

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2257

Wednesday, November 15, 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	Collins	Beach	Boulden, Legal
Carnes	Midget	Bruce	Counsel
Harmon		Dunlap	
Hill		Huntsinger	
Horner		Matthews	
Jackson		Stump	
Ledford			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 13, 2000 at 10:30 a.m., posted in the Office of the City Clerk at 8:53 a.m., as well as in the office of the County Clerk at 8:45 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 October 18, 2000 Meeting No. 2254**

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minutes of the meeting of October 18, 2000 Meeting No. 2254.

### Minutes:

#### **Approval of the minutes of October 25, 2000 Meeting No. 2255**

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minutes of the meeting of October 25, 2000 Meeting No. 2255.

**Minutes:**

**Approval of the minutes of November 1, 2000 Meeting No. 2256**

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minutes of the meeting of November 1, 2000 Meeting No. 2256.

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**CONTINUED ITEMS:**

**Yorktown Villas (PUD-640) (0683)**

**PRELIMINARY PLAT**

Northeast corner E. 63<sup>rd</sup> Street and S. Yorktown Avenue (PD-18) (CD-9)

**TMAPC Comments:**

Mr. Westervelt stated that there is a request for a continuance for Yorktown Villas.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Midget "absent") to **CONTINUE** the preliminary plat for Yorktown Villas to November 29, 2000 at 1:30 p.m.

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**REPORTS:**

**Committee Reports:**

**Comprehensive Plan Committee**

Mr. Ledford reported that the Comprehensive Plan Committee met today and discussed the Riverside Task Force report, which will be sent to the full Planning Commission on January 3, 2001.

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**Rules and Regulations Committee**

Mr. Boyle reported that there was a meeting today regarding political signs and Infill Zoning Code changes. He stated that the political signs will be on the public hearing agenda for December 6, 2000 and the Infill Zoning Code amendments will be on the public hearing agenda for December 20, 2000.

**Director's Report:**

Mr. Stump reported that there are two items on the City Council agenda for November 16, 2000.

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**SUBDIVISIONS**

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

**L-19127 – Ray Fisher (783)**

(PD-18) (CD-2)

1518 & 1520 East 74<sup>th</sup> Street

**Staff Recommendation:**

The applicant has applied to split a duplex into two parcels. On October 25, 2000, the Tulsa Metropolitan Area Planning Commission approved a minor amendment to PUD 128-A-24 for the bulk and area requirements. The approval was conditional upon the applicant realigning the front common boundary line to give more equal distance on the driveway. That condition has been completed and is reflected in the site plan.

The proposed configuration, however, results in Tract 2 having four side lot lines, and the applicant is seeking a Waiver of Subdivision Regulations that each tract have no 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.

**TMAPC Comments:**

In response to Mr. Ledford, Mr. Dunlap assured the Planning Commission that staff would have a worksession regarding lot-splitting duplexes.

**Applicant's Comments:**

**Ray Fisher**, 1520 East 74<sup>th</sup> Street South, Tulsa, Oklahoma 74136-7334, stated that the boundary lines have been laid and the prepared deeds are ready to be stamped. He explained that the mortgage company has approved the party purchasing the north side of the duplex.

Mr. Fisher indicated that he is in agreement with the staff recommendation and all issues have been settled.

**Interested Parties Comments:**

**Rod Grubaugh**, 1519 East 74<sup>th</sup> Street South, Tulsa, Oklahoma 74136, stated that he attended the Planning Commission meeting one month ago regarding the subject property.

Mr. Grubaugh expressed concerns with the duplex being split in his neighborhood. He indicated that the subject area is not a community that has been run down and there is no need for splitting the duplexes in order to sell them. He stated that there are 23 duplexes in the subject area and four have been split.

Mr. Grubaugh stated that the zoning rules were originally intended to keep continuity in the neighborhoods, and not to keep people from buying houses and duplexes. Mr. Grubaugh further stated that he is not against lot-splits and he is for keeping his community looking nice.

Mr. Grubaugh expressed concerns with the subject duplex not having a firewall. He questioned if the split could be legal without the duplex having a firewall. He stated that by allowing a duplex to be split it would cause problems when one owner does not keep his duplex in good condition and the other owner does. He reiterated that he submitted photographs at the first meeting of the four duplexes that have been split, and they look like slums from Harlem. He stated that he would like to keep his neighborhood looking nice to avoid drug trafficking.

Mr. Grubaugh stated that the Subdivision Regulations do not allow this type of split. He indicated that there is a homeowners' association in the subject area and they are against this application. He suggested that the application be brought before the homeowners' association before taking action.

Mr. Grubaugh commented that because the lot-splits have been allowed in the past does not make it right. He recommended that the rules in place be followed rather than allowing this application to be approved. He stated that he is totally for the sale of the subject property, but he is not in favor of splitting the lot. He suggested that the buyers be committed by contract to purchase the other half within two to three years.

**Applicant's Rebuttal:**

Mr. Fisher stated that the purchasers are very nice Chinese couple who own a business in the subject area.

**TMAPC Comments:**

Mr. Boyle stated that he is opposed to this type of lot splitting.

Mr. Westervelt stated that he understands Mr. Boyle's concerns, but at the first hearing regarding the minor amendment it was determined that there had been a number of duplexes split in the subject area and the Commissioners were not comfortable with drawing a line on this particular item.

Ms. Pace stated that a number of the issues the interested party discussed are outside of the Planning Commission's control. She suggested the interested party contact the appropriate enforcement and regulating agencies.

Mr. Carnes stated that since there is no firewall, he couldn't support this application.

Mr. Harmon stated that he could not support this previously and he still cannot support this issue. He commented that this is not good planning.

Mr. Westervelt asked staff if there would need to be six affirmative votes in order to grant this lot-split. In response, Mr. Stump answered affirmatively.

Mr. Dunlap reminded the Planning Commission that the minor amendment for the subject property has been approved.

Mr. Jackson stated that he is in favor of this application.

**TMAPC Action; 9 members present:**

On **MOTION** of **JACKSON**, the TMAPC voted **5-4-0** (Hill, Horner, Jackson, Ledford, Westervelt "aye"; Boyle, Carnes, Harmon, Pace "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the waiver of subdivision regulations and lot-split as recommended by staff.

**Motion failed, the motion needs six affirmative votes.**

**TMAPC Comments:**

Mr. Westervelt reminded the Planning Commissioners that the Planning Commission did approve the minor amendment, which was the first half of this action in a previous meeting. The transaction has continued and these circumstances are in the existing subdivision. He commented that he understands the concerns and technical reasons for opposing this particular split, but the Planning Commission would be creating a hardship for the applicant if this application were denied.

Mr. Carnes stated that it is probably his change in vote that created the hardship.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **RECONSIDER** the lot-split for waiver of subdivision regulations for L-19127.

**TMAPC Comments:**

Mr. Boyle stated that in this particular consideration, these parties have a number of other avenues available to achieve the results that would not call for a split of the subject lot. Mr. Boyle commented that under these circumstances he does not feel that the Planning Commission is creating a hardship.

Mr. Jackson stated that the lending institution will have some type of requirement that attached units be separated by a firewall to the roof.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** TMAPC voted **7-2-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; Boyle, Harmon "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the waiver of subdivision regulations and the lot-split for L-19127 as recommended by staff.

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**L-19132 – Marianne S. Austin (2992)**  
6210 West 41<sup>st</sup> Street

(PD-9) (County)

**Staff Recommendation:**

The applicant has applied to split one tract into three parcels, with the proposed configuration resulting in Tract 1 having eight side lot lines. The applicant is seeking a Waiver of Subdivision Regulations that each tract have no more than three side lot lines.

All three tracts meet the bulk and area requirements. 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.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the waiver of the subdivision regulations and the lot-split for L-19132 as recommended by staff.

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

- |  |                  |
|--|------------------|
| <b><u>L-19123 – Burt L. Kelso, Jr. (294)</u></b><br>17501 East 11 <sup>th</sup> Street                             | (PD-17) (CD-6)   |
| <b><u>L-19139 – Boyd Denton (1563)</u></b><br>20611 South Yale   | (PD-20) (County) |
| <b><u>L-19150 – Josephine A. Smith (1973)</u></b><br>15626 South Lewis   | (PD-21) (County) |
| <b><u>L-19151 – Glen Just (213)</u></b><br>East of southeast corner East 126 <sup>th</sup> Street North & Sheridan | (PD-15) (County) |
| <b><u>L-19152 – Tulsa Development Authority (3602)</u></b><br>402 East Latimer Street                              | (PD-2) (CD-1)    |

**Staff Recommendation:**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**FINAL PLAT:**

Mr. Ledford announced that he would be abstaining.

- |   |                |
|---|----------------|
| <b><u>Southern Crossing Second – (PUD-570) (2683)</u></b><br>Northwest corner of East 111 <sup>th</sup> Street and South Memorial Drive | (PD-26) (CD-8) |
|---|----------------|

**Staff Recommendation:**

This plat consists of three lots in two blocks and one reserve on 2.79 acres. It will be developed for commercial and office uses under PUD-570.

All releases are in and the plat is in order. Staff recommends **APPROVAL** of the final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Collins, Midget "absent") to **APPROVE** the final plat for Southern Crossing Second as recommended by staff.

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**Mr. Ledford announced that he would be abstaining on the following item.**

**PRELIMINARY PLAT:**

**Jamestown Medical Plaza (PUD 638-E)(2193)** (PD-6) (CD-7)  
Northwest corner of East 33<sup>rd</sup> Street South and South Jamestown Avenue

**Staff Recommendation:**

The following information was provided at the 11/02 TAC meeting.

**GENERAL:**

The site is located from East 32<sup>nd</sup> Place South to East 33<sup>rd</sup> Street South along the west side of Jamestown Avenue.

