

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2326

Wednesday, November 6, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, November 1, 2002 at 10:48 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 Harmon called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of October 2, 2002, Meeting No. 2323

On **MOTION** of **HORNER** the TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **APPROVE** the minutes of the meeting of October 2, 2002, Meeting No. 2323.

Minutes:

Approval of the minutes of October 16, Meeting No. 2324

On **MOTION** of **HORNER**, the TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **APPROVE** the minutes of the meeting of October 16, Meeting No. 2324.

REPORTS:

Director's Report:

Mr. Stump reported that there are four zoning items on the City Council meeting for November 7, 2002.

TMAPC Comments:

Chairman Harmon announced that there has been a request for a continuance from the applicant for Z-6973 to November 13, 2002. Mr. Harmon recognized Mr. Ward Elliott.

Interested Parties:

Mr. Elliott stated that he did not have any problems with the continuance.

Application No.: Z-6973

RS-3 TO OL

Applicant: John W. Moody

(PD-18) (CD-7)

Location: South of southeast corner of East 51st Street and South Oswego

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **CONTINUE** Z-6973 to November 13, 2002 at 1:30 p.m.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19421 – Sisemore Weisz & Associates, Inc. (494)

(PD-17) (CD-6)

14101 East Admiral Place

L-19422 – Betty June Conatzer (904)

(PD-16) (CD-3)

5410 North 145th East Avenue

L-19426 – Tyler Reeder (1193)

(PD-5) (CD-5)

6960 East 12th Street

L-19429 – Harry A. Kincaid (2683)

(PD-18) (CD-2)

3122 East 86th Street

- L-19433 – Sack & Associates, Inc. (1483)** (PD-18) (CD-7)
6914 South 70th East Avenue
- L-19435 – Ron Campbell (2992)** (PD-9) (County)
6101 West 46th Street
- L-19437 – Rick Gazalski (964)** (PD-20) (County)
Northeast corner of 129th East Avenue & 201st Street
- L-19440 – Kenneth M. Smith (1793)** (PD-6) (CD-4)
2824 East 25th Street
- L-19442 – Jerry Hall (3483)** (PD-26) (CD-8)
6208 East 111th Place
- L-19444 – George Brower (1203)** (PD-16) (CD-3)
9602 East Mohawk Boulevard
- L-19447 – City of Tulsa (693)** (PD-4) (CD-4)
1707 East 11th Street
- L-19448 – City of Tulsa (1683)** (PD-18) (CD-8)
4511 East 91st Street
- L-19449 – City of Tulsa (1683)** (PD-18) (CD-8)
8820 South Yale Avenue

Staff Recommendation:

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

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Stone Creek Farms – RS-4 (2594) (PD-17) (CD-6)

Location: West of northwest corner of East 51st Street and County Line (South 193rd East Avenue)

Staff Recommendation:

This plat consists of 111 lots in eight blocks on 26.8 acres. The property will be used for residential uses.

All release letters have been received for this final plat. 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; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **APPROVE** the final plat for Stone Creek Farms as recommended by staff.

* * * * *

Lowe's Addition – IM (1093) (PD-5) (CD-4)

Location: Southeast corner of East 15th Street and South Yale Avenue

Staff Recommendation:

This plat consists of three lots in two blocks on 17.8 acres. The property will be used for commercial uses.

All release letters have been received for this final plat. 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; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **APPROVE** the final plat for Lowe's Addition as recommended by staff.

PRELIMINARY PLAT:

Tulsa Teachers Credit Union – CS, OM (3502) (PD-2) (CD-1)

Location: Southwest Corner of North Cincinnati Avenue and East Pine Street

Staff Recommendation:

This plat consists of one lot, one block, on 3.3 acres.

The following issues were discussed October 17, 2002 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The plat proposes a 3.3-acre tract with one lot and one block. The property is zoned CS (Lots 1-4, Block 1, Lloyd Addition) and OM (the remainder of this Block 1) through rezoning case number 6866 which was approved in August of 2002. The plat is a resubdivision of Block 1 of the Lloyd Addition. There can be no access permitted from Boston Place or East Oklahoma Street so Limits of No Access should be shown there.
2. **Streets/access:** Limits of No Access should be shown. Old curbs will need to be abandoned as part of the PFPI. Separate instrument easements need to evidence book and page numbers.
3. **Sewer:** The concept plan is acceptable.
4. **Water:** The 16-inch line cannot be tapped. Sprinkler systems may be required. Further discussion on the way that water is supplied will be required.
5. **Storm Drainage:** Easements may be required.
6. **Utilities: PSO:** The overhead lines need to be moved out of the way. **Cox:** Any relocation of lines will be at the developer's expense.
7. **Other:** Sidewalks need to stay in place. The Tulsa Development Authority owns and is selling this property.

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. The access to the water supply must meet with the approval of the Public Works Department.

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; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to recommend **APPROVAL** of the preliminary plat for Tulsa Teachers Credit Union, subject to special conditions and standard conditions as recommended by staff.

Mr. Ledford announced that he would be abstaining from the preliminary plat for Northwest Passage.

Northwest Passage – PUD 624 (2202) (PD-11) (CD-1)

Location: North of Apache, between Gilcrease Drive and Osage Drive

Staff Recommendation:

Mrs. Fernandez stated that staff would like to request a continuance due to more work needed on the collector streets. She indicated that the engineer for the project is in agreement with this request. She requested a continuance to November 13, 2002.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **CONTINUE** the preliminary plat for Northwest Passage to November 13, 2002 at 1:30 p.m.

