

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2262
Wednesday, January 17, 2001, 1:30 p.m.
Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, January 12, 2000 at 9:50 a.m., posted in the Office of the City Clerk at 9:38 a.m., as well as in the office of the County Clerk at 9:33 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 December 6, 2000 Meeting No. 2259

On **MOTION** of **BOYLE** the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Jackson, Ledford, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of December 6, 2000 Meeting No. 2259.

Minutes:

Approval of the minutes of December 20, 2000 Meeting No. 2260

On **MOTION** of **BOYLE** the TMAPC voted **5-0-1** (Boyle, Carnes, Harmon, Horner, Pace "aye"; no "nays"; Westervelt "abstaining"; Hill, Jackson, Ledford, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of December 20, 2000 Meeting No. 2260.

REPORTS:

CONTINUED ITEMS:

APPLICATION NO.: Z-6804/PUD-592-A RS-3 TO OM/MAJOR AMENDMENT

Applicant: John W. Moody (PD-6) (CD-7)

Location: North and east of northeast corner of East 41st Street and South Harvard

The applicant has timely requested a continuance to February 7, 2001.

Mr. Jackson in at 1:31 p.m.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget, Selph "absent") to **CONTINUE** Z-6804/PUD-592-A to February 7, 2001 at 1:30 p.m.

Chairman's Reports:

Mr. Westervelt stated that he received the Comprehensive Plan Amendments that were forwarded to the City Council on December 4, 2000. He indicated that the resolutions arrived at his personal mailing address. The resolutions are the originals and should be sent back to the City Council for approval since the amendments reflect zoning actions that have already taken place.

Mr. Stump stated that he is discussing the resolutions with Legal to see if there is a need for a second public hearing before sending them back.

Director's Report:

Mr. Stump stated that the TMAPC receipts for the Month of October are characterized as active and November as average.

Mr. Stump informed the Planning Commission that there are four zoning items going to City Council Thursday, January 18, 2001.

Mr. Stump stated that the Sand Springs Council has passed a resolution dissolving their agreement with TMAPC regarding processing subdivisions within their fence line. Sand Springs will no longer process subdivisions outside of the city limits, but inside the their fence line. This means that the TMAPC will process the subdivisions within the Sand Springs fence line.

Mr. Boyle asked Mr. Stump if the City Council is hearing the issue regarding the political signs in the right-of-way. In response, Mr. Stump stated that the issue is still in Committee and it will be in the Public Works Committee on January 30th. Mr. Boyle commented that he would like to have an opportunity to address the Council on this topic when it is convenient; however, he cannot attend the 30th committee meeting.

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SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19159 - Candace J. Parham

(PD-4) (CD-4)

1434 South Marion

Staff Recommendation:

The applicant has applied to split a 20' X 27.5' piece off Tract A and tie it to Tract B. The proposed configuration will result with Tract B having six-side-lot lines; thus 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.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE** TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for L-19159 as recommended by staff.

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L-19168 - Brent A. Litsey
742 North Walnut Creek Drive

(PD-23) (County)

Staff Recommendation:

The applicant has applied to split off the portion of Lot 6 that contains part of the dwelling, and tie that portion to Lot 7. The proposed configuration will result with both tracts having four lot lines. The applicant intends to install an alternative sewer system on Lot 6. Therefore, the applicant is seeking a waiver of the Subdivision Regulations that each tract have no more than three side-lot lines and a waiver of Subdivision Regulation 6.5.4.(e) requiring a passing soil percolation test.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the requested waivers of the Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for L-19168 as recommended by staff.

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

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-19166 – Robert E. Parker (3093)</u> 4807 South Zunis Avenue	(PD-6) (CD-9)
<u>L-19172 – David A. Nelson (2492)</u> 3731 South Riverside Drive	(PD-6) (CD-9)
<u>L-19173 – City of Tulsa (294)</u> 17211 East 11 th Street	(PD-17) (CD-6)
<u>L-19176 – Tanner Consulting, LLC</u> Northwest corner of East 21 st Place and 130 th East Avenue	(PD-17) (CD-6)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-1** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, "aye"; no "nays"; Westervelt "abstaining"; Hill, Ledford, Midget, Selph "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Woodland Animal Hospital East (3693)
9509 East 61st Street

(PD-18) (CD-7)

Staff Recommendation:

This plat consists of one lot in one block on 1.197 acres. The property currently contains a veterinary clinic that is being expanded. The preliminary plat was approved October 4, 2000.

