

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2362

Wednesday, November 19, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, November 18, 2003 at 11:10 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

Mr. Jackson announced that the meeting is being delayed due to the Planning Commissioners having problems with the traffic in the parking garage. He stated that when there are six members present, the meeting would commence.

After declaring a quorum present, Chair Jackson called the meeting to order at 2:00 p.m.

Minutes:

Approval of the minutes of October 1, 2003, Meeting No. 2358

On **MOTION** of **HARMON** the TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the minutes of the meeting of October 1, 2003, Meeting No. 2358.

Minutes:

Approval of the minutes of October 15, 2003, Meeting No. 2359

On **MOTION** of **HARMON** the TMAPC voted 5-0-1 (Coutant, Harmon, Jackson, Midget, Westervelt "aye"; no "nays"; Hill "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the minutes of the meeting of October 15, 2003, Meeting No. 2359.

Minutes:

Approval of the minutes of October 22, 2003, Meeting No. 2360

On **MOTION** of **HARMON** the TMAPC voted 5-0-1 (Coutant, Harmon, Jackson, Midget, Westervelt "aye"; no "nays"; Hill "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the minutes of the meeting of October 22, 2003, Meeting No. 2360.

REPORTS:

Chairman's Report:

Mr. Jackson stated that Item 19 would be taken out of order to determine if it would be reconsidered.

Application No.: Z-6916
/Z-6916-SP-1/PUD-694

RECONSIDERATION REQUEST

Applicant: Charles Norman

AG to CS/CO/PUD

Location: Northeast corner of West 91st Street, west of South Union Avenue

Applicant has requested a reconsideration to review and consider the additional fuel distribution information.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Arkansas Valley Petroleum Company, stated that this is back on the agenda as a result of his letter requesting the reconsideration from the case heard two weeks ago.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Norman if he had anything to add to the November 14th letter. In response, Mr. Norman stated that he doesn't have anything to add, except that he feels that there has been some misinformation circulated about the subject application that deserves some clarification, for a large number of people who have become interested in this application when only two protestants appeared two weeks ago and who live beyond the 300-foot radius.

Mr. Norman stated that he requested the reconsideration because he feels that he did not fully describe the distribution concept at the last hearing. He further stated that he believes this happened because he did not understand it completely and he felt it was his obligation to have this application back on the agenda. The main thing he did not understand, but was indicated on the site plan, was the fact that in addition to the local deliveries of the small quantity of fuel that is stored on the site the company operates presently, three to five transport trucks are stored overnight and are dispatched from this site. These transport trucks are the large 18-wheeler trucks and that was a question that was

asked at the original hearing. He explained that he didn't understand the nature of the question and he referenced the bobtail delivery trucks. The larger transport trucks come to the proposed facility and get their dispatching instructions, do their accounting and reports, then go to the terminal in Glenpool or the refinery in Tulsa to pick up large loads to deliver fuel to 120 customers in Oklahoma and Arkansas and they do not return until their transport is emptied. The larger trucks are not fueled at the proposed location, but they are operated from this location. He further explained that the large transporters come and go once a day. This is the area he did not fully understand and that is the reason for requesting this to be back on the agenda for reconsideration if the Planning Commission chooses to do so. Mr. Norman submitted additional conditions to clarify the factor about the transport trucks and to limit the number of trucks to 12.

Mr. Norman stated that he doesn't know of any prior policy of the Planning Commission to refer zoning applications to adjacent communities that have already annexed. There is a policy in the County that requests for rezoning that are brought to the Planning Commission are referred to adjacent communities if it is within their fencelines. The officials in the City of Jenks are saying that they learned about this application yesterday and one City Attorney stated that he intends to request a continuance. The whole purpose of being on the agenda today is to state to the Planning Commission that he did not fully understand and did not fully explain what is actually intended by the company. It was important to him to come back and make sure that it was done. He explained that he did not want to wait until this application went to the City Council and then add the additional information.

TMAPC COMMENTS:

Ms. Hill asked if the storage tanks are filled by the bobtail trucks or by the larger tankers. In response, Mr. Norman stated that a large tanker comes to the site once a week, perhaps twice a week, to fill storage tanks. There is not a truck facility or truck wash proposed on this facility. He proposed that the tanker trucks be stored as shown on the site plan in the eastern 150 feet. The proposed site is 200' x 290' average (1.3 acres). The remainder of the proposed area is limited to office use and the entire property is approximately ten acres.

Ms. Hill asked where the trucks would be serviced and maintained. In response, Mr. Norman stated that there would be no servicing of the trucks on the site. There would be no on-site deliveries, either (in other words, no one could come to the site to pick up the fuel).