CONTINUED ZONING PUBLIC HEARING:

Brookside Infill Development Design Recommendations and Resolution No. 2326:845:

TMAPC Comments:

Mr. Harmon stated that this subject has been discussed at two previous meetings with a lot of input.

Staff Recommendation:

Ms. Matthews stated that this item was continued in order to give the public a chance to look at the newest boundary map. The map has been on the INCOG website and it was published. Staff has not received any comments from interested parties except letters of support.

RESOLUTION NO. 2326:845

**A RESOLUTION AMENDING
THE DISTRICT 6 PLAN MAP AND TEXT,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

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

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

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

WHEREAS, a Public Hearing was held on the 25th day of September, 2002, and on the 23rd day of October, 2002 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 6 Plan Map and Text by adopting the attached Exhibit A, plan text amendments, and Exhibit B, plan map amendments (both made a part hereon), as part of the Planning District 6 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to recommend **APPROVAL** of Resolution No. 2326:845 as recommended by staff.

ZONING PUBLIC HEARING

Application No.: CZ-314

RS TO IL

Applicant: Darrell P. Reid

(PD-9) (County)

Location: West of northwest corner of West 57th Street and South 45th West Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-263 February 2000: A request was approved to rezone two lots located west of the southwest corner of West 56th Street and South 45th West Avenue and abutting the subject tract on the north, from RS to CH for an existing motel.

CZ-258 December 1999: All concurred in approval of a request to rezone a lot located 127' west of the subject tract on the north side of West 57th Street South, from RS to IL for light manufacturing use.

CZ-250 February 1999: All concurred in approval of a request to rezone a tract located on the east side of South 45th West Avenue between West 56th Place South and West 57th Street South, from RS to IL for a proposed landscape maintenance service business.

CZ-248 December 1998: A request to rezone a tract located on the southwest corner of West 55th Place and South 41st West Court from RS to IL. All concurred in approval of IL zoning for a body shop.

CZ-233 May 1997: All concurred in approval of a request to rezone a 2.2-acre tract located east of the northeast corner of West 61st Street South and South 49th West Avenue from RS to IL.

CZ-202 June 1993: All concurred in approval of a request to rezone a .6-acre tract located on the northeast corner of West 56th Street South and South 45th West Avenue from RS to IL for a truck repair service.

CZ-188 June 1991: A request to rezone a tract located east of the southeast corner of South 45th West Avenue and West 55th Street South from RS-3 to IL. All concurred in approval of IL zoning for a fireworks facility.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, contains a single-family home, some deteriorating vehicles and is zoned RS in the County.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South 57 th Street South	Residential street	50'	2 lanes
South 45 th West Avenue	Residential street	50'	2 lanes

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

SURROUNDING AREA: The subject property is abutted on the north by a motel, zoned CH; to the east by industrial and mixed uses, zoned RS; to the west by industrial uses, zoned IL; to the southwest by industrial uses, zoned RS; and to the south by a mobile home and mixed industrial uses, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as being within Special District C – High Intensity Commercial. Plan provisions specify that the area fronting Skelly Drive be developed for commercial uses, especially highway-oriented uses, and that the remainder of the Special District be development for light industrial uses requiring proximity to rail or highway transport. According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map by virtue of its location within a Special District.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, the existing uses and nearby zoning, staff recommends **APPROVAL** of IL zoning for CZ-314.

Applicant's Comments:

Demsey Powers, representing Mr. Darrell P. Reid, stated that Mr. Reid is in support of the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to recommend **APPROVAL** of IL zoning for CZ-314 as recommended by staff.

Legal Description for CZ-314:

Lot 17, Block 1, Bozarth Acres Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located west of the northwest corner of West 57th Street South and South 45th West Avenue, Tulsa, Oklahoma, **From RS (Residential Single-family District) To IL (Industrial Light District).**

Application No.: Z-6874

AG TO OM

Applicant: Walter E. Broach

(PD-18) (CD-7)

Location: 6802 South Garnett

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6127/PUD-602 January 1999: A PUD and a Corridor Site Plan were proposed for commercial development on a 26-acre tract located in the northwest corner of East 71st Street and South Garnett Road, not including a one-acre tract in the northwest corner of that intersection. All concurred in approval of the request.

Z-6631/PUD-601 January 1999: All concurred in approval, per conditions, of a request for rezoning and a Planned Unit Development on a 55-acre tract located north and west of the northwest corner of East 71st Street and South Garnett from CO to CO/PUD for a multi-use development. The property included an area that has approximately ½ mile frontage on Mingo Valley Expressway, ¼ mile frontage on East 71st Street and 300' frontage on Garnett Road.

Z-6630 May 1998: A request to rezone four acres located south and abutting the subject property from RS-4 to CO. All concurred in approval of the request.

Z-6628 July 1998: All concurred in approval of a request to rezone five acres located north of the northwest corner of East 71st Street and South Garnett Road from RM-1 to CO.

Z-6623 February 1998: All concurred in approval of a request to rezone a 5.3-acre tract located east of the northeast corner of East 71st Street and Mingo Valley Expressway, from RS-3 and OL to CO.

Z-6601 October 1997: Approval was granted for a request to rezone the adjoining five-acre tract on the south from RS-3 to RS-4.

Z-6444/PUD-512 May 1994: A request to rezone an eight-acre tract located on the southwest corner of East 71st Street and South Garnett from CO to CS/PUD-512. Staff and TMAPC recommended approval of CS zoning on the north 660' and OL on the balance. City Council concurred in approval.