**ZONING:**

The site is zoned RM-1 and RM-2. The overlying PUD allows uses in UU 11 and by right in the OL District. The area to the north across 32<sup>nd</sup> Street is zoned CS; the area to the south across 33<sup>rd</sup> Street is zoned RM-1 and RS-3; RS -3 is to the east across Jamestown and OL, and RM-1 uses are to the west.

**STREETS:**

Two access points are proposed onto 33<sup>rd</sup> Street and 32<sup>nd</sup> Place. No access is proposed onto Jamestown. A five-foot dedication is shown along the south side of 32<sup>nd</sup> Place.

**SEWER:**

Sanitary sewer is on site and may need partial abandonment, subject to the ultimate building location.

**WATER:**

Water is available on the south side of 32<sup>nd</sup> Place.

**STORM DRAIN:**

Storm drain is present at the southeastern corner of the site.

**UTILITIES:**

Staff does not have information on utility easements; the applicant's information indicates an ONG line on the north and the south.

Staff provides the following information from TAC.

**STREETS:**

- Somdecerff, Traffic: language referencing dedications should be included in Section 1 of covenants.
- French: Streets: none

**SEWER:**

- Bolding, PW: line/easement will be abandoned as needed, based on additional information.

**WATER:**

- Holdman, PW: service will be from 33<sup>rd</sup> Street.

**STORM DRAIN:**

- McCormick, PW: none.

**FIRE:**

- Calkins, Fire: none.

**UTILITIES:**

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

**WAIVER OF SUBDIVISION REGULATIONS:**

1. None

**SPECIAL CONDITIONS:**

1. Language referencing dedications should be included in Section 1 of covenants.
2. Sanitary Sewer line/easement vacation needs shall be determined based on further design and coordinated with Public Works.

**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.

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

**Interested Parties Comments:**

**Roy Phillips**, 3233 South Jamestown, Tulsa, Oklahoma 74113, stated that he owns the rental property directly across the street from the proposal. He indicated that this proposal would be an excellent addition to the subject area.

**TMAPC Action; 9 members present:**

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

\* \* \* \* \*

**Mingo Medical Center (1984)**

(PD-18) (CD-8)

South of southeast corner of East 91<sup>st</sup> Street South and South Mingo Road

**Staff Recommendation:**

**GENERAL:**

The site is located on the east side of Mingo, north and west of the Mingo Valley Expressway. It is irregularly shaped and runs lengthwise from west to east. Several easements are present including drainage and sanitary sewer. The developable area is primarily in the southern portion of the site.

**ZONING:**

The site is zoned CO (corridor) with AG to the north, CO to the northeast, the Mingo Valley Expressway to the east, CO to the south and Mingo Road to the west with RM-1 (multifamily) and AG beyond.

**STREETS:**

Access will be taken off of Mingo Road; no access points are defined. "Reserve C" will have to be crossed to access developable area. No access into the area to the south is indicated.

**SEWER:**

A 24" sewer is in the vicinity.

**WATER:**

A 48" water line is along the Mingo right-of-way.

**STORM DRAIN:**

Detention drainage and access easements are indicated with a large Reserve A to the east, assumed to be used for detention area.

**UTILITIES:**

A 25' easement is indicated along the western property line. No other easements are shown.

**Staff provides the following comments from TAC.****STREETS:**

- Somdecerff, Traffic: A quitclaim deed will be required for the existing 24.75' ROW along Mingo Road. The waterline easement along Mingo should be labeled as such.
- French: Streets: None.

**SEWER:**

- Bolding, PW: An 8" extension from the line to the south will be required.

**WATER:**

- Holdman, PW: An 8" extension will be required.

**STORM DRAIN:**

- McCormick, PW: None.

**FIRE:**

- Calkins. Fire: None.

**UTILITIES:**

- 17.5' easement on south side of south property line is sufficient.

**Note:** Significant discussion occurred over the issue of "Reserve" rather than "Easement". For example, access to parking will occur over the "Reserve" area dedicated to the City of Tulsa. This issue should be clarified and resolved with the Legal Department prior to final approval. The applicant will provide "Easement" or "Reserve" at the request of the City.

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

**WAIVER OF SUBDIVISION REGULATIONS:**

1. None

**SPECIAL CONDITIONS:**

1. Quitclaim Deed for statutory right-of-way along Mingo Road.
2. Resolution of "Reserve" or "Easement" assignments to satisfaction of Legal and Public Works Departments.

**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 to 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.**

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the preliminary plat for Mingo Medical Center subject to special conditions and standard conditions as recommended by staff.

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**PLAT WAIVER:**

**BOA 18645 (494)**

(PD-17) (CD-6)

West of northwest corner of South 141<sup>st</sup> East Avenue and East 11<sup>th</sup> Street

**Staff Recommendation:**

**GENERAL**

The site is vacant with lot residential to the east and south across 11th Street. The land is vacant to the west and north. A large-lot addition lies approximately 330' to the west.

**PURPOSE**

The purpose of the request is to allow the construction of a church (6080 SF) with associated parking.

**ZONING/TRIGGER**

The site is zoned AG. The Board approved a Special Exception for Use Unit 5 on February 8 of this year.

**STREETS**

The site is bounded by 61<sup>st</sup> Street to the south; one access point is indicated on the site plan. It appears that dedication to 50' is being offered on the north side of 61<sup>st</sup>.

**SANITARY SEWER**

The site will be served by a septic system.

**WATER**

A six-inch water line is present at the intersection of 138<sup>th</sup> East Avenue and 7<sup>th</sup> Street South.

**STORM DRAIN**

Staff does not have drainage/detention information.

**UTILITIES**

Staff does not have information on easements.

**Staff provides the following information from TAC.**

**STREETS:**

Somdecerrf, Traffic: right-of-way dedication will be required.

French: Streets: A Limits of No Access will be required.

**SEWER:**

Bolding, PW: None

**WATER:**

Holdman, PW: None.

**STORM DRAIN:**

McCormick, PW: On-site detention will be required.

**FIRE:**

Calkins, Fire: None

**UTILITIES:** None.

Based on the TAC discussion and the following checklist which reflects the policies of TMAPC. Staff recommends **APPROVAL** of plat waiver subject to the following:

1. Right-of-way Dedication
2. Limits of No Access
3. On site detention

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?

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

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

5) Will restrictive covenants be filed by separate  
instrument?

6) Infrastructure requirements

a) Water

i) Is a main line water extension required?

ii) Is an internal system or fire line required?

iii) Are additional easements required?

b) Sanitary Sewer

i) Is a main line extension required?

ii) Is an internal system required?

iii) Are additional easements required?

c) Storm Sewer

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

ii) Is an Overland Drainage Easement required?

iii) Is on-site detention required?

iv) Are additional easements required?

7) Floodplain

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

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

8) Change of Access

a) Are revisions to existing access locations necessary?  \*

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.?

\* Limits of No Access Required.

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.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **JACKSON** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the plat waiver for BOA-18645, subject to conditions and subject to 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 as recommended by staff.

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**BOA 18869 (303)**

(PD-18) (CD-7)

West of southwest corner of East 61<sup>st</sup> Street and South Hudson Avenue

**Staff Recommendation:**

**GENERAL**

The site is vacant with office use to the east and residential use to the south. The land is vacant to the west with 61<sup>st</sup> Street to the north with the golf course beyond. The site is associated with the Warren Clinic and is a portion of Lot 1, Block 2 of the amended Warren Clinic East plat.

**PURPOSE**

The purpose of the request is to allow the construction of a Ronald McDonald House.

**ZONING/TRIGGER**

The site is zoned OL. The Board approved a Special Exception for Use Unit 5 on September 26 of this year.

**STREETS**

The site is bounded by 61<sup>st</sup> Street to the north; two access points are indicated on the site plan. East 61<sup>st</sup> Street is a secondary arterial on the Major Street & Highway Plan.

**SANITARY SEWER**

An eight-inch sewer is located on the north and south sides of the site.

## **WATER**

A twelve-inch water is located on the south side of the 61<sup>st</sup> Street right-of-way.

## **STORM DRAIN**

Staff does not have drainage/detention information.

## **UTILITIES**

Staff does not have information on easements.

**Staff provides the following information from TAC.**

## **STREETS:**

- Somdecerff, Traffic: A dedication of a 30' Radius return at the corner of Hudson and 61<sup>st</sup> is requested.
- French: Streets: A change of access will be required. Access is acceptable as shown.

## **SEWER:**

- Bolding, PW: Easement will need to be relocated.

## **WATER:**

- Holdman, PW: None.

## **STORM DRAIN:**

- McCormick, PW: Easement will need to be relocated.

## **FIRE:**

- Calkins. Fire:

## **UTILITIES:**

- Additional easement will be required for on site service.

Based on the TAC discussion and the following checklist which reflects the policies of TMAPC. Staff recommends **APPROVAL** of plat waiver subject to the following:

1. Change of access
2. Relocation of sanitary sewer and storm drain easements

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?                        | <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.?  ✓  
 a) If yes, does the amendment make changes  
 to the proposed physical development of the P.U.D.?  ✓

**\* Easement relocation required.**

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.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the plat waiver for BOA-18869 subject to conditions and subject to 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 as recommended by staff.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.: Z-6793**

**RS-3 TO OM**

**Applicant:** Donald O'Neil Tyler

(PD-25) (CD-1)

**Location:** Southeast corner of East 56<sup>th</sup> Street North and North Madison Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**BOA-18856 September 2000:** The Board of Adjustment approved a special exception to allow a monopole antenna tower in an R-zoned district and a variance of the 110% setback from an AG-, R- or O-zoned district from 143' to 25'. The property is located south of the southwest corner of East 56<sup>th</sup> Street North and North Madison Avenue and west of the subject property.

**PUD-572 October 1997:** All concurred in approval of a request to rezone a 1.3-acre tract located on the southwest corner of East 50<sup>th</sup> Street and North Peoria from CH and RS-3 to CH, RS-3 and PUD to allow a mixed use development which would could allow a restaurant, convenience store, offices and residential uses.

