

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2331

Wednesday, January 8, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Bayles	Dunlap	Boulden, Legal
Collins		Fernandez	
Coutant		Huntsinger	
Harmon		Matthews	
Hill		Stump	
Horner			
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, January 6, 2003 at 9:12 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 1:31 p.m.

### **REPORTS:**

#### **Chairman's Report:**

Mr. Harmon reported that the 2003 Election of Officers would be held on January 22, 2003. Mr. Horner will chair the nomination committee and Ms. Hill will serve on the nominating committee.

#### **Worksession Report:**

Mr. Harmon reported that the next worksession would be scheduled for January 29, 2003.

**Director's Report:**

Mr. Stump reported that there is only one subdivision plat on the City Council agenda for January 9, 2003.

Mr. Stump introduced Jerry Lasker, Director of INCOG.

Mr. Lasker reported that INCOG is giving more money back to the City of Tulsa than what was in their budget. He has calculated, with the increase of fees that compared to 2001, the increase is up 286 percent. The City of Tulsa is receiving about \$58,000 more than they had in their budget.

Mr. Lasker stated that unfortunately, the City is cutting INCOG's budget in terms of having a presence at the One-Stop Shop and recently received word that the City would cut INCOG's budget an additional 1.62 percent, which is \$15,000. INCOG will have to find a way to make up that reduction. He indicated that staff has reviewed the TMAPC and INCOG work program and there are some areas that are recommended to defer work on or reduce the level of service on. The first recommendation is to defer the completion of City of Tulsa\Fair Oaks Comprehensive Plan and zoning classification study until the next fiscal year. When Fair Oaks was annexed into Tulsa they had a comprehensive plan in place and INCOG was to adapt that comprehensive plan into the City of Tulsa's comprehensive plan and change the zoning classifications based on that plan. Staff will have to move to another area of INCOG and defer the study for Fair Oaks.

**TMAPC Comments:**

Mr. Harmon asked Mr. Lasker how much the savings would be based on deferring the Fair Oaks item. In response, Mr. Lasker stated that it would save approximately \$10,000.

Mr. Lasker stated that the second recommendation is to provide a consistent level of service to Kendall-Whittier Neighborhood Association and the East Tulsa/Mingo Valley Homeowners Association. He explained that currently INCOG staffs Kendall-Whittier, writes their minutes and send out their agendas. He is proposing that INCOG cut back on the direct staff support and provide the same level of support that is provided to the East Tulsa/Mingo Valley Homeowners Association. INCOG would not be eliminating staff's presence in providing assistance, but trying to make it consistent.

Mr. Harmon asked Mr. Lasker what the savings would be by reducing the services to Kendall-Whittier. In response, Mr. Lasker stated that it would be approximately \$1,000.

Mr. Lasker stated that INCOG anticipated that there may be three down-zoning applications that TMAPC would sponsor. Staff is recommending limiting it to one down-zoning application for the remainder of this fiscal year. He indicated that

currently there are no down-zoning applications in front of the TMAPC, but staff anticipates that the Swan Lake area will be requesting a down-zoning.

Mr. Harmon asked how many down-zoning applications were in 2002. In response, Mr. Stump stated that there was one completed late into the 2001 fiscal year, but there has been none done this fiscal year. Mr. Harmon stated that he is not sure how this factors into a savings. In response, Mr. Lasker stated that the work program budgets the staff time allocated for certain items. Mr. Lasker explained that he is suggesting that INCOG would take away the staff time that was allocated to do three down-zonings and do only one.

Mr. Harmon asked how much savings there would be with only allowing one down-zoning. In response, Mr. Lasker stated approximately \$1,000 to \$2,000 would be saved. Mr. Lasker commented that all of these are rough numbers and out of the whole \$15,000 budget cut TMAPC would be saving approximately \$10,000 to \$12,000 and the rest would come out of the other INCOG program areas.

**TMAPC Comments:**

Mr. Westervelt stated that it is difficult to try to keep the level of service the same, as the dollars shrink and he complimented Mr. Lasker for his proposal. He further stated that everyone should appreciate how difficult these decisions are and try to provide the very best service possible to those we provide services to.

Mr. Lasker stated that the easy part has already been done by cutting out traveling, etc., but now it is getting down into the staff time and it is very challenging.

