

# TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2266

Wednesday, February 28, 2001, 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>
Carnes	Boyle	Bruce	Boulden, Legal
Harmon	Midget	Dunlap	
Hill		Huntsinger	
Horner		Stump	
Jackson			
Ledford			
Pace			
Selph			
Westervelt, Chair			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 26, 2001 at 11:45 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:40 p.m.

## **REPORTS:**

### **Committee Reports:**

#### **Rules and Regulations Committee**

Mr. Westervelt reported that the Committee met prior to the TMAPC meeting. He stated that the Committee reviewed the recommendations changes from the Infill Development Task Force for Zoning Code amendments. He indicated that there was additional input or several items and the Committee recommended that this be heard on March 21, 2001.

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**Director's Report:**

Mr. Stump indicated that there are no items on the City Council agenda.

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**SUBDIVISIONS**

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

**L-19187 - Sack & Associates, Inc. (PD-11) (CD-1)**

2000 Block West Newton Street

**Staff Recommendation:**

The applicant has applied to split a 60' X 200' tract (Tract A) off a 223.72' X 500' tract (Tract B). Tract A will be tied to Lot 1, Block 1, Wenwest Estates, to the north. The proposed configuration will result with both tracts having four-side-lot lines; therefore, the applicant is seeking a Waiver of Subdivision Regulations that each tract have no more than three-side-lot lines.

Both tracts meet the RE bulk and area requirements. The Technical Advisory Committee expressed no concerns on this application.

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.

**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** TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19187 as recommended by staff.

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

**L-19181 – Robert J. Dunkle (613)**

(PD-13) (County)

12202 North Lewis Avenue

**L-19182 – Sisemore Weisz & Associates,**

(PD-18) (CD-5)

12202 North Lewis Avenue

**Inc. (3294)**

12320 East 52<sup>nd</sup> Street

**L-19190 – City of Tulsa (1194)**

(PD-17) (CD-6)

17006 East 11<sup>th</sup> Street

**L-19195 – John W. Moody (684)**

(PD-18) (CD-8)

6140 South 104<sup>th</sup> East Avenue

**L-19197 – Tulsa Development Authority (2502)**

(PD-2) (CD-1)

1528 North Boston Place

**Staff Recommendation:**

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, 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:**

**Tangelwood Estates Amended (2183) (PD 18) (CD 8)**

East side of South Harvard Avenue, approximately East 94<sup>th</sup> Street

**Staff Recommendation:**

The plat re-subdivides Lots 3, 4 and 5 of Block 2 of the Tangelwood Estates Addition, creating two lots out of three. Tangelwood LLC remains the owner of the entire addition; the change requires moving a utility easement to the south.

Staff has notified the utility providers and the Public Works Department. All releases have been received 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 **HORNER** TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the final plat for Tanglewood Estates Amended as recommended by staff.

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**PRELIMINARY PLAT:**

**Interstate Batteries - (1183)** (PD-18) (CD-8)  
7102 South Memorial Drive

**Staff Recommendation:**

This plat consists of one lot in one block on 0.476 acres. It will be developed as a retail automotive-related parts store.

The following were discussed **February 15, 2001** at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:**

The property became subject to plat when it was rezoned to CS in November 1972. A plat waiver request was denied by the TMAPC on January 3, 2001.

2. **Streets/access:**

During plat waiver review, there was a requirement to dedicate additional right-of-way along the diagonal northeast corner. Any changes to this requirement? Access is shown from Memorial Drive and from 71<sup>st</sup> Street. The Memorial access is shown at 38 feet wide, 21 feet from the corner of the property. The 71<sup>st</sup> St. access is shown at 32 feet, 7 feet from the property corner. Standard access width is 40 feet and distance from property corners is 10 feet. There would be no left turns possible from this site onto either arterial street. Any comments, concerns, or specific requirements?

Somdecerrf, Transportation, stated 15-foot utility and sidewalk easement shown on the plat would be acceptable.

French, Traffic, stated that the access locations and widths are ok as shown. He wanted the standard language added in the covenants providing

shown. He wanted the standard language added in the covenants providing for enforceability of the limits of no access.

3. **Sewer:**

There were no sanitary sewer comments at the plat waiver review. Any comments, concerns, or specific requirements?

There were no comments or concerns.

4. **Water:**

The only water issue raised at the plat waiver review was if the building code requires this building to be sprinkled, a separate fire line with easement would be required. Any comments, concerns, or specific requirements?

Calkins, Fire Department, confirmed the above and stated that fire hydrant would be required somewhere along the street frontage of the property.

5. **Storm Drainage:**

There were no stormwater issues raised at the plat waiver review. Any comments, concerns, or specific requirements?

6. **Utilities:**

Any comments, concerns, or specific requirements?

There were no comments or concerns.

7. **Other:**

There were no other comments.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None needed.

**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 Engineer 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 County Engineer.
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 method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. 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.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of 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 **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the preliminary plat for Interstate Batteries as recommended by staff.

\* \* \* \* \*

**The Park at Oak Grove II - (874) (PD 19) (County)**  
Southeast corner of East 131<sup>st</sup> Street and South Garnett Road

This plat consists of 60 lots in 4 blocks on 62.34 acres. It will be developed as a single-family residential neighborhood. It is surrounded by single-family residential uses and vacant land zoned RS and AG.

The following were discussed **February 15, 2001** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

The property became subject to plat when it was rezoned to RE in January 2001. The Broken Arrow Planning Commission recommended denial of the zoning because it was inconsistent with their comprehensive plan and because of lack of infrastructure to serve. The TMAPC recommended approval and the County Commissioners adopted the resolution.

The property became subject to plat when it was rezoned to RE in January 2001.

**2. Streets/access:**

The project has two points of access, one to each arterial street. The north access at 131<sup>st</sup> Street is shown as 75' wide, the west access at Garnett Rd. is shown as 70' wide. Are these acceptable? Would a stub street to the south property line be desirable to allow continuation of the street system as these properties develop? Any comments, concerns, or specific requirements?

Rosenbaum, Applicant, explained that the 131<sup>st</sup> Street access would have three lanes and a median. Mr. Rosenbaum stated that he intended to show these on the plat.

Rains, County Engineer, stated that the island should be placed in a reserve and shown on the plat. He had no concerns with the 70-foot wide entry and streets. He agreed that a street should be stubbed to the south property line. He also said the street names would likely need to be revised. The covenants need to include language dedicating the streets and reserves.

Rosenbaum, Applicant, agreed to revise the plat to show these items.

**3. Sewer:**

Broken Arrow indicated there is no sewer in the area. The lots will be developed with septic systems. Any comments, concerns, or specific



requirements?

There were no comments or concerns.

**4. Water:**

Broken Arrow indicated there is only a six-inch waterline to serve this subdivision and no additional service is anticipated. They stated that developer would be required to install a 12" main to serve. Any comments, concerns, or specific requirements?

Rosenbaum, Applicant, stated that they are currently discussing the project with Bixby and Broken Arrow. It has not yet been determined who will serve the project.

**5. Storm Drainage:**

There were no stormwater issues raised during the zoning case. Any comments, concerns, or specific requirements?

There were no comments or concerns.

**6. Utilities:**

Any comments, concerns, or specific requirements?

There were no comments or concerns.

**7. Other:**

There were no other comments.

The plat has been revised to include the stub street and has been reviewed and approved by the County Engineer.

Staff recommends **APPROVAL** of the preliminary plat subject to the standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None needed.

### **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 Engineer 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 County Engineer.
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 method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. 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.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of 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 **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the preliminary plat for The Park at Oak Grove II, subject to standard conditions as recommended by staff.

\* \* \* \* \*

**Windham Hill – (2894) (PD-17) (CD-6)**

Northwest corner of East 51<sup>st</sup> Street and South 145<sup>th</sup> East Avenue

This plat consists of one lot in one block on .9276 acres. It will be developed for commercial uses under CS zoning. It is surrounded by vacant land or sparsely developed land on all sides. Broken Arrow is east, southeast and south

The following were discussed **February 15, 2001** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

The property is zoned CS – Commercial Shopping. We found no zoning files on this property so we assume it has been zoned CS since the adoption of the current zoning ordinance in July 1970. We have no information as to the requirement to plat so we also assume this plat is submitted voluntarily.