**BOA-15511 September 1990:** The Board of Adjustment approved a special exception to allow a Head Start program on property located south of the southwest corner of East 56<sup>th</sup> Street North and North Madison and to the west of the subject tract in a former Tulsa Public School facility.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 13 acres in size and is located on the southeast corner of East 56<sup>th</sup> Street North and North Madison Avenue. The property is sloping, non-wooded, contains a church and vacant land, and is zoned RS-3.

**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 56 <sup>th</sup> Street North	100'	2 lanes	Paved	No
North Madison Avenue	50'	2 lanes	Paved	No

The Major Street Plan designates East 56<sup>th</sup> Street North as a secondary arterial and North Madison Avenue as a residential street.

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

**SURROUNDING AREA:** The subject tract is abutted on the north by scattered single-family homes, zoned RS and AG in the County and vacant IL zoned property; to the west by vacant property and a school, zoned RS-3; to the east by single-family dwellings, and commercial uses, zoned RS-3 and CS; and to the south by single-family dwellings, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 25 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 OM is **not** in accordance with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and existing development, staff cannot support the requested OM zoning for Z-6793 and therefore recommends its **DENIAL**.

**TMAPC Comments:**

Mr. Westervelt asked Ms. Matthews if the only access to the subject property is off of Peoria. In response, Ms. Matthews stated that the subject property has access from 56<sup>th</sup> Street North, going south on North Madison Avenue and some small frontage off of Peoria. Ms. Matthews further stated that there may be some direct access from the neighborhood streets, but she is unaware of it.

Mr. Westervelt asked staff to further explain why they are recommending denial and what better procedure staff would like to see the applicant go through to accomplish his goal. In response, Ms. Matthews stated that the Planning Commission needs to consider that, while a church may seem to be a fairly low-intensity type use, there will be peak periods during which it will be very busy. Ms. Matthews indicated that she was informed the church plans to build some type of conference center on the subject property. Ms. Matthews stated that the neighborhoods are stable and they will bear the brunt of any traffic that is coming through the neighborhoods. Ms. Matthews commented that while there is a small piece of frontage on Peoria, the likelihood is that the traffic will go through on Madison. Ms. Matthews stated that the Head Start Program facility and the YWCA facility could be adversely affected by peak hour traffic. Ms. Matthews expressed concerns with the possibility of church parking in the neighborhoods.

Mr. Westervelt asked staff if there are any conditions that could be implemented with the straight zoning. In response, Ms. Matthews stated that there are no conditions available with straight zoning. Ms. Matthews commented that if the applicant had applied with a PUD, then conditions could have been placed on the subject property. Ms. Matthews stated that if the applicant had gone to the Board of Adjustment, then the Board could impose conditions. Ms. Matthews further stated that if the church wanted to change the buildings in any way, they would have to go to the Board and that would be best in order to know where the parking, buildings etc. would be placed. Ms. Matthews informed the Planning Commission that staff is not against the church use, but do not want to give the church straight zoning of OM because it can be an intense use.

Ms. Pace stated that she questions the need for OM zoning because of the intense use and questioned why the church did not go before the Board for church use. In response, Ms. Matthews stated that the church does not want to have to go before the Board of Adjustment every time they want to expand or build something. Ms. Matthews further stated that OM would allow a two-story office and OL zoning would not. Ms. Matthews commented that if the church does have a national conference as has been indicated, that would put a lot of traffic in the subject area and that is a red flag.

Mr. Ledford stated that if the church uses Madison Avenue to access their church and they were given OM zoning, there are no conditions or controls to prevent the church traffic from going into the neighborhoods. Ms. Matthews stated that if the church was given the OM zoning, it would cause a replatting process and possibly through the process the access points could be controlled at that time.

Mr. Jackson asked if the applicant had the opportunity to meet with staff and discuss other avenues to accomplish his needs. In response, Ms. Matthews stated that she personally did not meet with the applicant, but he did meet with staff personnel. Ms. Matthews commented that she has discussed this application with the engineer of the project and he was aware of the other processes. Ms. Matthews stated that the engineer has considered asking for OL, but she would not be comfortable with an OL zoning either, because there are still no controls of where the buildings are located and the access points.

Mr. Horner asked staff if the applicant did or did not have the opportunity to discuss other alternatives. In response, Ms. Matthews stated that the applicant had the opportunity to discuss the alternatives with whomever took the application for the OM zoning.

**Applicant's Comments:**

**Donald O'Neil Tyler**, Pastor, 6205 West Orlando, Broken Arrow, Oklahoma 74011, stated that there not any plans for a national convention on the subject property, nor a facility to be built to have a convention. Access to the subject property is currently designed from 56<sup>th</sup> Street North. He stated that the church could use the Peoria frontage onto 54<sup>th</sup> Street and it would run into the subject property and the newly constructed site. He indicated that the church does not intend to access from Madison Avenue at this time; however, there would be no problem if it were to be used because the church services would not run at the time YWCA is opened for their activities. He stated that Sunday afternoon is the only time that the traffic would be intense. He indicated that the traffic would go to 56<sup>th</sup> Street North or west to Cincinnati and there would be no need to go through the residential area.

Mr. Tyler stated that many of his church members live in the subject area and can speak to the need to have the church on the subject property. He indicated that the church has been existence for over 30 years. Mr. Tyler cited the services that his church provides for the community. He indicated that the first Sunday of each month, the church feeds many families for free. He stated that he new facility would allow the opportunity to feed approximately 1,000 families. He commented that the current facility will not allow this number of families to be fed; however, the new facility would allow over 1,000 families and they could do so every Sunday of each month.

Mr. Tyler asked the Planning Commission if they received a letter from Councilor Joe Williams. In response, Mr. Westervelt answered affirmatively. Mr. Tyler stated that Councilor Williams and Councilor Turner have both been to the facility and give their support to this application.

**TMAPC Comments:**

Mr. Westervelt informed Mr. Tyler that the Planning Commission is not against the church being located on the subject property; however, the Planning Commission and staff have to look at the possibility that the subject property may not always be a church facility and the OM zoning stays with the land. Mr. Westervelt informed Mr. Tyler that the Planning Commission has to consider land use issues and ways to protect the existing neighborhood. Mr. Westervelt stated that the Planning Commission needs some type of control over the manner in which the subject site is developed in order to protect the neighborhood.

Mr. Westervelt stated that the Planning Commission and staff are concerned that if the OM zoning is granted, without going before the Board of Adjustment or without a PUD, it could have a negative impact on the existing neighborhood and facilities.

Mr. Tyler stated that the church has hired an engineer and has spent several thousands of dollars on the plans. He indicated that it would be a hardship on the church if they were not allowed to go forward with their plans.

Mr. Westervelt asked Mr. Tyler if his engineer informed him that the Planning Commission may prefer to have slightly more control to how the site develops. In response, Mr. Tyler stated that he was given several options and the one he chose is the one that would allow the church to erect all of the facilities without having to go before the Board of Adjustment or the Planning Commission 19 to 20 times.

Mr. Tyler stated that the only issue is traffic and 56<sup>th</sup> Street North is the church's main access. He said that traffic is not an issue with 56<sup>th</sup> Street North being their main access.

Mr. Jackson stated that the Planning Commission is trying to convey to Mr. Tyler is that the zoning change would go with the land and not with the owners or the intended purpose. Typically, over time, the ownership of property changes but the underlying zoning is always there. With large tracts of land, the Planning Commission would like to implement protective devices, such as limits of no access, placement of buildings, access points around the property in order to provide adequate ingress/egress of emergency services. The only avenue that the Planning Commission feels comfortable with is a PUD for such a project as proposed. The PUD does have some additional costs, but part of the groundwork has already been performed and the site plan is a step that the church will have to pay for and perform regardless of whether they go for a PUD.

The PUD application would help the church and help the Planning Commission to serve the church regarding this application to meet the church's goal.

Mr. Tyler stated that he could bring a site plan right now that would show where the buildings and access points would be located. In response, Mr. Jackson stated that he understands that the church has a site plan; however, the Planning Commission cannot guide the site plan to best fit the church's purposes and the City's purposes. Mr. Tyler asked what type of control would the City need or the Planning Commission need. Mr. Tyler asked what type of guarantees would the Planning Commission need.

Mr. Boyle stated that the Planning Commission is not concerned with the proposal for the property, because it is already known. However, the Planning Commission is concerned with the possibility of another owner of the property in the future. Mr. Boyle explained that the zoning requested would allow a new owner of the property to take advantage of the neighborhood. The Planning Commission wants to protect the neighborhood against that. What the Planning Commission needs is a Planned Unit Development, which is a device where the applicant indicates where the buildings, access points, etc., will be placed. The protection of a PUD prevents the next owner from being able to do anything else but follow the PUD standards.

Mr. Tyler asked why there isn't a zoning category just for churches. That way the City gets what they want, and he gets what he wants. Mr. Tyler stated that the process the Planning Commission wants him to go through would not allow him to build a two-story structure. He suggested splitting the land in half and developing the north half only and leaving the southern portion however the Planning Commission would prefer.

In response, Mr. Boyle stated that if Mr. Tyler brought in a PUD, his suggestion could be accomplished.

Mr. Tyler stated that there are 13 acres and he is currently trying to develop the northern portion. He suggested that the Planning Commission allow the zoning change on half of the property (northern portion).

Mr. Westervelt stated that the Planning Commission could consider the OM zoning for the northern portion, but the easiest way would be to apply the fees paid for today's hearing toward a PUD for the entire property. In response, Mr. Tyler stated that he feels confident that he can get this application to pass if he can get a motion and second. Mr. Tyler further stated that the hearts of people in this room are concerned enough that if there is a motion and second that he can get a passing vote. In response, Mr. Westervelt asked if Mr. Tyler wanted a motion for the application as presented. In response, Mr. Tyler stated that six of the Planning Commissioners love the church and will vote to pass this application.

