

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2239

Wednesday, May 17, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Harmon	Beach	Jackere, Legal
Carnes	Ledford	Bruce	Counsel
Collins		Dunlap	
Hill		Huntsinger	
Horner		Matthews	
Jackson		Stump	
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May 15, 2000 at 10:10 a.m., posted in the Office of the City Clerk at 9:45 a.m., as well as in the office of the County Clerk at 10:00 a.m.

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

### **Minutes:**

#### **Approval of the minutes of April 26, 2000 Meeting No. 2237**

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Boyle, Carnes, Collins, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minutes as corrected of the meeting of April 26, 2000 Meeting No. 2237.

### **REPORTS:**

#### **Chairman's Reports:**

Mr. Westervelt reported that the plat waiver for CBOA-1722, located at 10203 South Lynn Lane, has been stricken from the agenda.

**CONTINUED ITEMS:**

**Woodfield Village (PUD-450) (3483)**

(PD-26) (CD-8)

Southwest corner of 111<sup>th</sup> Street South and South Sheridan Road

**And related item**

**APPLICATION NO.: PUD-450-A-1**

**MINOR AMENDMENT**

**Applicant:** Jeffrey Levinson

(PD-26) (CD-8)

**Location:** Southwest corner of East 111<sup>th</sup> Street South and South Sheridan Road

**TMAPC Comments:**

Mr. Westervelt stated that the applicant has requested a continuance to June 7, 2000.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Collins, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Jackson, Ledford, Midget "absent") to **CONTINUE** the preliminary plat for Woodfield Village and the minor amendment for PUD-450-A-1 to June 7, 2000 at 1:30 p.m.

\*\*\*\*\*

**APPLICATION NO.: Z-6751**

**AG TO CS**

**Applicant:** John Moody

(PD-17) (CD-6)

**Location:** North of northwest corner of East 11<sup>th</sup> Street and South 177<sup>th</sup> East Avenue (1002 South Lynn Lane)

**TMAPC Comments:**

Mr. Westervelt stated that the applicant has made a timely request for a continuance to June 21, 2000.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Collins, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Jackson, Ledford, Midget "absent") to **CONTINUE** Z-6751 to June 21, 2000 at 1:30 p.m.

**Director's Report:**

Mr. Stump reported that there are three items on the City Council Agenda for Thursday, May 18, 2000. He indicated that the items were not controversial.

Mr. Jackson in at 1:33 p.m.

**SUBDIVISIONS**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-19054 – SACK & ASSOCIATES, INC. (1683)** (PD-18) (CD-8)  
West of East 87<sup>th</sup> Street and Vandalia

**Staff Recommendation:**

The applicant has applied to split a 0.4443-acre parcel (Tract B) off a 3.4826-acre tract and tie it to the tract to the east (Lot 3, Block 1). Both tracts will meet the Zoning Code requirements for RS-3 zoning. The configuration of Tract A will have seven side-lot lines and Tract B will have four side-lot lines. The Applicant is seeking a Waiver of Subdivision Regulations that each tract not have more than three side-lot lines.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split with the condition that Tract B be tied to Lot 3, Block 1, Canyon Creek Estates.

**There were no interested parties wishing to speak.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split with the condition that Tract B be tied to Lot 3, Block 1, Canyon Creek Estates as staff recommended.

\*\*\*\*\*

**FINAL PLAT:**

**Avignon (0783)** (PD-18) (CD-2)  
South of the southeast corner of South Wheeling and East 73<sup>rd</sup> Street

**Staff Recommendation:**

Mr. Beach stated that everything is in order and all release letters have been received. Therefore, staff recommends **APPROVAL** of the final plat for Avignon.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the final plat for Avignon as recommended by staff.

\*\*\*\*\*

**PRELIMINARY PLAT:**

**Cedar Ridge Park (PUD-628/Z-6467SP-4)(1984)** (PD-18) (CD-8)  
Northeast corner of South Mingo Road and Highway 169

**Staff Recommendation:**

The following background information was provided at the **May 4, 2000** TAC meeting.

**GENERAL**

The site is bounded on the north by unplatted property, on the east and south by the Mingo Valley Expressway and on the west by South Mingo Road.

The site is the location of a former golf driving range and includes Reserve A, a large overland drainage easement to the east.

**ZONING**

The site is zoned CO with AG zoning to the north, CO to the northeast and south and RM-1 and OL zoning with PUD's across Mingo Road. This area is the South Pointe Medical Center and proposed office complex. The CO area to the north has been approved for medical and office building.

The PUD allows office park with assisted living facilities and elderly/retirement housing as an alternative.

**STREETS**

Mingo Road is a secondary arterial on the Major Street and Highway Plan. The plan proposes a cul-de-sac off of Mingo Road running to the east and a mutual access easement running south off of the cul-de-sac.

Three other points of access are indicated, one south of the cul-de-sac and two to the north.

**SANITARY SEWER**

Sanitary sewer is located to the north and across the northeast corner.

**WATER**

Water is present along the east side of the Mingo ROW.

## **STORM DRAIN**

Reserve A to the eastern portion of the property is a recorded overland drainage easement.

## **UTILITIES**

A 17.5' U/E is located along the north, south and east boundaries, with a 15' water line easement along a portion of the Mingo frontage.

**Staff provides the following comments from the TAC meeting.**

### **1. Streets/access:**

- French, Traffic: indicated that only one access should be shown off of Mingo north of 93<sup>rd</sup> Street; that the mutual access easement intersected 93<sup>rd</sup> too close to Mingo and should be moved west; and that an east/west easement should be shown in lot 6 between the indicated north/south easement and Mingo.
- Somdecerrf, Streets: indicated book and page references should be provided for existing dedications along Mingo and that areas dedicated by the plat should be indicated.

### **2. Sewer:**

- Bolding, Public Works/Engineering: indicated that standard extensions would be required.

### **3. Water:**

- Lee, Public Works/Water: indicated that an 8" line should run along the 93<sup>rd</sup> Street ROW to Lot 3; a six-inch line should loop its way back.

### **4. Storm Drainage:**

- McCormick, Stormwater: (written) indicated that detention would be required for the site outside of the floodplain; all FEMA and City Regulatory floodplain areas needed to be placed in a dedicated reserve area; maintenance access with easements would be required; easements to handle off-site water will be required and determined as the PFPI progresses; if work was to be done in the floodplain, impact analysis and CLOMR would be required. .

### **5. Utilities:**

- Pierce, PSO: requested that a 17.5' easement be located along the west perimeter working as part of the 10' setback. He also indicated that an overhead line along the north perimeter would be required to serve with three phases.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Compliance with Stormwater Department requests as outlined above.
2. Compliance with Traffic Department requests as outlined above.

**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 Public Works Department 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. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. 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.
14. 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.)
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. 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.)
19. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
21. All other Subdivision Regulations shall be met prior to release of final plat.

**There were no interested parties wishing to speak.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the preliminary plat for Cedar Ridge Park, subject to special conditions and standard conditions as recommended by staff.

**The Gates at Forest Park (PUD-627) (2783)**

(PD-26) (CD-8)

North of the northwest corner of 111<sup>th</sup> Street and South Sheridan Road

**Staff Recommendation:**

The following background information was provided at the **May 4, 2000** TAC meeting.