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget, Selph "absent") to **APPROVE** the final plat for Woodland Animal Hospital East as recommended by staff.

Mr. Midget in at 1:40 p.m.

PLAT WAIVER:

BOA-18949 (2093)

(PD-6) (CD-9)

Northeast corner East 36th Street and South Lewis Avenue

Staff Recommendation:

The Board of Adjustment approved a special exception to allow an antenna tower (Use Unit 4) at this location on January 9, 2001. This action triggers the platting requirement.

It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities.

Staff administratively waived formal TAC review and recommends **APPROVAL** of the plat waiver.

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 **HORNER** TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to **APPROVE** the plat waiver for BOA-18949 as recommended by staff.

Z-1598 (2402)

(PD 25) (CD 1)

1/8 mile west of North Peoria Avenue, south side of East 36th Street North

Staff Recommendation:

This property was rezoned to CS in 1960 and the platting requirement has been in effect since that time. The antenna tower is a use by right in the CS district but the requirement to plat must be satisfied before a building permit may be issued.

It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities.

Staff administratively waived formal TAC review and recommends **APPROVAL** of the plat waiver.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to **APPROVE** the plat waiver for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities as recommended by staff.

CHANGE OF ACCESS ON FINAL PLAT:

Lot 1, Block 1, The Amended Plat of Warren Center East (383)

West of the southwest corner East 61st Street and South Hudson Avenue

Staff Recommendation:

This application is made to accommodate an additional driveway location 121 feet west of the existing drive to serve the new parking lot for the expansion of the Ronald McDonald House.

The Traffic Engineer has reviewed and approved the request.

Staff recommends **APPROVAL** of the change of access.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to **APPROVE** the change of access for Lot 1, Block 1, The Amended Plat of Warren Center East as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6802

RS-3 TO PK

Applicant: R.L. Reynolds

(PD-4) (CD-4)

Location: South of southwest corner of East 11th Street and South Lewis Place

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6698 August 1999: All concurred in approval of a request to rezone a lot located south of the southwest corner of East 11th Street and South Atlanta Avenue from RS-3 to PK.

BOA-18327 March 1999: The Board of Adjustment approved a request for a special exception of the required 150' setback to 0' from an R zoned district to allow an automobile painting business. The property is located on the southwest corner of East 11th Street and South Atlanta Avenue.

BOA-18112 July 1998: The Board of Adjustment approved a request for a variance to allow off street parking on a lot other than the lot containing the principal use; a variance of the setback from the centerline of an abutting street for off-street parking; and a variance of the required landscaping for a parking lot. The property is located on the northwest corner of East 11th Street South and South Birmingham Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 50' x 140' in size and is located south of the southwest corner of East 11th Street South and South Lewis Place. The property is flat, non-wooded, vacant, and zoned RS-3.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 11 th Street South	80'	4 lanes	Paved	Yes
South Lewis Place	50'	2 lanes	Paved	Yes

The Major Street Plan designates East 11th Street South as an urban arterial street and South Lewis Place is a residential street.

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

SURROUNDING AREA: The subject tract is abutted on the north by a single-family dwelling, then an automobile sales lot, both zoned CH; to the east by a surface parking lot, zoned RS-3 (and the subject of two Board of Adjustment actions); to the south by a single-family residence, zoned RS-3; to the southeast by a single-family residential neighborhood, zoned RS-3; and to the west by automotive-related uses, zoned CH.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Residential.

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

STAFF RECOMMENDATION:

Although the requested PK zoning is not in accord with the District 4 Plan, the parcel lies adjacent to CH-zoned property that is now too shallow for many CH uses. The property is directly across the street from a surface parking lot. District 4 Plan policies and recommendations in the 11th Street Corridor Study address provision of adequate and attractive off-street parking facilities to serve such older commercial areas. Therefore, based on trends in the area and existing zoning patterns, staff recommends **APPROVAL** of PK zoning for Z-6802.

If the Planning Commission is inclined to approve PK zoning for this property, they should direct staff to prepare appropriate amendments to the District 4 Plan map.

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 **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to recommend **APPROVAL** of PK zoning for Z-6802 as recommended by staff.