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**Mr. Midget in at 1:35 p.m.**

**SUBDIVISIONS:**

**FINAL PLAT:**

**Blackjack Cove Estates – RS (790) (PD 23) (County)**

**Location:** North of West 15<sup>th</sup> Street, East of South 273<sup>rd</sup> West Avenue

**Staff Recommendation:**

This plat consists of 16 lots in one block on 36 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; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins "absent") to **APPROVE** the final plat for Blackjack Cove Estates per staff recommendation.

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**PRELIMINARY PLAT:**

**Tulsa Recreation Center for the Physically Limited – IM, RM-3 (693) (PD 4) (CD 4)**

**Location:** 815 South Utica Avenue

**Staff Recommendation:**

This plat consists of two lots, one block, on 6.81 acres.

The following issues were discussed at the November 7, 2002, and the December 19, 2002 Technical Advisory Committee (TAC) meetings: (The TAC had continued this plat because the plans submitted were too cluttered and unclear as originally submitted.)

1. **Zoning:** The property is zoned IM, RM-3 and the subdivision proposed consists of two lots in one block on 6.81 acres.
2. **Streets:** The legal description must be exact and match the property (as owned) to be platted. If a right-turn lane is used (as proposed), then additional right-of-way will be needed. The south end must be 35 feet. The existing right-of-way would not be sufficient for a deceleration lane and parking lane at the north part of the property. An Urban Arterial Street is in place and additional right-of-way would be needed.

The location map is incomplete. Dedicated easements need to be referenced. A 17.5 foot perimeter utility easement is requested. Show distances and bearings. Clarify Limits of No Access and covenants.

3. **Sewer:** There needs to be clarification on the plat as to the type of easements shown. Use a legend. Sewer as proposed is okay. Easements need to be shown clearly.

4. **Water:** Show correct book and page references. Place fire hydrants correctly. Show ONG and City water easements precisely.
5. **Storm Drainage:** Old easements need to be referenced and shown clearly. Contours need to be shown clearly. Existing versus proposed utilities and easements are unclear on the plans. Standard language needs to be put in the covenants. Make sure covenants and face of plat describe the same easements.
6. **Utilities:** Perimeter (17.5 foot) easements are needed. Any relocation or abandonment of existing lines will be at the owners' expense.
7. **Other:** Sidewalks proposed and existing need to be shown clearly. The PSO easement is not shown clearly. Old lots should not be shown under the new proposal.

The applicant was told that the citizen owning property to the north of the site had visited the INCOG office. He wanted the developers of the site to know that his property is zoned industrially, and that he plans to use it for industrial purposes and to have truck traffic, including loading and unloading of trucks.

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 concerns of the Public Works Department staff must be taken care of to their satisfaction.

**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.**

**Interested Parties:**

**Maria Barnes**, President of Kendall-Whittier Neighborhood Association, 2252 East 7<sup>th</sup> Street, Tulsa, Oklahoma 74104, stated that she supports this application. She commented that she approves of their plan and it proposal to expand. She stated that she would like Murdock Villa would step up and do the same.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins "absent") to recommend **APPROVAL** the preliminary plat for Tulsa Recreation Center for Physically Limited subject to special conditions and standard conditions per staff recommendation.

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**Commissioner Collins in at 1:50 p.m.**

## **CONTINUED ZONING PUBLIC HEARING:**

**Application No.: Z-6875**

**CS/SR/AG to IL**

**Applicant:** Bradley Beasley

(PD-17) (CD-6)

**Location:** Southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue

### **Staff Recommendation:**

Ms. Matthews stated that the applicant has amended his request to eliminate the southern part of the original advertised piece of property.

### **RELEVANT ZONING HISTORY:**

**Z-6823 July 2001:** All concurred in approval of a request to rezone a 2.04-acre tract located on the north side of East Admiral Place and west of South 161<sup>st</sup> East Avenue from RS-3 to IL for the continuation of a parking and storage area for an automobile auction.

**Z-6587/PUD-560 June 1997:** A request to rezone a 12.5-acre tract located on the south side of Admiral Place, west of 161<sup>st</sup> East Avenue, south and west of the subject property, from AG to IL and PUD for light industrial development was approved subject to conditions.