**GENERAL**

The site is located south of the Forest Park South Addition, at 108<sup>th</sup> Street South. It is bounded by Sheridan Road on the east, with vacant land to the south and west.

The plan previously proposed 108<sup>th</sup> Street as a cul-de-sac with Lakewood connecting to the west and/or south. The City Council amended the PUD to eliminate access from Lakewood to the west or south, connecting only to 108<sup>th</sup> as a private drive.

**ZONING**

The site is located in the RS-1 District and carries a PUD. RS-2 additions are located to the north and east with AG land to the south and west.

**STREETS**

The site is bounded by Sheridan Road on the east, a secondary arterial on the Major Street and Highway Plan. South Lakewood Avenue stubs into the northern property line of the addition in the western quarter of the site.

The plat proposes 108<sup>th</sup> Street (private) as access onto Sheridan and extends Lakewood south (private) to connect to 108<sup>th</sup>.

Sheridan ROW dedication is proposed by this plat.

**WATER**

Water is available along the east side of Lakewood Avenue and along the west side of Sheridan.

**STORM DRAIN**

Drainage information is not included on the plat at this time.

**UTILITIES**

A 15-foot utility easement is indicated at the western boundary, with 17.5' to the south and east, and 11' to the north.

**Staff provides the following comments from the TAC meeting.**

**1. Streets/access:**

- Somdecerrff, Streets: requested standard ROW language and private street language; indication of ROW dedicated by this plat; and, standard Limits of No Access along Sheridan.

**2. Sewer:**

- Bolding, PW/engineering: requested “tees” as the line was installed along the northern property line. He also requested side-lot easements between lots 9 and 10 and lots 10 and 11. The easements should be 10’ on one side and 5’ on the other side for a total of 15’.

**3. Water:**

- Lee, PW/Water: indicated that typical extensions would be required.

**4. Storm Drainage:**

- McCormick, Stormwater: (written) indicated that the culvert across Sheridan would need to be upgraded to handle runoff and that fees-in-lieu would be an option.

**5. Utilities:**

- Pierce, PSO: requested side-lot line easements between lots 8 and 9 and 4 and 5 of block 2. He also requested that the private street be indicated as a Utility Easement to allow access.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Compliance with Stormwater Department requests as outlined above.
2. Compliance with Traffic Department requests as outlined above.

**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 Public Works Department 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. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. 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.
14. 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.)
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. 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.)
19. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
21. All other Subdivision Regulations shall be met prior to release of final plat.

**Mr. Midget in at 1:45 p.m.**

**There were no interested parties wishing to speak.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Midget "abstaining"; Harmon, Ledford, "absent") to **APPROVE** the preliminary plat for The Gates at Forest Park, subject to special conditions and standard conditions as recommended by staff.

\*\*\*\*\*

**PLAT WAIVER:**

**BOA-18625 (PUD-128-B)(783)**

(PD-18) (CD-8)

East side of South Wheeling Avenue, north of the East 78<sup>th</sup> Street right-of-way

**Staff Recommendation:**

**PURPOSE:**

The purpose of the request is to allow **temporary plat waiver** to speed the construction of athletic facilities including football and soccer stadium, boys baseball and girls softball fields, elementary-age softball and baseball fields, customary accessory uses and parking.

The applicant proposes to plat the parcel at the time that the high school and gymnasium buildings are proposed for construction. The Board action requires that the structures be submitted to the Board for site plan approval prior to issuance of a building permit.

**GENERAL:**

The site is located north of the intersection of South Wheeling Avenue and the vacated 78<sup>th</sup> Street right-of-way. It is bounded on the east by Victory Christian Center and on the north by vacant land. Multifamily units are across Wheeling to the west and south.

**STREETS:**

The site is bounded by Wheeling Avenue on the south and the west and will take access from Wheeling near the northern portion of the parcel.

**SEWER:**

Sewer is present on the site.

**WATER:**

Water is present on the site.

**STORM DRAIN:**

Staff does not have information regarding drainage/detention.

**UTILITIES:**

Staff does not have information regarding utility easements.

**Staff provides the following comments from the TAC meeting.**

**1. Storm Drain:**

- McCormick, Stormwater: (written) indicated that the property was in the FEMA and City Regulatory Floodplain and that easements would be required for all floodplain areas. A PFPI would be required for any work to be done in the floodplain.

**Conclusions:**

TAC had no comments or needs for easement beyond those indicated by Stormwater. There was no request for dedications. The southern portion of the area in question is primarily contained within a previously platted lot.

Based on the TAC discussion, the applicant's recognition that a plat will be required prior to construction of the high school and gym, the requirement for site plan approval prior to construction and the checklist which reflects the policies of TMAPC. Staff recommends **APPROVAL** of the request for temporary plat waiver.

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

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

- |  | YES | NO                       |
|--|-----|--------------------------|
| 1) Has property previously been platted?   | ✓*  | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat?             | ✓** | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | ✓   | <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"/> |
| 6) 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"/> |

- 7) Change of Access
  - a) Are revisions to existing access locations necessary?
- 8) Is the property in a P.U.D.?  
  - a) If yes, was plat recorded for the original P.U.D.?
- 9) Is this a Major Amendment to a P.U.D.?  
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

\* The southern portion of the property is lot 1 of block 15 of the Kensington Blocks 15 and 17 Addition.

\*\* Covenants apply to the southern portion of the property per the above addition.

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

**AND**

**APPLICATION NO.: PUD-128-B-2**

**MINOR AMENDMENT**

**Applicant:** Charles E. Norman

(PD-18) (CD-2)

**Location:** Northeast corner of East 78<sup>th</sup> Street and South Wheeling Avenue

**Staff Recommendation:**

Lot 1, Block 15, Kensington, is a part of PUD-128-B approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) on March 2, 1983. Under the PUD, Lot 1, Block 15, the only permitted use is 298 multifamily dwelling units.

The property has been acquired by Victory Christian Center and was approved by the Board of Adjustment (BOA) on March 28, 2000 in BOA-18625 for the Victory Christian School football and soccer stadium, boys baseball field, girls softball field, elementary-age softball and baseball fields and customary accessory uses, according to the site plan approved by the BOA.

The BOA also approved the use of an adjacent tract on the north for a future high school and gymnasium site.

The BOA approvals, including others with respect to the existing Victory Christian School and Church fronting on South Lewis Avenue, establish a major area between South Lewis Avenue and South Wheeling Avenue as the campus for the Victory Christian Church and schools.

Victory Christian Center requests approval of a minor amendment to PUD-128-B to add the uses of Lot 1, Block 15, approved by the BOA in BOA-18625 to PUD-128-B as additional permitted uses.

Staff finds the proposed amendment to be minor in nature and maintains a substantial compliance with the approved PUD standards.

Therefore, staff recommends **APPROVAL** of PUD-128-B-2 as requested.

**TMAPC Comments:**

Mr. Boyle questioned the plat waiver as having too many check marks in the wrong column and yet staff is recommending approval. In response, Mr. Bruce stated that the plat waiver is a temporary waiver and the check marks in the wrong columns are minor in nature. Mr. Bruce indicated that there would be no construction of structures until the subject property is platted; however, this application would allow the school to construct their ball fields and parking lots.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the north tract has not been platted, but will be platted when the school is ready to build the new school and gymnasium. The temporary plat waiver will allow ball fields and a parking lot to be constructed. He indicated that the dressing rooms and lighting utilities are in the platted area.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Midget "abstaining"; Ledford, "absent") to **APPROVE** request for temporary plat waiver for BOA-18625, subject to conditions as recommended by staff and to **APPROVE** the minor amendment for PUD-128-B-2 as requested.