Z-6127 January 1987: A request to rezone the 27-acre tract located in the northwest corner of East 71st Street and South Garnett Road, excluding one acre at the immediate intersection, from RS-3, RM-1 and OL to CO. Staff and TMAPC recommended approval of CO zoning on the west 15 acres with the balance remaining CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, contains a single-family dwelling, and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Garnett Road	Secondary arterial street'	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north and west by single-family dwellings, zoned RS-3; to the south by largely vacant property, zoned CO/PUD-601; and to the east by Christa McAuliffe Elementary School that is within the Broken Arrow city limits. Note that all the area east of Garnett Road is in Broken Arrow.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use.

According to the Zoning Matrix the requested OM is **not** in accord with the Zoning Matrix.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding land uses, staff cannot support the requested OM for Z-6874 and recommends **DENIAL** of OM zoning and **APPROVAL** of OL zoning in the alternative.

Applicant's Comments:

Walter Broach, 6802 South Garnett, Tulsa, Oklahoma 74012, cited the surrounding properties and types of uses. He indicated that he would like to build an office building that would look like a two-story Tudor house and wouldn't be dwarfed by the bank, which would be directly to the south of the subject tract. He commented that the proposed building would be an entry into the subdivision immediately behind the subject tract.

TMAPC Comments:

Mr. Harmon asked staff if the OL zoning would allow the two-story building. In response, Mr. Stump stated that without a PUD as an addition to the OL zoning, the applicant would be limited to one story. Mr. Stump commented that the applicant would probably have enough square footage with OL zoning, but he would have to either obtain a variance for the height or do a PUD. Mr. Stump stated that the variance would be difficult to obtain because the applicant would have to prove a hardship, which in this case would be self-imposed.

Mr. Midget in at 1:43 p.m.

Mr. Westervelt asked Mr. Broach if he understands what the staff has suggested. Mr. Westervelt explained that the Planning Commission would need some controls because of the residential zoning to the rear of the subject property. If the applicant is willing to accept the OL zoning and apply for a PUD, then the Planning Commission would be happy to consider it. Mr. Westervelt explained to Mr. Broach that with OL zoning he is limited to one story and he could not return with a site plan indicating a two-story building unless he applies for a PUD, which gives the Planning Commission the ability to buffer the transition of the neighborhood, etc.

Mr. Stump explained that the PUD application is basically the same process as the zoning application. In response, Mr. Broach stated that he would be starting all over again. Mr. Stump stated that OL would allow the office building with a single-story building, but anything over one story would require a PUD.

Mr. Harmon stated that if the applicant wanted to develop outside of the OL zoning requirements, then he would have to file a PUD.

Ellen Broach, 6802 South Garnett, Tulsa, Oklahoma 74012, asked what would happen if she didn't accept the OL zoning that staff is recommending today. In response, Mr. Harmon stated that OL is what the Planning Commission is considering to approve, and if she would want anything outside of the OL zoning requirements, then she would have to submit a PUD and go through the PUD process. Ms. Broach asked if she could decline the OL and request the OM zoning. In response, Mr. Ledford stated that the Planning Commission would vote on the application as it is presented, but if the Planning Commission decides

to deny the OM and the applicant doesn't want the OL, then the subject property would remain as AG.

Mr. Horner asked the applicants if they understand the term "Planned Unit Development (PUD)". In response, Ms. Broach answered affirmatively.

Ms. Broach stated that she understands she could rezone to OL today and then come back with a PUD that would allow a two-story building. In response, Mr. Westervelt stated that a PUD doesn't mean the applicant would get an automatic approval, but she could apply for the two-story building under the PUD.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to recommend **DENIAL** of the OM zoning and recommend **APPROVAL** of OL zoning in the alternative for Z-6874 as recommended by staff.

Legal Description for Z-6874:

The one square acre of land located in the Southeast corner of the NE/4, SE/4 of Section 6, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located north of the northwest corner of East 71st Street South and South Garnett Road, Tulsa, Oklahoma, **From AG (Agriculture District) To OL (Office Light Intensity District).**

Mr. Harmon stated that Z-6872 and PUD-674 would be moved down the agenda in order to give Mr. Nichols and his client an opportunity to be present.

Application No.: PUD-230-4

MINOR AMENDMENT

Applicant: Charles Norman

(PD-17) (CD-5)

Location: East side of South 103rd East Avenue, north of East 41st Street

Staff Recommendation:

Junior Achievement of Greater Tulsa has purchased 2.7 acres of land located on the east side of South 103rd East Avenue north of East 41st Street. The tract

abuts the Mingo Valley Expressway along the east boundary of the property. The tract is zoned OL and is a part of PUD-230.

The new Junior Achievement building will contain approximately 17,000 square feet for staff offices, administrative facilities and educational programs for students in grades K – 9. The building is oriented to the north, as shown on the site plan (Exhibit C). The east and west sides of the building are identical, with entrances as shown on Exhibit D, Signage. Under PUD-230, the tract is allowed one ground sign not exceeding four feet in height or 32 square feet of display surface area. The Junior Achievement ground sign is shown on Exhibit E, Monument Sign, and would be constructed at the South 103rd East Avenue entrance to the property.

Under Section 602.B.4.c of the Tulsa Zoning Code, signage within an OL district may not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage. The Junior Achievement property has 262.1 feet of frontage on South 103rd East Avenue and 313.39 feet of frontage on the Mingo Valley Expressway. Thus, signage allowed under the OL zoning district is 52.42 square feet of display surface area for the South 103rd East Avenue frontage and 62.68 square feet of display surface area for the frontage on the Mingo Valley Expressway, or a total of 115 square feet.

