

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2297

Wednesday, January 16, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Pace	Beach	Romig, Legal
Carnes		Bruce	
Dick		Dunlap	
Harmon		Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, January 14, 2002 at 10:49 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 1:30 p.m.

Mr. Westervelt welcomed Commissioner Robert Dick back to the TMAPC.

Mr. Westervelt recognized Mr. Stump's 20 years of service at INCOG. Mr. Westervelt thanked Mr. Stump for his 20 years of service.

Minutes:

Approval of the minutes of January 2, 2002, Meeting No. 2296

On **MOTION** of **HORNER** the TMAPC voted 5-0-2 (Bayles, Carnes, Hill, Horner, Jackson "aye"; no "nays"; Dick, Westervelt "abstaining"; Harmon, Ledford, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of November 28, 2001, Meeting No. 2293.

REPORTS:

Chairman's Report:

Mr. Westervelt stated that the letter from TMAPC supporting the State Statute change for replats is waiting for a Legislative Assistant to submit a Bill Number. The letter of support will be mailed as soon as the information is available.

Mr. Westervelt stated that there would be an election for the new TMAPC Officers for 2002 at the end of this meeting.

Director's Report:

Mr. Stump reported that there are several TMAPC items on the City Council agenda for January 17, 2002.

Mr. Stump informed the TMAPC that it is time to start looking for work program items for the fiscal year 2003, which starts July 1, 2002. He stated that there would be a worksession regarding this issue on January 23, 2002.

Mr. Stump stated that the Tulsa County Board of Adjustment has recommended some possible Tulsa County Zoning Code amendments to reflect some of the same philosophies as the Infill Amendments. He indicated that this issue would be discussed during the January 23, 2002 worksession.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-19117 – Sack & Associates, Inc. (2083)** (PD-18) (CD-2)
9595 South Riverside Drive
- L-19119 – Sack & Associates, Inc. (684)** (PD-18) (CD-8)
11001 East 71st Street
- L-19296 – Karen Borgsmiller (883)** (PD-18) (CD-2)
3001 East 73rd Street
- L-19309 – Tanner Consulting, LLC (794)** (PD-17) (CD-5)
North of northeast corner of East 41st Street & 103rd East Avenue

L-19315 – Phil Marshall (1392) (PD-18) (CD-9)
1202 East 28th Street

L-19320 – Scott Hargis (3073) (PD-21) (County)
1630 East 163rd Place South

L-19322 – Melvin Flanary (3324) (PD-14) (County)
14022 East 136th Street North

L-19326 – D. L. Myers (363) (PD-20) (County)
18600 Block of South Yale

L-19330 – Sack & Associates, Inc. (2083) (PD-18) (CD-2)
East 95th Street and Delaware Avenue

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

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

Mr. Harmon in at 1:37 p.m.

FINAL PLAT:

Forty-First Place (2193) (PD 6) (CD 4)
Location: Northeast Corner of 41st Street and Harvard Avenue

Staff Recommendation:

The project is located at the northeast corner of 41st Street and Harvard Avenue. The site was previously developed and contains Impact Productions to the north along Harvard and the buildings formerly occupied by New Life Christian Center along 41st Street.

Release letters are in order. Staff recommends **APPROVAL** subject to compliance with a request from the City Attorney's Office tying lot numbers to development areas.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Pace "absent") to **APPROVE** the final plat for Forty-First Place as recommended by staff, subject to compliance with a request from the City Attorney's office tying lot numbers to development areas.

Mr. Midget in at 1:37 p.m.

Booker T. Washington (2030)

(PD-2) (CD-3)

Location: Surrounding the intersection of North Trenton Avenue and East Woodrow Place

Staff Recommendation:

This plat consists of one lot in one block and one reserve on 42.35 acres. The property is the site of the new Booker T. Washington High School campus.

The property is zoned RS-3 and has contained a public high school campus for many years. It was the subject of Board of Adjustment approval of several variances on July 25, 2000. This plat was filed to facilitate the redevelopment of the site to accommodate the new high school.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Pace "absent") to **APPROVE** the final plat for Booker T. Washington as recommended by staff.

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

PRELIMINARY PLAT:

Fossil Ridge (1824)

(PD-14) (County)

Location: East of the northeast corner of East 156th Street North and North Mingo Road

Staff Recommendation:

This plat consists of 17 lots in one block and one reserve on 15.05 acres. The property will be developed for single-family residential uses. It's surrounded by similar, sparsely developed AG, AG-R, and RE zoned properties with large residential lots. The northwesternmost part of the property is in floodplain.

The following were discussed **January 3, 2002** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

Staff: This property was rezoned in October this year from AG to RE. All but four of the proposed lots meet the RE bulk and area requirements. The two most southerly will be too small after the required right-of-way dedication. Lots 11 and 12 are too narrow. Building line should be shown along 156th Street. Lot lines need to be shifted to provide for minimum lot widths on all lots.

2. Streets/access:

Staff: East 156th Street North is a secondary arterial on the Major Street and Highway Plan. Minimum right-of-way is 100 feet. Dedication should be made to make a total of 50' from centerline. Dimension internal street width. Cul-de-sac exceeds 500' maximum. Need to discuss whether stubs should be provided to the east and west.

County Engineer: Street will be named 102nd East Avenue; show the area to be dedicated and label properly; include 30' radius returns at intersection in dedication; show access limits on 156th Street; stubs not needed to either side based on current and anticipated development; based on the low intensity of this development, over-length cul-de-sac is acceptable.

Applicant: No comments.

3. Sewer:

Staff: Septic is proposed. ODEQ will approve with minimum lot size of ½ acre with public water supply.

ODEQ: No comments.

Applicant: No comments.

4. Water:

Staff: Application states water provided by Collinsville.

Water provider: No comments.

Applicant: No comments.

5. Storm Drainage:

Staff: Floodplain in northwest corner

County Engineer: Designate Overland Drainage Easements that are mentioned in the covenants; plot 100-year and 500-year water surface elevations and floodway; add notes and language in the covenants regarding construction and lateral lines in the floodway.

Applicant: No comments.

6. Utilities:

Staff: No additional information.

Franchise Utilities: Add standard utility language in covenants.

Applicant: No comments.

7. Other:

Refer to other examples of covenants and modify these to meet standard formatting.

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

Waivers of Subdivision Regulations:

1. Waiver of the maximum length for a cul-de-sac of 500 feet.

Special Conditions:

1. Modify layout to make all lots conform to minimum zoning requirements.
2. Show street dedication in accordance with accepted standards.

3. Show access limits along East 156th Street North.
4. Indicate overland drainage easements on the face of the plat.
5. Plot 100-year and 500-year water surface elevations and floodway limits.
6. Add notes and covenant language regarding construction and lateral lines in the floodway.
7. Add standard utility language in covenants.

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 topography 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; 10 members present:

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the waiver of the Subdivision Regulations and of the preliminary plat for Fossil Ridge, subject to special conditions and standard conditions as recommended by staff.