Ms. Hill asked if the proposal today adds more trucks to the proposed site. In response, Mr. Norman stated that it adds a different kind of truck from what he had described. He explained that previously he discussed the bobtail trucks and he did not fully understand the 18-wheeler trucks would be stored on the site. Ms. Hill asked if there would be bobtail trucks as well as the big tankers. In

response, Mr. Norman stated that there would be only one bobtail, which would be county-wide deliveries.

Mr. Westervelt asked if there would be twelve 18-wheelers parked and fewer bobtail trucks making deliveries from the small tanks. In response, Mr. Norman answered affirmatively. Mr. Westervelt asked Mr. Norman if the hours of operation would be a problem. In response, Mr. Norman stated that he pointed out in his letter that the transport drivers often leave earlier than was specified and come back later than the time allowed. It is very important to the operation that the hours be changed because the transporters go to central and northwest Arkansas to deliver and they do not come back until they are finished with the deliveries. Arkansas Valley has been in business for more than 30 years and has never had a spill or complaint. The trucks have to comply with all of the storage requirements of the Oklahoma Transportation Commission and there is a dike around the storage tanks to catch any spillage. The company provides standby fuel delivery service to the City of Tulsa and a number of hospitals on an emergency basis. The bobtail delivery truck could go with the originally approved hours of operation, but the transporters leave earlier and return later. Presently there would be five trucks going out, but after it is fully developed there would be twelve trucks.

Mr. Westervelt asked Mr. Norman if there were limited hours of operation that would be acceptable with an emergency clause, and if it would satisfy Legal that it was actually an emergency and not a financial emergency. In response, Mr. Norman stated that his client feels that with the limited number of trips, any operating hours are inappropriate or not required. For this number of trucks, it would be 5:00 a.m. until midnight (twelve trucks would make 24 trips a day by the transports) and single-family homes would have nine trips per dwelling unit.

Mr. Westervelt asked Mr. Norman if there would be four different product lines in the storage tanks. In response, Mr. Norman stated that there would be two grades of gasoline and two of diesel. Mr. Norman stated that the large transports have different compartments and can carry more than one brand or grade of fuel. Mr. Westervelt asked if limiting the number of vehicles stored and limiting the total number of gallons stored would be acceptable to the applicant. In response, Mr. Norman stated that he proposed that the ultimate development be limited to a maximum of twelve trucks and its on-site storage area be limited for fuel storage to no more than 4800 square feet or approximately 60' x 80' in dimension.

Mr. Westervelt asked if the storage tanks could be underground rather than above ground. In response, Mr. Norman stated that it could be possible, but there is some limestone three to five feet below the ground.

Mr. Norman stated that if the Planning Commission chooses to not reconsider this application, he would have made his proposal and the same proposals would be submitted to the City Council with the same restrictions. He further stated that

he knows that there were some concerns from a few Planning Commissioners about the use itself, and if they would like to reopen it, they have every right and he is requesting it to be reopened.

Mr. Midget stated that he is not interested in reconsidering this application. He understands the situation with the trucks, but he is not interested in extending the hours of operation. He explained that he understood that a separate diesel truck would be coming in to fill the storage tanks.

Mr. Romig reminded the Planning Commission that the motion to reconsider must come from the prevailing side.

Mr. Westervelt stated that at first he didn't want to reconsider this; however, the recommendation the Planning Commission is sending to the City Council doesn't satisfy Mr. Norman's client's needs and judging from the crowd it doesn't seem to satisfy their concerns as well. The Planning Commission may owe it to all parties and the City Council to see if there is not some common ground that would make the City Council decision easier to accomplish.

Ms. Hill stated that she believes that this company is probably a good company and she doesn't have a problem with the office, but she has a major problem with any type of storage facility (trucks or otherwise) going in and out. If this pleases the Planning Commission to reconsider it, her position will not change. She explained that she did a second drive through the area today and her position is the same.

Mr. Harmon stated that he listened to all of the information on the previous petition; however, he did not vote because he had to leave the early. In the last two weeks, he has had an opportunity to look at this and review it and had become comfortable with the decision the Planning Commission made. He feels that the Planning Commission reached a good decision last week and he prefers the restricted hours. He commented that if the Planning Commission decides to reconsider this case, then he would be open-minded to everyone's comments.

Mr. Westervelt stated that if the Planning Commission votes to reconsider this application, the restrictions could remain the same. He explained that he is only willing to reconsider this purely on a procedural basis and it would have nothing to do with the decision made earlier.