**2. Streets/access:**

Right-of-way is being dedicated on both arterial streets. Garnett is a secondary arterial with a requirement of 50 feet from centerline. South 145<sup>th</sup> is a primary arterial with a requirement of 60 feet from centerline plus ten feet for right turn lane. Proposed dedications meet the requirements. The project has three points of access, two on Garnett and one on 51<sup>st</sup> Street. The north access on Garnett is only 20 feet wide. Would this be part of a mutual access with the abutting property to the north? If so, what are the development and platting plans for this property? Are all the access locations acceptable? Any comments, concerns, or specific requirements?

Sack, Applicant, explained that the 20-foot access on Garnett represents half of a future mutual access with the abutting property to the north. He did not elaborate on the future plans.

French, Traffic, stated the access locations and widths are acceptable. He stated that access to 145<sup>th</sup> East Avenue would be right-turn only.

**3. Sewer:**

Any comments, concerns, or specific requirements?

Payne, Waste Water, stated that a sewer main extension would be required from the existing sewer approximately 400 feet to the west.

**4. Water:**

Any comments, concerns, or specific requirements?

Holdman, Water, stated that a water main extension would be required from the existing main to the west of the property.

Murphree, Water, stated that a water main extension would also be required along 145<sup>th</sup> East Avenue. The double extension is required by City policy because the property has frontage on two arterial streets which are boundaries between Tulsa and Broken Arrow.

**5. Storm Drainage:**

Any comments, concerns, or specific requirements.

There were no comments or concerns.

**6. Utilities:**

Any comments, concerns, or specific requirements?

There were no comments or concerns.

**7. Other:**

There were no other comments.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Extension of water and sanitary sewer mains with appropriate easements satisfactory to the Department of 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 Engineer 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 County Engineer.
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 method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. 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.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of 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 **HORNER** TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the preliminary plat for Windham Hill, subject to special conditions and standard conditions as recommended by staff.

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**OIL CAPITAL FEDERAL CREDIT UNION (PUD 630)**

51<sup>st</sup> Street South between Oswego and Richmond

**Staff Recommendation:**

The following information was provided at the TAC meeting of February 1, 2001.

The following item was reviewed at TAC on September 7, 2000 and approved by the Planning Commission on September 27, 2001 with the conditions as shown below and the added condition that a Limits-of-No-Access be placed along the south side of the bank lot.

Since that time the applicant has indicated that he would like to have the item reheard, particularly as it regards the required completion of 51<sup>st</sup> Place. He will be requesting that the Commission waive that portion of the Subdivision Regulations requiring logical extension of streets. Your comments are appreciated; TMAPC Staff will be recommending that the Subdivision Regulations be enforced and that the street be extended.

The plat as currently submitted shows one large lot in the north (credit union) and two smaller lots in the south (single-family residential). It is the same configuration reviewed at your earlier meeting.

**TMAPC Comments:**

Mr. Westervelt reminded the Planning Commission that a number of interested parties were present at the 4/26/2000 meeting and additional correspondence were included in the agenda packets.

**Applicant's Comments:**

**Larry Leonard**, 1921 South Boston Avenue, Tulsa, Oklahoma 74119, submitted a file with background information and proposal (Exhibit B-1). Mr. Leonard stated that the submitted exhibits are the major issues for Oil Capital Federal Credit Union. He explained that when the credit union signed the contract to purchase the subject property, it was contingent upon the street not going through. He indicated that the credit union had several meetings with the neighborhood to assure them that the credit union would try to be good neighbors and not have the street go through. He stated that everyone neighbor signed a petition that was presented at the April 26, 2000 hearing. The Planning Commission voted 8-1-0 to approve the PUD with a requirement that there be a six-foot masonry screening walls around the subject property on the southern border and part of the eastern and western border in order to maintain the integrity of the neighborhood. If the Credit Union had known that the street had to be extended, they would not have purchased the property.



**TMAPC Comments:**

Mr. Westervelt stated that he thought the previous approval required the street to go through. In response, Mr. Stump stated that the previously approved preliminary plat required extension of the street.

Mr. Leonard stated that there were two hearings and the PUD was heard on April 26, which Mr. Johnsen represented the credit union. The Planning Commission voted 8-1-0 that the street not be required to be extended.

Mr. Leonard stated that the engineers who submitted the preliminary plat didn't attend the TAC meeting and believed that the street was a dead issue. He indicated that the plat was passed with the requirement that the street be completed and that the credit union have limits of no access, which would mean that the credit union would not have access to their own property.

Mr. Leonard requested that the preliminary plat be approved without the requirement of the street being extended. He explained that this is a low intensity use for the subject property. The credit union has agreed to bring the sewer in and there are easement ways that would allow all of the utilities to come in. Mr. Leonard pointed out other areas in Tulsa where dead-end streets are allowed.

Mr. Leonard stated that the street has never been connected and the proposed usage of the property was to leave it zoned RS-2 and the maximum additional burden would be uses consistent with RS-2, by right a single-family residence. He commented that the most that would occur is two additional homes, which the access could be served the same as the rest of the neighborhood is being served today. He reiterated that the neighborhood does not want the street to be built.

**TMAPC Comments:**

Mr. Westervelt stated that he could not find any type of endorsement of not putting a street through in the minutes or previous approvals. In response, Mr. Leonard stated that the PUD was approved as submitted and that would be without the street going through. Mr. Leonard further stated that the street issue was a major consideration before purchasing the property. Mr. Westervelt asked if it was from a standpoint of financial reasons his client did not want to put the street through. Mr. Westervelt asked Mr. Leonard to explain why his client would not have proceeded with the purchase because of the street requirement. In response, Mr. Leonard stated that when his client initially started negotiating for the subject property, he had several meetings with the neighborhood and the neighborhood was very skeptical about the credit union going in. Mr. Leonard explained that his client made it a condition of the contract that the street would not go through.

Mr. Stump asked Mr. Leonard if it is not required to connect to the two streets if he would install the required turnarounds, which will actually costs more than extending the street. In response, Mr. Leonard stated that what he is requesting is that the plat be approved as submitted. Mr. Stump asked Mr. Leonard if he wanted to violate both the requirements for a turnaround and stub-streets, and the requirement in Subdivision Regulations to make logical connections to streets. Mr. Leonard stated that his client thought they had a covenant with the neighborhood that the street would not go through and by installing cul-de-sacs it would be the same as connecting the street. In response, Mr. Westervelt stated that it wouldn't be the same as connecting the street from the neighborhood's point of view, but it would be equally if not more, expensive for the credit union to install cul-de-sacs. Mr. Leonard stated that if the Planning Commission's recommendation were to install cul-de-sacs then his client would have to consider it. Mr. Leonard suggested only installing a cul-de-sac on one side (west side).

Mr. Westervelt stated that Mr. Leonard is asking the Planning Commission to make a decision based on life safety issues required by the Fire and Police Departments versus saving the credit union some money by not connecting the street behind the credit union. In response, Mr. Leonard stated that there is no more danger here than there is on any dead-end street in Tulsa. Mr. Leonard reminded the Planning Commission that the subject property is only 165-foot deep. Mr. Leonard stated that he does not see any legitimate issues regarding utilities, safety, etc., for making the streets connect. Mr. Leonard commented that by making the streets connect it would increase traffic and crime.

Mr. Ledford asked Mr. Leonard if he is requesting the extension of the water line be waived too. In response, Mr. Leonard answered affirmatively. Mr. Ledford explained that when water lines are not connected, then Public Works has to continually blow off the end of the line to make sure that chlorine residual is not on both of the dead-end lines. Mr. Ledford stated that this is why Public Works is asking the client to complete the six-inch water line and tie it from the west side to the east side. Mr. Leonard stated that if that were made a condition, it as something he could probably live with. Mr. Ledford stated that it is a condition that sewer and water extensions and the easements be satisfactory to Public Works. Mr. Ledford reminded Mr. Leonard that one of the TAC member's request was to tie the water lines together. Mr. Leonard stated that if it were a condition it would be something his client would do or consider. Mr. Leonard reiterated that the water is at the edge of the property and is available. His client has committed to extending the sewers, but he does not want the street cut through.