\*\*\*\*\*

**Z-6752 (2952)**

(PD-6) (CD-9)

West of the northwest corner of 48<sup>th</sup> Street and Peoria Avenue

**Staff Recommendation:**

**PURPOSE:**

The purpose of the request is to allow the construction of a mini-storage on the site.

## **GENERAL**

The site is currently vacant and is bounded on the north by the Brookside Center (largely vacant land at this time) it is abutted on the east by commercial uses and on the west by multi-family use.

The site is lot 5, block 1 of the Evergreen Addition.

The site plan indicates two structures of 25' x 195' (4875sf each) and 2 structures of 25' x 420 (10,500sf each)

## **STREETS**

The site is bounded by 48<sup>th</sup> Street on the south and will be accessed from it.

## **SEWER**

Sewer is present along the west property line.

## **WATER**

Water is present along the south side of 48<sup>th</sup> Street.

## **STORM DRAIN and UTILITIES**

Staff does not have information regarding easements or improvements.

**Staff provides the following comments from the TAC meeting.**

### **1. Utilities:**

- Pierce, PSO: indicated that PSO had a service line running along the western property line. The apartments to the west were built to within approximately 3.5' of the common property line with the roof projecting to within approximately 2' of the line. If the mini-storage units were built to within 5' of the property line as indicated, the only opportunity to service the existing line would be "by crane over the top of the mini-storage".

Mr. Pierce has since indicated that the applicant will work with PSO, offering approximately 15' of easement along the western line.

### **2. Water:**

- Lee, PW: indicated that the Fire Department may request a hydrant in the central portion of the site. Staff has contacted the Department but has not yet obtained a response. Mr. Lee indicated that a 20' restricted water line easement would be required for the line extension.

## **Conclusions:**

TAC comments were limited to those noted above. There was no request for dedications. The property is lot 5 of the Evergreen Addition.

Based on the TAC discussion and the checklist, which reflects the policies of TMAPC. Staff recommends **APPROVAL** of the request for plat waiver.

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

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

- |  | YES                      | NO                       |
|--|--------------------------|--------------------------|
| 1) Has property previously been platted?   | ✓                        | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input type="checkbox"/> | ✓                        |
| 3) Is property adequately described by surrounding platted properties or street R/W? | ✓                        | <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?  ✓
- 8) Change of Access
  - a. Are revisions to existing access locations necessary?  ✓
- 9) Is the property in a P.U.D.?  ✓
  - a) If yes, was plat recorded for the original P.U.D.?  ✓
- 10) Is this a Major Amendment to a P.U.D.?  ✓
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?  ✓

**There were no interested parties wishing to speak.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Ledford "absent") to **APPROVE** the plat waiver for Z-6752 as recommended by staff.

\*\*\*\*\*

**Z-6318 (1683)**

(PD-18) (CD-8)

West of the intersection of 87<sup>th</sup> Street South and South Vandalia Avenue

**Staff Recommendation:**

**PURPOSE:**

The purpose of the request is to facilitate the construction of a single-family residence on the subject parcel.

**GENERAL:**

The site is located west of the intersection of Vandalia (1/4 mile west of Yale) and 87<sup>th</sup> Street South, which dead-ends into the site. It is surrounded by residential zoning/development on the east, south and west; AG land is to the north. The subject parcel is adjacent to the Canyon Creek Estates plat but was not platted at the time of that platting.

The parcel has recently been the subject of a lot-split in which a portion of the unplatted area was attached to Lot 13, Block 1, of the Canyon Creek Estates Addition.

**STREETS:**

The site will be accessed from 87<sup>th</sup> Street to the east.

**SEWER:**

Sanitary sewer is present in dedicated easements on site. The easements will be left in place.

**WATER:**

Water is present along 87<sup>th</sup> Street.

**STORM DRAIN:**

Given single-family use, Stormwater has no comments.

**Staff provides the following comments from the TAC meeting.**

**1. Water:**

- Lee, PW: indicated that Fire may have a concern regarding the depth of the lot and may require a hydrant. Bruce commented that sprinkling the house may be an option. Lee agreed. Staff has contacted Fire but has not yet received a response.

**Conclusions:**

TAC comments were limited to those noted above. There was no request for dedications. The property is bounded by the Canyon Creek Addition on the east and south and the Thousand Oaks Addition on the west. The area to the north is unplatted.

Based on the TAC discussion and the checklist, which reflects the policies of TMAPC. Staff recommends **APPROVAL** of the request for plat waiver.

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

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

	YES	NO
1) Has property previously been platted?	<input type="checkbox"/>	<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 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 P.U.D.?  | <input type="checkbox"/> | ✓ |
| a) If yes, was plat recorded for the original P.U.D.?  | <input type="checkbox"/> | ✓ |
| 10) Is this a Major Amendment to a P.U.D.?   | <input type="checkbox"/> | ✓ |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | <input type="checkbox"/> | ✓ |

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

**There were no interested parties wishing to speak.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Ledford "absent") to **APPROVE** the plat waiver for Z-6318 as recommended by staff.

\*\*\*\*\*

**Mr. Jackson out at 2:00 p.m.**

**BOA-18722 (383)** (PD-18) (CD-7)  
Southeast corner of East 61<sup>st</sup> Street and South Hudson Avenue

**Staff Recommendation:**

Mr. Bruce requested a continuance for this plat waiver to May 24, 2000.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Jackson, Ledford "absent") to **CONTINUE** the plat waiver for BOA-18722 to May 24, 2000 at 1:30 p.m.

\*\*\*\*\*

**Mr. Jackson in at 2:09 p.m.**

**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.:** Z-6759 **RS-1 TO RS-3**  
**Applicant:** Larry W. Jenkins (PD-18) (CD-8)  
**Location:** South of southwest corner of East 91<sup>st</sup> Street South and South Darlington Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6615 February 1998:** All concurred in approval of a request to rezone a .54-acre tract located abutting the subject property on the northeast corner from RS-1 to RS-3.

**PUD-580 December 1997:** A request to rezone an 18-acre tract located east of the southeast corner of East 91<sup>st</sup> Street South and South Darlington Avenue and abutting the subject tract on the north, from RS-1 to RS-1/PUD for a church and multifamily use.

**BOA-16938 February 1995:** A request for variances of the bulk and area requirements for an RS-1 zoned tract for minimum lot width, lot area, livability space and land area in order to obtain a lot-split, on property located on the lot abutting the subject tract on the north and fronting South Darlington Avenue. The applicant withdrew the application.

**Z-6441 May 1994:** All concurred in approval of a request to rezone a 17.8-acre tract located south and east of the southeast corner of East 91<sup>st</sup> Street South and South Yale Avenue and abutting the subject property on the north and west, from RS-1 to RS-3.

**PUD-501 August 1993:** All concurred in approval of a request to rezone an 8.4-acre tract located south of the southeast corner of East 91<sup>st</sup> Street South and South Yale Avenue from RS-1 to RS-1/PUD for a residential development.

