be parking for the church with required setbacks, landscaping and screening. Mr. Dunlap stated that the applicant's site plan indicates a narrow office north of the building and attached to the existing building a rectangular one-story building to be church use. Mr. Boyle asked Mr. Dunlap if the additions are north of the existing structure. In response, Mr. Dunlap answered affirmatively. Mr. Dunlap stated that the site plan indicated a circular drive and a sidewalk going west from the back of the existing structure to the church property to the west. Mr. Stump stated that any parking that isn't shown on the site plan would have to be approved by the Board of Adjustment at a subsequent action and a public hearing.

Ms. Pace asked if a sign is posted on the property for special exceptions. In response, Mr. Stump stated that when there is a special exception use requested the property is posted with a sign indicating the request. In response, Mr. Skaistis stated that there wasn't a sign posted or notice.

INTERESTED PARTIES COMMENTS:

Evelyn Conner, 5136 South Columbia Place, Tulsa, Oklahoma 74105, stated that she lives adjacent to the subject property and the church is not properly taking care of its property. She explained that there are several dead trees on the church property and weeds that are not being taken care of. Ms. Conner concluded that she would like the church to clean their property.

Mary Clark, 5124 South Columbia Court, Tulsa, Oklahoma 74105, stated that she wanted to clear up the progression of how this developed. She explained that at first the church did not have the correct zoning to use existing structure as an office. When the church applied for rezoning and the sign was posted, the neighbors decided that the office use was not causing any problems and did not object. Ms. Clark concluded that the new proposal is different.

Mike Craddock, 5115 South Atlanta Avenue, Tulsa, Oklahoma 74105, stated that he is a resident of the neighborhood and a member of the church. He explained that the church respectfully disagrees with most of the comments that have been expressed by the prior interested parties. He stated that several things have taken place: 1) the property was already zoned for office use when the church purchased it; 2) when the church purchased the subject property it was fully overgrown with dead trees and brush. The church cleaned up the subject property and has added new trees and flowers to the existing church. He indicated that the church installed a fence at Ms. Conner's request and installed the type of fence she requested.

Mr. Craddock stated that the church had a cleaning up day for the subject property in July and Mr. Skaistis came over to discuss the church's future plans. He commented that the church has not tried to hide anything from the neighbors. He stated that the church has been a good neighbor and when there is a complaint from the neighborhood the church deals with it.

Mr. Craddock stated that he was unaware that there was an association for the condominium units. He reiterated that the church has not tried to hide their plans and have tried to follow the proper procedure

Mr. Craddock explained that the carport at the existing dwelling was removed because it was unattractive and has been stored to the side of the dwelling. He has hired someone to haul the wood and metal away. He stated that the church hired a landscape architect to remove the dead tree plus add new trees and landscaping.

TMAPC COMMENTS:

Mr. Boyle stated that the site plan has been submitted to the Planning Commission (Exhibit C-4) and all of the development will be to the north of the existing structure. The church could not add anything to the south without going before the Board of Adjustment for approval of a new site plan.

APPLICANT'S REBUTTAL:

Randall Pickard submitted photographs (Exhibit C-2) and stated that Mr. Skaistis was present at the Board of Adjustment hearing in July and he voiced the same objections at that time. The site plan was approved on August 24, 1999 before the Board of Adjustment. He explained that he paid a fee for notification purposes and there was a sign out for the meeting in July. The site plan that was approved allows for a residential-type extension to the north, which 30' x 43' in size. He stated that the

addition goes to the north toward the OM-zoned tract that the church owns. He explained that the extension is to be used for a youth meeting room.

Mr. Pickard stated that to the north of the subject property there is a high-rise office building and the proposed extension is directly across the street from an office building. He explained that the reason for expanding to the north of the existing structure was simply for cost purposes. The only thing that will be given up by abandoning PUD-408 is a limitation that did not allow the previous owners of the property to expand the property within 40 feet of the north boundary line. The rule made sense in 1985 because there were two separate owners of the OM tract to the north and the tract that has the PUD. The church purchased the OM tract and cleaned it up. He explained that the only request today is to meet the third condition of the Board of Adjustment's approval, which is to abandon the PUD.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Pickard to confirm that the site plan submitted to the Planning Commission is the site plan that was approved by the Board of Adjustment. In response, Mr. Pickard indicated that the Planning Commission was looking at the approved site plan.

Mr. Boyle stated that the proposal seems appropriate and that the Board of Adjustment has already reviewed this proposal very carefully. He commented that property owners have the right to remove trees and it does not have anything with zoning.

Mr. Westervelt stated that the pictures submitted by the applicant shows a very attractively-mowed property. There is a recommendation of approval by staff and a Board of Adjustment site plan that is in place and it is not normally the Planning Commission's job to second-guess the BOA. He explained that a site plan serves as well as a PUD.

Mr. Ledford stated that a church can be allowed in any zone by special exception from the Board of Adjustment and the applicant has to submit a site plan, which is part of the action. The approved site plan protects the surrounding properties.

In response to Mr. Harmon, Mr. Stump stated that a fence was not required since the church did not have any parking near the southern end.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the abandonment of PUD-408 as recommended by staff.

Legal Description for abandonment of PUD-408: South 200' of the North 350' of Lot 2, Bethel Union Heights Addition, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof.

Application No.: PUD-614-1

Applicant: Dan Richmond

(PD-6) (CD-4)

Location: Southeast corner East 15th Street South and South Victor Avenue
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment approval to reduce the minimum landscaped open space from the required 15% to 12.25% subject to Board of Adjustment approval of a request for a variance from the minimum landscaped open space for Planned Unit Developments containing office uses.

On September 28, BOA-18514 granted a variance to allow a reduction in the required minimum landscaped open space to 12.25%. The Board of Adjustment granted the variance per a conceptual landscape plan presented by the applicant that indicated additional street yard trees exceeding Chapter 10 minimum requirements.

Staff is aware of the applicant's desire to provide additional parking for patients and medical staff exceeding the minimum requirements of the Zoning Code. However, the approval of a minor amendment that recognizes the variance granted by the Board of Adjustment is in no way intended to set a precedent which weakens the spirit and intent of the PUD Chapter of the Tulsa Zoning Code.

Based on approval of BOA-18514, staff recommends approval of PUD-614-1 reducing the required minimum landscaped open space from 15% to 12.25% subject to the following condition:

TMAPC approval of a revised Detail Site Plan and Landscape Plan.

NOTE: TMAPC approved Landscape Plan shall be per the conceptual landscape plan submitted to the Board of Adjustment on September 28, 1999.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

Mr. Stump stated that there is a misprint in the staff recommendation and it should read 12.25%.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget "absent") to **APPROVE** the minor amendment of PUD-614-1 subject to conditions as recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

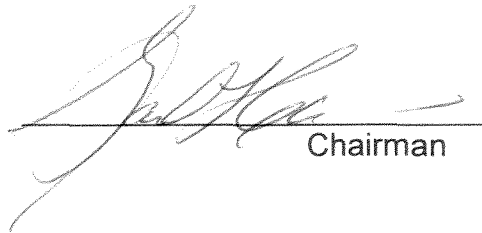
OTHER BUSINESS:

Commissioners' Comments:

Mr. Boyle stated that the City Council is the board that actually changes zoning ordinances and not the Planning Commission.

There being no further business, the Chairman declared the meeting adjourned at 3:15 p.m.

Date approved: 10-20-99


Chairman

ATTEST: Brandi L. Parker
Secretary