Mr. Stump stated that a single cul-de-sac on the west end that would be of 80 feet in diameter would have more paved surface than the entire roadway connecting the two stubs. Mr. Ledford stated that a single cul-de-sac would pave 214 feet of a 26-foot street. Mr. Stump stated that Traffic Engineering reviewed this application at TAC and found that there would be no significant adverse impact regarding traffic for the residents if this were connected. Mr. Stump stated that the logical, cheapest most effective way is to connect the street. Mr. Stump indicated that there were some residents at previous meetings in favor of the street being extended and connected.

**Applicant's Comments:**

**Don Stivers**, President of Oil Capital Federal Credit Union, 1604 South Baltimore, Tulsa, Oklahoma 74119, stated that he talked with every neighbor along 51<sup>st</sup> Place and Richmond Avenue and each one indicated that they did not want the street to go through. The only traffic along the street today is the people who live there; however, if it is extended it will increase the traffic 100%. The neighborhood kids cannot play catch in the street if it is opened to through traffic.

Mr. Stivers stated that the east side of the street is two lots wide and the west side is a long dead-end street, but it has been that way for many years. There has never been an issue regarding safety before and the Fire Department is 35 seconds away.

Mr. Stivers stated that if the Planning Commission requires the street to be extended, then it would be adding insult to injury by asking the credit union to build the street but have no use of the street. He commented that it would be ridiculous to ask a private citizen to extend a street and then not have access to the street.

Mr. Stump asked Mr. Stivers if the credit union owned the lot to the south. In response, Mr. Stivers stated that the Oil Capital Credit Union does own all of the property. In response, Mr. Stump stated that the lots owned by the Credit Union would have use of the extended street. Mr. Stivers stated that the lots to the south are of no use to the credit union because they are residential and the credit union will have to get rid of the back section of the land.

Mr. Stivers concluded that the credit union assured the residents that it would be a good neighbor. He agreed to the masonry fence and work with the residents to keep the road from going through.

**TMAPC Comments:**

Mr. Ledford referred to past minutes regarding that the PUD application was for the north end of the subject property only. The street was really not an issue at the time of the PUD since it was excluded from the PUD; however, the screening was the real issue. Another issue was how to limit the ingress/egress from an OL district to a residential area.

Mr. Stump stated that staff felt that the entire tract should be included in the PUD and the Planning Commission thought only the portion that was to be used for the credit union should be included.

Mr. Ledford stated that regardless of the comments heard today, the comments by Mr. Johnsen on April 26, 2000 guided the Planning Commission's decision and the Planning Commission should stay true to that vote today.

Mr. Ledford stated that what he is trying to clear up from the information heard today, is that the PUD application heard on April 26, 2000 was for the north end of the property and not the residential tract. The plat covers the OL tract to the north and the residential lots to the south. What the applicant is asking the Planning Commission to do today is to consider the final plat for the complete tract; however, the Planning Commission never discussed the south end of the subject property except to screening and ingress/egress to the street that would be extended in the future.

In response to Ms. Pace, Mr. Stump stated that the credit union is proposing to subdivide the south portion of the tract without extending the road. Mr. Ledford stated that the extension of the road is the developer's responsibility. Mr. Ledford reminded the Planning Commission that the previously approved preliminary plat showed a dedication requiring that a PFPI be completed, which is storm sewer, paving, water, sewer because they are public lots.

Mr. Harmon stated that when you look at the map it does seem logical to extend the street, but if the neighbors truly do not want it, perhaps two cul-de-sacs might be appropriate, but still complete the extension of the water and sewer lines. Mr. Stump stated that this would impose significant higher costs to the developer. Mr. Ledford stated that this would also change the site plan on the lot to the north.

Mr. Carnes stated that he does not believe the cul-de-sac will work with the masonry wall.

Mr. Jackson stated that this is poor planning because the cul-de-sacs will eat up the residential lots.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON** TMAPC voted **3-6-0** (Harmon, Horner, Selph "aye"; Carnes, Hill, Jackson, Ledford, Pace, Westervelt no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the preliminary plat for Oil Capital Credit Union; subject to cul-de-sacs on the east and west side with crash gates and the extension of the water and sewer lines.

**Motion failed.**

**TMAPC Comments:**

Ms. Pace stated that she too would have liked to have had her street closed at both ends while raising her kids, but it is not an option and the extension of the street has been on the Comprehensive Plan and it is policy to extend streets to logical connections.

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE** TMAPC voted **8-1-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; Selph "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the preliminary plat for Oil Capital Federal Credit Union, subject to special conditions and standard conditions as recommended by staff.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.:** Z-6804      **RS-3/PUD TO RS-3/OM/PUD-592-A**  
**Applicant:** John W. Moody (PD-6) (CD-7)  
**Location:** East of northeast corner of East 41<sup>st</sup> Street South and  
South Harvard Avenue

**Mr. Harmon stated that he would be abstaining from the following item.**

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**PUD-592 August 1998:** A request to rezone the subject tract from CH and RS-3 zoning to a PUD to allow two existing developments to share parking through a cross-parking easement. One parcel contained a church, day nursery, parsonage and residence; the other parcel contained a movie, video, and stage production company. The PUD was approved subject to modifications and conditions established during the TMAPC public hearing.

**BOA-17925 February 1998:** A request for a variance to meet parking requirements on a lot other than where the principal use is located; the property included in this request was the subject property. The request was filed by owners of the northernmost tract; the lots to be used as additional parking were the southern tract owned by the existing church and zoned RS-3. The Board of Adjustment denied the request.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.09 acres in size and is located east of the northeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue. The property is gently sloping; non-wooded; contains a church, children's nursery, residence, and related parking, and is zoned RS-3/PUD-592.

**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 41 <sup>st</sup> Street South	100'	4 lanes	Paved	Yes
South Harvard Avenue	100'	4 lanes	Paved	Yes

The Major Street Plan designates East 41<sup>st</sup> Street South and South Harvard Avenue as secondary arterial streets. The City of Tulsa Traffic Counts 1998 – 1999, indicate 29,200 trips per day on South Harvard at East 41<sup>st</sup> Street South intersection.

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

**SURROUNDING AREA:** The subject tract is abutted on the north and east by single-family dwellings, zoned RS-3; to the south by single-family dwellings, zoned RS-1 and vacant property, zoned RM-2 and CS; and to the southwest by an office and a convenience store, zoned CS.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north tract of the subject property as Low Intensity – Residential.

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

**STAFF RECOMMENDATION:**

Based on existing and proposed development in the area, staff can support modified approval of the requested rezoning and therefore recommends **DENIAL** of the request for OM zoning on the entire tract, but recommends **APPROVAL** of OM zoning on that portion of the subject tract within 300 feet of the centerline of Harvard Avenue, provided the accompanying Major Amendment to PUD-592 is approved as well. The east boundary of this portion of the tract would align with the east boundary of the CH zoned tract to the north and the RM-2 tract to the south across 41<sup>st</sup> Street.

If the Planning Commission is inclined to recommend approval of this zoning application, they should direct staff to prepare appropriate District Plan amendments.

AND

**APPLICATION NO.:** PUD-592-A RS-3/CS/CH/PUD TO RS-3/OM/CS/CH/PUD-592-A  
**Applicant:** John W. Moody (PD-6) (CD-7)  
**Location:** North and east of northeast corner of East 41<sup>st</sup> Street South and  
South Harvard Avenue

**Staff Recommendation:**

PUD-592 was approved in August 1998 to allow two existing developments to share parking through a cross-parking easement. One Development Area contained a church, day nursery, parsonage and residence. The other Development Area housed a company that develops religious movies, videos and stage productions. Maximum building floor area was limited to the existing buildings with the provision that new construction may be allowed only if TMAPC approves a minor amendment. Permitted uses were limited to the existing uses and there were significant screening and parking standards to limit the impact on the abutting residentially zoned property.