Legal Description for Z-6802:

Lot 3, Block 4, Boswell's Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **From RS-3 (Residential Single-family High Density District) To PK (Parking District).**

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APPLICATION NO.: PUD-359-A

MAJOR AMENDMENT

Applicant: Ricky Jones

(PD-18) (CD-8)

Location: East of Memorial Drive at East 77th Street South

Staff Recommendation:

PUD-359 was approved by the Tulsa City Council on December 7, 1984. The PUD contains approximately 11.36 acres and is zoned RM-1. The PUD consists of two development areas. The west 297 feet of the PUD, Development Area A, has been approved for office uses. Development Area A has 406 feet of frontage on South Memorial Drive. A small office building has been constructed on Development Area A, and it is currently being used by the American Red Cross as a blood donation center. Development Area B contains 8.73 gross acres and is located to the east of Development Area A. Development Area B is vacant, but has been approved for a 208-unit retirement care facility.

This major amendment includes only Development Area B of PUD-359 and proposes to set new development standards for Development Area B. This major amendment proposes the following permitted uses for Development Area B:

Uses permitted as a matter of right in the RM-1 zoning district, including uses permitted in Use Units 6, Single-Family Dwelling; Use Unit 7, Duplex Dwelling; Use Unit 7a, Townhouse Dwelling; Use Unit 8, Multifamily Dwelling and Similar Uses, and uses customarily accessory to permitted principal uses.

The proposed maximum number of dwelling units is 37.

Development Area B is abutted on the north by a single-family subdivision, Woodland Hills South, zoned RS-3/PUD-179; on the east by a nursing home zoned AG; on the south by multifamily uses zoned OL/PUD-456-A; and the north 207 feet of the west boundary abuts a public service substation zoned AG. The remainder of the west boundary of Development Area B abuts Development Area A of PUD-359.

Development Area B has been platted as Lot 2 of Mayfair Courts. Lot 2 was platted with a 'panhandle', which has frontage and provides access to South Memorial Drive. This 'panhandle' is also a mutual access easement, which provides access to the existing nursing home, which abuts the subject tract on the east.

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-359-A, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-359-A subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. **Development Standards:**

DEVELOPMENT AREA B

Land Area:		
Gross:	8.73 acres	380,293.06 SF
Net:	8.60 acres	374,750.06 SF

Permitted Uses:

Uses permitted as a matter of right in the RM-1 zoning district, including uses permitted in Use Units 6, Single-Family Dwelling; Use Unit 7, Duplex Dwellings; Use Unit 7a, Townhouse Dwelling; Use Unit 8, Multifamily Dwelling and Similar Uses, and uses customarily accessory to permitted principal uses.

Maximum Number of Dwelling Units: 37

Maximum Building Height: 35 FT

Minimum Building Setbacks:

From north development area boundary	125 FT
From west development area boundary	20 <u>15</u> FT
From east development area boundary	20 FT
From south development area boundary	20 FT

Minimum Total Livability Space Within Development Area: 50,000 SF

Parking:

As required by applicable Use Units of the City of Tulsa Zoning Code.

Other Bulk and Area Requirements:

As established within an RM-1 district.

Signs:

As allowed in the RM-1 district.

3. Landscaping shall at least be in substantial compliance with the applicant's text and conceptual landscape plan and in addition shall include a six-foot high or higher screening wall or fence along all the boundaries of the development area, if one does not currently exist.
4. No Zoning Clearance Permit shall be issued for a lot, other than residential single-family or duplex lots, 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
5. A Detail Landscape Plan for each lot, other than residential single-family, duplex or townhouse lots, 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.

6. 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.
7. All trash areas shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 15 feet in height and all such lights shall be set back at least 70 feet from an RS district.
9. 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.
10. In single-family, duplex or townhouse residential areas, a homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
11. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
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. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC, City Traffic Engineering and City Fire Department, prior to issuance of a building permit.
16. 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.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis, Tulsa, Oklahoma 74105, stated that he is reducing the density substantially from what was originally proposed. He indicated that he is in agreement with the staff recommendation except for one issue.

Mr. Jones stated that the minimum building setback from the west development area boundary has been changed by staff to read 20 FT. He indicated that he originally requested a setback of 11 FT. He explained that the development is a tight development with 26 FT wide private streets. Each lot and each unit will have a two-car garage with a driveway to accommodate two off-street parking spaces. With the setback on the units along the west side being reduced or increased to 20 FT, it will reduce the driveway width to 11 FT. A car parked in the driveway would hang over into the street.