AMENDMENT TO DEED OF DEDICATION:

Olympia Medical Park – (PUD-648) (282) (PD-8) (CD-2)

Location: Northeast corner of West 71st Street South and US Highway 75

Staff Recommendation:

Olympia Medical Park final plat was approved September 18, 2001 and filed of record October 2, 2001 as Plat No. 5567. This document seeks to amend the restrictive covenants to allow electric and other utilities to be provided by overhead lines in the easements dedicated in the plat. The applicant requests the Planning Commission to approve and endorse the attached amendment.

Staff reviewed the request and has no concern with the modification. The submitted document appears to be in order. Staff recommends **APPROVAL**.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the amendment to deed of dedication for Olympia Medical Park as recommended by staff.

CONTINUED ZONING PUBLIC HEARING:

APPLICATION NO.: Z-6844/PUD-658 **AG to OL/CS/PUD**

Applicant: Roy D. Johnsen (PD-26) (CD-8)

Location: Northwest corner of East 101st Street South and South Yale Avenue

Staff Recommendation for Z-6844:

RELEVANT ZONING HISTORY:

Z-6510/PUD-540 December 1995: All concurred in approval of a request to rezone a 19.5-acre tract located in the northwest corner of East 97th Street and South Yale Avenue north of the subject property, from AG to RS-1 and PUD 540. The Planned Unit Development was approved for a maximum of 46 single-family dwellings on private streets.

Z-6498/PUD-538 July 1995: A request to rezone a five-acre tract located on the northeast corner of East 101st Street South and South Yale Avenue from RM-2 and RM-0 to CS and RM-2 was approved subject to modifications within the CS development area. The mixed-use development included commercial, office and single-family uses.

Z-6451/PUD-516 October 1994: All concurred in approval of a request to rezone a ten-acre tract located on the southeast corner of East 101st Street and South Yale Avenue from AG to CS/RS-4/PUD to allow a mixed use development.

BOA-16438 November 1994: The Board of Adjustment approved a request for a special exception to allow a children's day care center in an existing church facility. The request was approved per site plan.

Z-6405/PUD-503 June 1993: All concurred in approval of a request to rezone a 4.4-acre tract located north of the subject property and fronting on South Yale and East 98th Street South, from AG to RS-1/PUD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.50 gross acres and is located on the northwest corner of East 101st Street and South Yale Avenue. The property is sloping, partially wooded, contains a single-family dwelling and is zoned AG.

STREETS:

Exist Access	MSHP R/W	Exist. No. Lanes
East 101 st Street South	100'	2 lanes
South Yale Avenue	100'	2 lanes

The Major Street Plan designates East 101st Street South and South Yale Avenue as secondary arterial streets. The City of Tulsa Traffic Counts 1998 –

1999, indicates 12,400 trips per day on East 101st Street South at the intersection of South Yale Avenue.

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The tract is abutted on the north by church uses zoned AG and on the west by single-family uses zoned RS-1. There is a Jenks elementary school zoned RS-3/RM-0/RM-2 to the south of the tract across 101st Street. To the east, across Yale Avenue are commercial uses (Shops of Seville) zoned OL/CS/PUD-538. F&M Bank is located at the southeast corner of 101st Street and Yale Avenue zoned OL/CS/PUD-516.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject area as Low/Medium Intensity – No Specific Land Use. According to the Zoning Matrix, the requested OL **may be found** in accord with the Low Intensity and **is** in accord with the Medium Intensity. The requested CS **is not** in accord with the Low Intensity and **is** in accord with the Medium Intensity.

STAFF RECOMMENDATION:

Based on the District 26 Plan and the policy that the plan designation may allow up to a medium intensity development on the site, and on existing development and trends in the area, staff can support the requested OL and CS zoning and therefore recommends **APPROVAL** of OL and CS for Z-6844, provided that the accompanying PUD-658 or some version thereof is also recommended for approval.

RELATED:

Staff Recommendation for PUD-658:

The PUD consists of 1.74 net acres located at the northwest corner of East 101st Street and South Yale Avenue. The subject tract has 280 feet of frontage on Yale Avenue and 272 feet of frontage on 101st Street.

The subject tract is zoned AG. Concurrently, an application (Z-6844) has been filed to rezone the tract to OL and CS. The tract is abutted on the north by church uses zoned AG and on the west by single-family uses zoned RS-1. There is a Jenks elementary school zoned RS-3/RM-0/RM-2 to the south of the tract across 101st Street. To the east, across Yale Avenue are commercial uses (Shops of Seville) zoned OL/CS/PUD-538. F&M Bank is located at the southeast corner of 101st Street and Yale Avenue zoned OL/CS/PUD-516.

The PUD proposes uses that are included within Use Unit 11, Office, Studios and Support Services; Use Unit 12, Eating Establishments Other Than Drive-Ins; Use Unit 13, Convenience Goods and Services; and Use Unit 14, Shopping Goods and Services; however, selected uses would be excluded.

If Z-6844 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-658 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-658 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: 1.74 Acres 75,845 SF

Permitted Uses:

Those uses included within Use Unit 11, Office, Studios and Support Services; Use Unit 12, Eating Establishments, Other Than Drive-Ins; Use Unit 13, Convenience Goods and Services; and Use Unit 14, Shopping Goods and Services, provided however:

Within Use Unit 11; Broadcasting or Recording Studio; Dental, Medical and Optical Laboratories which are principal uses and related Research Facilities; Funeral Home; Insurance (claims adjustment providing onsite vehicle inspection and damage estimation); and Studio or School for teaching ballet, dance, drama, fine arts, music, language, business or modeling are prohibited and,

Within Use Unit 12; eating establishments shall be limited to Restaurants providing a full dinner menu and not providing drive-thru or take out service and any other eating establishment shall require the approval of the Tulsa Metropolitan Area Planning Commission of a minor amendment after notice and hearing as required by the Tulsa Zoning Code and,

Within Use Unit 13; Bakery (providing wholesale services); Convenience Grocery; Novelty, Souvenir Shop; and Animal Grooming are prohibited, and,

Within Use Unit 14, Subparagraph 1. Retail Trade Establishments; Automobile Parts and Accessories Store; Garden Supply Store; Hardware Store; Home Furnishing Establishments primarily selling Appliances or Floor Coverings; Paint Store; Pawn Shop; Pet Shop; Radio and TV Sales; Record, Tape and Compact Disc Sales; Secondhand Store; Video Rentals; and Wall Paper Store are prohibited, and

Within Use Unit 14, Subparagraph 2. Retail Building Material Establishments: all included uses are prohibited, and

Within Use Unit 14, Subparagraph 3. Service Establishments: all included uses are prohibited except Copying Service and Interior Decorating, with retail sales.