A variance of the required off-street parking spaces was granted (Board of Adjustment (BOA Case No. 18181) in September of 1998. A total of 306 spaces were required for the combined office and church use. The BOA approved a variance to allow 210 parking spaces per PUD-592 and site plan. The BOA approval only applies to the existing uses and site plan. The applicant is proposing changing the church use to Funeral Home use and also proposing to build an additional structure. Again a variance of the parking requirements might be needed from the Board of Adjustment. The underlying zoning for PUD-592 is CS, CH and RS-3. Concurrently an application has been filed (Z-6804) to rezone a portion of the RS-3 zoned property to OM. The Funeral Home Development Area consists of the south 278 feet ± of the PUD and has frontage along 41<sup>st</sup> Street. The Impact Productions Development Area consists of the north 237 feet ± of the PUD and has frontage on South Harvard Avenue.

The subject tract is abutted on the north by a tire store and garden center, zoned CS and single-family dwellings, zoned RS-3; and on the east by single-family dwellings zoned RS-3. To the south of the tract, across East 41<sup>st</sup> Street, are single-family homes zoned RS-1 and a vacant tract zoned CS and RM-2. To the west of the northwest portion of the PUD across South Harvard Avenue are single-family homes zoned RS-2 and RS-1. The proposed Funeral Home tract is abutted on the west by commercial uses, zoned CS and RS-3.

If Z-6804 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-592-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-592-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:**

Land Area (Gross) 5.73 Acres

**Funeral Home Development Area**

Permitted Uses: Funeral Home and Offices as included within Use Unit 11 and Off-Street Parking for other uses within the PUD.

Maximum Building Floor Area: 19,285 SF

(Includes Basement Floor Area of 7,347.71 SF)

Maximum Building Height: Two stories, not to exceed 35 FT.

Minimum Building Setbacks from PUD Development Area Boundaries for New Construction:

North 110 FT

West 80 FT

East 300 FT

Minimum Building Setback from 100 FT Centerline of 41<sup>st</sup> Street



## Impact Productions Development Area

- Permitted Uses: Offices, video and sound recording studios and warehousing of equipment, materials and props accessory with the office use and off-street parking accessory to the principal use in the Impact Development Area.
- Maximum Building Floor Area: Limited to only the existing building. New construction may be allowed only if TMAPC approves a minor amendment.

### **The Following Standards Apply to Both Development Areas**

- Signs: Shall comply with the requirements of Section 1103.B.2 of the Zoning Code, and there shall be no ground signs allowed in the east 280 feet of the Funeral Home Development Area. There shall be no wall signs on east facing walls in the Impact Production Development Area.
- Landscaping and Screening: An eight-foot high screening wall or fence shall be provided along the eastern boundary of the Impact Development Area where it abuts residentially-zoned property. A six- to eight-foot high screening wall or fence shall be provided along the northern and eastern boundaries of the Funeral Home Development Area where it abuts residentially-zoned property, except the west boundary. Landscaping shall comply with the PUD and Landscape Chapters of the Zoning Code and shall also include a 25-foot landscape strip along the east 280 feet of the south boundary of the Funeral Home Development Area

except for approved access points.

Vehicle Parking:

The use of the Funeral Home Development Area for parking by uses on the Impact Development Area shall be limited to the hours of 7:30 a.m. to 5:30 p.m., Monday through Friday only. Vehicles parked within the PUD shall be limited to automobiles and other light passenger vehicles, such as pickup trucks, S.U.V.s and vans. No semi-trucks, trailers or buses will be permitted to be parked within the PUD. All Funeral Home parking must be separate and distinct from parking for other Use Unit 11 uses or parking accessory to the uses in the Impact Development Area. Required parking for the Impact Productions Development Area, which is not provided on the Impact Productions Development Area, shall be provided on the Funeral Home Development Area. All new parking shall comply with the Landscape Chapter and the landscape requirements of the PUD.

Access:

Each Development Area within the PUD shall have internal pedestrian and vehicular access to other Development Areas within the PUD. All access on to a public street shall be approved by Traffic Engineering.

3. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

4. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit or installation of any additional parking areas. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas, 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.
7. All new parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No new light standard nor building-mounted light shall exceed 12 feet in height and all such lights shall be set back at least 50 feet from an RS district.
8. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
9. No building permit shall be issued nor expansion of any parking areas until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

12. There shall be no outside storage of recyclable material, trash or similar material [outside a screened receptacle], nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Dunlap to clarify the portion of the OM zoning that is recommended for approval. In response, Mr. Dunlap stated that staff is recommending OM zoning for the portion of the tract that is in the cross-hatched area indicated on the case map only. Mr. Westervelt stated that the crosshatched area appears to be isolated from the residential.

**Applicant's Comments:**

**John Moody**, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, stated that his client is in agreement with staff's recommendation. The original PUD development was caused by the acquisition of what was formerly the Dickinson-Goodman Furniture Store on South Harvard Avenue by Impact Productions. At the time the furniture store was built there were no parking requirements in the CH zoning district. When Impact remodeled the building for their uses, (offices and studios), parking requirements were enforced. There is not sufficient space on the site with the existing building to provide the required parking for Impact Productions. Mr. Roger Nicks, Impact Productions, visited with Pastor Holder of the New Life Center Church to obtain a cross parking easement in order to provide required parking for Impact Productions. A Board of Adjustment application and a PUD was submitted to permit Impact to utilize the church parking in order to meet their required parking, which was approved.

Mr. Moody explained that New Life Center Church has decided to relocate and sell the subject property. He stated that his client purchased the easternmost two lots. Impact Productions now own the westernmost lots with an access easement to their property with a BOA approval to use the two lots for parking. The church has entered into a contract for the sale of the church property for funeral home use.

Mr. Moody stated that as part of the proposed PUD a number of the buildings need to be removed and a daycare center building would be removed. The existing extension of the church will be removed as well and Impact Productions will be removing the easternmost residence in the future. The church is currently using the second residence as church offices and they will be permitted to remain and use as offices for one year. The funeral home will be removing the building extension from the west end of the church, the daycare center and the two accessory buildings, and will be adding an addition of approximately 2, 872 square feet. The proposed addition will be behind the 100-foot setback for arterial streets and this will bring the structures into conformance of the Zoning Code.

Mr. Moody indicated that the subject lots were never platted and as part of the PUD he will be filing subdivision plats. He stated that his client would be dedicating the required amount of right-of-way pursuant to the Subdivision Regulations when the subject property is platted.

Mr. Moody proposed a building area of approximately 11,900 square feet and it is less than the existing buildings on the church property today. He further proposed an office building (in the future) of 6,600 square feet, which is presently used for offices. A new parking plan was developed and it eliminates the need for the prior BOA variance and the proposed PUD is providing more than the parking spaces required for each of the individual uses that are part of the PUD.

Mr. Moody stated that historically, in some areas of the city, zoning was approved all along the east side of Harvard Avenue for commercial use, including the present side. The existing residents already abut CH zoning, as well as OL zoning. What has happened in the past is that CH zoning was approved without adequate parking and this application enables his client to redevelop a property that is now functionally obsolete and to provide parking that brings uses in this area into compliance.

Mr. Moody cited the various zonings in the subject area. He indicated that the OM zoning would allow aligning the zoning up and creating a buffer between residential and commercial. The OM zoning will also be directly across the street from RM-2, which is a medium intensity use and makes the OM compatible with the RM-2. He stated that the proposal complies with the zoning policies of Tulsa; the development guidelines for the intersection of arterial streets and this would be an appropriate amendment to allow OM to be approved on the subject tract of land.