Mr. Jones indicated that he discussed this development with the Fire Marshal and he received his approval. If the building setback on the west side is increased, then there will be cars hanging over into the street. If he reduced the street width, the Fire Marshal would have a problem.

Mr. Jones stated that the property to the west is approved for office use and there wouldn't be an incompatibility issue between setbacks. Because he is trying to maintain the 26 FT wide streets, a real driveway and the two off-street parking spaces, the tract is not wide enough and that is why on the west side he requested an 11 FT building setback line.

TMAPC Comments:

Mr. Westervelt asked Mr. Jones if the four units on the west the only units affected. In response, Mr. Jones answered affirmatively.

Mr. Jones stated that he felt that by reducing the density from 208 to 37, it was a substantial enough reduction. This use is a better use than what was originally permitted in the PUD.

In response to Mr. Midget, Mr. Jones stated that he wouldn't have a problem with a 20 FT setback for the west boundary except for the where the four units are located.

Interested Parties Comments:

Robert Verel, 7510 South 84th East Avenue, Tulsa, Oklahoma 74137, stated that he is concerned with flooding. He indicated that there is already a flooding problem when it rains due to stormwater drainage coming from the subject property onto his property.

Mr. Westervelt informed Mr. Verel that the TMAPC deals with land issues only. He explained that the applicant will have go through the stormwater management process through Public Works and he will not be allowed to make the situation any worse than it is currently. Mr. Westervelt commented that it is very likely that the applicant will have to improve the situation regarding stormwater runoff.

Mr. Boyle stated that it is important to remember that the proposal is going down from 208 units to 37 units. This will increase the green space and should help with the flooding issues.

Mr. Horner stated that Stormwater Management has never let this issue slip through the process.

TMAPC Comments:

Mr. Westervelt asked staff their opinion regarding the minimum building setback after hearing from Mr. Jones. In response, Mr. Stump stated that staff's opinion has not changed. Mr. Stump explained that the year yard requirement has been established for multifamily, townhouses, duplexes and higher density single-family homes. Mr. Stump commented that the applicant has not offered any reason, special design, etc., that would mitigate the need to reduce the setback to 11 FT. Mr. Stump stated that a standard is established in the Code and the applicant has not provided any special design that would mitigate the need for anything less. Mr. Stump further stated that the rationale that taking the entire setback difference off of the driveway units on the west side is spurious. Mr. Stump indicated that all of the driveways going east and west could be shortened slightly by less than two-feet or redesign and accomplish the setbacks proposed by staff.

Applicant's Rebuttal:

Mr. Jones stated that he has been working with Stormwater Management staff, Gary McCormick, regarding stormwater and drainage. He explained that the subject area is currently a bowl area that is undeveloped. He commented that when it is developed the proper storm sewer systems will be in place and should take care of the stormwater runoff. He stated that he is not sure to what extent the stormwater runoff will go away, but he will meet all of the City's requirements.

Mr. Jones stated that regarding the setback requirement, if he took nine feet out of somewhere, he thinks that potentially he would come up with the same problem of cars hanging over into the street. He explained that the Fire Marshal is concerned with corner radii.

TMAPC Comments:

Mr. Carnes stated that if the Planning Commission held the setback minimum to 15 feet, then it would be very easy for the applicant to go back through and pick up four feet.

Mr. Boyle asked Mr. Jones if the 15 feet compromise Mr. Carnes suggested help the situation. In response, Mr. Jones answered affirmatively.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to recommend **APPROVAL** of the Major Amendment for PUD-359-A as modified by the Planning Commission. (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 PUD-359-A:

Lot 2, Block 1, Mayfair Courts Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **From RM-1/PUD-359 To RM-1/PUD-359-A.**

APPLICATION NO.: Z-6803

Applicant: Scott Trizza

Location: 2626 North Denver

RS-3 TO AG

(PD-25) (CD-1)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6539 June 1996: A request to rezone a 1.2-acre tract located south of the southwest corner of West 28th Street North and North Cincinnati Avenue from RS-3 to OL for a church and children's nursery. All concurred in approval of OL zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately eight acres in size, is located north of West Apache Street and west of North Denver Avenue, abutting the Osage County line on the west. The property is sloping, wooded, contains a residential dwelling and accessory buildings, and is zoned RS-3.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curb</u>
West Apache Street	120'	4 lanes	Paved	Yes
West 26 th Place North	60'	2 lanes	Paved	No

West Apache Street is a primary arterial street and West 26th Place is a residential street.