The signage proposed for the east and west sides of the new building is shown on Exhibit D, Signage, and consists of three signs on each side as follows:

- a. Sign Type A, a triangular Junior Achievement logo containing 6.28 square feet of display surface area;
- b. Sign Type B, with the name of the facility, Donald W. Reynolds Center, containing 10 square feet of display surface area; and
- c. Sign Type C, a wall sign reading Junior Achievement - Exchange City, containing 13.16 square feet of display surface area.

The total area of signage proposed for the Junior Achievement Donald W. Reynolds Center is 90.88 square feet and is under the total square footage of signage permitted within the OL district;

However, Section 602.B.4.b of the Tulsa Zoning Code prohibits within the OL zoning district more than one sign on each street frontage of a lot. Under the proposed Junior Achievement building signage plan as shown on Exhibit F, the building would have four signs located on or oriented to the South 103rd East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage. An application for a variance of the provisions of Section 602.B.4.b has been filed with the Board of Adjustment to permit the number of signs proposed for the new building (BOA-19469).

In order to permit the Junior Achievement Donald W. Reynolds Center building signage totaling 90.88 square feet of display surface area, as shown on Exhibit D, Signage, and Exhibit E, Monument Sign, the applicant requests a minor amendment of the PUD-230 to increase the maximum permitted display surface area of signs to 90.88 square feet and to permit four signs located on or oriented to the South 103rd East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage as shown on Exhibit F, Signage Site Plan.

Staff finds that the request is minor in nature and that the standards of the PUD are not substantially altered. Therefore, staff recommends **APPROVAL** of minor amendment PUD-230-4, subject to approval of a variance from the Board of Adjustment to permit the number of signs proposed.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to recommend **APPROVAL** of the minor amendment for PUD-230-4, subject to approval of a variance from the Board of Adjustment to permit the number of signs proposed as recommended by staff.

Application No.: PUD-637-2

MINOR AMENDMENT

Applicant: Jon Vrooman

(PD-6) (CD-9)

Location: 4401 South Lewis Court

Staff Recommendation:

The applicant is requesting a minor amendment to reduce the minimum depth of the required rear yard from 25 feet to 20 feet for the construction of a single-family dwelling on Lot 7, Block 1, Greenhill Addition (4401 South Lewis Court).

PUD-637 was approved by the City Council in October 2000. The PUD permits single-family dwellings with a maximum of 26 lots on approximately ten acres. The PUD has 812 feet of frontage on Atlanta Avenue, 154 feet on 45th Street and 659 feet on Lewis Avenue. The existing single-family dwellings to the east of the PUD, across Atlanta Avenue, face the rear yards of the homes in the PUD. There was considerable discussion during the Planning Commission hearing regarding this undesirable orientation of dwellings. Standards approved were

critical in addressing these concerns and included setbacks, screening fences and landscaping.

Staff finds that the request to reduce the minimum depth of required yard from 25 feet to 20 feet on Lot 7, Block 1, Greenhill Addition would be a departure from the approved development standards and would not harmonize with the existing and expected development of the surrounding area. Therefore, staff recommends **DENIAL** of the request.

Applicant's Comments:

Jon Vrooman, 3744 South Xanthus, Tulsa, Oklahoma 74105, stated that the reason for this application is because he is building a wide house and the lot is larger farther back. The width of the house could be held by placing the whole house against the 25-foot lot line; however, he has a plan that the average lot line of the house would be 30 feet away. There is a one-story garage that would delve into the 25-foot setback. He indicated that the average setback of the house would be 37 feet. Placing the house as proposed would save a tree and people to the east would have a 30-foot average setback for the backyard.

TMAPC Comments:

Mr. Midget asked Mr. Vrooman why he couldn't slide the house to the west. In response, Mr. Vrooman stated that he needs the placement he proposed in order to have the width of the lot for the driveway turnaround.

Mr. Stump stated that the garage doesn't need to be 12 feet wide and there appears to be a number of alternatives available. In response, Mr. Vrooman stated that he is proposing a three-car garage, and in order to have the turnaround he feels he would need the proposed placement.

Mr. Harmon stated that this PUD was widely discussed by the neighbors and the Planning Commission, and though five feet is not a major distance, there are times when a line has to be drawn. With the size of the subject lot, the house could be moved slightly forward and avoid the problems.

Mr. Vrooman reiterated that the lot width would average 30 feet. In response, Mr. Harmon stated that averages may be meaningful in a lot of places, but here it requires absolutes.

Mr. Vrooman stated that the house two lots to the south was built on a 25-foot line. In response, Mr. Harmon stated that the other dwelling did stay within the 25-foot guidelines.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **DENY** the minor amendment for PUD-637-2 as recommended by staff.

Mr. Harmon stated that Mr. Nichols is present and PUD-674 can be heard. Mr. Nichols stated that his clients are not present. He explained that he advised his clients to be present after 2:00 p.m. He requested that the subject application be moved farther down the agenda.

Application No.: PUD-432

MINOR AMENDMENT

Applicant: Charles Norman

(PD-4) (CD-4)

Location: East of southeast corner of East 12th Street and South Utica Avenue

Staff Recommendation:

Hillcrest Health Park on the east side of South Utica Avenue between East 11th Street and East 13th Street has been developed under PUD-432. A major amendment, PUD 432-D approved in 1995, allowed Hillcrest Medical Center to combine former Development Areas B, E and F and additional property which had been acquired into a new Development Area B which includes all of the property east of the existing William H. Bell Medical Park (Development Area A) to South Wheeling Avenue and between East 12th Street and East 13th Street.