Maximum Building Floor Area:	15,000 SF
Maximum Building Height:	One story, not to exceed 28 FT
Maximum Number of Lots:	One
Minimum Building Setbacks:*	
From the centerline of East 101 st Street	120 FT
From the centerline of South Yale Avenue	130 FT
From the north boundary of the PUD	65 FT
From the west boundary of the PUD	90 FT

Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum Landscaped Area: 15% of net lot area.

*The drive-in facility, and/or canopy, shall be set back a minimum of 47 feet from the north boundary of the PUD, a minimum of 105 feet from the west boundary of the PUD and shall meet the other minimum building requirements listed above.

Landscaping and Screening:

Landscaping and screening within the PUD shall meet or exceed the requirements of the Tulsa Zoning Code and shall be in substantial compliance with the applicant's submittal. A masonry wall constructed in substantial accordance with the elevations depicted within Exhibits E-1 and E-2, not less than 8'8" in height and having an columns not less than 9'5" in height and having an exterior similar finish on both sides, shall be constructed and maintained along the west boundary of the PUD. A wood screening fence not less than six feet in height shall be constructed and maintained along the north boundary of the PUD commencing at the northwest corner and extending east a distance of not less than 185 feet. A landscaped area not less than 40 feet in width shall be maintained along the west boundary of the PUD and shall be landscaped in substantial accordance with the landscaping concept (including the removal of an existing sycamore tree) depicted within Exhibit D and Exhibits E-1 and E-2.

Building Design Limitations:

The submitted building elevations (Exhibits C-1 and C-2) are conceptual and minor variation in building orientation and footprint may occur pursuant to finalization and approval of the detail site plan. The buildings, including any subsequent alteration, shall be constructed in substantial accordance with the concepts depicted within the submitted building elevations which shall include all brick exterior walls and any significant deviation from the elevations shall require the approval by the Tulsa Metropolitan Area Planning Commission of a minor amendment after notice and hearing as required by the Tulsa Zoning Code.

Operational Limitations:

Business hours shall be limited to the period 7:00 a.m. to 11:00 p.m. Trash services and merchandise delivery shall be limited to the period 7:00 a.m. to 6:00 p.m. Exterior display of merchandise, exterior walk up or drive-thru automatic teller machines, and exterior pay telephones are prohibited.

Signs:

One monument style ground sign shall be permitted at the southeast corner of the PUD, not exceeding ten feet in height and a display surface area of 70 square feet in display surface area and having a base of brick veneer of not less than 1.5 feet in height.

Wall signs shall be permitted, not exceeding 1.5 feet of display surface area per lineal foot of building wall of tenant space to which affixed. The length of a tenant wall sign shall not exceed 75% of the frontage on the tenant space. No wall sign shall be permitted on west- and north-facing walls. However, in no case shall wall signs exceed an aggregate display surface area of 150 square feet on the south-facing walls or 175 square feet on the east-facing walls.

Promotional business signs as set forth within numbered paragraph 8 of Subsection 1221.C. of the Tulsa Zoning Code shall require the approval of a minor amendment by the Tulsa Metropolitan Area Planning Commission after notice and hearing.

Access:

There shall be a maximum of one access point onto South Yale Avenue and one access point onto East 101st Street. All access shall be approved by Traffic Engineering.

Onsite Stormwater Detention

Onsite stormwater detention shall be provided equal to or exceeding 125% of the storage capacity customarily required by the City of Tulsa and if permitted by the City of Tulsa, shall be designed to prevent stormwater runoff onto the residential properties adjoining the west boundary of the PUD and to predominately direct stormwater runoff south to the 101st Street right-of-way.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

6. All trash, mechanical and equipment areas, 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. Bulk trash compactors shall be accessible only from the interior of the building and shall be located within a masonry enclosure, provided however, a solid wood entry gate shall be permitted and the enclosure and gate shall exceed the height of the receptacle.
7. Parking area lighting shall be limited to shielded fixtures (rectangular shoe box style) designed to direct light downward and away from residential properties, provided however, lighting may be directed toward the south and east elevations of the building. The lighting of the drive-thru canopied area shall be provided by recessed can fixtures designed to direct light downward and away from residential properties. The light producing elements and the polished light reflecting elements of lighting fixtures illuminating the site shall not be visible to a person standing within an abutting residential area. No light standard shall be located within 38 feet of the west boundary and no light standard shall exceed 16 feet in height and within 100 feet of the west boundary, no light shall exceed ten feet in height. The concrete supporting or protective base shall not exceed 24 inches in diameter or 30 inches in height and shall be painted the color of the light standard. Exterior lighting west of the west building wall shall be turned off not later than one hour after the close of business.
8. The Department Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

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

Applicant's Presentation:

Roy D. Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing Hawkins McClain, stated that the proposal for this site is for a Walgreen's Drug Store. Mr. Johnsen cited the development history of the subject area.

Mr. Johnsen stated that Mr. Coutant represents the Brighton Oaks Homeowners Association, which is the association to the subdivision to the immediate west. He indicated that there have been several meetings with the neighborhood association and experienced very productive and extensive discussion regarding development standards. He stated that he is pleased to report that the application comes to the TMAPC with the endorsement of the Brighton Oaks Homeowners Association. He commented that the restrictions proposed are greater than the staff's recommendation. He explained that the more restrictive standards would govern.

Interested Parties Comments:

Kevin Coutant, 320 S. Boston, Tulsa, Oklahoma 74103, stated that he would like to confirm Mr. Johnsen's comments and agrees with the more restrictive standards.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to recommend **APPROVAL** of the OL and CS zoning for Z-6844 and recommend **APPROVAL** of PUD-658, subject to the development standards submitted by the applicant and as recommended by staff.

Legal Description for Z-6844 (OL):

A TRACT OF LAND THAT IS PART OF THE SE/4, SE/4, SE/4, SE/4, OF SECTION 21, T-18-N, R-13-E, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE DUE WEST ALONG THE SOUTHERLY LINE OF SECTION 21 FOR 330.20' TO THE SOUTHWEST CORNER OF THE SE/4, SE/4, SE/4, SE/4; THENCE N 00°10'40" E ALONG THE WESTERLY LINE THEREOF AND ALONG THE EASTERLY LINE OF BLOCK 1 OF "BRIGHTON OAKS", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY,