Mr. Moody stated that he did meet with the protestants and was not able to reach an agreement on many issues. One of the issues discussed was the possibility of increased traffic and a traffic study was prepared by Traffic Engineering Consultants, Jon Eshelman (Exhibit A-3). The conclusion of the traffic report is that the current traffic pattern is far below the capacity of the arterial street system. Funeral homes have such low traffic that they are not included in the trip generation standards. He stated that Mr. Eshelman called other facilities and based his report assuming the maximum use scenario. The two periods of time that funerals are traditionally conducted are at 10:00 a.m. and 2:00 p.m. with approximately 115 automobiles attending. Mr. Moody read the traffic report submitted, which indicated that the funeral home use would generate 66 more vehicles than the former daycare center, but not at peak hours of traffic. The daycare center conflicted and had more traffic during the peak hours than the funeral home will have. Funeral processions can create brief periods of delays for passing motorists, but off-peak times are the best times for these types of

interruptions to occur. The funeral homes have motorcycle escorts and traffic control, which is the best form of safety one could have.

Mr. Moody stated that the other issue that was discussed with the neighbors is the impact on property values. He explained that he did explore this issue and the appraisers concluded that any decrease in value has already occurred in this area for many reasons and the funeral home will not cause any additional decrease. In other words, "whatever would happen has already happened because of the existing development in the subject area".

Mr. Moody stated that another issue was biological waste hazards and funeral homes are strictly regulated by the State Board of Mortuary and Funeral Home Examiners, as well as the State of Oklahoma and local health department. There will not be any disposal of body parts that the protestants thought would happen or any other problems that they have experienced with the medical facilities down the street. There is no crematorium permitted at the funeral home. He indicated that 95% of all embalming would occur off-site; however, there would be occasional embalming performed at the funeral home.

Mr. Moody concluded that given the fact that the PUD is not increasing the building mass on the properties, but rather reducing the building masses; the proposal will bring the subject property into conformance with present Zoning Codes and the traffic generated by the funeral home would be less interruption during peak periods, this is an appropriate infill buffering use to the strip zoning which has occurred historically along Harvard Avenue.

**TMAPC Comments:**

Mr. Jackson asked Mr. Moody if there is already a client for the funeral home. In response, Mr. Moody answered affirmatively. Mr. Jackson asked Mr. Moody how many cases his client currently does per month. In response, Mr. Moody stated approximately 500 cases per year or 20 cases per month at the maximum.

In response to Mr. Ledford, Mr. Moody stated that he has proposed that in the future, if Impact so desires, the house currently used for offices would be torn down and build a 6,600 SF office building.

Mr. Moody explained the parking plan for the funeral home (linear parking) was designed for funeral processions, which he would have to go to the Board of Adjustment for approval.

**Interested Parties Opposing Z-6804/PUD-592-A:**

**Laura Summers**, 3731 East 43<sup>rd</sup> Street, Tulsa, Oklahoma 74135; **Marc Facci**, 3621 East 40<sup>th</sup> Place, Tulsa, Oklahoma 74135; **Barbara and James Gillespie**, 3177 East 38<sup>th</sup> Place, Tulsa, Oklahoma 74105; **Julia Brown**, 3426 East 39<sup>th</sup> Street, Tulsa, Oklahoma 74135; **Patricia Cooley**, 4342 South Louisville, Tulsa, Oklahoma 74135; **Jeffrey Townes**, 3716 East 44<sup>th</sup>, Tulsa, Oklahoma 74138;

**Tom Hulett**, 4114 South Jamestown, Tulsa, Oklahoma 74135, submitted a letter, news article and map opposing the proposal (Exhibit A-1) and submitted a petition with approximately 250 signatures (Exhibit A-2); **Mary Miller**, 3736 East 43<sup>rd</sup> Place, Tulsa, Oklahoma 74135; **Clint Fuhrman**, 4135 S. New Haven Place, Tulsa, Oklahoma 74135; **Cecile Richards**, 4153 South New Haven Place, Tulsa, Oklahoma 74135; **Mrs. R.C. Hiding**, 4123 South Jamestown, Tulsa, Oklahoma 74135; **Mary Ann Kobos**, 3709 East 43<sup>rd</sup> Street, Tulsa, Oklahoma 74135; **Betty and Weyman Ryker**, 4344 South Jamestown, Tulsa, Oklahoma 74135; **Martha Harris**, 3429 S. 40<sup>th</sup> Street, Tulsa, Oklahoma 74135; **Archie Ratloff**, 4317 South Jamestown, Tulsa, Oklahoma 74135; **Joseph Turner**, 4343 South Jamestown, Tulsa, Oklahoma 74135; **Nancy Halvey**, 3621 East 40<sup>th</sup> Place, Tulsa, Oklahoma 74135; **Phyllis and Frank Holdsclaw**, 3909 South Jamestown, Tulsa, Oklahoma 74135; **Serena Cline**, 3166 East 40<sup>th</sup>, Tulsa, Oklahoma 74105; **Rodney Dusenberry**, 3633 East 40<sup>th</sup> Place, Tulsa, Oklahoma 74135.

**Interested Parties Comments:**

Oppose the application because it would affect the integrity of the neighborhood; should not be rezoned to commercial; traffic increase; children's safety; two different schools in the immediate area and could cause a safety issue; schools dismiss during funeral home peak hours; school children shouldn't have to be delayed because of a funeral procession, they shouldn't be delayed reaching home after school; public park in the subject area and increased traffic could be a safety issue; oppose the proposed 6,600 SF building in the future; not opposed to funeral homes, but oppose to rezoning residential property into commercial property; commercial zoning should not infringe on what is currently residential zoning; concerned about biological waste hazard accidents; prefer that the church sell the property to another church use; disagree with the opinion that this will not affect the property values; cannot have a funeral procession going down 41<sup>st</sup> Street and giving it the respect that it deserves with children dismissing from school at the same time; church use should be removed if another church is not found to purchase the property; HIV and Hepatitis risks from the biological waste; the subject property is on a hill and if any type of spill occurs the results could be catastrophic; poor drainage problems; how can the applicant operate a funeral home on an RS-3 zoned property; all past rezoning applications along 41<sup>st</sup> Street have been turned down; questioned the traffic count report regarding the dates it was performed; questioned where the traffic count was taken and if it was during a school day; approving this application will create a domino affect into the neighborhood; traffic is already a problem on 41<sup>st</sup> Street and it overflows onto Jamestown in order to avoid traffic lights and backups; commercial properties do not make good neighbors for residential neighbors; commercial properties are indirect collector of taxes for the City and there is no benefit to change the subject property to commercial property; crossing guards at the schools, but not at Jamestown; traffic safety concerns for school children walking as group to the park along 41<sup>st</sup> Street, children sledding during the snow days along 41<sup>st</sup> Street at Patrick Henry School; heavy school bus traffic on 41<sup>st</sup> Street.

**TMAPC Comments:**

Mr. Westervelt asked staff to explain how the zoning and PUD use system works. In response, Mr. Stump stated that the PUD, which covers the larger area, gives the applicant the opportunity to spread the uses into other portions of the PUD regardless of what they are zoned. Mr. Stump explained that the applicant would have to start off with uses or zoning that would allow that use somewhere in the PUD. Mr. Stump stated that the OM zoning within the PUD would allow a funeral home and the PUD allows the applicant to move the use into other locations within the PUD.

Mr. Stump explained to Mr. Hulett that Mr. Moody would have to file another amendment in order to build the proposed 6,600 SF building and there would be another public hearing. In response, Mr. Hulett stated that the public hearings are fine for staff and TMAPC, but it is very difficult for the interested parties to get around to talk with 250 to 500 people and have them come to the public hearings that have been postponed twice. Mr. Hulett commented that the continued hearings are not fair to the people in the community.