The Hillcrest Health Park Development Concept approved in 1995 included parking structures along the East 13th Street and East 12th Street frontages of Development Area B and a major medical building near the center of Development Area B with a maximum building height of 75 feet. The proposed parking structure was permitted with a setback of 55 feet from the centerline of East 13th Street and a maximum building height of 10 feet above the grade of the existing surface parking area. The proposed 75 feet high medical building was required to be a minimum of 190 feet from the centerline of East 13th Street.

The Development Concept for Development Area B now contemplates one or more medical office buildings along the East 13th Street frontage of Development Area B without structure parking as approved in 1995.

The additional medical buildings will be similar in size and configuration to the two buildings within the William H. Bell Medical Park within Development Area A

and will contain approximately 64,000 square feet within three stories above ground and one lower level. The tunnel system connecting the existing buildings within the William H. Bell Medical Park to the main hospital campus west of South Utica Avenue will be extended to connect the new building as shown on the Development Area B Concept Illustration, Exhibit C, attached hereto.

In order to permit the changes in the Development Area B concept, Hillcrest Medical Center requests approval of minor amendments to the Development Standards for Development Area B of PUD-432 as follows:

- 1) To delete parking structures as a permitted use within the south 190 feet of Development Area B.
- 2) To amend the maximum building height for buildings within Development Area B to read as follows:

Maximum Building Height:

Less than 190 feet from the centerline of East 13th Street	45 FT
190 feet or farther from the centerline of East 13th Street	75 FT

- 3) To amend the minimum building setbacks for buildings within Development Area B to read as follows:

Minimum Building Setbacks:

From the centerline of East 13th Street	155 FT
From the centerline of South Wheeling Avenue	50 FT
From the centerline of East 12th Street	40 FT
From the east boundary of Development Area A	0 FT

The existing minimum off-street parking setbacks and landscaping standards along the north frontage of East 13th Street would remain as presently existing and as required by the landscaping standards of Development Area B.

All other development standards for Development Area B would remain in full force and effect.

Staff finds the request to be minor in nature and that the approved PUD standards and the character of the development area not substantially altered. Therefore, staff recommends **APPROVAL** of the request to amend the standards of Development Area B of PUD-432 as follows:

- 1) To delete parking structures as a permitted use within the south 190 feet of Development Area B.
- 2) To amend the maximum building height for buildings within Development Area B to read as follows:

Maximum Building Height:

At 155 feet from the centerline of East 13th Street	45 FT
At 190 feet or further from the centerline of East 13th Street	75 FT

- 3) To amend the minimum building setbacks for buildings within Development Area B to read as follows:

Minimum Building Setbacks:

From the centerline of East 13th Street	155 FT
From the centerline of South Wheeling Avenue	50 FT
From the centerline of East 12th Street	40 FT
From the east boundary of Development Area A	0 FT

The existing minimum off-street parking setbacks and landscaping standards along the north frontage of East 13th Street would remain as presently existing and as required by the landscaping standards of Development Area B.

All other development standards for Development Area B would remain in full force and effect.

Applicant is not present.

Interested Parties:

Don Barnum, 1910 East 13th Street, Tulsa, Oklahoma 74104, representing the Terrace Drive Association, stated that he did meet with Mr. Norman regarding this application. He indicated that he would like to revisit the signage proposal. He explained that he is not really opposing this application, but he would like some clarification. Mr. Barnum expressed other concerns regarding screening and placement of buildings.

TMAPC Comments:

Mr. Harmon explained to Mr. Barnum that the Planning Commission is only considering the minor amendments for Development Area B and all of the original PUD requirements for landscaping, parking, etc. are still in effect.

Mr. Barnum stated that the concerns he has raised have not been addressed by Hillcrest. In response, Mr. Harmon informed Mr. Barnum he should contact Neighborhood Inspections regarding his concerns.

Mr. Stump stated that the applicant is not requesting to change the signage, and currently the PUD does not allow signage on the south-facing wall buildings, which is the direction towards the residential area on the south side of 13th Street.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, Tulsa, Oklahoma 74103, stated that the parking structure along East 13th Street was very controversial when it was presented six years ago. He indicated that in the future, in the south half of the development area, surface parking would be provided for any new buildings, and structured parking would be located on the north half of Development Area B. The landscaping that is in place and is now six to eight years old would remain.

Mr. Norman stated that he sent a copy of his application to Mr. Barnum in October and had hoped to discuss it with him. If there are some issues that still remain he would be happy to meet with him or others.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **APPROVE** the minor amendment for PUD-432-D-4, subject to amended standards and all other development standards for Development Area B as recommended by staff.

OTHER BUSINESS:

Application No.: PUD-600-1

DETAIL SITE PLAN

Applicant: Rick Martin

(PD-18) (CD-8)

Location: Southeast corner of East 91st Street and South Toledo

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new medical office building. The proposed use is in conformance with PUD-600-1 Development Standards.

The proposed one-story office building meets all setback requirements and height restrictions. All mechanical areas are to be screened and a six-foot screening fence is proposed on the site's east boundary as required. No bulk trash area or parking lot lighting is proposed. The site meets all street yard and landscaped area minimum requirements.

Staff recommends **APPROVAL** of PUD-600-1 Detail Site Plan as submitted.

(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; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **APPROVE** the detail site plan for PUD-600-1 as recommended by staff.

Application No.: Z-6872

AG TO OL/RS-3

Applicant: Robert Nichols

(PD-18) (CD-7)

Location: South of southeast corner of East 76th Street and South Sheridan Road

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-14332 January 1987: An appeal from the decision of a zoning official that the beauty shop was in violation was upheld after applicant provided information that confirmed the beauty shop had been in operation since 1944. The Board determined the use to be a nonconforming use and not in violation.