OKLAHOMA, FOR 330.16' TO THE NORTHWEST CORNER OF THE SE/4, SE/4, SE/4, SE/4 OF SECTION 21 AND THE SOUTHWEST CORNER OF "JOY LUTHERAN II", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 89°59'40" E ALONG THE NORTHERLY LINE OF THE SE/4, SE/4, SE/4, SE/4, AND THE SOUTHERLY LINE OF "JOY LUTHERAN II" FOR 330.22' TO THE NORTHEAST CORNER OF THE SE/4, SE/4, SE/4, SE/4; THENCE S 00°10'55" W ALONG THE EASTERLY LINE OF SECTION 21 FOR 255.13' TO POINT "A"; THENCE DUE WEST FOR 75.00' TO POINT "B"; THENCE CONTINUING DUE WEST FOR 180.20'; THENCE N 00°10'40" E PARALLEL WITH AS MEASURED 75.00' EASTERLY FROM THE WESTERLY LINE OF THE SE/4, SE/4, SE/4, SE/4 FOR 180.15'; THENCE S 89°59'40" E PARALLEL WITH AS MEASURED 75.00' SOUTHERLY FROM THE NORTHERLY LINE OF THE SE/4 OF THE SE/4 OF THE SE/4, SE/4 FOR 180.21'; THENCE S 00°10'55" W PARALLEL WITH AS MEASURED 75.00' WESTERLY FROM THE EASTERLY LINE OF SECTION 21 FOR 180.14' TO POINT "B"; THENCE DUE EAST FOR 75.00' TO POINT "A"; THENCE S 00°10'55" W ALONG THE EASTERLY LINE OF SECTION 21 FOR 75.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND **From** AG (Agriculture District) **To** OL (Office Low Intensity District) and,

Legal Description for Z-6844 (CS):

A TRACT OF LAND THAT IS PART OF THE SE/4, SE/4, SE/4, SE/4 OF SECTION 21, T-18-N, R-13-E, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE DUE NORTH ALONG THE EASTERLY LINE OF SECTION 21 FOR 75.00'; THENCE DUE WEST FOR 75.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING DUE WEST FOR 180.20'; THENCE N 00°10'40" E PARALLEL WITH AS MEASURED 75.00' EASTERLY FROM THE WESTERLY LINE OF THE SE/4, SE/4, SE/4, SE/4 FOR 180.15'; THENCE S 89°59'40" E PARALLEL WITH AS MEASURED 75.00' SOUTHERLY FROM THE NORTHERLY LINE OF THE SE/4, SE/4, SE/4, SE/4 FOR 180.21'; THENCE S 00°10'55" W PARALLEL WITH AS MEASURED 75.00' WESTERLY FROM THE EASTERLY LINE OF SECTION 21 FOR 180.14' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND **From** AG (Agriculture District) **To** CS (Commercial Shopping Center District).

Legal Description for PUD-658:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4 SE/4 SE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. and located on the northwest corner of East 101st Street South and South Yale Avenue, Tulsa, Oklahoma, **From** AG (Agriculture District)

To OL/CS/PUD (Office Low Intensity District/Commercial Shopping Center District/Planned Unit Development).

ZONING PUBLIC HEARING

APPLICATION NO.: CZ-295 AG to CS

Applicant: Billy Frazier (PD-23) (County)

Location: South side of West 51st Street and east of 85th West Avenue

Staff Recommendation:

Ms. Matthews stated that there has been a request from the applicant to continue this application in order to have his representative present. She indicated that INCOG did not hear from Mr. Frazier's representative.

TMAPC Comments:

Mr. Westervelt stated that since there has been a request for a continuance by the applicant, it would have to be dealt with as a separate issue.

Applicant's Presentation:

Billy Frazier, 7820 West 51st Street, Tulsa, Oklahoma 74107, stated that he hired William LaFortune to represent him and due to a conflict he couldn't be present today. He indicated that he called the interested parties to inform them that he would have to continue his application and the interested parties have stated that they would like to discuss the application with Mr. Frazier. He requested a continuance in order to have his attorney present and have a chance to visit with the interested parties.

Mr. Frazier stated that he has been before the TMAPC before and this is his second application. He commented that the attorney fees and application fees are piling up and he would like to get this resolved.

Interested Parties Comments:

Chuck Sittler, 7272 West 51st Street, Tulsa, Oklahoma 74107, submitted a petition from the neighborhood opposing CS zoning. He commented that the applicant has approached some of the neighbors and he would like to see if it could be resolved. He stated that he doesn't have a problem with the request for a continuance.

Gary Patton, 4721 South 81st West Avenue, Tulsa, Oklahoma 74107, stated that he has no problem with the continuance.

Mark Ford, 7219 West 51st Street, Tulsa, Oklahoma 74017, stated that he opposes a continuance. He explained that this is the second time he has come to a hearing regarding the subject property. He stated that he has to leave his job in order to attend the meetings and this the second time the applicant has requested a continuance for the subject property.

TMAPC Comments:

Mr. Harmon asked Mr. Ford if he thought a dialogue with Mr. Frazier would be beneficial. In response, Mr. Ford stated that he didn't think any dialogue would be beneficial. Mr. Ford stated that Mr. Frazier has never been honest about his activities and plans. Mr. Ford stated that there is a commercial enterprise going on with five to six employees at all times. Mr. Ford commented that in the past Mr. Frazier has claimed to discuss issues with him and that they were agreed upon, when in fact, he has never spoken to him regarding this issue. Mr. Ford stated that he would prefer that the subject area remain agricultural. Mr. Ford reminded the Planning Commission that Mr. Frazier tried to rezone the subject property to light zoning and was denied and now he wants commercial. Mr. Ford stated that Mr. Frazier has a shop on his property and works on cars. Mr. Ford further stated that Mr. Frazier has a semi-truck parked on his property and numerous cars being worked on. Mr. Ford commented that he believes no matter what is done, Mr. Frazier would continue to have a commercial enterprise on his property. Mr. Ford stated that the only thing Mr. Frazier was supposed to build was a barn and it is not a barn. Mr. Ford further stated that Mr. Frazier lives in the building and conducts commercial business there. Mr. Ford reiterated that it would not matter what the subject property is zoned; Mr. Frazier will have a commercial business on the subject property. Mr. Ford stated that he couldn't continually attend these types of meetings because he has to leave his work.

Mr. Westervelt informed Mr. Ford that a letter describing concerns and views is as powerful to the Planning Commission as someone attending the meetings. He explained that all submitted letters are distributed to the eleven members before the meeting begins.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 3-7-0 (Carnes, Jackson, Ledford "aye"; Bayles, Dick, Harmon, Hill, Horner Midget, Westervelt "nays"; none "abstaining"; Pace "absent") to **CONTINUE** CZ-295 to February 6, 2002.

Motion failed.

APPLICATION NO.: CZ-295

AG to CS

Applicant: Billy Frazier

(PD-23) (County)

Location: South side of West 51st Street and east of 85th West Avenue

Staff Recommendation:

Relative Zoning History:

CZ-283 June 2001: The TMAPC recommended denial of a request to rezone the subject property and some two acres to the west from AG to IL to accommodate an existing nonconforming use (body shop and residence). The application was withdrawn prior to public hearing before the County Commission.

CBOA-1756 August 2000: The County Board of Adjustment denied a request to allow the storage and parking of heavy equipment in an AG-zoned district on property located on the north side of and directly across West 51st Street from the subject property.

CBOA-1511 June 1997: The County Board of Adjustment denied a request to permit a fabrication and auto repair business as a home occupation on the subject tract.

CZ-230 March 1997: A request to rezone a five-acre tract located on the southeast corner of West 41st Street and South 73rd West Avenue from RS to CS. CS zoning was approved on the north 345' and commercial zoning was denied on the balance of the tract.