**PUD-350/Z-5910 May 1984:** All concurred in approval of a request to rezone a 51-acre tract located east across South Darlington Avenue from the subject property and extending from East 91<sup>st</sup> Street to the Creek Turnpike from AG to RS-3/PUD.

**BOA-11761 November 1984:** The Board of Adjustment approved a request for a special exception to allow a church and related uses in a RS-1 zoned district on property abutting the subject property on the northeast and east.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately three acres in size and is located south of the southwest corner of East 91<sup>st</sup> Street South and South Darlington Avenue. The property is flat, non-wooded, contains a single-family dwelling, a barn and detached garage, and is zoned RS-1.

**STREETS:**

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 93 <sup>rd</sup> Street South	50'	2 lanes	Paved	No
South Darlington Avenue	50'	2 lanes	Paved	No

The Major Street Plan designates East 93<sup>rd</sup> Street South and South Darlington Avenue as residential streets.

**UTILITIES:** Water and sewer are available to the subject property.

**SURROUNDING AREA:** The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the northeast by single-family homes, zoned RS-1; to the east, across South Darlington Avenue, by single-family homes, zoned RS-3/PUD-350; and to the south by single-family homes, zoned RS-1.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – No Specific Land Use. According to the Zoning Matrix, the proposed RS-3 zoning is in accord with the Plan Map.

**STAFF RECOMMENDATION:** Based on the Comprehensive Plan, the surrounding zoning and development, staff recommends **APPROVAL** of RS-3 for Z-6759.

**Applicant was not present**

**Interested Parties Comments:**

**Fern Veon**, 9231 South Braden Place, Tulsa, Oklahoma 74135, expressed concerns regarding two-story patio homes and fears that she will lose her privacy. She requested that there be no windows allowed on the second story.

Mr. Stump explained that to his knowledge this application is not for patio homes; however, in an RS-3 district it is zoned for single-family homes, the same as the interested party's property is zoned and the zoning the applicant is requesting.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Ledford "absent") to recommend **APPROVAL** of RS-3 zoning for Z-6759 as recommended by staff.

**Legal Description for Z-6759:**

The East 281.40' of the South 460.00' of the NW/4, NW/4, and the West 176.00' of the South 460.00' of the NE/4, NW/4 of Section 22, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, less and except the following described tract: the East 140.00' of the West 151.00' of the North 170.00' of the South 460.00' of the NE/4, NW/4 of Section 22, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, **from RS-1 (Residential Single-Family Low Density District) to RS-3 (Residential Single-Family High Density District).**

\* \* \* \* \*

**APPLICATION NO.: PUD-567-3**

**MINOR AMENDMENT**

**Applicant:** John W. Moody

(PD-18) (CD-8)

**Location:** South and east of East 71<sup>st</sup> Street South and the Mingo Valley Expressway

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to reduce the required setback from the southern boundary for west-facing wall signage within Development Area B from 300 feet to 214 feet.

Staff has visited the site and reviewed the existing and anticipated future conditions related to surrounding uses in the nearly built-out PUD 567. Staff notes that although Development Area F (drainage, access and open space) separates Development Area B from the Hampton South II single-family residential area to the south, no additional buffering or visual site screening has been provided that would protect residential uses.

It is the opinion of staff that signage placed on the west building wall of the existing theater closer than the 300 feet from the southern boundary of Development Area B will be visible from the second floor of single-family residential uses to the south. The applicant has represented to staff that the additional setback given by Development Area F creates additional buffering. Staff is of the opinion that the intent of the original approval recognized Development Area F as providing some additional degree of setback from west-facing wall signage in Development Area B.

Staff, therefore, finding that conditions have not changed since the original approval of PUD-567 Development Area B that would warrant a reduction in the west-facing wall signage setback, recommends, **DENIAL** of PUD-567-3 as submitted.

**Applicant's Comments:**

**John Moody**, 7146 South Canton Avenue, Tulsa, Oklahoma 74136, stated that the neighborhood's attorney, Craig Abrahamson, reviewed the sign plan and it appears that the neighbors and the applicant have come to an agreement.

Mr. Moody stated that he has agreed that the requested sign will not be a flashing, animated, or twinkling sign and that there will be no future applications for signs on the west-facing wall of the subject building. The subject sign will not be over the 20 foot-candle output as specified in the request.

**Interested Parties Comments:**

**Kathy Dethlefs**, 7405 South 111<sup>th</sup> East Avenue, Tulsa, Oklahoma 74112, representing Hampton South, stated that the sign as proposed is not a problem; however, nothing more or new should be requested for the west-facing wall.

Mr. Midget out at 2:12 p.m.

**TMAPC Comments:**

Mr. Boyle asked Mr. Moody if he were in agreement that no new signs would be requested for the south boundary west-facing wall. In response, Mr. Moody indicated his agreement.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Midget "absent") to **APPROVE** the minor amendment for PUD-567-3, subject to 148 SF of display surface area sign that is 4' x 37', and output of only 20 foot-candles as recommended by the Planning Commission.

\*\*\*\*\*

**APPLICATION NO.: Z-6767**

**IL TO RMH**

**Applicant:** Richard Kosman

(PD-16) (CD-3)

**Location:** South and west of southwest corner of East 30<sup>th</sup> Street North and North Sheridan Road

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**BOA-18723 April 25, 2000:** A request for a variance of the required 30' frontage on a public street to 0' in order to obtain a lot-split was approved by the Board of Adjustment, subject to filing a 35' access easement from East 30<sup>th</sup> Street North to the subject tract. The pending lot-split will create the subject tract by splitting it from the plat, Fasco Industrial Park. The proposed plan is to add the subject property to the abutting mobile home park on the west.

**Z-6737 February 2000:** All concurred in approval of a request to rezone a 55' x 630' strip lying between IL zoning on the north and south and located north of the northwest corner of East 27<sup>th</sup> Street North and North Sheridan Road from RS-3 to IL.

**Z-6664 December 1998:** All concurred in approval of a request to rezone a four-acre tract located on the southwest corner of East 27<sup>th</sup> Street North and North Sheridan Road from RS-3 to IL for light industrial use.

**Z-6391 March 1993:** All concurred in approval of a request to rezone the subject tract from RMH and AG to IL. This tract included a 30' strip extending north to East 30<sup>th</sup> Street and running along the west side of the adjoining tract on the north. The property was subsequently platted as Fasco Industrial Park.

**Z-6316 July 1991:** A request to rezone a 2.9-acre tract located north and west of the northwest corner of East Apache Street and North Sheridan Road, fronting both streets, from RS-3 to IM for automobile rental parking. Staff and TMAPC recommended denial of IM and approval of IL zoning. City Council concurred in approving IL zoning.

**BOA-15687 April 1991:** The Board of Adjustment approved a request to allow Use Unit 17 in a CS-zoned district, a variance to waive the screening requirements; and a variance to allow open-air storage and display of merchandise for automobile sales on property located on the northwest corner of East Apache Street and North Sheridan Road.

**Z-6283 May 1990:** All concurred in approval of a request to rezone a 7.3-acre tract located south of East 36<sup>th</sup> Street North and North Sheridan Road from AG to IL.

**BOA-12555 April 1983:** The Board of Adjustment approved a special exception to permit mobile homes in an AG-zoned district and on the subject tract.