BOA-14307 November 1986: The Board of Adjustment approved a special exception to allow a church and school in an AG-zoned district and on property abutting the subject tract to the southwest.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is sloping, partially wooded, contains a beauty shop and a residential single-family dwelling that both front South Sheridan and a single-family dwelling located approximately in the center of the entire tract. The property is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Sheridan Road	Secondary arterial street	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north, east, and southeast by residential dwellings zoned RS-3; to the south by a church, zoned AG; to the southwest by a children's nursery, zoned AG; and to the west by single-family homes, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use and Development Sensitive. According to the Zoning Matrix, the proposed RS-3 zoning **is** in accord with the Plan and the proposed OL zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

Based on surrounding uses, staff cannot support OL zoning for Z-6872, but can support RS-3 zoning on the property. Therefore, staff recommends **DENIAL** of OL and **APPROVAL** of RS-3 for Z-6872.

RELATED ITEM:

Application No.: PUD-674

AG TO OL/RS-3/PUD

Applicant: Robert Nichols

(PD-18) (CD-7)

Location: South of southeast corner of East 76th Street and South Sheridan Road

Staff Recommendation:

The PUD is proposing office uses and beauty and barber shops on 8.58 acres located south of the southeast corner of East 76th Street and South Sheridan Road.

The subject tract is zoned AG. Concurrently, an application has been filed to rezone the tract to OL and RS-3 (Z-6872). The tract is currently developed with a beauty salon on the frontage and two single-family residences. The beauty salon has operated as a non-conforming use for 39 years. The owner's single-family residence is located approximately in the center of the property. The other residence is located on the frontage south of the beauty salon and is a rental property. The tract is abutted on the north by residential uses zoned AG and RS-3; on the east by residential use zoned RS-3; and on the south by a children's nursery and a church zoned AG and single-family dwellings zoned RS-3. There are single-family dwellings to the west of the tract, across South Sheridan Road, zoned RS-3.

Based on surrounding uses, staff cannot support OL zoning for Z-6872, but can support RS-3 zoning on the property. Staff cannot support the proposed OL

uses, but does support residential uses for the tract. Therefore, staff recommends **DENIAL** of PUD-674.

Applicant's Comments:

Robert Nichols, 601 South Boulder, Tulsa, Oklahoma 74119, representing Ms. Violet Rothrock, stated that his client has made the subject property her home for over 40 years. He commented that this application comes before the Planning Commission in order to allow the City to exercise its legislative power to enforce its Zoning Codes and Building Codes in a consistent manner with other properties throughout this community. This is an example of infill development and it is also an example of platting completely around the subject property without planning. He pointed out that the three subdivisions adjacent to the subject property do not have stub streets or public access into the subject property. His client has no access to the east, north nor to the south. The subject property has little frontage on a secondary arterial and it is approximately a ¼ mile deep.

Mr. Nichols stated that a secondary problem has occurred on the subject property over the years, which is the widening of Sheridan Road, and it now places an existing beauty shop and one of the residential structures in violation of the Zoning Code. The residential property is now 14.1 feet from the right-of-way of Sheridan Road and the beauty shop is now 40 feet. The parking for the beauty shop was previously in front of the subject property and it has recently been moved to the back. The traffic in and out of his client's property has now been altered due to the locations of these buildings, which were built in accordance with the building code and required setbacks.

Mr. Nichols stated that this application would allow his client to relocate her beauty shop on her property within the OL-zoned district, which does allow beauty and barber shops by special exception. This application would allow his client to develop her property to the same intensity that it could have been developed if streets had been stubbed into it properly when the surrounding subdivisions were platted. He commented that his client would have to build all of the transportation and utility services, which imposes a hardship. He commented that a PUD would give the Planning Commission some of the same powers as the Board of Adjustment.

Mr. Nichols stated that the application for OL zoning is in accordance with the Comprehensive Plan because OL zoning is recognized as low intensity and the RS-3 zoning is also in accordance with the Comprehensive Plan. This application is a solution to a problem that has not been created by his client, but has been incorporated into by the city over the years by allowing development to occur around her subject property that now hamstring her. This application would allow his client to have the full benefit and use of her property.

TMAPC Comments:

Mr. Westervelt addressed the second problem Mr. Nichols mentioned regarding that somehow the City has created this problem for his client. He stated that he assumes the client's business is still a legitimate nonconforming use even though it meets the setbacks. Mr. Nichols's client could continue to operate there and be lawful to conduct her business. In response, Mr. Nichols stated that his client can continue her business, but in a hazardous location. Mr. Nichols further stated that the front door of the beauty shop is now 40 feet from Sheridan Road, which now has four lanes with a 40 mph speed limit. Mr. Nichols commented that the widening of Sheridan Road has created a traffic hazard and it was a problem before Sheridan Road was widened.

Interested Parties Opposing Z-6872/PUD-674:

John Looper, 7732 South 69th East Place, Tulsa, Oklahoma 74133; **Will Slater**, 7735 South 68th East Avenue, Tulsa, Oklahoma 74133; **George Humpert**, 7729 South 69th East Avenue, Tulsa, Oklahoma 74133; **John McMahan**, 6509 East 78th Street, Tulsa, Oklahoma 74133; **David Guier**, 6618 East 78th Street, Tulsa, Oklahoma 74133; **Joe & Janet Bacon**, 7721 South 69th East Avenue, Tulsa, Oklahoma 74133; **Anita Dressler**, 7830 South 66th East Avenue, Tulsa, Oklahoma 74133; **Patrick Borgsmiller**, 6505 East 78th Street, Tulsa, Oklahoma 74133; **Pat Shollmier**, 6808 East 76th Street, Tulsa, Oklahoma 74133; **Patricia Stewart**, 6820 East 76th Street, Tulsa, Oklahoma 74133.