Mr. Boyle stated that the application and the outcome is not whether the Planning Commission loves the church or not, but rather about the Planning Commission's responsibility to the City of Tulsa. Mr. Tyler stated that he has sat in this room before and the Planning Commission has the power to do what he needs done.

Mr. Westervelt informed Mr. Tyler that the Planning Commission is only a recommending board and the City Council has the final say. In response, Mr. Tyler stated that he is not worried about the City Council, because if the Planning Commission recommends the zoning change, the City Council will sign.

Mr. Boyle informed Mr. Tyler that the City Council does not always follow the Planning Commission's recommendation. In response, Mr. Tyler stated that he understands that, but he believes with all of his heart that if the Planning Commission approves this application, then he will not have any problems at the next level.

Ms. Pace asked why the church is requesting OM zoning and not going before the Board of Adjustment for church use. In response, Mr. Stump stated that he understands that the reason for the applicant to request the OM zoning was in order to obtain the lowest intensity zoning where church use is allowed by right and to prevent the applicant from going back before the Board of Adjustment if the site plans are changed or if the church redefines the way the property would be developed. Mr. Stump explained that the church does not want to seek permission to change their site plans, which would be required in a PUD or if the church did not rezone the property but went before the Board of Adjustment for a special exception for church use.

Ms. Pace stated that she would be inclined to deny this application and apply the fees toward some Board of Adjustment relief. In response, Mr. Tyler stated that he has plans for the next 30 years.

Mr. Stump stated that the applicant and his engineer visited with Mr. Dunlap at length. The church's intention is to get a zoning situation that would not require them to have approved site plans before building other than when applying for a building permit.

Ms. Pace stated that an OM zoning is inappropriate for the subject area. Ms. Pace further stated that if the church should move to another location the zoning remains with the property. In response, Mr. Tyler stated that he spent \$110,000 on the subject property and does not plan to move. Ms. Pace stated that the church might move if it were given two million dollars. Mr. Tyler stated that he has two million dollars and that would not change his mind. Ms. Pace stated that the point being is that if the church ever sold the property the OM zoning would allow too intense development for the subject area. Ms. Pace commented that she is comfortable with a community church being developed on the subject property, but it needs to be done through the Board of Adjustment or with a PUD.

Ms. Pace stated that the Board of Adjustment is created for these types of situations, which is to make sure that a church going into a residential neighborhood is compatible.

Mr. Tyler asked how much time it would take to go before the Board of Adjustment or to apply with a PUD. In response, Mr. Stump stated it would be in January 2001. In response, Mr. Tyler stated that "there goes more money out the window".

Mr. Horner commented that the applicant seems uncomfortable or is avoiding a conversation with the Planning Commission regarding a PUD. In the event that the staff is acceptable to a fee waiver to apply toward a PUD, then this application would go forward. Mr. Horner commented that the spirit of what the church is doing is tremendous and it is needed, but there are certain guidelines that have to be followed. Mr. Tyler stated that he has no problem with the guidelines. Mr. Tyler commented that he knows what he wants and all the Planning Commission can do is tell him no. Mr. Tyler stated that he has no problem with the Planning Commission telling him no because he will try harder. Mr. Horner stated that the Planning Commission is trying to tell the applicant how to achieve his goals.

Mr. Tyler stated that if the Planning Commission denies this request he knows the next step to do. He commented that he pays people to tell him the next step in order to achieve his goal. He stated that he does not want to wait two more months. He would prefer to get the zoning today and not lose his money. He stated that he does not want to lose his money and he is at the Planning Commission's mercy. He requested that the Planning Commission not portray him as a hardhead.

**Applicant's Comments:**

**Jack Sheridan**, Engineer, P. O. Box 219, Haskell, Oklahoma 74429, stated that he understands that this is a difficult decision for the Planning Commission. He indicated that he knew his options were to go before the Board of Adjustment for a special exception to allow church use under the existing zoning. However, every time there is a change in the design or site plan he would have to go to the Board of Adjustment for approval. He explained that his client would prefer to have the OM zoning, which would allow him to develop without having to make several trips to the Board of Adjustment.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Sheridan if he considered a PUD in order to develop the subject site. He asked Mr. Sheridan if he could give the Planning Commission some compelling information why the Planning Commission should consider the straight zoning. In response, Mr. Sheridan stated that the first two tracts are in a platted subdivision, and in the past the applicant has gone before

the Board of Adjustment for church use. Mr. Sheridan explained that the church exists and is used as a church facility.

Mr. Sheridan stated that he takes exception to staff stating that the access to the church is along the panhandle or 54<sup>th</sup> Street North. There is access down Madison to get to the church. There is no limited access off the panhandle. The tract the church proposes to develop is tract one.

Mr. Westervelt asked Mr. Sheridan to explain why he did not consider a PUD. In response, Mr. Sheridan stated that he did not consider a PUD because of the time involved. Mr. Sheridan explained that the church is ready to start construction and he has already gone through the sketch plat process. Mr. Sheridan stated that he has already discussed this development with all entities, utilities and the City, etc.

Mr. Sheridan stated that the access to the church property is the largest issue at this time. The main access will be off of the main road of 56<sup>th</sup> Street North. He explained that the church would dedicate the extra 25', which is required for the main arterials within the city. All of the access could come in through the north avenue and when he returns for a plat approval, the plat could show the covenants that could restrict access points. This could protect the neighborhood from traffic, but he understands there has never been a complaint filed regarding the traffic from the church.

Mr. Boyle asked Mr. Sheridan if there is any other reason besides time why a PUD should not be done for this development. Mr. Sheridan stated that the main reason is time.

Staff indicated that a PUD could be heard around January 3, 2001 and approximately another three to four weeks before it would have final action and be published. Mr. Boyle stated that it would be approximately two months' time to file a PUD and have final action. Mr. Stump stated that he would recommend that the applicant go before the Board of Adjustment for a special exception. Mr. Stump stated that if this so critical that this be heard immediately, staff could waive the current cutoff and be on the Board of Adjustment for December 12, 2000.

Mr. Boyle stated that; depending on whether the applicant goes before the Board of Adjustment or make an application for the PUD, it would cause a delay of one or two months. This is a short time of delay for a building that would be serving this community for 30, 50 or 100 years. This seems like a fairly small period of time to get this development right and protect the neighborhood.

Mr. Sheridan asked Mr. Boyle what benefit would a PUD be. In response, Mr. Boyle stated that if there was a PUD in place, then the next property owner would have to abide by the PUD rules and standards. Mr. Sheridan stated that this

could be accomplished with covenants. Mr. Boyle stated that the Planning Commission couldn't enforce covenants. Mr. Sheridan stated that he would have to return with a plat and the covenants that dictate where the access would be located. Mr. Sheridan further stated that he does not see any benefit from a PUD. Mr. Stump informed Mr. Sheridan that the City cannot enforce a covenant that they are not empowered to impose. Mr. Boyle informed Mr. Sheridan that covenants are civil matters and the Planning Commission has no say regarding the covenants.

Mr. Boyle stated that the applicant has a piece of property that will be developed for a good and worthy cause that would last for a long time. He questioned why the applicant doesn't go through the proper procedures to get it right in order to make sure that everyone is protected.

Mr. Sheridan stated that he believes that everyone is protected with the current proposal.

Mr. Jackson stated that, from a developer's standpoint, he feels that by having everything on a single document along with a PUD which shows where the development is now and where the development would be going in the future through multiple phases, would be beneficial.

Mr. Tyler asked the Planning Commission what the phrase means to have a "full Council review". In response, Mr. Boyle stated that he is not aware of the phrase. Mr. Boyle informed Mr. Tyler that if the Planning Commission were inclined to approve this application today, then it would go to the City Council for final action. Mr. Boyle explained that the Planning Commission is only a recommending board.

Mr. Tyler asked if he could have a full Council review if the Planning Commission declined this application today. In response, Mr. Stump answered affirmatively. Mr. Tyler asked if the Planning Commission could decline this application and refund his money for the next option. Mr. Stump stated that a refund of the money could only be done if the Planning Commission includes that in their motion. Mr. Tyler requested that the Planning Commission deny his application and refund his money so that he can go to the next step.

Mr. Stump asked Mr. Tyler what he meant by the next step. In response, Mr. Tyler stated that the next step is wherever the Planning Commission tells him he has to go for the next step. Mr. Stump stated that the applicant does not get his money back if he is going on with the zoning request.

Mr. Boyle explained to Mr. Tyler that he has several options: he can go to the City Council and try to convince the Council that the Planning Commission was wrong in their decision to deny this application; go before the Board of Adjustment and apply for a special exception; or come back before the Planning

Commission with a PUD. Mr. Boyle informed Mr. Tyler that if he chose to apply for a special exception or a PUD, the fees he paid for today's application could be applied toward the new applications. Mr. Boyle further informed Mr. Tyler that if he chooses to go ahead with today's request before the City Council, then he couldn't receive a refund nor apply fees to any future applications. Mr. Tyler acknowledged that he understood.

Mr. Westervelt asked Mr. Tyler if he wanted the Planning Commission to vote yes or no on today's application. In response, Mr. Tyler answered affirmatively and that he would like his money back or have the funds applied to whatever next step is necessary. Mr. Westervelt explained that if the application is denied today and the applicant proceeds then there is no refund.

Mr. Boyle explained to Mr. Tyler that he is inclined to make a motion to deny this application and to apply the fees toward either a PUD application or a special exception application. In response, Mr. Tyler agreed.

**Interested Parties Comments:**

Mr. Tyler requested his church members in favor of the application to stand (approximately 30 people were recognized).