**Z-6585/PUD-556 February 1997:** A request to rezone a 4.5-acre tract located on the south side of Admiral Place and west of 161<sup>st</sup> East Avenue, south and west of the subject property, from SR to CS or IL. Approval was granted for IL zoning to a depth of 350' fronting East Admiral Place with the balance of the tract to remain as SR zoning.

**Z-6332 October 1991:** All concurred in approval of a request to rezone the 1.9-acre tract abutting the subject tract on the east from RS-3 to IL.

**Z-6297 April 1991:** All concurred in approval of a request to rezone a 2.5-acre tract located west of the northwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue and east of the subject tract, from RS-3 to IL.

**Z-6007 December 1984:** All concurred in approval of a request to rezone a 1.4-acre tract abutting the subject tract on the west from RS-3 to IL.

**Z-5887 December 1983:** A request to rezone a 20-acre tract located west of the southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue from IR and AG to IL. All concurred in approval of CS on the east 350' x 350' tract located on the southwest corner of East Admiral Place and South 161<sup>st</sup> East



Avenue, IL on the western portion fronting East Admiral to a depth of 350' and SR on the balance.

**Z-5567 June 1981:** All concurred in approval of a request to rezone a ten-acre tract located north of the northeast corner of East Admiral Place and South 145<sup>th</sup> East Avenue from RS-3 to IL.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, non-wooded, paved, fenced and lighted. It is currently a vehicle storage area for an auto auction business. It is zoned AG, SR and CS.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East Admiral Place	Secondary arterial street	100'	2 lanes (adjacent to this site)
South 161 <sup>st</sup> East Avenue	Secondary arterial street	100'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The site is abutted on the north by offices and stored vehicles, apparently for the auto auction, zoned IL; to the east by vacant land, zoned IL; to the southeast by a church, zoned RS-3; to the west by a mini-storage and truck parking facility, zoned IL; and to the south by heavily wooded and vacant land, zoned SR and AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity-Industrial Land Use. According to the Zoning Matrix, the requested IL zoning is in accord with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing surrounding uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of IL zoning for Z-6875.

**TMAPC Comments:**

Mr. Westervelt asked if the parking lot is still graveled and illegal. In response, Ms. Matthews stated that she believes that it is still gravel, but the applicant could answer for certain.

**Applicant's Comments:**

**Bradley Beasley**, Representing Odessa Auto Auction, 100 West 5<sup>th</sup> Street, Suite 800, Tulsa, Oklahoma 74103, cited the history of the subject tract and indicated that it has existed for 20 years. He indicated that he is only seeking to rezone the subject property that has been currently developed and being used today as part of the auto auction.

Mr. Beasley stated that eight months ago, his client received a notice of a zoning violation, which was news to his client. His client discovered that he needed to rezone the subject property to IL in order to be in compliance.

Mr. Beasley explained that there were several protestants at the first meeting and he requested a continuance in order to meet with the protestants. On December 9, 2002 he met with the homeowners and attempted to address their concerns. He indicated that he understood that at the end of the meeting everyone was satisfied, but today he learned that there are several homeowners who want a 16-foot high stockade screening fence instead of chain-link fencing with slats. He pointed out that he is not required to install a screening fence, but his client would like to be a good neighbor and agreed to install some type of screening fence. However, he did not agree to a 16-foot stockade fence.

Mr. Beasley confirmed that his client would continue to do all of the improvements and install some type of screening fence as he agreed to during the meeting with the homeowners, but he feels the last-minute request for a 16-foot high stockade fence is not in good faith.

**TMAPC Comments:**

Mr. Harmon asked Mr. Beasley where he agreed to install the privacy fence. In response, Mr. Beasley stated that it would be along 161<sup>st</sup> East Avenue.

Mr. Harmon asked Mr. Beasley what type of screening fence he was planning to install. In response, Mr. Beasley stated that a contractor is coming this week to give various bids on the types of fencing that are available. Mr. Beasley further stated that he doesn't know if it would be slats or a wood privacy fence. Mr. Harmon asked if the screening fence would be at least six feet in height. In response, Mr. Beasley answered affirmatively.

Ms. Hill asked Mr. Beasley to explain his definition of slats. In response, Mr. Beasley stated that it would dark green slats that weave through the cyclone fence.