CZ-103 June 1984: A request to rezone a 3.3-acre tract located on the southwest corner of Skyline Drive and South 65th West Avenue from RS to CS. Staff and TMAPC concurred in recommending denial of the request and the County Commission approved CS zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.16 acres in size and is located on the south side of West 51st Street and east of South 85th West Avenue. The property is steeply sloping, partially wooded, contains a non-conforming automotive body shop, large commercial trucks, trailers and a single-family dwelling and is zoned AG.

STREETS:

Exist Access	MSHP Desig.	MSHP ROW	Exist. No. Lanes
West 51 st St. South	100'	100'	2 lanes

UTILITIES: Water is available from the City of Sand Springs and sewer is by septic means.

SURROUNDING AREA: The subject tract is abutted on the north, south and west by vacant land, zoned AG, and on the east and southeast by scattered single-family homes, also zoned AG. Across West 51st Street South is a fairly significant grade elevation, and West 51st Street South is a narrow, winding road.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 23 Plan, a part of the Comprehensive Plan for the City of Sand Springs, as recently amended (09/24/01) designates the subject tract as Residential/AG. The requested CS zoning **is not** in accord with that plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development and trends in the area, staff cannot support the requested CS zoning. The use as described by the applicant and as noted by staff in a field check is not of a CS nature. It is clearly industrial. The narrowness of West 51st Street, coupled with the steep topography across it and adjacent to the subject tract, creates a potentially dangerous situation for vehicles entering and leaving the site. Therefore, staff recommends **DENIAL** of CZ-295 for CS zoning.

TMAPC Comments:

Mr. Westervelt asked Mr. Stump to remind the Planning Commission where this application went after the recommendation for denial the first time Mr. Frazier requested a rezoning.

Mr. Stump explained that the previous application requested IL (Light Industrial) for Mr. Frazier's entire tract of land, which extends to 81st West Avenue. Mr. Frazier appealed the denial to the County Board of Commissioners and was scheduled for a hearing; however, Mr. Frazier withdrew his appeal at the last minute before the County Commissioners heard it. Mr. Stump stated that there was no final action taken on the previous application from the County Commissioners, but the TMAPC had recommended denial.

Applicant's Presentation:

Billy Frazier, 7820 West 51st Street, Tulsa, Oklahoma 74107, stated that he has never had more than two employees and usually he keeps one employee at all times. He commented that there is a lot of discrepancy regarding whether there is a business, barn or shop on the subject property. He explained that his application for the building on the subject property was for a shop/building with a garage apartment. He stated that he did request a variance from the County Board of Adjustment in order to operate his business as a home occupation, but he was denied because of the protestors. Every time he has applied for relief he has been under the advice of the County employees as to what to do in order to comply with the Zoning Code. The County Building Inspection Office and INCOG have given several different answer on how to comply.

Mr. Frazier stated that he owes the bank over two hundred thousand dollars for the subject property. He explained that his attorney advised him to apply for CS zoning so that the interested parties could voice their opinions as to signage, and the interested parties requested that there be no signage. He stated that he has never had a sign and he does not intend to have a sign. He commented that with CS zoning he could be restricted to the number of employees he would be

allowed to have. He requested that the Planning Commission approve the CS zoning and apply special conditions to make everyone happy. He stated that he would be willing to do whatever it would take to comply with the Zoning Code.

Mr. Frazier stated that when he first came to apply for IL zoning, he submitted a letter of support from Mr. Ford. He commented that he does not know what he has done to misrepresent himself to Mr. Ford or anyone else. He stated that he does not want to do anything that would become an eyesore to the community. He indicated that last month the subject property appraised for two hundred eighty-five thousand dollars. Mr. Frazier stated that he did operate for four years before anyone complained.

Interested Parties Comments:

Chuck Sittler, 7272 West 51st Street, Tulsa, Oklahoma 74107, stated that the edge of the road slopes drastically down toward Mr. Frazier's building. He explained that recently there was a vehicle that left the road and went into the subject property, which resulted in an extensive recovery and rescue operation. He commented that the subject area is a hazardous area due to the curving roads and there could be customers at Mr. Frazier's property who would be in danger.

Mr. Sittler stated that the subject building was originally designed as a residence and approved for a residence. The water service to the residence is served by a two-inch water line, not a commercial water line. The current water line is already taxed by a great number of homes on the line and there is no more room for additional lines without impacting the water pressure.

Mr. Sittler indicated that the surrounding properties are zoned AG with the exception to property located $\frac{3}{4}$ of a mile east from the subject property, which is an industrial and other land uses. He explained that the neighbors would like the area to remain AG with residential uses. The City of Sand Springs recently removed the IL Corridor from the Comprehensive Plan.

Mr. Sittler stated that Mr. Frazier has been denied for a special exception, variance and withdrew his IL zoning after the TMAPC recommended denial. He explained that Mr. Frazier realized that he could not live in the building if it were zoned IL and withdrew his appeal and reapplied for CS zoning, which would allow him to live on the subject property. However, Mr. Frazier would have to go before the Board of Adjustment for a special exception to have his business and that exception has already been denied. If the Planning Commission approves commercial zoning on the subject property, then Mr. Frazier could have other businesses that are allowed by right.

Mr. Sittler reported that Mr. Frazier has had many cars (10 to 15) parked on the subject property at one time. There is a tractor-trailer on the subject property, which Mr. Frazier states is his motor home. He stated that Mr. Frazier has

always had three to four employees, but he calls them independent contractors instead of employees. He stated that Building Inspections has been misleading throughout the process. He acknowledged that Mr. Frazier has been operating his business for four years, but he has been denied every application he has made. Mr. Sittler requested that CS zoning be denied and keep the AG zoning in place.

TMAPC Comments:

Commissioner Dick asked Mr. Sittler if he had ever discussed these issues with Commissioner Selph. In response, Mr. Sittler answered affirmatively.

Mr. Jackson asked Mr. Sittler if he had a wrecker service that he operates out of his home. In response, Mr. Sittler stated that he does have two wreckers parked on his property, but one of the trucks is going to be moved to his wrecker yard within one week. He explained that he does have an office for his wrecker operation and a holding yard for impounded cars in a properly-zoned area 1.5 miles away from his home. He stated that his primary client for the wrecker service is the Oklahoma Highway Patrol and the Sheriff's office. He further stated that he is on 24-hour call and he drives his truck to his home in case he receives a call.

Ms. Hill asked Mr. Sittler if his wrecker office and impound lot located at his residence. In response, Mr. Sittler stated that it is not at his residence, but in a properly zoned area 1.5 miles away from his home. Mr. Sittler reiterated that he does drive a wrecker home after the office is closed because he is on 24-hour call.

Interested Parties Comments:

Gary Patton, 4721 South 81st West Avenue, Tulsa, Oklahoma 74107, stated that he didn't realize that this is the second time Mr. Frazier has been before the Planning Commission. He explained that he has lived in the subject area for 20 years and would like to see it remain zoned AG. He expressed concerns that CS zoning would set a precedent in the subject area.