**Z-5817 May 1983:** All concurred in approval of a request to rezone a tract located north of the northeast corner of East 28<sup>th</sup> Street North and on the west side of North Sheridan Road from RS-3 to IL.

**Z-5791 March 1983:** All concurred in approval of a request to rezone the subject tract from IL to RMH. The approval specifically stated the IL zoning would not be granted on the south 10', which would remain AG, and thereby not allow access from the IL tract into the residential development on the south.

#### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 5.97 acres in size and is located south and west of the southwest corner of East 30<sup>th</sup> Street North and North Sheridan Road. The property is flat, non-wooded, vacant, and zoned IL.

#### **STREETS:**

<b><u>Existing Access</u></b>	<b><u>MSHP Design.</u></b>	<b><u>Exist. No. Lanes</u></b>	<b><u>Surface</u></b>	<b><u>Curbs</u></b>
East 30 <sup>th</sup> Street North	50'	2 lanes	Paved	No

East 30<sup>th</sup> Street North is a residential street.

**UTILITIES:** Water and sewer are available to the subject property.

**SURROUNDING AREA:** The subject tract is abutted on the north by Fasco Industrial plant and accessory parking lot zoned IL; to the west by a mobile home park, zoned RMH; to the east by a single-family dwelling, zoned RS-3; and to the south by single-family dwellings, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity – No Specific Land Use.

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

**STAFF RECOMMENDATION:** The requested RMH zoning is in accordance with the Plan Map, and based on the existing uses and development in this area, and considering the proposed attachment to the mobile home park to the west for expansion, staff recommends **APPROVAL** of RMH zoning for Z-6767.

**Applicant's Comments:**

**Richard Kosman**, 5350 East 46<sup>th</sup> Street, Tulsa, Oklahoma 74135, submitted an Engineering History (Exhibit A-5), stated that originally the existing mobile home park was approved for three development phases. The second phase was built first, and then due to economic reasons, the project was never fully developed. He indicated that all the access points would be through the existing mobile home park.

**Mr. Midget in at 2:18 p.m.**

Mr. Kosman stated that he discussed the issue regarding the airport and any buyouts of property in the subject area. He indicated that he discussed this with Brent Kitchens, Airport Authority, and was informed that there are only two homes in the subject area being considered for buyout.

**TMAPC Comments:**

Mr. Boyle asked Mr. Kosman if the proposed mobile home park would access through the existing mobile home park. In response, Mr. Kosman answered affirmatively. Mr. Kosman informed the Planning Commission that the mobile home park would have private streets.

**Interested Parties Comments:**

**Letha Morris**, 6221 East 22<sup>nd</sup> Place North, submitted a petition (Exhibit A-4) and stated that the subject property should remain zoned IL. She commented that the neighborhood has problems with kids from the existing mobile home park stealing and vandalizing their property. Ms. Morris reiterated that the subject area is under the buyout plan and submitted a newspaper article (Exhibit A-2).

Mr. Jackere informed Ms. Morris that the Planning Commission could only consider the surrounding areas and zoning regarding zoning applications. The Planning Commission cannot make decisions regarding a possible future buyout. He explained that development couldn't stop because of a possible buyout sometime in the future.

**Interested Parties Comments:**

**Sandy Jarvis**, 2806 North Sheridan Road, Tulsa, Oklahoma 74115, stated that she is the owner of 3 ½ acres between the subject land and Sheridan Road. She indicated that her property is zoned IL, which is consistent with the subject area. She stated that her property is well groomed; however, they do have problems with vandalism. She indicated that she installed razor wire on top of her fence to help prevent the vandalism.

Ms. Jarvis informed the Planning Commission that her property and the subject property is located in an enterprise zone for tax incentives and the IL zoning should remain on the subject property.

Ms. Jarvis stated that she could not understand why they would want to have another mobile home park in the subject area. She explained how the F-16 jets fly by and kick up gravel from their parking lots. She stated that the sound is loud enough to hear over the activities in the warehouse. The mobile home will devalue the surrounding area, whereas IL zoning does not diminish the value of homes.

**Applicant's Rebuttal:**

Mr. Kosman stated that there would be a security fence around the subject property, which will be a solid wood fence.

**TMAPC Comments:**

Mr. Jackson asked if the west half of the three phases will be developed as well. In response, Mr. Kosman stated that the west half is already zoned RMH and it would require being platted and developed.

Mr. Midget recognized Ms. Morris.

Ms. Morris stated that the existing mobile home park was supposed to build a security fence and never did.

Ms. Pace informed the Planning Commission that she did have ex parte communication regarding this application. She explained that she was told that the planes rattle concrete and steel buildings in the same vicinity. She commented that it appears that by approving this application it would be going backwards.

Mr. Jackson commented that the subject property has been zoned IL for awhile and it never developed as IL. There is already one mobile home park in existence and the proposal is to connect the existing and the proposed mobile home park. He commented that if there is a noise problem, the people in the mobile home park would have already moved.

Mr. Midget stated that the proposal is inconsistent with the existing IL zoning. It is the Commissions' duty to protect the integrity of existing homes and IL-zoned property. He commented that he couldn't imagine why anyone would want to develop RMH in the subject area. He stated that he is opposed to this application.

Mr. Westervelt stated that during the Infill Task Force meetings, it was determined that it was acceptable to place mobile homes near IL zoning.

Ms. Pace reminded the Planning Commission that several interested parties did speak at the last hearing regarding noise pollution.

Mr. Carnes stated that the real issue seems to be vandalism that the residents feel come from the residents in the mobile home park. He indicated that a screening fence should curtail that problem.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **5-4-0** (Boyle, Carnes, Collins, Horner, Jackson, "aye"; Hill, Midget, Pace, Westervelt "nays"; none "abstaining"; Harmon, Ledford "absent") to recommend **APPROVAL** RMH zoning for Z-6767.

**Legal Description for Z-6767:**

A tract of land described as the South 58' of Lot 4, Block 1, Fasco Industrial Park; **and** a tract of land described as Beginning at the Southwest corner of Fasco Industrial Park, thence N 01°21'10" W along the West line of Fasco Industrial Park a distance of 340.23' to the Southwest corner of Lot 4, Block 1, Fasco Industrial Park, thence N 88°51'37" E along the South line of said Lot 4 a distance of 281.48'; thence N 01°08'23" W along the East line of said Lot 4 a distance of 58.00'; thence N 88°51'17" E a distance of 60.00' to the West line of Lot 2, Block 1, Fasco Industrial Park, thence S 01°08'23" E and along the West line of said Lot 2 a distance of 58.00'; thence N 88°51'37" E along the South line of said Lot 2 a distance of 312.63', thence S 01°16'35" E along the East line of Fasco Industrial Park a distance of 339.42' to the Southeast corner of Fasco Industrial Park, thence S 88°47'20" W along the South line of Fasco Industrial Park a distance of 653.65' to the Point of Beginning, **and** a tract of land described as the South 58' of Lot 2, Block 1, Fasco Industrial Park and all containing 5.9 acres more or less, **from IL (Industrial Light District) to RMH (Residential Manufactured Home District).**

\* \* \* \* \*

## ZONING PUBLIC HEARING

**APPLICATION NO.:** Z-6769

**RM-1 TO CH**

**Applicant:** Billy L. Young

(PD-5) (CD-5)

**Location:** South of southeast corner of East 11<sup>th</sup> Street and South 73<sup>rd</sup> East Avenue

### Staff Recommendation:

### RELEVANT ZONING HISTORY:

**Z-6291 September 1990:** A request to rezone a lot located south of the southwest corner of East 11<sup>th</sup> Street and South 74<sup>th</sup> East Avenue from RS-3 to CH for automobile storage was denied. Staff and TMAPC concurred in viewing the request as an encroachment into a residential district.