In response to Mr. Westervelt, Mr. Stump stated that due to the subject property abutting an arterial street, there is no screening requirement. Mr. Stump explained that there is a platting requirement and a landscape strip requirement along the 161<sup>st</sup> and Admiral frontage, which is at least seven to eight feet with several trees required.

Mr. Westervelt stated that since the subject property has been in existence since 1983, then the gravel is not a legal surface to be parked on. In response, Mr. Stump confirmed Mr. Westervelt's statement.

Mr. Beasley stated that his client intends to go before the Board of Adjustment for a special exception to lay a binder to keep the dust down. He explained that the advantage is that there wouldn't be a severe stormwater runoff problem as there would be with asphalt.

Ms. Hill asked if slat screening is allowed by the code. In response, Mr. Stump stated that if the screening fence were required by the code, slats in a chain-link fence do not comply.

Mr. Westervelt asked Mr. Beasley if he would consider coming back with a PUD so that there could be some controls or if he would prefer the Planning Commission to vote on this application with several Planning Commissioners being uncomfortable with the straight rezoning. In response, Mr. Beasley stated that his client would prefer go with the straight zoning because the PUD process is time-consuming. Mr. Beasley explained that his client is anxious to move forward with this project and becoming compliant with the law. Mr. Beasley requested the Planning Commission to take him at his word that he would address all of the issues and concerns of the neighbors and come into compliance with the code.

Mr. Westervelt asked staff what impact it would have on Mr. Beasley if the Planning Commission were to vote unfavorably for the rezoning and then he chose to come back with a PUD application. In response, Mr. Stump stated that the applicant would have to pay fees for zoning again and if he came back with a PUD, then staff would consider it to be an altered or amended request from standard zoning and he wouldn't have to wait the six months as normally done for the same request. Mr. Stump explained that if the Planning Commission voted on this application and it was denied, then the applicant would have to start from the very beginning.

**Interested Parties:**

**Mark Williams**, 16108 East 2<sup>nd</sup> Street, Tulsa, Oklahoma 74108, stated that he has met with Odessa more than halfway. He explained that the neighborhood wants more than a screening fence. He expressed concerns with the drainage, wrecked vehicles being parked on the subject property, and old tires and batteries being piled outside on the gravel. Mr. Williams submitted photographs (Exhibit A-2) and a petition of protest (Exhibit A-3).

The Planning Commission expressed concerns regarding the proposed screening fence and graveled parking areas. The Planning Commission asked

Mr. Beasley if his client would like to continue the zoning case and apply for a PUD in order to better facilitate several issues of concern.

Mr. Beasley requested the rezoning application be continued and allow his client to return with a PUD application.

Mr. Stump asked Mr. Beasley if his client could be ready to file his PUD by January 23, 2003. In response, Mr. Beasley answered affirmatively.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles "absent") to **CONTINUE** Z-6875 to March 5, 2003 in order to hear the zoning application with a PUD.

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**Application No.: PUD-608-A**

**MAJOR AMENDMENT**

**Applicant:** Charles Norman

(PD-18) (CD-8)

**Location:** East of southeast corner of 81<sup>st</sup> Street South and Sheridan Avenue

**Staff Recommendation:**

Mr. Dunlap stated this is a request to add a use unit in Development Area C of PUD-608-A. Recently the Planning Commission heard the major amendment application which added Development Area C and the request is to add a health club/spa as permitted under Use Unit 19 as a permitted use in this PUD. Staff has no objection to this request.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he agrees with the staff recommendation. He explained that immediately after the major amendment hearing on December 4, 2002 he had an inquiry about the possibility of adding a health club in this particular development area. Use Unit 19 was not part of the original application and he made a proposal at the City Council meeting; however, the City Council stated that they would feel more comfortable if the Planning Commission has heard the request and it was referred back to the Planning Commission.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **APPROVAL** the request to add Use Unit 19, health club/spa use to PUD-608-A as requested.

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**ZONING PUBLIC HEARING**

**Application No.: Z-6879**

**RS-1 TO RS-4**

**Applicant:** Jack Cox

(PD-18-C) (CD-8)

**Location:** ¼ mile west of Memorial on Memorial Drive

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**PUD-603-A/Z-6579-SP-2 January 2000:** All concurred in approving a request for a major amendment to PUD-603. The original PUD and corridor site plan designated four development areas for retail commercial and office use, including an automobile dealership on the south 2.5 acres. The major amendment was approved for two development areas on a 9.4 acre tract located on the southwest corner of East 98<sup>th</sup> Street and South Memorial Drive. Development standards and CS uses were approved for both development areas.