Mark Ford, 7219 West 51st Street, Tulsa, Oklahoma 74107, stated that he has never had any trouble with Mr. Frazier and he is not trying to take anything from him, but he would prefer that the subject area remain zoned AG.

Mr. Ford stated that no matter what the zoning is Mr. Frazier will continue to do commercial work on the subject property. He further stated that Mr. Frazier can continue doing his work, but he would prefer that the subject property not be zoned commercial. He commented that it is disconcerting to see all of the automobiles parked on the subject property and there are several employees working there.

TMAPC Comments:

Mr. Westervelt informed Mr. Ford that the Building Inspector should be called when the neighbors see activities being conducted that are not allowed for the zoned area.

Genie Shannon, 7801 West Skyline Drive, Tulsa, Oklahoma 74107, stated that she is concerned with the traffic pattern in the subject area. She explained that the topography in the subject area is very steep and winding. She stated that Mr. Frazier's property is located at the bottom of a curve and it is a dangerous two-lane road. Commercial zoning would impact the subject area because of the traffic pattern that it would generate.

Applicant's Rebuttal:

Mr. Frazier stated that he would have to agree with some of the points that the interested parties made. He explained that he never intended for everything to be the way it is today. He pointed out that he understands Mr. Sittler doesn't have an office for his wrecker service out of his home; however, Code Enforcement did discuss the fact that he runs the rural water district out of his home and he holds meetings at his home. He stated that he has never spoken to Mr. Patton personally and he has not taken offense at whatever he does, but he does conduct a photography studio out of his home.

Mr. Frazier stated that the reason he moved five miles away from the City is to have his business and his children nearby. He explained that the semi-truck that is in the photographs is for sale and it was formerly used for hauling racecars. He indicated that the semi-truck is for sale and should be removed within 15 days and never returned.

Mr. Frazier commented that if there were some stipulations that would allow him to have the CS zoning he would follow them. He stated that he could park the cars behind a fence, not have cars outside, or withdraw this application and apply for a variance or let the bank have the property back and work for someone else; just let him know what to do. He further stated that he would do whatever would make everyone happy and go on with his or her life.

TMAPC Comments:

Commissioner Dick asked Mr. Frazier when he purchased the subject property. In response, Mr. Frazier stated that he purchased the property in 1996. Commissioner Dick asked Mr. Frazier if he immediately went into this type of business. In response, Mr. Frazier stated that when he purchased the property he went to the homeowners whom he knew and could contact in the subject area to ask if they had any opposition regarding building a shop. Mr. Frazier explained that he was much younger then and had a lot of ideas that have come and gone. Mr. Frazier stated that he services cars for a pharmaceutical company and he doesn't have a sign nor public traffic. Mr. Frazier explained that when he originally built the building, he had a shop rented at 11th and Sheridan. Mr.

Frazier indicated that he had a loan from the bank before he was denied his variance at the Board of Adjustment; therefore, he still had to build the building and live in. Mr. Frazier stated that eight months after the building was completed and he had moved, in he was unable to pay the payments without doing a few side jobs on the subject property and that is the way it escalated into full-time work on the subject property.

Commissioner Dick asked Mr. Frazier if he ever checked to see what the subject property was zoned before purchasing it. In response, Mr. Frazier answered affirmatively.

Commissioner Dick asked Mr. Frazier if he was aware that the type of business he was conducting was not a permitted use under that zoning. In response, Mr. Frazier stated that he didn't totally understand how the zoning situation worked until after he had already purchased the land and a loan to build the building. Mr. Frazier explained that when he went to the Building Inspection office he was informed that he would have to go before the Board of Adjustment for a variance. Mr. Frazier stated that he was denied at the Board of Adjustment and at that point he didn't have any choice because he owed the bank one hundred thousand dollars. Mr. Frazier commented that he already had the property purchased and he had to build the building or he would have had to foreclose on the loan immediately.

Commissioner Dick asked Mr. Frazier if he borrowed money to go into commercial business from a bank that didn't demand that he have proper zoning. In response, Mr. Frazier stated that he did and it was with American National Bank of Prattville.

Commissioner Dick asked Mr. Frazier if the County Code Enforcement Officer ever visit with him regarding his commercial business. In response, Mr. Frazier stated that Terry West from the Building Inspection office came out about one year ago and told him that there were complaints that there was a commercial business being operated from the subject site. Mr. Frazier admitted that he was operating a business and had added onto his building and the inspections were done while he was building onto the building and working there. Mr. Frazier indicated that Mr. West informed him of the proper channels to go through to try and rezone the subject property to be in compliance. Mr. Frazier stated that he then applied for IL zoning and it was recommended for denial by the Planning Commission. Mr. Frazier indicated that he was denied the IL zoning because he couldn't live on the subject property if it were zoned IL. Mr. Frazier stated that he hired Mr. LaFortune to represent him after the denial and was advised to apply for the CS zoning. Mr. Frazier commented that he is disappointed that Mr. LaFortune is not present because he paid him a very large sum of money and now he is not present to represent him.

Mr. Frazier stated that he needs to ask the advice of Mr. LaFortune before any action is taken today. He indicated that the neighbors are not opposed to him working on the subject property, but they do not want it rezoned to commercial or industrial. The neighbors don't want there to be four or five employees on the subject property, but rather a low-key operation. He commented that he is willing to do whatever it requires to be in compliance, but every time he goes to INCOG or the Building Inspection office to try to get the property zoning he gets the runaround. He stated that he has spent a lot of money and five years of his life and his worried that he would not be able to pay his debts. Mr. Frazier concluded by requesting some type of relief.

TMAPC Comments:

Mr. Westervelt stated that he had ex parte communication with Mr. LaFortune early this morning and he suggests that Mr. Frazier contact him because his understanding of the relationship is quite different from what Mr. Frazier has described today. Mr. Westervelt suggested that Mr. Frazier call Mr. LaFortune and clarify their relationship regarding this application. In response, Mr. Frazier agreed.

Mr. Midget informed Mr. Frazier that he has taken the correct steps to try to come into compliance by seeking the property zoning. Whatever staff has advised you regarding applying has been correct and the right steps to take. In response, Mr. Frazier stated that this is the third time he has had to pay the price to be before the Planning Commission.

Mr. Harmon stated that he is very familiar with the subject area and it is not intended for commercial property by the way it has been developed and the way the land is being utilized. He explained that before there is anything resembling commercial uses one would have to go east past 65th West Avenue. West of 51st Street and Skyline Drive intersection there are some orchards, which is agricultural. He stated that the CS zoning is not appropriate for the subject area. He concluded that he realizes Mr. Frazier has invested a lot of money into the subject property, but he did mention the fact that he could get a sizable amount of money and relocate if needed.