**MOTION of BOYLE to recommend DENIAL the OM zoning for Z-6793 and apply fees already paid by the applicant to either a Board of Adjustment application for a special exception for to the filing of a PUD.**

**TMAPC Comments:**

Mr. Harmon stated that there is no neighborhood around the church and he doesn't understand what needs to be protected.

Ms. Pace stated that if straight zoning were approved for the subject property there would be screening fence requirements all along the RS-zoned property, which appears to be several blocks long. In response, Mr. Tyler stated that the fencing would not be a problem.

Ms. Matthews pointed out to the Planning Commissioners that the large piece of property zoned RS-3 to the west is the property of which the YWCA and Head Start facilities are located.

Ms. Pace asked staff to address the fencing requirement for the subject property. In response, Mr. Stump stated that a screening fence would be required everywhere except the 56<sup>th</sup> Street frontage and the small area that abuts CS-zoned property. Mr. Boyle asked if the screening fence would cut off access from Madison. In response, Mr. Stump answered affirmatively. Mr. Boyle stated that access would have to be from 56<sup>th</sup> Street. Mr. Stump stated that the applicant could go before the Board of Adjustment and request a special exception in order to reduce or eliminate the screening fence.

Mr. Westervelt stated that he believes that the Planning Commission has adequately explained the issues to the applicant and Mr. Sheridan.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-1-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; Harmon "nay"; none "abstaining"; Collins, Midget "absent") to recommend **DENIAL** of the OM zoning for Z-6793 and apply application fees already paid by the applicant to either a Board of Adjustment application for a special exception for to the filing of a PUD.

**Legal Description for Z-6793:**

Beginning at a point on the North line of the NE/4, Section 12, T-20-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, said point being 610' West of the Northeast corner thereof; thence South parallel to the East line of said Section 12, a distance of 226' to a point; thence Easterly parallel to the North line of said Section 12, a distance of 160' to a point; thence South parallel to the East line of said Section 12, a distance of 656' to a point; thence Westerly parallel to the North line of said Section 12, a distance of 438' to a point; thence North parallel to the East line of said Section 12, a distance of 881.67' to a point on the North line of said Section 12; thence Easterly a distance of 278' to the Point of Beginning, **and** that part of the NE/4, NE/4, Section 12, T-20-N, R-12-E of the IBM, According to the U. S. Government survey thereof described as follows: beginning at a point 882' South and 600' West of the Northeast corner of the NE/4 of Section 12, thence South 260.7' to a point on the North boundary of Sharon Heights Addition to the City of Tulsa, Oklahoma, thence Westerly along the North boundary of said Sharon Heights Addition a distance of 228', thence North a distance of 260.7'; thence East a distance of 288' to the Point of Beginning, **and** All of Block 9 of the Resubdivision of Block 1 and Lots 1 through 7 inclusive of Block 2, Sharon Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, less and except right-of-way or easements in use or of record upon said property, and Reserve "B" of Sharon Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, **From RS-3 (Residential Single-family High Density) To OM (Office Medium Intensity District).**

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**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.:** PUD-460-4

**Applicant:** Tracy Gibson

**Location:** 9118 East 77<sup>th</sup> Street South

**MINOR AMENDMENT**

(PD-18) (CD-8)

**Staff Recommendation:**

The applicant is requesting a minor amendment to reduce the front building line from 25 feet to 24.5 feet and to reduce the required side yard from five feet to 3.9 feet to allow the existing infringement of a two-story single-family home.

Staff has reviewed the request and sees no problem with the proposed setback variations. There is a ten-foot utility easement at the front of the lot in question, but this is not affected by the setback change. Staff recommends **APPROVAL** of the minor PUD amendment as requested per the plan submitted.

**Mr. Horner out at 2:56 p.m.**

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE** TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to **APPROVE** the minor amendment for PUD-460-4 as recommended by staff.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.: CZ-275**

**Applicant:** David M. Dryer

**Location:** West of northwest corner of 171<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue

**CS/AG TO CH**

(PD-20) (County)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CZ-139 December 1985:** A request to rezone a 6.25-acre tract located at the intersection of U.S. Highway 64 and East 171<sup>st</sup> Street South and including the subject property, from AG to CH. Staff and TMAPC could not support CH zoning and all concurred in denial of the request for CH zoning and approval of CS except the east 150' which remained AG.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.9 acres in size and is located west of the northwest corner of East 171<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue, Bixby, Oklahoma. The property is partially wooded, gently sloping, vacant, and zoned CS and AG.

**STREETS:**

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
U.S. Highway 64 South	120'	2 lanes	Paved	No
East 171 <sup>st</sup> Street South	50'	2 lanes	Paved	No

The Major Street Plan designates U. S. Highway 64 South as a primary arterial and East 171<sup>st</sup> Street South as a minor street. In fact, East 171<sup>st</sup> Street South is not a through street.

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

**SURROUNDING AREA:** The subject tract is abutted on the north, south and east by vacant property, zoned AG and to the west by a single-family dwelling and metal storage building, zoned CS.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The subject property is not within any adopted district plan. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment.

Past history of zoning of this property noted that U.S. Highway 64 and South 145<sup>th</sup> East Avenue are both primary arterial streets allowing for a Type III Node, but due to the location of U.S. Highway 64 the intersection actually occurs where U.S. Highway 64 and South 171<sup>st</sup> Street intersect and the subject tract is located approximately 900' east of the intersection.

In all types of nodes CS zoning may be permitted and in Type III medium intensity nodes the requested CH **would not** be an allowed category.

**STAFF RECOMMENDATION:**

The subject property is not within the area that would be included for a commercial node, and except for the commercial zoning on the west, this area does not appear to have experienced commercial intrusion or otherwise be in transition at this time. Staff cannot support this zoning at the present time and recommends **DENIAL** of CH zoning.

**Mr. Horner in at 3:03 p.m.**

**Applicant's Comments:**

**David Dyer**, 5110 South Yale, Suite 430, Tulsa, Oklahoma 74135, stated that he discussed this application with staff this morning and possibly he could go with CG zoning instead of CH. He indicated that staff still considers this spot zoning if he requested CG.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Dryer what the intended use for the subject property would be. In response, Mr. Dryer stated that the subject property will have several uses, a mini-storage and a little eatery, a mail suite, office, etc.

Ms. Pace stated that the proposed uses do not seem like high intensity uses and it would appear the applicant could meet his needs with CG zoning. In response, Ms. Matthews stated that she is not comfortable with CG zoning, but it would be better than CH zoning. Ms. Matthews stated that the applicant would have to get some additional relief with CG zoning.

Mr. Westervelt asked staff if the CS zoning meets the applicant's purposes. Mr. Stump stated that CS zoning could work for the applicant, but he would have to go before the Board of Adjustment for a special exception. Mr. Stump stated that if the CS zoning were extended, then the applicant would have to go to the Board of Adjustment for a special exception to allow the mini-storage.

Mr. Dryer stated that the problem with CS zoning is that he is not sure if he will have a boundary problem. He knew with CH zoning he wouldn't have a boundary problem.

**Interested Parties Comments:**

**Joan Derby**, 4047 East 43<sup>rd</sup> Street, Tulsa, Oklahoma 74135, stated that she is a Trustee for the family holdings on property south of the proposed property. She explained that her family owns property from 145<sup>th</sup> to 129<sup>th</sup> East Avenue. She indicated that she objects to any change in zoning because it would be nonconforming to what the present usage is in the subject area. The general use and character of the subject area is now suburban-residential.

Ms. Derby stated that the property zoned CG was for an old business, which was a propane refilling tank service and has been there for a long time. The CS property is also an old zoning for a dog kennel, which has been out of business for 15 years.

Ms. Derby stated that the proposed change in zoning does nothing to support the surrounding properties. The proposed zoning is not in keeping with what is presently in the subject area.

**Applicant's Rebuttal:**

**Mr. Dryer** stated that the adjacent owner does not object to his proposal.

Mr. Westervelt asked Mr. Dryer if the adjacent owner is the seller of the subject property. In response, Mr. Dryer answered affirmatively.

Mr. Westervelt informed the applicant that the Planning Commission is suggesting that subject property be zoned CS and it would be consistent with the adjacent property. He explained that this would be a much easier approach for the Planning Commission to endorse.

Mr. Boyle asked Mr. Dryer if he is in agreement with the CS zoning. In response, Mr. Dryer stated that his client is willing to accept the CS zoning.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of CS zoning for CZ-275 as recommended by the TMAPC.

**Legal Description for CZ-275:**

A tract of land located in the SW/4, SE/4, Section 28, T-17-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as beginning at the Southeast corner of the SW/4, SE/4, of said Section 28, thence N 89°50' W Along the South Section line a distance of 335°, thence N 0°10' E, a distance of 333.13°, thence N 74°51' E, along the South right-of-way line of U. S. Highway 64 a distance of 347.13', thence S 0°10' W, a distance of 424.09' to the point of beginning, containing 2.91 acres, with the South 25' for roadway easement, less the part formerly known as Lot 1, Block 28, O. T. Weslake Addition, all of which was deeded to the State of Oklahoma, less Highway right-of-way, **From CS and AG (Commercial Shopping Center District and Agriculture District) To CS (Commercial Shopping Center District).**

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**APPLICATION NO.: Z-6794**

**RM-2 TO CS**

**Applicant:** Bruce G. Straub

**(PD-3) (CD-3)**

**Location:** Northwest corner of East Admiral Place and North Trenton Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6745 February 2000:** A request to rezone a 250' x 130' lot located on the southwest corner of East Admiral Place and North Utica Avenue from RM-2 to CH. Staff and TMAPC recommended denial of CH and approved CS zoning for the tract to provide additional area for the expansion of a convenience store.

**Z-6413 November 1993:** A request to rezone the Barton Neighborhood which included property between East Archer on the north to I-244 on the south; North Utica Avenue on the west to North Gillette Avenue on the east from RM-1 to RS-4. All concurred in approval of RS-4 zoning.