The City of Tulsa 1998 – 1999 traffic counts indicate 3,800 trips per day on West Apache Street between North Denver Avenue and North Cincinnati Avenue.

UTILITIES: Public water service is available to the subject tract and sewer is by septic.

SURROUNDING AREA: The subject tract is abutted on the north by a single-family residential neighborhood and some vacant land, zoned RS-3; to the east by a single-family neighborhood, zoned RS-3; to the south by a single-family neighborhood, zoned RS-2 and RS-3; and to the west by vacant land, zoned RM-1. Farther west is the L.L. Tisdale Parkway, 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 – Residential land use.

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

STAFF RECOMMENDATION:

The subject tract abuts residential uses on three sides and although the Comprehensive Plan designates agriculture zoning as low intensity, the use of the property for agriculture or the raising of animals would not be compatible with the adjacent single-family neighborhoods. The Tulsa Zoning Code envisions AG zoning as a holding zone for largely rural land until urban development is appropriate. Therefore, staff recommends **DENIAL** of AG zoning for Z-6803.

Applicant's Comments:

Scott Trizza, 1932 South Louisville, Tulsa, Oklahoma 74112, stated that the subject property would be his future residence. He explained that AG zoning is appropriate for his plans and RS-3 zoning would not.

TMAPC Comments:

Mr. Jackson asked Mr. Trizza what his plans were. In response, Mr. Trizza stated that he would like to build a 25' x 30' metal building next to his detached garage with a private drive off of Apache. Mr. Trizza indicated that he would like to rebuild a wooden water tower next to the house. Mr. Trizza stated that he has an application with the Interior Department for Historical Preservation. Mr. Trizza indicated that if he rezones the subject property back to AG zoning it would help

with his HP application because historically the subject property was zoned AG. Mr. Trizza stated that the subject property was deeded to his great-great-grandfather in 1906 (160 acres). Mr. Trizza commented that he would like to restore the subject property to its original intent.

Mr. Boyle asked Mr. Trizza how the AG would be compatible with the surrounding area. In response, Mr. Trizza stated that the subject property is set back by itself.

Mr. Jackson asked staff if RE zoning would help the applicant reach his goals. In response, Mr. Stump stated that he doesn't understand why the RS-3 zoning doesn't help. Mr. Stump explained that RS-3 zoning provides minimum lot size, but does not prevent large lots. Mr. Stump stated that there is no difference between RS-3 and RE zoning, but the RS-3 would not allow the large building he is proposing.

Mr. Carnes asked the applicant if it is the metal building that is the problem. In response, Mr. Trizza answered affirmatively.

Mr. Stump asked Mr. Trizza what the use of the metal building would be. In response, Mr. Trizza stated that he would be storing a tractor and cars. Mr. Trizza explained that there is a home and detached garage currently on the site and the metal building square footage would be over what is allowed. In response, Mr. Stump stated that 750 SF would easily hold a tractor and three cars. Mr. Stump stated that the detached garage and the metal building are allowed if the combined buildings do not exceed 750 SF. Mr. Trizza stated that he plans to add onto the house and add a couple of cottages scattered around the property. Mr. Stump informed Mr. Trizza that his plans would not be allowed in the AG zoning.

Mr. Boyle stated that he believes that the applicant should go to the Board of Adjustment when he needs relief from these types of regulations. Mr. Boyle explained that AG zoning would not give the applicant enough relief to proceed with his plans.

Mr. Stump informed Mr. Trizza that the AG zoning would help him accomplish the large metal building, but it wouldn't allow the cottages.

Mr. Trizza stated that the main reason for requesting AG zoning is that it would help with his application before the Interior Department and for his metal building. Mr. Westervelt stated that he is not aware of how the AG zoning would help with the Interior Department application, but it would help with the metal building.

TMAPC Comments:

Mr. Midget stated that he has looked at this application and it doesn't appear to be compatible with the surrounding neighborhood. He recommended that this application be denied.

Mr. Carnes asked how the applicant would get the historical designation with a large metal building on the subject property.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to recommend **DENIAL** of AG zoning for Z-6803 as recommended by staff.