### AREA DESCRIPTION:

**SITE ANALYSIS:** The subject property is approximately 100' x 135' in size and is located south of the southeast corner of East 11<sup>th</sup> Street and South 73<sup>rd</sup> East Avenue. The property is flat, non-wooded, currently being used for storage of vehicles, surrounded by a chain-link fence and razor wire and zoned RM-1.

### STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South 73 <sup>rd</sup> East Avenue	70'	4 lanes	Paved	Yes

South 73<sup>rd</sup> East Avenue is a minor street.

**UTILITIES:** Water and sewer are available to the subject property.

**SURROUNDING AREA:** The subject tract is abutted on the north by a transmission service and related automotive uses, zoned CH; on the south by a vacant lot and farther south by single-family residential uses, zoned RM-1; on the west by an apartment complex, zoned RM-2 and on the northwest by a convenience store, zoned CH; and on the east by vacant land and single-family residential uses, zoned RS-3.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – No Specific Land Use.

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

### STAFF RECOMMENDATION:

Based on the Comprehensive Plan and existing zoning patterns for the area, staff is not supportive of any commercial zoning for the subject tract. Its current



construct a 50' x 50' fenced "pool yard" in the southeast corner of the existing parking lot, for the outdoor display of a maximum of three swimming pools. It is also proposed that the pools would be surrounded by a six-foot coated chain-link fence. The enclosed area depicted on the conceptual plan would be within the 35' minimum setback from the property line abutting 93<sup>rd</sup> Street. There are single-family dwellings to the south of the tract across East 93<sup>rd</sup> Street South zoned RS-3/PUD-166. There are also single-family dwellings zoned C0/PUD-206 to the southwest of the subject tract, across South Sheridan Road. Also to the west directly across Sheridan from the subject tract is a vacant tract and a Postal Distribution Center zoned C0/PUD-206 and 206-B. The tract is abutted on the north by a car wash zoned RM-1/PUD-166-G and on the east by a childcare center zoned RS-3/PUD-166-D.

The subject tract is zoned RS-3, RM-1/PUD-166-I. The existing CS-type use that is operating on the tract is allowed because it is part of a PUD. Even in a CS district there could be no open-air storage or display of merchandise offered for sale within 300 feet of an abutting R district. The existing standards prohibit the outside storage of supplies if visible from Sheridan or 93<sup>rd</sup> Street South. One of the use conditions for Use Unit 14 uses states that the outdoor display area shall extend no closer to the street than the building setback requirement.

The applicant is proposing the outdoor display of a maximum of three swimming pools. The pools would be located in the southwest corner of the existing parking lot and the area would extend well forward of the building line. There are single-family dwellings to the south of the proposed location.

The proposed PUD is not in harmony with the existing development and is not consistent with the existing PUD standards or the standards of the PUD Chapter of the Tulsa Zoning Code.

Therefore, staff recommends **DENIAL** of PUD-166-L.

**Applicant's Comments:**

**Stephen Schuller**, 100 West 5th Street, Suite 500, Tulsa, Oklahoma 74103, representing Fiesta Pools and Spas, stated that his client proposes 50' x 50' enclosure with a cover and landscaping to display pools as if they are in yards. He indicated that there would be security fencing and set back a good length. He stated that the fencing is made of a material that is dark green and blends in with the landscaping.

Mr. Schuller stated that there are trees that screen the pools and the residents would not be able to see the pools from their properties. He indicated that he has met with the neighbors and they have no objections to this proposal. He stated that there is plenty of parking to meet the requirements and requests approval.

**TMAPC Comments:**

Mr. Carnes asked Mr. Schuller if he has a letter from the neighborhood stating that they have no objections. In response, Mr. Schuller answered negatively.

Mr. Westervelt expressed concerns with pools being displayed where children from the surrounding neighborhoods could possible get into harm's way.

Mr. Jackson asked Mr. Schuller about the fencing along 93<sup>rd</sup> Street. In response, Mr. Schuller stated that there are six-foot walls, staggered and then trees in between the staggered sections of walls.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **3-5-0** (Jackson, Midget, Pace, "aye"; Boyle, Carnes, Collins, Hill, Westervelt "nays"; none "abstaining"; Harmon, Horner, Ledford "absent") to recommend **APPROVAL** of a major amendment for PUD-166-L.

**MOTION FAILED.**

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **5-3-0** (Boyle, Carnes, Collins, Hill, Westervelt "aye"; Jackson, Midget, Pace "nays"; none "abstaining"; Harmon, Horner, Ledford "absent") to recommend **DENIAL** of the major amendment for PUD-166-L as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: Z-6771/PUD-633**

**OL TO CS/PUD**

**Applicant:** Stephen A. Schuller

(PD-5) (CD-3)

**Location:** South of southeast corner of East 4<sup>th</sup> Street South and South Sheridan Road

**Staff Recommendation Z-6771:**

**RELEVANT ZONING HISTORY:**

**BOA-17805 April 1998:** The Board of Adjustment approved a request for a special exception to allow an existing auto body repair shop and paint shop in a CS-zoned district on property abutting the subject tract on the south.

**Z-6602 March 1998:** A request to rezone the three lots adjoining the subject property on the south from CS to IL was withdrawn after many requests by the applicant and his failure to appear for public hearing.

**Z-6566 December 1996:** All concurred in approval of a request to rezone the south two lots of the subject parcel and the lot abutting the subject property on the north from RS-3 to OL for a proposed mini-storage facility.

**BOA-13082 April 1984:** The Board of Adjustment approved a special exception to permit a retail tire center in a CS-zoned district on the two lots abutting the subject tract to the south.

**Z-5483 February 1980:** All concurred in approval of a request to rezone the north 50' x 155' lot of the subject property from RS-3 to OL.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 125' x 150' in size and is located south of the southeast corner of East 4<sup>th</sup> Street and South Sheridan Road. The property is flat, non-wooded, contains an office on the northernmost lot, a single-family dwelling on the southern lot; the middle lot is vacant but used as a parking lot and is zoned OL.

**STREETS:**

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South Sheridan Road	100'	4 lanes	Paved	Yes

The Major Street Plan designates South Sheridan Road as a secondary arterial street. The City of Tulsa 1996-1997 traffic counts indicate 23,300 trips per day on South Sheridan Road between East 4<sup>th</sup> Street and East 11<sup>th</sup> Street.

**UTILITIES:** Water and sewer are available to the subject property.

**SURROUNDING AREA:** The subject tract is abutted on the north by a single-family dwelling, zoned OL; to the south by an auto body repair and paint facility, zoned CS; to the west across South Sheridan are commercial businesses, zoned CS and single-family dwellings, zoned RS-3; and to the west by single-family dwellings, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as a Medium Intensity – Commercial land use.