**BOA-15666 February 1991:** The Board of Adjustment approved a request to permit off-street parking in a residential district for additional parking for a convenience store on property located on a tract that is south of the southwest corner of East Admiral Place and Utica Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is 50' x 115' in size and is located on the northwest corner of East Admiral Place and North Trenton Avenue. The property is flat, non-wooded, contains a restaurant and parking, and is zoned RM-2.

**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 Admiral Place	60'	2 lanes	Paved	No
North Trenton Avenue	50'	2 lanes	Paved	No

The Major Street Plan designates East Admiral Place as a collector street in this area. North Trenton 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 wholesale produce business, zoned IM; to the northeast and east by produce warehouses and trucking establishments, zoned IM; to the south and west by single-family dwellings, and vacant lots, zoned RM-2.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as High Intensity – Special District 2 Industrial Area. Plan policies call for encouraging future industrial development to locate here and for infrastructure to be adequate to accommodate such development. Because the site is located within a Special District, the requested CS zoning **may be found** in accordance with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and existing development, staff can support the requested CS zoning and therefore recommends **APPROVAL** of CS zoning for Z-6794.

**Applicant's Comments:**

**Bruce Straub**, 3105 East Skelly Drive, Tulsa, Oklahoma 74105, stated that the restaurant has been in existence for 52 years.

**TMAPC Comments:**

Mr. Westervelt commented that it would be good to bring up the parking lot up to standard, which is currently a gravel parking lot.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of CS zoning for Z-6794 as recommended by staff.

**Legal Description for Z-6794:**

Lot 24, Block 2, Lynch and Forsythe's Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **From RM-2 (Residential Multifamily Medium Density District) To CS (Commercial Shopping Center District).**

\* \* \* \* \*

**Mr. Ledford indicated that he would be abstaining from the following item.**

**APPLICATION NO.: Z-6795**

**RS-3/RM-1/OL/PUD TO CS/PUD**

**Applicant:** Charles E. Norman

(PD-26) (CD-8)

**Location:** North and west of the northwest corner of East 111<sup>th</sup> Street South and South Memorial Drive

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6604/PUD-570 September 1997:** A request to rezone a 2.78 acre tract located north of the northwest corner of E. 111<sup>th</sup> Street South and South Memorial Drive and abutting the subject tract on the northeast corner, from OL to CS/PUD for a four lot commercial development. All concurred in approval of the request.

**Z-6153/PUD-578 February 1998:** A request to rezone a 37-acre tract located on the northwest corner of East 111<sup>th</sup> Street South and South Memorial Drive which included the subject property, from RS-3, RM-1, OL, and CS to a Planned Unit Development for commercial and residential development. All concurred in approval.

**PUD-485-A February 1995:** All concurred in approval of a request for a major amendment to increase the permitted floor area in PUD-485 to permit an indoor basketball and batting area.

**Z-6350/PUD-485 March 1992:** All concurred in approval of a request to rezone a five-acre tract located north of the subject tract on the west side of Memorial Drive from AG to CS to permit an indoor/outdoor athletic training center.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.5 acres in size and is located on the northwest corner of East 111<sup>th</sup> Street South and South Memorial Drive. The property is flat, non-wooded, contains a restaurant, a bank and vacant land, and is zoned RS-3, RM-1, and OL.

**STREETS:**

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 111 <sup>th</sup> Street South	100'	2 lanes	Paved	No
South Memorial Drive	120'	4 lanes	Paved	No

The Major Street Plan designates South Memorial Drive as a primary arterial street and East 111<sup>th</sup> Street South as a secondary arterial street.

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

**SURROUNDING AREA:** The subject tract is abutted on the north by the Champions indoor/outdoor sports center, zoned CS/PUD-485-A; to the east across South Memorial Drive by a shopping center within the city limits of Bixby; to the south by vacant land, zoned CS/PUD-578; and to the west by a riding stable, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the majority of the subject property as Low Intensity-No Specific Land Use and the south 95' as being within a Medium Intensity Linear Development Area.

According to the Zoning Matrix the requested CS **is not** in accordance with the Plan Map for the portion that is in the Low Intensity - No Specific Land Use area but CS zoning **is** in accordance with the Plan Map for that portion in the Linear Development area.

**STAFF RECOMMENDATION:**

Based on existing development and trends in the area, staff can support the requested CS zoning and recommends **APPROVAL**, subject to approval of the accompanying PUD or some modified version of it. If the Planning Commission is inclined to approve this zoning, staff should be directed to prepare appropriate amendments to the District 26 Plan.

**APPLICATION NO.: PUD-578-A**

**MAJOR AMENDMENT**

**Applicant:** Charles E. Norman

(PD-26) (CD-8)

**Location:** Northwest corner of East 111<sup>th</sup> Street South and South Memorial Drive

**Staff Recommendation:**

PUD-578 was approved by the City Council in 1998. The PUD contained approximately 35 acres and was approved for two development areas. Development Area A, located at the intersection of South Memorial Drive and East 111<sup>th</sup> Street consisted of approximately 14 acres and was approved for commercial uses. Development Area B (21 ± acres) located north and west of Development Area A was approved for a mix of dwelling types not to exceed 310 units.

Since the approval of the PUD, two parcels have been platted and developed. Citizens Bank at the intersection of South Memorial Drive and East 111<sup>th</sup> Street has been developed as a banking facility with a maximum of 9,000 SF of building floor area. Braum's, located on the South Memorial Drive frontage, has been developed for commercial use with a maximum building floor area of 7,500 SF.

The purpose of this proposed Major Amendment is to consolidate the original Development Areas A and B, delete the previously approved residential uses and establish standards for commercial uses.

The subject tract is zoned RS-3, RM-1, OL and CS. To provide the increase in floor area proposed by this amendment an application (Z-6795) has been filed to rezone approximately 4.5 acres of the tract presently zoned OL and RM-1 to CS.

Approximately 2.75 acres adjacent to the site at the northeast corner is zoned CS and approved for commercial development as PUD-570. The Champions Indoor/Outdoor Athletic Center, zoned AG, CS/PUD-485-A abuts the east 650' of the north boundary of the subject tract. The remainder of the north boundary abuts vacant property zoned AG. The northeast, southeast and southwest corners of the South Memorial Drive and East 111<sup>th</sup> Street intersections across from the proposed PUD are within the Bixby city limits. The property to the east and southeast is zoned CS, and the properties to the south and west are zoned AG.

If Z-6795 is approved as recommended by staff and the Comprehensive Plan is amended, 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-578-A, as modified by staff, to be: (1) consistent with the Comprehensive Plan, as amended; (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.



Signs:

One center and tenant identification ground sign shall be permitted at the principal entrance on South Memorial Drive and one at the principal entrance on East 111<sup>th</sup> Street with a maximum of 280 SF of display surface area and 25 FT in height for each sign, unless in addition to the minimum setback, the sign is setback one-foot for each foot of height exceeding 25 feet. In no case shall the sign exceed 30 feet. No other ground signs shall be permitted on East 111<sup>th</sup> Street.

One ground sign shall be permitted for each lot along the South Memorial Drive street frontage with a maximum of 160 SF of display surface area and 25 FT in height for each sign.

Wall signs shall be permitted not to exceed 2.0 SF of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed 75% of the frontage on the tenant space. No wall signs shall be permitted on west facing walls of buildings or north facing walls of buildings within the north 300 FT of the PUD.

Bulk and Trash Container Setbacks:

From all boundaries of the PUD 75 FT

3. Each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements that are directed toward East 111<sup>th</sup> Street and South Memorial Drive. Access shall also be provided through PUD-570 to South Memorial Drive.
4. If the Development Area is subdivided, uses and intensities, access and development standards for each lot shall be established by minor amendment or by TMAPC during the platting process.
5. Landscaping and Screening: A landscaped area of not less than ten feet in width shall be located along the west 555 feet of the north boundary of the PUD and landscaped area of not less than 75 feet shall be located along all the west boundary of the PUD. A six-foot high or higher screening wall or fence shall be located along the west 555 feet of the north boundary of the PUD and along the entire west boundary of the PUD. The screening wall or fence shall be constructed ~~when the property to the north or west is platted~~ prior to the completion of the store.
6. 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.

7. 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.
8. 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.
9. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
10. All parking lot lighting shall be hooded and directed downward and away from the north and west boundaries of the PUD. No light standard nor building-mounted light shall exceed 43 feet in height and there shall be no outdoor lighting within the west 100 feet of the PUD.
11. 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.
12. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
13. 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.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. 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.

16. There shall be no outside storage of recyclable material, trash, pallets 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 or inventory.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he would like to propose two modifications that he has discussed with the attorney for the property owner immediately to the west of the subject property.

Mr. Norman stated that the subject site is for a Wal-Mart Super Center and the zoning requested is supported by the pattern of zoning that exists to the east, southeast and southwest of the City of Bixby.

Mr. Norman explained that to the west is a 40-acre tract of land owned by Ms. Bartman. Ms. Bartman uses the property for horse training and horse development. There are several outdoor shelters on the east side. He indicated that Ms. Bartman and her attorney have requested that the applicant agree to construct a six-foot high screening fence prior to the completion of the building. In order to prevent from disturbing the horses, his client is willing to erect the screening fence as requested by Ms. Bartman.

Mr. Norman stated that Ms. Bartman also requested that the location of outdoor lighting be restricted. He indicated that his client is willing to establish an additional standard that there will be no outside lighting within the west 100 feet of the property. He concluded with these two modifications: 1) the screening fence along the west side be installed prior to the completion of the store, and 2) and no outdoor lighting shall be permitted within the west 100 feet.

**TMAPC Comments:**

Mr. Boyle asked staff if there is a problem with the modifications. Staff indicated that the modifications would be acceptable.