Ms. Hill stated that she is aware that Mr. Frazier has spent a lot of time and money on the subject property. However, she agrees with Mr. Harmon totally because IL or CS would stay with the land, which would leave the neighborhood wide open for something else to come onto the subject property should Mr. Frazier's business fails. The land being rezoned may allow something less desirable than Mr. Frazier's business.

Mr. Westervelt stated that he agrees with Mr. Harmon as well. He commented that Mr. Frazier mentioned a very sizeable appraisal and he may have an opportunity in the market to solve his problems and relocate in a properly zoned area for this type of activity.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-1-0 (Bayles, Carnes, Dick, Ledford, Harmon, Hill, Horner, Midget, Westervelt "aye" Jackson "nay"; none "abstaining"; Pace "absent") to recommend **DENIAL** of the CS zoning for CZ-295.

APPLICATION NO.: Z-6848 **RS-1 to AG**

Applicant: Roy D. Johnsen (PD-26) (CD-8)

Location: Northwest corner of East 118th Place and South Yale Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6534 April 24, 1996: All concurred in recommending denial of a request to rezone subject property from AG to RS-2 and in recommending RS-1 in the alternative. The City Council unanimously approved RS-1.

PUD-527/Z-6453 December 1994: All concurred in recommending approval of a request to rezone a 20.7-acre tract located on the northeast corner of East 121st Street South and South Yale Avenue and east of the subject property from RS-1 to CS/PUD zoning on the 467' node for commercial development with the balance of the property to remain RS-1 for single-family development.

PUD-526/Z-6452 December 1994: All concurred in recommending approval of a request to rezone a 13-acre tract located on the northwest corner of East 121st Street South and South Yale Avenue and south of the subject tract from RS-1 to CS/PUD zoning on the 467' node with the balance to remain RS-1 also within the PUD.

Z-6369 October 1992: A request to rezone a 30-acre tract south of the southwest corner of East 111th Street South and South Yale Avenue from AG to RS-2 was unanimously recommended for approval and subsequently approved by the City Council.

Z-6274 December 1989: All concurred in denial of a request to rezone an 8.5-acre tract located on the southwest corner of East 121st Street and South Yale Avenue from AG to CS and RM-O.

Z-6273 December 1989: A request to rezone a 12-acre tract located on the northeast corner of East 121st Street South and South Yale Avenue from RS-1 to CS and RM-O was recommended for approval by the TMAPC. The City Commission denied the request.

PUD-450/Z-6249 July 1989: A request to rezone a 44.6-acre tract located on the southwest corner of East 111th Street and South Sheridan from AG to RS-2/CS/PUD was approved with conditions, which included RS-1 on the north 140' with CS on a 675' x 290' node.

PUD-399/Z-6055 July 1985: All concurred in recommending approval of a request to rezone a 20-acre tract abutting the subject tract on the north from AG to RS-1/PUD.

Z-6087 December 1985: A request to rezone a five-acre tract located on the southwest corner of East 111th Street South and South Yale Avenue from AG to CS was presented. Staff recommended approval for CS on a portion of the property, with a 150' buffer on the perimeter of the tract. The TMAPC denied the request.

PUD-358/Z-5937 May 1984: All concurred in recommending approval of a PUD with underlying RS-1 zoning on a 54-acre tract located north and east of the northeast corner of East 121st Street South and South Yale Avenue, across South Yale from the subject tract. The applicant had originally applied for rezoning from AG to RS-3/PUD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 20 acres in size and is located north of the northwest corner of East 121st Street and South Yale Avenue. The property is steeply sloping, partially wooded, vacant and is zoned RS-1.

STREETS:

Exist Access	MSHP Desig.	MSHP R/W	Exist. No. Lanes
East 121 st Street South	120'	120'	2 lanes
South Yale Avenue	100'	100'	2 lanes

The City of Tulsa Traffic Counts 1998 – 1999 indicates 1,300 trips per day on South Yale at the intersection of East 121st Street South.

UTILITIES: Water is available to the site and a waste treatment lift station is located approximately .25 miles north and west of the tract.

SURROUNDING AREA: The subject tract is abutted on the north by vacant land, zoned PUD-399; to the west by vacant land, zoned AG; to the south and east by single-family dwellings and vacant land, zoned RS-1 and PUD.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates most of the property as Special District 1, with the southwest corner designated Low Intensity-Residential. Special District 1 is an area of steep slopes with highly erodible soils (sand). Plan policies call for sensitivity to this condition in development.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development and trends in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of AG zoning for Z-6848.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to recommend **APPROVAL** of AG zoning for Z-6848 as recommended by staff.

Legal Description for Z-6848:

The S/2, NE/4, SE/4 of Section 33, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, and located north of the northwest corner of East 121st Street and South Yale Avenue, Tulsa, Oklahoma, **From RS-1 (Residential Single-family Low Density District) To AG (Agriculture District).**

APPLICATION NO.: PUD-542-4 MINOR AMENDMENT

Applicant: Mark Nelson (PD-18) (CD-8)

Location: Southwest corner of South Norwood at 88th Street

Staff Recommendation:

The applicant is requesting a minor amendment to allow a 30-foot front yard setback rather than the 35-foot setback required per the Planned Unit Development. This request is made to allow a porte-cochere for a circular drive, which accesses the cul-de-sac of South Norwood Avenue.

Staff does not object to the amendment per the submitted site plan. Easements on the property are not affected, and the new residence proposed meets the other setback requirements. Staff recommends **APPROVAL** of the minor amendment as submitted.

1. Realign corridor collector to be compatible with existing approved location to the west.
2. Make necessary changes to the size of Development Areas A and B to reflect this change.
3. Submit graphics and text reflecting those changes to staff for approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the minor amendment for PUD-579-A-1, subject to conditions as recommended by staff.

APPLICATION NO.: PUD-602-4 MINOR AMENDMENT

Applicant: Ted Sack (PD-18) (CD-8)

Location: West of the northwest corner of East 71st Street and South Garnett Road

Staff Recommendation:

The applicant is requesting a minor amendment to reallocate the 20,000 square foot floor area for Lot 3, Block 1, to facilitate a lot-split. The proposal is to split lot 3 into two tracts and allow 10,000 square feet of floor area in each tract.

All other development standards for the Planned Unit Development will remain unchanged. No new access points for the tracts should be considered.

Staff recommends **APPROVAL** of the minor amendment as submitted.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the minor amendment for PUD-602-4 as recommended by staff.

OTHER BUSINESS:

APPLICATION NO.: PUD-602 **DETAIL SITE PLAN**

Applicant: Ted Sack (PD-18) (CD-8)

Location: Northwest corner of East 71st Street and South Garnett Road

Staff Recommendation:

The applicant is requesting a detail site plan for a new 4,224 square foot restaurant. The use proposed is in conformance with the development standards for the Planned Unit Development in which it is located.

The site plan submitted is in conformance with the PUD. A minor amendment included on this agenda will propose a reallocation of square footage for a lot split. The site plan also meets the requirements for the PUD if the minor amendment and lot-split are granted.