Mr. Trizza asked the Planning Commission where he could appeal today's decision. In response, Mr. Westervelt informed Mr. Trizza that he could go to the City Council to appeal this recommendation. Mr. Stump informed Mr. Trizza that he needed to file his appeal with the clerk at the City Council. Ms. Pace stated that the appeal needs to be filed within ten working days.

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APPLICATION NO.: PUD-196-2

MINOR AMENDMENT

Applicant: Gary Larsen

(PD-18) (CD-8)

Location: Southwest corner of East 71st Street and South Memorial

Staff Recommendation:

The applicant is requesting an amendment to allow a two-square-foot per lineal foot of building wall sign standard to facilitate an additional sign for a business in the Crossing Oaks Shopping Center. The existing approved sign is a 162" x 26.5" sign for "Teletouch". It meets the 1.5-square-foot ratio based upon a 20-foot building wall. The applicant wants to add an additional sign of 4.5 square feet to the building wall.

Staff is of the opinion that in the Planned Unit Development zone, the shopping center should maintain the original uniform standard per the existing PUD requirement of 1.5 square foot per lineal foot of building wall for the businesses in the center.

Staff recommends **DENIAL** of the minor amendment per the submitted sign plan.

Applicant's Comments:

Gary Larsen, Claude Neon Signs, 533 South Rockford, Tulsa, Oklahoma 74120, stated that he client needs the extra sign in order to properly advertise his services. He explained that his client made the mistake of making a sign without the words "wireless" and it is necessary for his business to have this sign.

Mr. Larsen indicated that several signs in the subject shopping center are over the allowed square footage. He commented that his client should be allowed to do the same.

TMAPC Comments:

Mr. Westervelt stated that his client could meet the signage if he made his sign smaller.

Mr. Boyle asked Mr. Larsen if the surrounding signage is over the allowed square footage approved signs. In response, Mr. Larsen stated that the signs are present.

Mr. Dunlap stated that Ms. Fernandez (INCOG) reviewed all of the sign applications and approvals that were in this subdivision and they all meet the standards that were imposed. In response, Mr. Boyle stated that if there were signs violating the requirements, then it would be a Neighborhood Inspections issue.

Mr. Larsen circulated photos of signs in the subject shopping center that he felt were over the allowed square footage (Exhibit A-1).

Mr. Larsen requested that his client be allowed, temporarily, to add "wireless" to their signage until every tenant in the subject shopping center is playing by the same rules.

Mr. Boyle asked Mr. Larsen if he wanted the Planning Commission to give him permission to break the rules that everyone else is breaking. Mr. Boyle stated that it seems that everyone wants to find the lowest common denominator and lower the bar to that level, which is the wrong thing to do. Mr. Boyle further stated that he doesn't see any reason for the Planning Commission to give the applicant permission to disregard the restrictions as other people have done; for whatever reasons, they have disregarded the restrictions.

Mr. Larsen stated that his client is being denied to have what the other tenants have because his client contracted with an honest sign contractor instead of with of the many sign contractors who would not even consider asking permission to go over the restricted signage. In response, Mr. Westervelt stated that in a very short time, the other tenants would be violators if they are indeed over the signage restrictions. Mr. Dunlap stated that the photographs Mr. Larsen submitted would be forwarded to Neighborhood Inspections.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to **DENY** the minor amendment for PUD-196-2 as recommended by staff.

APPLICATION NO.: PUD-554-3

MINOR AMENDMENT

Applicant: Bob Keith

(PD-26) (CD-3)

Location: 9963 South 79th East Avenue

Staff Recommendation:

The applicant is requesting a minor amendment to amend the required front yard setback from 25 feet to 23.1 feet to allow a new residence, currently under construction.

Staff can see no harm to surrounding lots or to livability space for the subject site under the proposal. The infringement exists for one corner of the structure only.

Staff can recommend **APPROVAL** of the minor amendment per the submitted site plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to **APPROVE** the minor amendment for PUD-554-3 as recommended by staff.

OTHER BUSINESS:

Mr. Westervelt reminded the Planning Commission that Jim Doherty would be at the next TMAPC meeting in order to honor him with Chairman Emeritus TMAPC.

There being no further business, the Chairman declared the meeting adjourned at 2:30 p.m.

Date approved: _____



Chairman

ATTEST: 

Secretary