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

**STAFF RECOMMENDATION:**

The Comprehensive Plan supports CS zoning in this area and specifies that screening be provided to adequately buffer such uses from adjacent residential uses. Based on the Comprehensive Plan, existing development and trends in

the area, staff recommends **APPROVAL** of CS zoning for Z-6771, provided that the accompanying PUD-633 is approved.

**AND**

**Staff Recommendation For PUD-633:**

The PUD proposes office, commercial and automotive uses on a 0.48-acre (net) tract located south of the southeast corner of East 4<sup>th</sup> Street and South Sheridan Road. The tract has 150 feet of frontage on Sheridan Road and is 125 feet deep.

The subject tract is zoned OL. Concurrently an application has been filed (Z-6771) to rezone the tract to CS. The tract is abutted on the east by single-family dwellings zoned RS-3, on the north by a single-family dwelling, zoned OL and on the south by an automotive use zoned CS. There is a dwelling and a commercial use to the west, across Sheridan Road, zoned CS.

The Comprehensive Plan designates the subject tract as a Medium Intensity Linear Development Area. The plan states that a PUD will be required to develop at this density. The plan also states that parking areas within the development should be screened from abutting residential properties and arterial streets by fences, peripheral berms, and landscaping. Setbacks, transitional uses, and other separations shall be used to increase compatibility of uses with adjacent and abutting low intensity residential areas.

Staff cannot support the proposed automotive uses on this tract, but if CS zoning 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-633, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-633 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:	21,000 SF	0.48 acre
Gross:	28,500 SF	0.65 acre

Permitted Uses:

Uses permitted in Use Unit 11 (Office, Studios, and Support Services); Use Unit 13 (Convenience Goods and Services); and Use Unit 14 (Shopping Goods and Services); and Moving Truck and Trailer Rental (maximum 20 feet in length) and Customarily Incidental Accessory Uses only as allowed in Use Unit 17 (there shall be no repair onsite).

Minimum Lot Width:	50 FT
Minimum Lot Frontage:	50 FT
Minimum Lot Area:	7,000 SF
Maximum Building Floor Area Ratio per Lot:	.50
Minimum Building Setbacks:	
From centerline of Sheridan Road	75 FT, for existing buildings, 100 FT for new construction
From North Boundary of PUD	5 FT
From South Boundary of PUD	5 FT
From East Boundary of PUD	10 FT*

\*Plus two feet of setback for each one-foot building height exceeding 15 feet.

Other Bulk and Area Requirements: As established within a CS district.

Signs:

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

One double-faced ground sign, not exceeding 25 feet in height, shall be permitted, on the northernmost lot in the PUD (along Sheridan Road) and shall be set back at least 40' 20' from the north boundary of the PUD. Such sign shall not exceed an aggregate display surface area of 200 square feet per side. No other ground sign is permitted in the PUD.

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

No roof or projecting signs shall be permitted.

Open Space and Landscaping:

Minimum internal landscaped open space area	10%	of lot area
Minimum width of landscaped areas along street	5 FT	
Minimum width of landscaped area along north and east boundaries of PUD	5 FT	

Landscaping of open space shall be in accordance with the provisions of the Zoning Code. The landscaping materials utilized in all landscaped areas shall be maintained and replaced as needed.

Screening:

All uses within the PUD shall be screened from view from the east side of the PUD as required by the applicable provisions of the Tulsa Zoning Code for the uses permitted and conducted upon the property. There shall be an eight-foot solid screening fence along the RS boundary. (Modified by staff to reflect TMAPC's motion.)

Parking areas within the PUD will be screened from the abutting residential properties to the east and from Sheridan Road by fences, ~~peripheral berms~~, and landscaping to be approved by TMAPC at detail site plan review.

Public and Private Traffic Circulation System:

Access to the PUD shall be limited to a single access point, 40 feet in width, at the center of the three lots comprising the PUD. Access to and from the southern lot, and parking to be provided for the uses on the southern lot, will be by a mutual and reciprocal access and parking agreement within and across the center lot.\*\*

\*\*Access points shall be approved by Traffic Engineering.

3. ~~No Zoning Clearance Permit~~ Building 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 (including building mounted) 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 20 feet from an RS district.
8. The Department 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.

**Applicant's Comments:**

**Stephen A. Schuller**, 100 West 5th Street, Suite 500, Tulsa, Oklahoma 74103, stated that there would be no new uses on the subject property. He indicated that the subject property is already in use and his client has not received any fines or deficiency letters. Mr. Schuller stated that he spoke with Ms. Dotty Herd,

McClure Neighborhood Association, and Councilor Turner and they have no objections to this application.

Mr. Schuller stated that his client would like to use a sign pole that is already in existence for advertising. He explained that the existing pole does create a setback problem.

**TMAPC Comments:**

Mr. Carnes asked the applicant if his client planned to improve the landscaping for the front of the lot. In response, Mr. Schuller stated that he did not agree with the term berming and questioned the reasoning for staff including this in their staff recommendation.

Ms. Hill asked if the vehicles are being repaired on the subject property. In response, Mr. Schuller stated that the vehicles are not repaired on the property. He further stated that if the vehicles become disabled they are removed from the subject property and taken somewhere to be serviced.

**Interested Parties Comments:**

**Bertha Fink**, 428 South 66<sup>th</sup> East Avenue, Tulsa, Oklahoma 74112, stated that the neighbors are complaining about the noise, bright lights, smell of fuel, the constant noise from the trucks backing up against her fence. She indicated that there is no solid wood fence screening the business from her home.

Ms. Fink stated that she is concerned regarding the business abutting her property. She explained that she couldn't let her children play in the backyard because of the strangers on the subject property looking at the trucks. She stated that her daughter works at night and sleeps during the day and it is impossible to sleep with the constant noise generated from the trucks while they are backing up and being moved around the subject property. She commented that there is a bright light that shines into her bedroom windows at night.

**TMAPC Comments:**

Mr. Westervelt explained to Ms. Fink that with the PUD there are some conditions that the Planning Commission can put in place to reduce the noise and lights and require a solid screening fence be put in place. In response, Ms. Fink stated that a six-foot screening fence would not help with the noise, odors from the engines being revved up and trucks banging into the fence. In response, Mr. Westervelt stated that the Planning Commission could impose a condition that the screening fence be an eight-foot solid wood fence.

**Applicant's Rebuttal:**

Mr. Schuller stated that his client was already in business before retaining his services. He indicated that he would agree to an eight-foot solid wood fence, lights hooded and pointed downward. He commented that the beeping noise the interested party described is a safety mechanism on the trucks for when they are

backing up. He stated that the general traffic noise in the subject area is probably louder than the trucks backing up.