**PUD-603/Z-6579-SP-1 January 1999:** A Planned Unit Development and Corridor Site Plan were approved to allow proposed retail and office use on property located on the southwest corner of East 98<sup>th</sup> Street south and South Memorial Drive.

**Z-6617/PUD-581 February 1998:** All concurred in approval of a request for CO zoning on an 11.9-acre tract abutting the subject tract on the east. The Comprehensive Plan did not support CO zoning to a depth greater than 500' from South Memorial Drive, but staff and TMAPC concurred that the drainage way and City of Tulsa detention facility located southwest of the property established a natural demarcation for the CO zoning to a depth of 1,320'. The accompanying PUD was also approved for a proposed multifamily development.

**Z-6579 March 1997:** A request to rezone a 24.5-acre tract located on the southwest corner of East 98<sup>th</sup> Street South and South Memorial Drive from RS-1 to CO was approved.

**Z-6578/PUD-554 January 1997:** A request to rezone a 30.8-acre tract located south of the subject tract and west of the southwest corner of East 98<sup>th</sup> Street and South Memorial Drive from AG and RS-1 to RS-3/PUD for a single-family residential development. All concurred in approval of the request subject to modifications.

**Z-6140 February 1987:** All concurred in approval of a request to rezone a 370' x 417' tract located in the southwest corner of the Creek Turnpike and South Memorial Drive from AG to CO.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property consists of three large residential lots that are sloping and partially wooded. Each lot contains a single-family dwelling and is zoned RS-1.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 98 <sup>th</sup> Street South	Private residential street	60'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The property is abutted on the north by the Creek Turnpike right-of-way, zoned AG; to the east by apartments, zoned CO/PUD, to the southeast by single-family residential uses, zoned RS-3/PUD; to the west and southwest by single-family dwellings, zoned RS-1; and to the south by a large drainage/retention area, zoned RS-1.

**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 or Corridor – No Specific Land Use and Development Sensitive on a small part.

According to the Zoning Matrix the requested RS-4 is in accord with the Zoning Matrix.

**STAFF RECOMMENDATION:**

Based on surrounding single-family residential uses to the south, east and southeast that are on lots larger than RS-4 standards, staff cannot support the requested RS-4 zoning. Staff can support RS-3 zoning in the alternative, however, and therefore recommends **DENIAL** of RS-4 zoning for Z-6879 and **APPROVAL** of RS-3 zoning. Staff would note that no subdividing of this tract can occur because it lacks frontage on a public street and is not in a PUD.

Mr. Stump stated that the subject property has an unusual access problem. He explained that the subject tract has no frontage on a public street and the applicant would either have to work this issue out or come back with a PUD to allow subdividing off a private street.

**Applicant's Comments:**

**Jack Cox**, 7935 East 57<sup>th</sup> Street, Tulsa, Oklahoma 74145, stated that the proposed development would be under a PUD as patio homes with zero and ten-foot side yards. He explained that he requested the RS-4 to guarantee that there would be enough density. Mr. Cox submitted a sketch plat of the first phase (Exhibit B-1) and a letter requesting a traffic light (Exhibit B-2). Mr. Cox stated that the existing homeowners have difficulty exiting their homes due to the traffic.

**Interested Parties:**

**Grace Duffield**, 7404 East 98<sup>th</sup> Street, Tulsa, Oklahoma 74133, stated that she lives directly across from the subject property. She expressed concerns regarding traffic and the need for a traffic light. She indicated that she is in support of this project.

**TMAPC Comments:**

Mr. Westervelt advised Ms. Duffield to contact Mark Brown, Traffic Engineering regarding the traffic light issue.

Mr. Harmon asked if the sketch plat would comply with RS-3 or RS-4. In response, Mr. Stump stated that all of the lots, including the large reserve area and Lot 1, Block 1, it would be lower density than RS-3. Mr. Stump commented that staff hasn't seen a PUD at this time, but with a PUD, the applicant would be allowed to put far more units than is shown in the sketch plat.