Opposing Comments:

Drainage concerns due to the creek that runs through the subject property; concerned about how tall the structures would be; increased noise from the proposed OL zoning; single-family RS-3 area is surrounding the subject property; the only appropriate use for the subject property would be RS-3; if the traffic is already a hazard for the one beauty shop, then it would be worse if more businesses were allowed on the subject property; the application would be spot zoning in the middle of a residential neighborhood; there is logical commercial development at the intersection, which was planned; the land owner could put the road and utilities in and develop it as a residential subdivision; to allow commercial business on the subject property would be a definite threat to the character of the neighborhood; the land owner owned the property for 50 years and could have demanded a stub into her property when the subdivisions were being built, but chose not to do it; plenty of offices empty and available at 71st and 81st ; there is no need to have more offices in the middle of a neighborhood; businesses would bring more traffic and put the children in the residential subdivisions in danger; two creeks go through the subject property and leaves very little of the land to develop without a lot of fill; office buildings would be out of character with the neighborhoods; the proposal would devalue the existing residential homes; moved away from in mid-town Tulsa to get away from businesses in residential areas; it is a nice neighborhood and should be kept as a residential neighborhood; the subject property owner sold surrounding property for residential development and knew she would be locked into the subject area.

TMAPC Comments:

Mr. Harmon stated that the Planning Commission doesn't deal with the stormwater management and it would be addressed during the platting process.

Ms. Hill asked Ms. Stewart if the Planning Commission were to grant the RS-3 zoning would she have any objections to the property owner continuing to operate a beauty shop as a legal nonconforming use. In response, Ms. Stewart stated that she wouldn't have any problems with the beauty shop that faces Sheridan Road because it doesn't back into the residential homes.

Mr. Midget asked Ms. Stewart if she opposed the OL zoning because there was too much OL proposed. In response, Ms. Stewart stated that her home would be backing up to the OL-zoned property and she would rather back up to residential, not an office building. Ms. Stewart further stated that she didn't know that there was a beauty shop on the subject property until this application was filed.

Mr. Midget asked Ms. Stewart if she would support this application if there wasn't a lot of OL zoning. In response, Ms. Stewart stated that she doesn't want to look out her backyard at business development. She further stated that she purchased her home in a residential area surrounded by residential homes and she doesn't want business development in her backyard.

Mr. Stump stated that Mr. Nichols commented that OL zoning is in accordance with the Comprehensive Plan and it is not. The OL zoning falls into the category of **may be found** in accordance, which depends on the surrounding zoning and existing development. Staff came to the conclusion that the OL zoning would not be appropriate because of the residential subdivisions and zoning.

Mr. Midget recognized Mr. McMahan.

Mr. McMahan stated that the pre-existing business has the right to continue, but the subject neighborhoods would prefer it be all residential.

Applicant's Rebuttal:

Mr. Nichols stated that the site plan being displayed today indicates that there would be no office use that would abut any single-family residences. There may be one lot that would share approximately ten feet with the office use. The properties immediately to the south are the childcare facility and a church, which are not single-family uses.

Mr. Dunlap stated that staff is not following Mr. Nichols's statement that none of the offices would be abutting residential. In response, Mr. Nichols stated that only one lot on 76th Street North would be office use.

Mr. Stump stated that all of Area B is proposed for office use and it abuts residential uses on the north, south and east ends. In response, Mr. Nichols stated that the office use would be on the west side. In response, Mr. Stump stated that the PUD does not propose what Mr. Nichols is stating.

Mr. Westervelt informed Mr. Nichols that if he is referring to a zoning designation versus a use, then he should listen to what Mr. Stump is stating. In response, Mr. Nichols stated that there has been an error in text, which was prepared by Mr. Wayne Alberty. Mr. Nichols stated that he would have to correct this application because it should indicate the OL development in Area A.

Mr. Westervelt asked Mr. Nichols if the site plan exhibit was inaccurate. In response, Mr. Nichols stated that the exhibit is accurate, but the text is inaccurate.

Mr. Dunlap asked Mr. Nichols if the buildings on the east end would be offices. In response, Mr. Nichols stated that they would be RS-3 residential properties, not offices. In response, Mr. Dunlap asked if the buildings on the east end would be single-family residential with all of the proposed parking indicated on the site plan. In response, Mr. Nichols stated that it would be RS-3.

Mr. Dunlap stated that the development concept does not address the RS-3 development. Standards are inconsistent with RS-3 and the site plan is inconsistent with RS-3.

Mr. Nichols stated that in the application, the east half of the project would be single-family residential RS-3 and the west half would be the office project.

Mr. Dunlap stated that if that is the applicant's proposal, then he would have to submit a new PUD and readvertise according to the applicant's statements.

Mr. Harmon stated that the zoning issue should be addressed first, because if the Planning Commission doesn't approve the OL, then the PUD becomes moot.

Mr. Dunlap stated that according to what has been submitted and advertised, the concept and standards do not indicate anything regarding residential uses on the east end of the subject property.

Mr. Nichols apologized for the incorrect submittal and said it was intended to have the office use on the west side and the office zoning on the west side of the subject tract.