**Applicant's Rebuttal:**

Mr. Moody stated that the traffic study conducted by Mr. Eshelman was conducted on the 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup>, which were a Wednesday, Thursday and Friday. The traffic study was compared to the daycare center only and not by the traffic generated by the church. The proposed funeral home, on a daily basis, will generate 66 more vehicles than the former daycare center (this does not include the church or the employees of the church). The traffic study stated that the existing traffic on Harvard is 16,700 vehicles and is far less than what arterial streets are designed for. He explained that 66 more vehicles generated over the daycare center is 4/100,000 increase in traffic. The existing church conducts funerals presently and the larger funerals are typically held at churches and not the chapels of the funeral homes. Parking has been one of the problems at funerals conducted at churches and not traffic. The Pastor has never received complaints about traffic from funerals in the past and all the funerals held at the church have exited west to Harvard and then proceeded down Harvard. He stated that the peak hours of traffic are between 5:00 p.m. and 6:00 p.m. and the traffic the schools create will not be impeded or impacted by the traffic that the funeral services might have or conduct.

Mr. Moody stated that the newspaper article regarding embalming was for the facility downtown Tulsa, which does 500 per month on average. The embalming facility at the funeral home might do about approximately 25 per year. All of these facilities are regulated and there are no type of waste or biological hazard issues here.



Mr. Moody commented that this is the most reasonable use for the subject property. The subject property will be sold and it is next commercial uses and at a commercial intersection. With the staff's limiting conditions, he believes that this is the best type of infill buffering development which one could develop. New residential development would never happen on the subject property. The physical facts, the zoning policies of the City and the traffic study shows that this would not have an injurious impact on the subject area. Mr. Moody requested that the Planning Commission approve the zoning and PUD application.

**TMAPC Comments:**

In response to Mr. Carnes, Mr. Moody stated that he has been informed by other funeral homes that funerals are conducted primarily at 10:00 a.m. and 2:00 p.m. People arrive before the beginning time, which would be between 9:00 a.m. and 10:00 a.m., etc. Mr. Carnes stated that once the people arrive then they have to leave at some time. In response, Mr. Moody stated that the funeral is usually over within one hour, depending on what type of service.

Mr. Ledford stated that one of the neighbors indicated that the traffic study was not very representative of the traffic volume because of when it was taken. Mr. Ledford stated that if you add the trip generations in the traffic study report it adds up to 16,386. Mr. Ledford commented that the counts of the traffic study seem to be very representative of the traffic engineering report that is conducted every year. Mr. Moody stated that the traffic report study was conducted 24 hours for a three-day period.

Ms. Hill asked Mr. Moody how long it takes a funeral procession to leave the site. Mr. Horner stated that it takes three minutes to clear the parking lot from the time the procession begins and until the last car leaves the parking lot.

Ms. Pace asked Mr. Moody why he would make the statement that residential infill is not possible for the subject property. In response, Mr. Moody stated that the Impact Productions has an approval for the easternmost lots in order to park. If this application is denied the parking is still going to occur and that would leave the church property, which would have to be demolished in order to have residential development. Mr. Moody explained that the church could not be readapted for residential use, but it could be readapted for funeral home use. Mr. Moody commented that more cars and traffic would be generated if the subject tract was residential use and more than likely it would have to be multifamily or apartments. Mr. Moody stated that Mr. Tankersley is a certified residential appraiser and he could address the likelihood of residential development on the subject property.

Ms. Pace stated that in a PUD, the parking can be relocated and the residential development should not be precluded. In response, Mr. Moody stated that no one has inquired about the subject property for single-family use and the subject property has been on the market for a long time.

Mr. Jackson asked how large the sanctuary for the proposed funeral home would be. In response, Mr. Moody stated that the existing church and the daycare center is larger than the proposal. Mr. Moody indicated that the proposed development would be 19,285 SF, which is less than the current use. Mr. Moody stated that the parking requirements for the entire funeral home are 164 spaces and he is proposing 169 spaces.

Commissioner Selph asked Mr. Moody if he is planning to build a building for 6,600 SF in the future. In response, Mr. Moody stated that this would have to be done as a minor amendment at a later date.

Mr. Jackson asked staff if someone came in with an application on the subject property with straight zoning CS or CG would it be difficult to deny this and have it stand up in District Court. In response, Mr. Stump stated that if the CS or CG request were applied to the same area that the applicant is proposing for OM zoning it would make a strong case to the District Court if they were denied; however, he would leave it to Legal if they would like to conjecture on what the courts would do. Mr. Boulden stated that it is hard to say whether the applicant would prevail in court.

Ms. Pace stated that she can see straightening up the zoning line (OM portion), but for Mr. Moody to say that the bulk of this is across the street from RM zoning is not accurate. Ms. Pace commented that 41<sup>st</sup> Street is basically quality prime residential from the Village, near Peoria and then out to the Promenade Shopping Center. Mr. Westervelt asked Ms. Pace if she agreed that the OM zoning should be squared up. In response, Ms. Pace stated that she agrees.

Mr. Stump stated that the staff recommendation is structured that the applicant would not be allowed to build new buildings, but the existing home that is currently a church office could be used as an office.

Mr. Carnes stated that staff mentioned that by filing a minor amendment, the applicant could come back before the Planning Commission. He commented that the house that is being used for church/office is residential and the applicant should not be able to return with a minor amendment, but should require a major amendment to the PUD. He stated that 41<sup>st</sup> Street has far less traffic than any other major arterials and the funeral home shouldn't cause any problems, but he does have problems with letting the OM line go any farther east than the church.

Mr. Jackson asked Mr. Carnes what he would do with 300' x 300' that is left. In response, Mr. Carnes stated that it could be residential. Mr. Jackson asked Mr. Carnes if he would consider OL. In response, Mr. Carnes stated that he would have to vote against the application as it is now. Mr. Stump stated that the Planning Commission could add a caveat that no new construction would be allowed in the PUD unless approved by a major amendment.

Ms. Pace stated that if the funeral home is allowed, it would likely decrease the chances for residential on the balance of the property. Ms. Pace concluded by making a motion to deny this application.

Commissioner Selph stated that he would second Ms. Pace's motion because he has some concerns. He commented that the fact that 41<sup>st</sup> Street is residential from Peoria to Southroads Mall is significant. He indicated that he grew up in this area and he is concerned with this possibly being spot zoning.

Mr. Westervelt stated that he originally thought the application was a good application, but will have to agree with the motion to deny. He further stated that if an application came back that squared up the zoning line for the CH zoning and a very well designed garden office complex as a buffer, then he would be in support of it.

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE**, the TMAPC voted **4-4-1** (Carnes, Pace, Selph, Westervelt "aye"; Hill, Horner, Jackson, Ledford "nays"; Harmon "abstaining"; Boyle, Midget "absent") to recommend **DENY** the OM zoning for Z-6804 and the major amendment for PUD-592-A.

**The Motion failed and the application will be transmitted to the City Council without a recommendation from the Planning Commission.**

**Legal Description for Z-6804/PUD-592-A:**

A tract of land in the SW/4, SW/4, SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and being more particularly described as follows, to-wit: Beginning at a point 155' E and 35' N of the Southwest corner of said Section 21; thence East and parallel to the South line of said Section, a distance of 187.6'; thence North and parallel to the West line of said Section, a distance of 278.28F; thence West and parallel to the South line of said Section, a distance of 187.6'; thence South and parallel to the West line of said Section, a distance of 278.28' to the Point and Place of Beginning, and the East 140' of the West 482.6' of the South 313.28' of the SW4, SW/4, SW/4, Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. government survey thereof, **From** RS-3/PUD (Residential Single-family High Density District/Planned Unit Development) **To** OM/PUD (Office Moderate Intensity District/Planned Unit Development) And to consider the proposed major amendment to the Planned Unit Development on the following described property: **Tract I:** a tract of land in the SW/4, SW/4 SW4, of Section 21, T-19-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the US Government survey thereof, and being more particularly described as follows, to-wit: Beginning at a point 155' East and 35' North of the Southwest corner of said Section 21; thence East and parallel to the South line of said Section, a distance of 187.6'; thence North and parallel to the West line of said Section, a distance of 278.28'; thence West and parallel to

the South line of said Section, a distance of 187.6'; thence South and parallel to the West line of said Section, a distance of 278.28' to the Point of Beginning; and **Tract II:** The East 140' of the West 482.6' of the South 313.28' of the SW/4, SW/4, SW/4, Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof; and **Tract III:** The South 313.28' of the East 176.95' of the SW/4, SW/4, SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; and **Tract IV:** The South 313.28 'of the West 103.9' of the SE/4, SW/4, SW/4, less the South 35', in Section 21, T-19-N, R-13-E of the IBM, Tulsa, State of Oklahoma, according to the U. S. Government survey thereof, And, that part of SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; beginning 481.75' North of the southwest corner of Section 21; thence East 285'; thence North 68.45'; thence West 285'; thence South 68.45' to the POB; And the West 300' of the N 168.47' of the S 481.75' of the SW/4 SW/4 SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, **From RS-3/PUD-592 To RS-3/OM/PUD-592-A**