**Interested Parties:**

**Dixit Kadakia**, 7425 East 98<sup>th</sup> Street, Tulsa, Oklahoma 74133, stated that he owns the subject tract of land. He explained that he is trying to keep the subject area residential. He further stated that a signal light has been requested several times, but as of today none has been installed.

Mr. Kadakia asked Mr. Stump to explain the subdividing on private streets. In response, Mr. Stump stated that Zoning Code does not allow the creation of new lots on private streets except in a PUD. Mr. Stump indicated that 98<sup>th</sup> Street west of Memorial Drive is still a private street; however, there are commitments from three of the four property owners east of the subject property to dedicate 98<sup>th</sup> Street right-of-way in order to make it a public street.

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **DENIAL** of RS-4 zoning for Z-6879 and **APPROVAL** of RS-3 zoning per staff recommendation.

**Legal Description for Z-6879:**

A tract of land lying in the NW/4 SE/4, Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at the Northeast corner of said NW/4 SE/4; thence S 0°03'17"E along the East line thereof a distance of 660.98' to the Southeast corner of the NE/4, NW/4, SE/4, of said Section 23; thence S 89°54'13" W along the South line of said NE/4, NW/4, SE/4, a distance of 385.20' to a point; thence N 0°15'47" E a distance of 29.92' to a point; thence N 89°58'21" W a distance of 126.68' to a point of curve; thence along said curve to the left, said curve having a radius of 480', a central angle of 21° 36' 06", a distance of 180.97' to a point; thence N 21° 31' 10" W a distance of 713.98' to a point on the North line of said NW/4, SE/4; thence N 89° 56' 09" E along said North line a distance of 949.74' to the point of beginning, containing 12.2771 acres, more or less; and located ¼ mile west of Memorial on the north side of East 98<sup>th</sup> Street South, Tulsa, Oklahoma. **From RS-1 (Residential Single Family Low Density District) to RS-3 (Residential Single Family High Density District).**

\* \* \* \* \*

**OTHER BUSINESS:**

**Application No.:** PUD-571-A

**DETAIL SITE PLAN**

**Applicant:** Ted Sack

(PD-18) (CD-8)

**Location:** East of northeast corner of East 81<sup>st</sup> Street and Memorial Drive

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for Westlock, a trade establishment which merchandises locks (UU #15, Other Trades and Services). The facility is to include offices, a retail showroom and related storage of merchandise. The proposed use as specified above is in conformance with PUD-571-A Development Standards, which limit uses permitted within UU#15 to General Merchandising Establishments NEC. (However, contrary to PUD-571-A Development Standards, the site plan notes that *all* uses are permitted within UU #15.)



With exception to the notation of uses permitted, the site plan meets development standards, street yard and landscape area requirements and parking requirements. Parking lot and site lighting are also in conformance with development standards and the Zoning Code.

Development standards require that each lot within the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements. The plat provides a mutual access easement on the site's southwest corner and is shown on the Westlock site plan. A proposed mutual access easement connects the platted one with the site's east property line.

Staff recommends **APPROVAL of PUD-571-A** on condition that (1) the notation of "Uses Permitted" and "Uses Proposed" under the "Site Statistics" section of the site plan are revised to specify that only General Merchandising Establishments NEC within Use Unit 15 be permitted/proposed; and, (2) the proposed mutual access easement is filed of record with Tulsa County.

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

**Mr. Westervelt announced that he would be abstaining from this item.**

**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 9-0-1 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; Westervelt "abstaining"; Bayles "absent") to **APPROVE** the detail site plan for PUD-571-A subject to the following: (1) the notation of "Uses Permitted" and "Uses Proposed" under the "Site Statistics" section of the site plan are revised to specify that only General Merchandising Establishments NEC within Use Unit 15 be permitted/proposed; and, (2) the proposed mutual access easement is filed of record with Tulsa County, per staff recommendation.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 2:40 p.m.

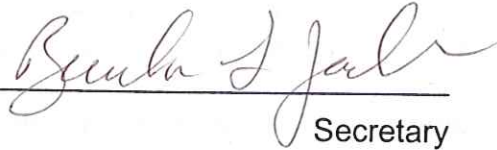
Date Approved:

1-22-03



Chairman

ATTEST:



Secretary