Staff recommends **APPROVAL** of the detail site plan per submittal.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the detail site plan for PUD-602 as recommended by staff.

APPLICATION NO.: PUD-570 **DETAIL SITE PLAN**

Applicant: Gale Plummer (PD-26) (CD-8)

Location: 10912 South Memorial

Staff Recommendation:

The applicant is requesting a detail site plan for a new 11,220 square foot retail building. A minor amendment for this site was approved on December 19, 2001, which changed some of the original PUD standards due to new surrounding commercial development.

The site plan as submitted is in conformance with the existing development standards for the Planned Unit Development in which it is located. Staff recommends **APPROVAL** of the site plan submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the detail site plan for PUD-570 as recommended by staff.

APPLICATION NO.: PUD-623 DETAIL SITE PLAN

Applicant: Paul Vakilzadeh (PD-17) (CD-6)

Location: Southeast corner of East 5th Street and South 129th East Avenue

Staff Recommendation:

The applicant is requesting detail site plan approval for a 3,160 square foot retail and office facility on a 14,625 square foot lot.

Staff has examined the detail site plan and finds conformance to the approved PUD-623 specifications including bulk and area, building square footage and height, setback, parking, access, screening and total landscaped area.

Staff therefore, recommends **APPROVAL** of the site plan as submitted. The applicant has satisfied the conditions of PUD approval concerning the plat for this site.

Note: Site plan approval does not constitute sign or landscape plan approval.

Applicant's Presentation:

Paul Vakilzadeh, 15333 East 13th Street, Tulsa, Oklahoma 74108, stated that there would be no entrance or access off of 5th Street. He further stated that there would not be any trucks inside at all; however, if someone wants to back up a pickup from inside to put something into the store then that would fine, but there would not be a truck anywhere.

TMAPC Comments:

Mr. Westervelt asked Mr. Vakilzadeh if he just stated that someone could utilize the garage door facing 5th Street to unload and load a truck. In response, Mr. Vakilzadeh stated no because there would be no trucks inside.

Mr. Harmon asked Mr. Vakilzadeh if he wasn't going to use the garage door to load or unload a truck, then why have the large garage door. In response, Mr. Vakilzadeh stated that was in case someone wants to back up a small pickup to unload, but there would be no entrance off of 5th Street for any truck.

Ms. Hill asked Mr. Vakilzadeh why he needed a 12-foot garage door for something that would not be bigger than a pickup could carry. In response, Mr. Vakilzadeh stated that he doesn't know, but thought he would put that in there in case. Mr. Vakilzadeh stated that there is no place for a big truck to come in. Ms. Hill reiterated that if there is no place for the big truck, then why have the 12-foot garage door. In response, Mr. Vakilzadeh stated that in case someone wanted to use the door for delivery.

Mr. Westervelt asked Mr. Vakilzadeh if the Planning Commission were to deny the garage door he would still be able to conduct his business as he would like to. In response, Mr. Vakilzadeh stated that he doesn't know, but probably he could continue with his plans. Mr. Vakilzadeh further stated that there is no entrance from 5th Street and no trucks would be able to utilize the garage door.

Mr. Westervelt stated that if he installs a large garage door, then it would be utilized.

Ms. Hill asked Mr. Vakilzadeh why he needed to have a 12-foot garage door if he is not going to put anything in there but a pickup. Ms. Hill questioned Mr. Vakilzadeh if he planned to have a car repair business. In response, Mr. Vakilzadeh stated that there couldn't be any automobile service on the subject property.

Ms. Hill asked Mr. Vakilzadeh why he needed a garage door for an office and retail business. In response, Mr. Vakilzadeh stated that he could make the garage door smaller, but there would not be a truck in the building.

Mr. Stump stated that a residential garage door is normally six and half to seven feet high. He suggested that if the garage door were limited to seven feet it would eliminate any significant truck from going into the door.

Mr. Westervelt stated that with a seven-foot garage door it would still be allowing a loading bay of some type. In response, Mr. Stump stated that it has been allowed in some offices where people want to park their car inside and a seven-foot door would accommodate that.

Mr. Carnes stated that there are bar ditches off of 5th Street and if there is a garage door then people would go down the bar ditch to utilize the garage door. There is no way to pull in on the side of the building and physically turn a pickup around and drive it in. Mr. Carnes stated that he could not support a garage door on the proposed end of the building.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Ledford, Harmon, Hill, Horner, Midget, Westervelt "aye" Jackson "nay"; none "abstaining"; Pace "absent") to **APPROVE** the detail site plan for PUD-623, subject to there being no garage door allowed.

TMAPC Comments:

Mr. Vakilzadeh asked if he could have a garage door located somewhere else within the building. In response, Mr. Westervelt stated that the detail site plan was approved without a garage door.

Mr. Carnes stated that if there is a garage door proposed somewhere else within the building, then he would like for the detail site plan to be returned to the TMAPC for approval.

Mr. Westervelt agreed that the detail site plan should be resubmitted to the TMAPC if the applicant revises the detail site plan to accommodate a garage door in another location of the subject building.

APPLICATION NO.: PUD-578-A MINOR AMENDMENT REQUEST

Applicant: TMAPC

Location: Northwest corner of 111th Street South and Memorial Drive

Staff Recommendation:

Mr. Stump stated that staff is requesting that TMAPC initiate a minor amendment for PUD-578-A. He explained that the PUD was approved with one large development area and 310,000 square feet. After the approval a large tract was sold to Wal-Mart and now there is more than one owner of the development area. A minor amendment is needed to reallocate the permitted floor area to each new smaller lot so that each owner understands what building floor area they are entitled to have.

Mr. Stump explained that Mr. Norman, who is requesting approval of a new lot in the subject area, tried to reallocate floor area by minor amendment, but he informed the staff that he would need approval of all the owners, including Wal-Mart. The representative to Wal-Mart agreed to this until it reached the vice-

president and then they decided to not approve the reallocation because they didn't understand it. Therefore, Mr. Norman doesn't have the permission of one owner to reallocate the floor area.

Mr. Stump stated that since one of the owners will not participate in this reallocation, staff is requesting TMAPC to initiate the request to submit a minor amendment, which would enable the floor area to be reallocated.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **DIRECT** staff to initiate a minor amendment to reallocate floor area in PUD-578-A as recommended by staff.

* * * * *

Election of TMAPC Officers for 2002:

Mr. Horner stated that the Nominating Committee has a slate of officers for the Planning Commission's approval as follows:

- Chair – Wesley Harmon
- 1st Vice Chair – Joe Westervelt
- 2nd Vice Chair – Brandon Jackson
- Secretary -- Mary Hill

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the TMAPC Officers for 2002 as follows: Chair, Wesley Harmon; 1st Vice Chair, Joe Westervelt; 2nd Vice Chair, Brandon Jackson; Secretary, Mary Hill.

* * * * *

There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date Approved: 2-20-02



Chairman

ATTEST: Mary E. Hill
Secretary