\* \* \* \* \*

**Commissioner Selph and Mr. Harmon out at 4:10 p.m.**

**ZONING PUBLIC HEARING**

**APPLICATION NO.: PUD-355-B-1**

**MINOR AMENDMENT**

**Applicant:** Ricky Jones

(PD-18) (CD-8)

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

**Staff Recommendation:**

The applicant is requesting a minor amendment to change a 50-foot building setback requirement along the west boundary of the PUD to 30 feet, and to allow a 50-foot maximum building height instead of the existing approved 35-foot height maximum.

Staff has reviewed the minor amendment request and finds that the reduction of the setback to 30 feet along the west PUD boundary should have no adverse affect on neighboring office types of uses. The maximum of 50 feet of building height should not affect the surrounding development. An existing storied office building sits east of the subject site.

Staff recommends **APPROVAL** of the minor amendment as requested, per the submitted building elevations.

And

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

**DETAIL SITE PLAN**

**Applicant:** Ricky Jones

(PD-18) (CD-8)

**Location:** West of 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 14,624 square foot two-story office and retail building. A minor amendment to change a setback along the western property line and to allow a taller height standard is being processed for this site on the same agenda.

The uses for Development Area 1B allow 18,000 square feet of floor area with no more than 12,000 square feet of this total to be Use Unit 12, 13, 14, or 19 uses. At this time the applicant proposes Use Unit 11 (Offices, Studios, and Support Services) non-medical use for the second floor. The first floor will have retail uses with no restaurant or bar use.

The proposed uses and detail site plan conform to the standards of Development Area 1B in which they are located in the PUD. Staff recommends **APPROVAL** of the detail site plan with the condition that the related minor amendments are approved concerning the western setback and height maximum.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES** TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-355-B-1 and **APPROVE** the detail site plan for PUD-355-B, subject to conditions as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: PUD-306-G-2**

**MINOR AMENDMENT**

**Applicant:** Glenn Wright

(PD-18) (CD-2)

**Location:** Northeast corner of East 95<sup>th</sup> Street and South Delaware Avenue

**Staff Recommendation:**

The applicant is requesting a minor amendment to allow a gas station use on Lot 1, Block 1, Riverside Market (Development Area A). A grocery store has received detail site plan approval on the same site and is under construction.

The Planned Unit Development for this area was approved for certain uses including Use Units 11 (offices, studios, and support services), 12 (eating establishments other than drive-ins), 13 (convenience goods and services) and 14 (shopping goods and services). Certain specific uses were included as being possible with the approval of a minor PUD amendment including the gasoline service station use.

**The use proposed includes four gas pump islands with a canopy and a building with a maximum of 150 SF.**

The existing platted, permitted, access points will be used for the gas service use, in the same way that they will be used for the neighborhood market. The gas service use proposed is less intense than a full service gas station and would be located near the west edge of the site, closest to South Delaware Avenue.

The Comprehensive Plan designates the parcel to the north of the subject site as Low Intensity, No Specific Land Use. The parcel is currently zoned AG (agricultural) and is vacant. Property west of Delaware Avenue is mostly vacant and also designated as Low Intensity, No Specific Land Use under the Comprehensive Plan. Land use to the east includes the grocery store under construction as approved under PUD-306 G, and multi-family residential units. To the south is the Riverside Market commercial center including a new Kohl's store and other retail uses.

Staff can recommend **APPROVAL** of the minor amendment on this commercial site with the following conditions applying to any gasoline service station use:

1. The color scheme match the colors of the Neighborhood Market as proposed by the developer;
2. Down-lighting mounted on the ceiling of the canopy, only, provide lighting for the use as proposed by the developer. This lighting must be recessed under the canopy so as not to affect area uses with bright glare;
3. The site plan as submitted be resubmitted for detail site plan review with the trash enclosure and proposed parking spaces relocated to prevent trees and landscaped area from being changed or affected in accordance with the approved landscape plans for the site;
4. No new access points to Lot 1, Block 1 are permitted;
5. Wall signs shall not exceed one square foot of display surface area per foot of building wall or canopy to which attached;
6. Maximum of four gasoline pump islands with a maximum of two dispensing stations per island;

7. Maximum building floor area of 150 square feet.
8. Minimum building and canopy setbacks from Development Area Boundaries:

North	75 FT
West	50 FT
South	35 FT
East	550 FT
9. All other development standards for Development Area A of PUD-306-G shall continue to apply.

Note: The minor amendment does not negate the need for separate detail site plan and sign plan approval.

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

**Interested Parties Comments:**

**Max Albertson**, 2927 East 95<sup>th</sup> Place, Tulsa, Oklahoma 74137, stated that his property is the closest residence to the gas station. He explained that this proposal has been denied at every hearing.

Mr. Stump stated that there was talk about having a gas station, but staff wanted to see something more regarding the proposal because the applicant didn't have any details at the time. It was allowed by minor amendment rather than allowed by right when the initial major amendment was approved.

Mr. Albertson stated that he didn't understand that it had been delayed, but that it had been denied. In response, Mr. Stump stated that the gas station was not included as a permitted use in the initial PUD.

Mr. Albertson stated that the proposal has been opposed and denied strenuously by all of the neighbors in the subject area. He explained that his area has been involved with court proceedings and negotiations, which at that time they were told that gas stations would not be allowed on the subject property. Now that it has changed ownership he understands the same restrictions apply with the new ownership. There is no need for a gas station in the subject area and nothing has changed to warrant having one.

**TMAPC Comments:**

Mr. Westervelt explained that it makes it very difficult to deny a gas station when there are others in the same area. In response, Mr. Albertson stated that the other gas stations in subject area do not infringe on residential property as the subject one would.

Mr. Jackson asked Mr. Albertson if he is opposed to a gas station and/or convenience store. In response, Mr. Albertson stated that he is aware that this is only a gas station, but he still opposes the gas station.

**Interested Parties Comments:**

**Barry Kinsey**, 2936 East 95<sup>th</sup> Place, Tulsa, Oklahoma 74137, President of College Park Homeowners Association and on the Board of Woodside Village Association, which represents the four homeowner associations in the subject vicinity. Mr. Kinsey stated that the original developers sued the four homeowners association in order to change the covenants that were a part of the original Woodside Village development. The homeowners in that area are primarily retired, elderly, and being sued caused a great deal of panic and anxiety. If the developer had come to the homeowners associations and explained their plans it would have prevented the panic and anxiety of the citizens in the subject area. During the lawsuit the developer did have to meet with the neighbors and there was a settlement of the lawsuit.

Mr. Kinsey commented that the proposed service station is unattractive and inconsistent with the quality of the neighborhood. It is a pre-fabricated low-budget metal structure and when it is operational it typically has large multicolor signs, banners, etc. He indicated that he visited other service stations owned by the developer (81<sup>st</sup> and Sheridan) and it gives the appearance of a used car lot.

Mr. Kinsey explained that when the lawsuit was settled there was an agreement, which is part of the record and part of the court decision. The agreement was restrictive covenants, which specifically states, "exterior finishes of building walls shall be stucco, masonry (excluding smooth-face blocks), or Dryvit finish." The same document specifies that the exterior finish of side and rear walls shall be consistent with the exterior finish of the front of the building.