**TMAPC Comments:**

Ms. Pace expressed concerns for the multiple uses on the subject property since it is a small tract of land.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-1-0** (Boyle, Carnes, Collins, Hill, Jackson, Midget, Westervelt "aye"; Pace "nay"; none "abstaining"; Harmon, Horner, Ledford "absent") to recommend **APPROVAL** of CS zoning for Z-6771 and to recommend **APPROVAL** of PUD-633, subject to an eight-foot solid screening fence along RS boundary; light hooded and directed downward; add Moving Truck and Trailer Rental (maximum 20 feet in length) and Customarily Incidental Accessory Uses only as allowed in Use Unit 17 uses (there shall be no repair onsite); allow use of the existing sign pole as modified and recommended by the TMAPC. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

**Legal Description for Z-6771:**

Lots 19, 20, and 21, Block G, Crest View Estates, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **from OL (Office Low Intensity District) to CS (Commercial Shopping Center District).**

**Legal Description for PUD-633:**

Lots 19, 20, and 21, Block G, Crest View Estates, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof **from OL (Office Low Intensity District) to CS/PUD (Commercial Shopping Center District/Planned Unit Development).**

\*\*\*\*\*

**APPLICATION NO.: PUD-619-1**

**MINOR AMENDMENT**

**Applicant:** Ricky Jones

(PD-26) (CD-8)

**Location:** West side of Memorial at 106<sup>th</sup> Street South

**Staff Recommendation:**

Development Area A-1 of PUD-619 was approved for uses permitted as a matter of right in an OL district and Drive-in Banking Services by the City Council in November 1999. The maximum building height allowed is 35 feet and the minimum building setback from the north boundary of the Development Area is 20 feet. Bulk trash containers were required to be setback a minimum of 75 feet from all boundaries of the Development Area.

Development Area A-1 is abutted on the north by the Trinity Presbyterian Church, zoned RM-1, RS-2/PUD-270-A and on the west and south by Development Area A of PUD-619, which allows those uses permitted by right in the CS district, excluding Use Unit 12 A. To the east of the tract, across Memorial Drive and in the City Limits of Bixby, are commercial uses zoned CS.

The applicant proposes to reduce the minimum building setback from the north boundary of the Development Area from 20 feet to 11 feet and to reduce the minimum bulk trash containers setback from the north boundary of the Development Area from 75 feet to 50 feet and from the west boundary of the Development Area from 75 feet to five feet.

Staff finds the proposed amendments to be minor in nature and maintains a substantial compliance with the approved PUD standards.

Therefore, staff recommends **APPROVAL** of PUD-619-1, 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:

#### Development Area A-1

##### Minimum Building Setbacks:

From the north boundary of Development Area A-1

One story buildings	11 FT (unless additional easement is required during the platting process)
---------------------	---

Other Buildings not exceeding a maximum building height of 35 FT

20 FT

##### Bulk Trash Container Setbacks:

From the north boundary of Dev. Area A-1

50 FT

From the west boundary of Dev. Area A-1

5 FT

From other boundaries of Dev. Area A-1

75 FT

Except as modified above, the Development Standards of PUD-619 shall remain applicable.

**There were no interested parties wishing to speak.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford "absent") to **APPROVE** the minor amendment for PUD-619-1 subject to conditions as recommended by staff.

\*\*\*\*\*

**APPLICATION NO.: PUD-582-3**

**MINOR AMENDMENT**

**Applicant:** Jeffrey C. Welch

(PD-18) (CD-9)

**Location:** Lot 1 and the south half of Lot 2, Block 1, Balmoral Addition (6625 South Atlanta Place)

**Staff Recommendation:**

PUD-582 was approved for a maximum of 23 residential lots on approximately 5.61 acres located north of the northwest corner of East 67<sup>th</sup> Street South and South Birmingham Avenue. The subject tract consist of Lot 1 and the south half of Lot 2, Block 1, Balmoral Addition and is located at the northeast corner of East 66<sup>th</sup> Place and South Atlanta Avenue.

The applicant is requesting minor amendment approval to increase the maximum building height from 35' to 49'-6 7/8" to the top of the building peak.

Staff finds the request minor in nature and is of the opinion that the character and intent of the original approval of PUD-582 will be maintained.

Staff, therefore, recommends **APPROVAL** of PUD-582-3 as submitted, i.e. per the enclosed elevations and site plan, noting that the increase in building height applies only to Lot 1 and the south half of Lot 2, Block 1, Balmoral Addition.

**There were no interested parties wishing to speak.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford "absent") to **APPROVE** of PUD-582-3 as submitted, i.e. per the enclosed elevations and site plan, noting that the increase in building height applies only to Lot 1 and the south half of Lot 2, Block 1, Balmoral Addition as recommended by staff.

**APPLICATION NO.: PUD-190-E-6**

**MINOR AMENDMENT**

**Applicant:** Charles Norman

(PD-18) (CD-8)

**Location:** Lot 2, Block 8, Charter Oak Amended (7527 South Irvington Avenue)

**Staff Recommendation:**

The residential lot at 7527 South Irvington Avenue slopes sharply from the front to the rear with a drop of approximately 25 feet over more than one-half of its depth to East 76<sup>th</sup> Street South.

The lot was recognized as a very difficult building site by the Tulsa Metropolitan Area Planning Commission (TMAPC) in considering a previous minor amendment, PUD-190-E-5, in 1997, which allowed a reduction in the required front yard from 18 feet to 16 feet to accommodate the extreme slope of the lot.

A residential structure was commenced on the property with the exterior walls and the roof completed. Construction on the residence was suspended; foreclosure proceedings were undertaken, and the property became the property of lender. The applicants purchased the lot and unfinished structure at public auction and employed a new builder to complete the residence.

During the review of the building permit application for completion of construction, the building inspector discovered that the main ridge of the roof, which runs approximately east and west, is 37'10" above the abutting front yard grade; at the lower-end of the lot, the highest point of the roof ridge is approximately 58 feet above grade of the lot.

In order to allow the completion of the residential structure, the applicants request approval of a minor amendment of the development standards of PUD-190-E to permit the existing structure to remain at a height of 38 feet above the front yard ground elevation and approximately 58 feet above the rear yard elevation at the building walls of the structure.

Staff finds the proposed amendment to be minor in nature and maintains a substantial compliance with the approved PUD standards.

Therefore, staff recommends **APPROVAL** of PUD-190-E-6 as requested.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the subject property is difficult to develop due to the topography. Mr. Norman submitted photographs of the proposed roof (Exhibit C-1).

**Interested Parties Comments:**

**Helen Pettigrove**, no address given, stated that she lives on the lot across the street from the proposal. She expressed concerns that the additional three feet will block her view. She reminded the Planning Commission that the homes were to be no higher than 35 feet and only 30 feet from the street. She requested that this application be denied and that Lots 7 and 9 remove the three feet from their rooftops. She questioned the size of the house compared to the lot. She commented that it appeared to be built to the wall/fence.

**Applicant's Rebuttal:**

Mr. Norman stated that the rear of the home is built in accordance with the PUD. He commented that the additional three feet on the rooftop is minor and would require major construction to remove the two roofs Ms. Pettigrove is speaking of.

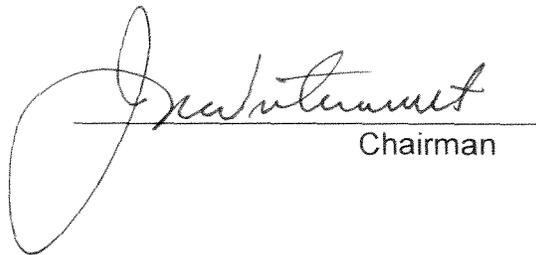
**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford "absent") to **APPROVE** the minor amendment of PUD-190-E-6 as recommended by staff.

\*\*\*\*\*

There being no further business, the Chairman declared the meeting adjourned at 3:55 p.m.

Date approved: 06/07/00

  
Chairman

ATTEST:   
Secretary