**Interested Parties Comments:**

**J. Lyon Moorehead**, 4554 South Harvard Avenue, Tulsa, Oklahoma 74135, stated that his client is in agreement with the proposal with the modifications proposed by Mr. Norman.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of the CS zoning for Z-6795 and recommend **APPROVAL** of the major amendment for PUD-578-A subject to conditions as recommended by staff and subject to the screening fence along the west side be installed prior to the completion of the store, and 2) and no outdoor lighting shall be permitted within the west 100 feet. (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-6795:**

A tract of land located in the NE/4, SE/4, SE/4 of Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the official U. S. Government survey thereof, more particularly described as follows: Beginning at the Southeast corner of the NE/4, SE/4, SE/4, Section 26; thence S 89°49'42" W along the South line of the NE/4, SE/4, SE/4 of Section 26 a distance of 659.76' to the Southwest corner of the NE/4, SE/4, SE/4 of Section 26; thence N 00°02'31" E along the West line of the NE/4, SE/4, SE/4 of Section 26 a distance of 500.00'; thence N 89°49'42" E a distance of 329.89' to the West line of the E/2, NE/4, SE/4, SE/4 of Section 26; Thence S 00°02'38" W along the West line of the E/2, NE/4, SE/4, SE/4 of Section 26 a distance of 405.00' to the North line of Braum's at Southern Crossing, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded Plat thereof, thence N 89°49'42" E along the North line of Braum's at Southern Crossing a distance of 329.88' to the East line of the SE/4 of Section 26; thence S 00°02'45" W along the East line of the SE/4, Section 26 a distance of 95.00' to the Point of Beginning, **From RS-3, RM-1 and OL/PUD (Residential Single-family High Density District, Residential Multifamily Low Density District and Office Low Intensity District PUD) To CS/PUD (Commercial Shopping Center District PUD).**

**Legal Description for PUD-578-A:**

The SE/4, SE/4 of Section 26, T-18-N, R-13-E, of the IBM, Tulsa County, Oklahoma (includes property platted as Citizens Bank at Southern Crossing and Braum's at Southern Crossing, additions to the City of Tulsa, Tulsa County, Oklahoma), less and except the North 565' of the East 330' thereof, and located, **From RS-3, RM-1 and OL, CS, PUD-578 (Residential Single-family High Density District, Residential Multifamily Low Density District, Office Low Intensity District and Commercial Shopping Center District PUD) To RS-3, RM-1, OL, CS/PUD-578-A (Residential Single-family High Density District, Residential Multifamily Low Density District, Office Low Intensity District and Commercial Shopping Center District PUD-578-A).**

\* \* \* \* \*

**APPLICATION NO.:** Z-6796

**OL/RS-3 TO CS**

**Applicant:** Eric G. Sack/Sack and Associates

(PD-25) (CD-1)

**Location:** Northwest corner of East 46<sup>th</sup> Street North and North Cincinnati Place

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

None

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .43 acres in size and is located on the northwest corner of East 46<sup>th</sup> Street North and North Cincinnati Place. The property is flat, non-wooded, vacant, and zoned OL and RS-3.

**STREETS:**

<b>Existing Access</b>	<b>MSHP Design.</b>	<b>Exist. No. Lanes</b>	<b>Surface</b>	<b>Curbs</b>
East 46 <sup>th</sup> Street North	100'	2 lanes	Paved	No
North Cincinnati Place	50'	2 lanes	Paved	No

The Major Street Plan designates East 46<sup>th</sup> Street North as a secondary arterial and North Cincinnati Place as a minor street.

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

**SURROUNDING AREA:** The subject tract is abutted on the north by single-family dwellings, zoned RS-3; to the east by a tire shop, zoned CS; to the west by a portable barbecue trailer, snow-cone stand and parking, zoned CS; and to the south by a strip shopping center, zoned CS.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as part of Development Incentive Area 4. Plan policies (section 3.1) call for Development Incentive Areas to be well planned and well designed. Item 3.1.8 specifies that CS is among the preferred zoning categories.

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

**STAFF RECOMMENDATION:**

Based on the existing zoning and development in this area, staff recommends **APPROVAL** of CS zoning for Z-6796.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of CS zoning for Z-6796 as recommended by staff.

**Legal Description for Z-6796:**

A tract of land that is all of Lot 14 and the Westerly 85.00' of Lot 15, Block 10, Fairhill 2<sup>nd</sup> Addition, a subdivision in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, **From OL and RS-3 (Office Low Intensity District and Residential Single-family High Density) To CS (Commercial Shopping Center District).**

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**APPLICATION NO.: PUD-136-14**

**MINOR AMENDMENT**

**Applicant:** Betty Braithwait

(PD-18) (CD-8)

**Location:** North of northwest corner of East 76<sup>th</sup> Street and South Urbana Place

**Staff Recommendation:**

The applicant is requesting a realignment of the lot line between Lot 7A and Lot 7B in Block 1, of the Silver Oaks II Addition. The lot-split to create Lots 7A and 7B was granted in April of 1981.

A proposed sale of property resulted in a land survey which uncovered a lot line too close to an existing kitchen window on Lot 7B. The proposal for the minor amendment and a pending lot-split are to straighten the lot line between Lots 7A and 7B.

Staff recommends **APPROVAL** of the new lot lines per the submitted site plan as the intent of the Planned Unit Development will not be harmed, the existing lot frontages on the cul-de-sac remain the same, and the resultant lots to be created will be in conformance with the requirements of the Zoning Code.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-136-14 as recommended by staff.

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**APPLICATION NO.: PUD-457-4**

**MINOR AMENDMENT**

**Applicant:** Ron Beasley

(PD-18) (CD-8)

**Location:** 5735 East 79<sup>th</sup> Street South

**Staff Recommendation:**

The applicant is requesting a minor amendment to reduce the minimum required rear yard for Lot 20, Block 2, Holland Pointe Addition, from 25 feet to 20.4 feet to facilitate the construction of a sunroom in the rear yard.

There is an existing 11-foot utility easement along the rear property line, and a 17.5-foot utility easement along the east property line. The proposed room addition will not interfere with the existing easements.

Staff can recommend **APPROVAL** of the requested minor amendment per the submitted site plan. The proposed sunroom and minimum required rear yard change would leave an adequate back yard space for the subject lot.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-457-4 as recommended by staff.

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**APPLICATION NO.: PUD-426-7**

**MINOR AMENDMENT**

**Applicant:** Joe Thompson

(PD-26) (CD-8)

**Location:** 10202 South Knoxville

**Staff Recommendation:**

The applicant is requesting a minor amendment to allow a change in a side setback requirement from 20 feet to 17 feet for a garage addition. The existing garage infringes upon the side setback requirement. The proposed addition will extend the footprint of the existing garage.

The PUD requires a 20-foot setback for side yards on corner lots abutting a private street. The proposed addition does not interfere with the existing 11-foot perimeter utility easement. There appears to be no problem with the site distance on this corner lot with the proposed addition.

Staff can recommend **APPROVAL** of the minor amendment per the submitted site plan as the intent of the PUD will not be harmed, and the 14 x 22-foot addition should not interfere with sight distance or the surrounding lots.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-426-7 as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: PUD-432-E-1**

**MINOR AMENDMENT**

**Applicant:** Charles E. Norman

(PD-4) (CD-4)

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

**Staff Recommendation:**

The applicant is requesting a minor amendment to transfer an additional 360 square feet of retail floor area from Development Area D to Development Area C to facilitate the Children's Medical Center Thrift Shop building that will be located in Development Area C.

A major PUD amendment was granted for the thrift shop use on October 12, 2000 with a maximum transfer of 2,400 square feet of floor area from Development Area D to Development Area C. The detail site plan for the thrift shop, which is also to be considered on this agenda, shows a metal building with 2,688 square feet of floor area. The minor amendment will allow the larger building to be used for the thrift shop.

Staff has reviewed the minor amendment request and sees conformance to the intent of the major PUD amendment as granted. Therefore, staff recommends **APPROVAL** of the minor amendment subject to the following conditions:

Maximum Building Floor Area:  
For Use Units 13 or 14 2,760 SF\*

**\*Note:** 2,760 SF of retail floor area as allowed by the underlying zoning of Development Area D will be used in Development Area C.

**AND**

**APPLICATION NO.: PUD-432-E**

**DETAIL SITE PLAN**

**Applicant:** Jack Kelley

(PD-4) (CD-4)

**Location:** Southeast corner of East 11<sup>th</sup> Street and South Utica Avenue

**Staff Recommendation:**

The applicant is requesting a detail site plan to allow a 2,688 square foot metal building to be moved into Development Area C. This will be used as the Children's Medical Center Thrift Shop and will be located in the existing parking lot on the north side of the existing Physicians' Building. A major amendment was processed in October 2000 to allow Use Units 13 and 14, and the thrift shop use. The major amendment also shifted a maximum of 2,400 square feet of floor area from Development Area D to Development Area C.

The metal building is proposed for a minimum time period of one year and a maximum time period of five years. The metal structure will be painted to match the standard Hillcrest Hospital colors of taupe and teal. No separate dumpster will be located at the building.

The use proposed has more square footage than allowed in Development Area C. Parking required for this use is one space for every 225 square feet of floor area. There are nine new spaces shown on the site plan, and three other spaces must be dedicated for this particular site plan from those spaces currently located north of the proposed thrift shop building.

Staff recommends **APPROVAL** of the detail site plan with the conditions that the metal building remain on the site for a maximum of ~~three~~ five years, that the structure meet the 2,400 square foot maximum floor area required unless the requested minor amendment found in this agenda (PUD-432-E-1) is approved to allow the 2,688 square foot building, and that parking spaces be provided per the Zoning Code requirements for this use.

**APPLICATION NO.: PUD-432-E AND PUD-432-E-1**

**COVENANTS**

**Applicant:** Charles E. Norman

(PD-4) (CD-4)

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

**Staff Recommendation:**

PUD-432-D was approved in 1995 for the future development of Hillcrest Medical Center Health Park on the east side of South Utica between East 11<sup>th</sup> Street and East 13<sup>th</sup> Street.