Mr. Kinsey stated that the type of structure that the developer would like to install is clearly not consistent with the restrictive covenants that were agreed upon by the developers and the homeowner associations during the lawsuit.

**TMAPC Comments:**

Mr. Westervelt stated that the Planning Commission couldn't consider the covenants because it is a civil matter. In response, Mr. Boulden stated that the covenants would be a civil matter and he is not sure if a canopy is considered a building.



Mr. Stump stated that the Board of Adjustment has made an interpretation of the Zoning Code that states, "that gasoline station canopies do not have to meet the building setbacks", which may imply that they are not a building.

Mr. Boulden read the definition of a building from the Zoning Code. Mr. Boulden concluded that the canopy is a building according to the definition of the Zoning Code.

Mr. Westervelt reiterated that the restrictive covenants are a civil matter and the Planning Commission cannot deal with covenants. In response, Mr. Kinsey stated that the homeowners association entered into the restrictive covenants in good faith. Mr. Westervelt restated that this would be a civil matter and the homeowners association would have the right to take action in a court of law.

**Interested Parties Comments:**

**George Carter**, 9518 South College Avenue, Tulsa, Oklahoma 74137, stated that his comments are in regard to a civil matter so he may not have anything to add. Mr. Carter read a statement regarding the past lawsuit and restrictive covenants. He concluded by requesting the Planning Commission to deny this request.

**Applicant's Rebuttal:**

**Glenn Wright**, representing Murphy Oil USA, 141 Eagles Glen Drive, Franklin, Tennessee 37067, stated that he has built 280 to 285 units throughout the southeast and now in the upper Midwest. He indicated that he was never aware of any covenant for external treatment and his company did not enter into nor sign the agreement that the interested parties are discussing.

Mr. Wright stated that he tried to meet with the neighborhood associations and sent an elevation through the mail. He indicated that to this date he has not received a positive answer to his request to meet with the neighborhood. He stated that he would meet and comply with any requirement that the staff has recommended. He commented that his company would like to be good neighbors and his company would not enhance their reputation by not being good neighbors.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Wright if he realized that if the Planning Commission chooses to approve this application he may be subject to some civil matters. In response, Mr. Wright stated that he understands the possibility for a civil suit.

**Ms. Pace recognized Mr. Kinsey.**

Mr. Kinsey stated that he did write Mr. Wright a letter acknowledging that he received their material and reviewed it. He stated that his letter informed Mr. Wright that he still had the same objections.

Mr. Carnes stated that he remembers that the PUD was approved with the understanding that there would be no gasoline stations.

Mr. Stump stated that gasoline stations were not permitted by right in the PUD, but the Planning Commission did have the provision that gasoline stations could be considered by minor amendment rather than major amendment.

Mr. Carnes stated that he has problem allowing an applicant to return a few months later asking for something else through a minor amendment. He explained that during the initial PUD public hearing everyone attends and negotiates the conditions and then later the applicant is allowed to request a minor amendment to modify those negotiated conditions.

Ms. Pace stated that she believes the Planning Commission may be on shaky ground to deny the use as a minor amendment. She further stated that in a PUD the Planning Commission could stipulate types of construction.

Mr. Stump stated that if there is a requirement in the PUD and the applicant has not asked to modify that requirement then they would have to comply with it in the detail site plan. He further stated that the Planning Commission has dealt with color coordination that was not in the PUD and added it to the PUD. He explained that if the PUD has a requirement that all buildings be masonry or stucco, then the applicant would have to comply during the detail site plan.

Ms. Pace stated that she doesn't feel that she has all of the information needed to decide on this.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **4-3-0** (Carnes, Hill, Pace, Westervelt "aye"; Horner, Jackson, Ledford "nays"; none "abstaining"; Boyle, Harmon, Midget, Selph, "absent") to **DENY** the minor amendment for PUD-306-G-2.

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**APPLICATION NO.: PUD-557-3**

**MINOR AMENDMENT**

**Applicant:** William LaFortune

(PD-18) (CD-8)

**Location:** Southeast corner of East 93<sup>rd</sup> Street and South Memorial Drive

**Staff Recommendation:**

The applicant is requesting the adjustment of Development Areas A and B to facilitate the placement of an approved Outdoor Advertising Sign. The PUD has been amended to allow a public library use and an outdoor advertising sign in Development Area B if the area is not developed residentially.

Staff does not object to the adjustment of the development areas by adding the south 60 feet of the west 200 feet of Development Area B for the outdoor advertising sign to Development Area A.

Staff recommends **APPROVAL** of the minor amendment requested with all other standards of the PUD remaining as currently approved.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **JACKSON** TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-557-3 as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: PUD-604**

**DETAIL SITE PLAN**

**Applicant:** Darin Akerman

(PD-18) (CD-8)

**Location:** West side of South Sheridan Road at East 84<sup>th</sup> Street South

**Staff Recommendation:**

The applicant is requesting detail site plan approval for a guardhouse and entry gate for the Stonewall Estates Addition. The approval of PUD-604 specifically required the review of TMAPC for entry gates and guardhouses.

Staff has reviewed the proposed entry gates and guardhouse in relation to the site. There is a steep slope near the entrance of the addition and the proposed improvements are placed far enough back from South Sheridan Road so that traffic flow should not be impeded.

Staff recommends **APPROVAL** of the site plan subject to approval of Traffic Engineering and Tulsa Fire Department.

*Note: Detail site plan approval does not constitute sign or landscape plan approval.*

**Applicant's Comments:**

**Darin Akerman**, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he received approval from Jon Eshelman in June of 2000. Regarding the Fire Department, this is the first time he has heard any issues with the Fire Department approval.

Mr. Dunlap stated that recently the Fire Department requested that when entry gates are proposed the Fire Department would be involved in the discussion. Mr. Stump explained that the Fire Department has certain standards for the width of the openings and possibly for the opening of the gate itself.

Mr. Akerman stated that he would submit his plans to the Fire Department and the new Traffic Engineer at the city.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER** TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-605 subject to conditions as recommended by staff.

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**APPLICATION NO.: PUD-602**

**DETAIL SITE PLAN**

**Applicant:** Hollis Allen, Jr.  
8)

(PD-18) (CD-

**Location:** Northeast corner of 71<sup>st</sup> Street and South 109<sup>th</sup> East Avenue

**Staff Recommendation:**

The applicant is requesting detail site plan approval for a new Abuelo's Restaurant on the western half of Lot 2, Block 1, Eastside Market. The new restaurant will be 8,150 square feet and conforms to the use and area standards of the PUD. (The eastern part of the lot has been approved for a 6,742 square foot Carraba's Restaurant.)

The detail site plan as submitted meets the required standards for use and development of the PUD. Staff can recommend **APPROVAL** of the detail site plan as submitted with the condition that there be no outdoor restaurant service in the future unless the parking spaces required are reviewed through a minor revision to a site plan and the exact square footage for such service be provided as a requirement of the new site plan.

*Note: Detail site plan approval does not constitute sign or landscape plan approval.*

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

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

**TMAPC Action; 7 members present:**

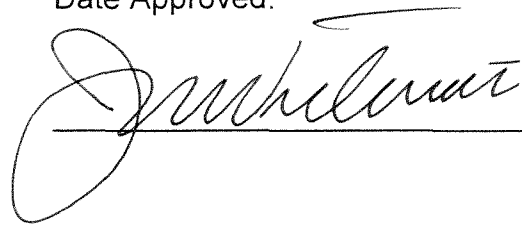
On **MOTION** of **HORNER** TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-602, subject to conditions as recommended by staff.

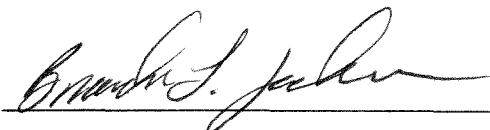
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Mr. Westervelt announced that the work sessions that were scheduled immediately following would be continued to another date.

There being no further business, the Chairman declared the meeting adjourned at 4:42 p.m.

Date Approved:

  
\_\_\_\_\_ Chairman

ATTEST:   
\_\_\_\_\_ Secretary