Mr. Westervelt stated that Mr. Nichols's opening comments suggested that the City had created this problem for his client and the City had created the "hardship", and that would be consistent with him preparing for court based on this type of land use. Mr. Westervelt commented that he assumes that is where

Mr. Nichols is going. Mr. Westervelt stated that he is perplexed to find that now the applicant is suggesting that the text isn't submitted correctly.

Mr. Nichols stated that the intent of the subject application is for residential use on the east side of the subject property and office use on the west side.

Mr. Harmon stated that Mr. Nichols alluded that somehow the Planning Commission had done some bad planning in the past to allow this to happen, yet he is requesting the Planning Commission to spot zone in the middle of a residential area. In response, Mr. Nichols answered negatively.

Mr. Nichols stated that he is asking for zoning that would allow his client to continue the existing use that is a legal use. In response, Mr. Harmon stated that the applicant is requesting for OL zoning in the middle of a neighborhood. Mr. Harmon stated that it is spot zoning and there is no other way to describe it, and to him spot zoning would be bad planning.

Mr. Nichols stated that he is asking for a PUD overlay and not asking for office use exclusively. In response, Mr. Harmon stated that the applicant has requested to rezone a portion of the subject property to OL zoning. In response, Mr. Nichols stated that he is requesting OL zoning with the PUD overlay. Mr. Nichols further stated that there is an existing legal use. Mr. Harmon acknowledged that the existing use is now a legal nonconforming use and would be able to continue as it is today. In response, Mr. Nichols stated that the City widened Sheridan Road and moved 25 feet closer and it has created a hazard. Mr. Nichols stated that the City widened Sheridan Road in violation of its Zoning Code and created a hazard of this legal use, and the only way to cure this hazard is to rezone to OL to allow the legal use to be consistent with the Zoning Code. Mr. Nichols stated that he would withdraw and readvertise the application to show the residential if it has not been properly submitted.

Mr. Westervelt asked Mr. Nichols if he is currently in litigation over these issues that he is bringing to the Planning Commission today. In response, Mr. Nichols answered affirmatively.

Mr. Nichols stated that he is trying to resolve these issues through the administrative process in order to take care of the litigation.

Mr. Westervelt stated that he now understands Mr. Nichols's remarks more clearly. Mr. Westervelt further stated that he is confused how the applicant has gotten this far with this being as it is.

Mr. Carnes asked if the Planning Commission had an unwritten policy to not hear applications that are in litigation. In response, Mr. Midget and Mr. Harmon stated that they have never heard of that policy.

Mr. Nichols stated that he would like to request to resubmit the text and development standards for Development Area B.

Mr. Harmon stated that the Planning Commission would have to consider Z-6872 before considering the PUD.

Mr. Nichols stated that in response to Mr. McMahan's comments, Mr. Rothrock attended and protested the platting of two of the three subdivisions because there would not be stub streets into their property. The comments are in the record of the Planning Commission when those additions were platted.

Mr. Westervelt stated that the Planning Commission has seen a lot of properties with this dimension and find that a narrow property without all of the subdivision access provides for a smaller gated community and actually brings higher land values to the developer and landowner.

Mr. Stump stated that a 40-foot setback from the new right-of-way is much greater than many buildings along the older parts of Lewis, Harvard and other arterial streets. The requirement is 50 feet and that is as much for the aesthetic view as it is for any safety reason. He commented 40 feet is sufficient to safely enter and exit the subject property.

Mr. Harmon stated that when a right-of-way is widened it would naturally make a house closer to the road and it happens all over the City, not just on Sheridan Road.

Mr. Harmon stated that from his point of view, the RS-3 recommended by staff works.

Ms. Hill asked staff if the Planning Commission were to approve RS-3 zoning, the applicant would still be able to operate as it is today. In response, Mr. Romig answered affirmatively.

Mr. Carnes made a motion to approve staff's recommendation for RS-3 zoning. Mr. Westervelt seconded the motion with the following comments: 1) find this application not in accordance with the Comprehensive Plan, but **may be found**, 2) in light of the existing daycare and church, these types of uses are found close to residential rooftops regularly, 3) the suggestion that the City created this problem through zoning is inaccurate and the subject property is likely to generate more property value for the owners as it would as a standard piece of residential subdivision with stub streets; 4) there is no difficulty for the owner to continue to operate the existing beauty shop as she has over the years and there is no difficulty for the owner to remain as a nonconforming use.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to recommend **DENIAL** OL zoning and **APPROVAL** of RS-3 zoning for Z-6872, as recommended by staff.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to recommend **DENIAL** of PUD-674 as recommended by staff.

Legal Description for Z-6872:

A tract of land lying in the NW/4, SW/4 of Section 11, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; more particularly described as Beginning at a point on the West Section line 35' South of the Northwest corner of said tract; thence due East a distance of 568'; thence S 37°34'10" a distance of 164.01'; thence due East a distance of 65'; thence due South a distance of 65'; thence due East a distance of 367.76'; thence due North a distance of 200'; thence due East a distance of 189.24'; thence due South a distance of 396.00'; thence due West a distance of 1,020'; thence due North a distance of 58.00'; thence N 48°11'53" a distance of 137.20'; thence due West a distance of 190.00'; thence due North a distance of 221.00' to the Point of Beginning, containing 8.53 acres, more or less, and located south of the southeast corner of East 76th Street South and South Sheridan Road, Tulsa, Oklahoma, **From AG (Agriculture District) To RS-3 (Residential Single-family High Density District.)**

* * * * *

There being no further business, the Chairman declared the meeting adjourned at 2:55 p.m.

Date Approved: 12.4.02

Bush Jahn
Chairman

ATTEST: Dee Anna Cantant
Secretary