PUD-432-E was approved by the City Council on October 12, 2000. The major amendment added the land formerly occupied by the day-old bakery store to the PUD as part of Development Area C. Development Area C is located on the east side of South Utica Avenue between East 11<sup>th</sup> Street and East 12<sup>th</sup> Street. The major amendment also added permitted uses for Development Area C and established maximum floor area for those uses. The applicant has submitted a minor amendment request (PUD-432-E-1) to increase the approved floor area for those uses from 2,400 SF to 2,760 SF.

The applicant has submitted a Declaration of Covenants and Restrictions that incorporate the standards approved by the City Council and also those requested in the minor amendment (PUD-432-E-1). If the minor amendment is approved as recommended by staff, staff finds the Declaration of Covenants and Restrictions to be consistent with the approved PUD standards and recommends **APPROVAL**.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, requested that the three-year limit for the modular building be modified to a maximum of five years.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-432-E-1 subject to conditions as recommended by staff; **APPROVE** the detail site plan for PUD-432-E subject to conditions as recommended by staff and modification requested by applicant; and **APPROVE** the declaration of covenants and restrictions 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.)

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## **PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENTS**

**Resolutions Amending the District Plan Maps and/or Texts for the following Planning Districts: 2, 4, 5, 6, 9, 16, 17, 18 and 26, all parts of the Comprehensive Plan for the Tulsa Metropolitan Area.**

**RESOLUTION NO 2257:828**

### **A RESOLUTION AMENDING THE DISTRICT TWO PLAN TEXT, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 14th day of April, 1976, this Commission, by Resolution No. 1108:423, did adopt the District Two Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 1st day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District Two Plan Text according to the following.

Eliminate item 3.1.1.3.1.1 and renumber appropriately.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District Two Plan Text, as above set out, be and are hereby adopted as part of the District Two Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2000.

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

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**RESOLUTION NO. 2257:829**

**A RESOLUTION AMENDING  
THE DISTRICT FOUR PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 23rd day of January, 1980 this Commission, by Resolution No. 1294:516, did adopt the District Four Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 1st day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District Four Plan Map by designating the property at 8<sup>th</sup> Street and Madison Avenue (on which the Old Fire Alarm Building is located) Medium Intensity-No Specific Land Use, and by designating the frontage along Peoria at 8<sup>th</sup> Street (the site of PUD 629) Medium Intensity-No Specific Land Use.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District Four Plan Map, as above set out, be and are hereby adopted as part of the District Four Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2000.

TULSA METROPOLITAN AREA PLANNING COMMISSION

\_\_\_\_\_

Chair

ATTEST:

\_\_\_\_\_

Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_

Mayor

\_\_\_\_\_

Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

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**RESOLUTION NO. 2257:830**

**A RESOLUTION AMENDING  
THE DETAIL PLAN MAP FOR PLANNING DISTRICT FIVE,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 21st day of April, 1976, this Commission, by Resolution No. 1109:425, did adopt the Detail Plan for Planning District 5, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

**WHEREAS**, a public hearing was held on the 1<sup>st</sup> day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District 5 Plan Map, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by designating the area at the northeast corner of East 11<sup>th</sup> Street and South 83<sup>rd</sup> East Avenue as Medium Intensity-No Specific Land Use.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendment to the Detail Plan Map for Planning District 5, as set out above, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2000.

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

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**RESOLUTION NO. 2257:831**

**A RESOLUTION AMENDING  
THE DISTRICT SIX PLAN MAP AND TEXT,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 25th day of August, 1976 this Commission, by Resolution No. 1126:438, did adopt the District 6 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 1st day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 6 Plan Map and text by designating an area from 37<sup>th</sup> to 38<sup>th</sup> Streets adjacent to the existing North Brookside Business Area Special District as part of the North Brookside Business Area Special District (per Z-6749), by designating an area at the south side of East 21<sup>st</sup> Street South and Atlanta Place as Low Intensity-No Specific Land Use (per Z-6717), and by deleting from Plan text item 6.3.3.4. and revising item 6.4.2.2 to read "Fire stations will be so located as to provide optimal fire protection to all areas of the Planning District."

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District 6 Plan Map and Text, as set out herein, be and are hereby adopted as part of the District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2000.

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

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**RESOLUTION NO. 2257:832**

**A RESOLUTION AMENDING  
THE DISTRICT NINE PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN FOR THE  
TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960 adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 24th day of November, 1976, this Commission, by Resolution No. 1139:445a, did adopt the District 9 Plan Map and Text as a part of the Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a public hearing was held on the 1st day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 9 Plan Map and Text to designate as Low Intensity-No Specific Land Use the property at 2828 West 51<sup>st</sup> Street (per Z-6732).

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC that the amendment to the District 9 Plan Map, as set forth above, be and are hereby adopted as part of the District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2000.

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

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**RESOLUTION NO. 2257:833**

**A RESOLUTION AMENDING  
THE DISTRICT SIXTEEN PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa

County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 29th day of October, 1975, this Commission, by Resolution No. 1087:406, did adopt the District 16 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 1<sup>st</sup> day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 16 Plan Map to designate an area north of the northeast corner of East Admiral and North Yale Avenue Medium Intensity-No Specific Land Use, and to designate an area west of North Mingo Road and south of East Latimer Street North as Medium Intensity-No Specific Land Use.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District 16 Plan Map, as above set out, be and are hereby adopted as part of the District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2000.

TULSA METROPOLITAN AREA PLANNING COMMISSION

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

\* \* \* \* \*

**RESOLUTION NO. 2257:834**

**A RESOLUTION AMENDING  
THE DISTRICT SEVENTEEN PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 28th day of January, 1976, this Commission, by Resolution No. 1097:416, did adopt the District Seventeen Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 1<sup>st</sup> day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District Seventeen Plan Map to designate as Medium Intensity-No Specific Land Use the property at the northeast corner of the Mingo Valley Expressway and East 41<sup>st</sup> Street (per Z-6776).

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendment to the District Seventeen Plan Map, as above set out, be and is hereby adopted as part of the District Seventeen Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2000.

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

\* \* \* \* \*

**RESOLUTION NO. 2257:835**

**A RESOLUTION AMENDING  
THE DISTRICT EIGHTEEN PLAN MAP AND TEXT,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 27th day of August, 1975, this Commission, by Resolution No. 1078:403, did adopt the District 18 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 1<sup>st</sup> day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 18 Plan Map to designate an area Medium Intensity-No Specific Land Use at South 96<sup>th</sup> Street east of Delaware (per Z-6674), to designate an area formerly occupied by the Food Lion on the east side of Riverside south of East 71<sup>st</sup> Street as Medium Intensity-No Specific Land Use, to designate as Medium Intensity-No Specific Land Use the property at the southwest corner of East 71<sup>st</sup> Street and South 69<sup>th</sup> East Avenue (per Z-6766), to designate as Low Intensity-No Specific Land Use and Medium Intensity-No Specific Land Use/Corridor at the southwest corner of East 91<sup>st</sup> Street South and Garnett Road (per Z-6747), to designate as Medium Intensity-No Specific Land Use/Corridor the property at the southwest corner of East 61<sup>st</sup> Street South and South 104<sup>th</sup> East Avenue (per Z-6708), and to designate as Medium Intensity-Office Land Use the property south of East 51<sup>st</sup> Street at Wheeling Avenue (per Z-6697); and to amend the Plan text by deleting item 3.1.1.4 and renumbering the following items accordingly.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District 18 Plan Map and Text, as above set out, be and are hereby adopted as part of the District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2000.

TULSA METROPOLITAN AREA PLANNING COMMISSION

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

\*\*\*\*\*

**RESOLUTION NO. 2257:836**

**A RESOLUTION AMENDING  
THE DISTRICT TWENTY-SIX PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 13th day of December, 1978, this Commission, by Resolution No. 1241:487, did adopt the District 26 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 1st day of November, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 26 Plan Map to designate as Low Intensity-No Specific Land Use the property at the southwest corner of East 111<sup>th</sup> and Sheridan (per Z-6753).

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendment to the District 26 Plan Map, as above set out, be and is hereby adopted as part of the District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2000.

TULSA METROPOLITAN AREA PLANNING COMMISSION

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of the resolutions amending the District Plan Maps and/or Texts for the Following Planning Districts: 2, 4, 5, 6, 9, 16, 17, 18, and 26, All parts of the Comprehensive Plan for the Tulsa Metropolitan Area.

\*\*\*\*\*

**OTHER BUSINESS:**

**APPLICATION NO.: PUD-355-B**

**DETAIL SITE PLAN**

**Applicant:** Ricky Jones

(PD-18) (CD-8)

**Location:** Northwest corner of East 91<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

The applicant is requesting detail site plan approval for a new 1,000 square foot remote banking facility. An existing temporary building will be removed when the new structure is constructed.

Planned Unit Development 355-B permits a 1,500 square foot drive-through banking facility. The proposed new structure meets the requirements and standards for PUD 355-B.

Staff recommends **APPROVAL** of the detail site plan as submitted.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the detail site plan for PUD-355-B as recommended by staff.

\*\*\*\*\*

**APPLICATION NO.: L-19129**

**REFUND REQUEST**

**Applicant:** Marvin Duensing

(PD-21) (County)

**Location:** 1500 Block of East 131<sup>st</sup> Street South

**Staff Recommendation:**

The applicant applied to split a ten-acre tract into two two-acre tracts. After filing a lot-split application with INCOG, the prospective buyer of one five-acre tract decided to purchase the entire ten acres, eliminating the need for a lot-split. The applicant has now requested a refund.

Staff would recommend **APPROVAL** of a \$25 refund for the \$50 lot-split application cost.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the \$25.00 refund for L-19129 as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 3:30 p.m.

Date approved: 12/6/00

  
Chairman

ATTEST:   
Secretary