Ms. Coutant stated that she believes the Planning Commission did follow procedure and made a good decision. The restrictive hours are what they should be and they should work within those hours. She indicated that she would not vote to reconsider.

Mr. Westervelt stated that he finds this logic fundamentally wrong; however, he does respect his fellow Commissioners. It is not whether the Planning

Commission likes the hours of operation, but whether it is legitimate for someone to ask for a reconsideration and if there was information available that would improve this application in any way, whether that would mean denied strongly or modified.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 5-1-0 (Harmon, Hill, Jackson, Midget, Westervelt "aye"; Coutant "nay"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** reconsideration of Z-6916/Z-6916-SP-1/PUD-694.

Mr. Jackson announced that Z-6916/Z-6916-SP-1/PUD-694 would be heard at its original place on the agenda.

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Worksession Report:

Mr. Jackson reported that there would be a worksession in City Hall, Room 1102 immediately following the Planning Commission meeting today.

Mr. Westervelt announced that he would not be able to attend the worksession.

Director's Report:

Mr. Alberty reported that there would one case on the City Council agenda Thursday evening.

Mr. Alberty reported on the TMAPC receipts.

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SUBDIVISIONS:

LOT SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS

L-19597 – Herbert A. Molyneux - RS, (7408

(PD 19) (County)

12324 East 131st Street

STAFF RECOMMENDATION:

Mrs. Fernandez stated that the applicant was present; however, he could not stay for the meeting because of his job with the National Guard. Staff recommends continuing this application to December 3, 2003.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **CONTINUE** L-19597 to December 3, 2003 at 1:30 p.m.

FINAL PLAT:

Sooner Mini Storage – CS (9121) (PD-23) (County)

Northwest corner of South 129th West Avenue and West 41st Street

STAFF RECOMMENDATION:

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

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; 6 members present:

On **MOTION** of **MIDGET** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the final plat for Sooner Mini Storage per staff recommendation.

PRELIMINARY PLAT:

Amos Electric Addition- IL (0320) (PD-2) (CD-3)

3209 North Lewis Avenue (**Applicant requests continuance to 12/3/03.**)

STAFF RECOMMENDATION:

Applicant has requested a continuance to December 3, 2003 to deal with issues pertaining to fire protection.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins Horner, Ledford "absent") to **CONTINUE** the preliminary plat for Amos Electric Addition to December 3, 2003 at 1:30 p.m.

Audubon Village – PUD 678 (RS-3) (8323) (PD-18) (CD-8)

East 98th Street, West of Memorial (**Staff requests continuance to 12/3/03 for further TAC review.**)

STAFF RECOMMENDATION:

Staff requests a continuance to December 3, 2003 for further TAC review.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins Horner, Ledford "absent") to **CONTINUE** the preliminary plat for Audubon Village to December 3, 2003 at 1:30 p.m.

Beckville – RS-3 (0321) (PD-2) (CD-3)

3501 East 30th Street North

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on one acre.

The following issues were discussed November 6, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 and has a Special Exception per BOA 19520 for a school use. There was a minor subdivision plat submitted for the site on 5/29/03 and TMAPC approved the processing of a preliminary plat on the site – instead of the minor plat on 7/2/03.
2. **Streets:** Legal description doesn't match plat. The location map needs subdivision name of adjacent properties. Verify the road easement and legal and right-of-way if necessary.
3. **Sewer:** Mainline extension is required as shown on the concept plan. Document note #1 is not on plan. Plan symbol #4 is not in notes.
4. **Water:** No comments.
5. **Storm Drainage:** Plat needs more offsite contours. If offsite water flows onto site then an Overland Drainage Easement is needed. Bearings are needed. Remove the building line from the detention easement. On the concept plan add inlets and storm sewers and indicate how water gets to the detention facility. How is the proposed building accessed without paving? Where does the drainage pond go? Show offsite conveyance for the drainage flowing from the pond outlet. Add overland drainage easement language in the covenants.
6. **Utilities:** Okay.
7. **Other: Fire:** N/A

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 therefor 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 therefor 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant's Comments:

Ed Beck, 1140 North Xenophon, Tulsa, Oklahoma 74127, stated that there is an existing school building on the subject property and he is requesting this waiver.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the preliminary plat for Beckville per special conditions and standard conditions as recommended by staff.

Pleasant Oaks 3 – RS (9131)

(PD-18) (County)

Between West 161st Street and West 177th Street, North of 61st Street (**Staff requests continuance to 12/3/03 for further TAC review.**)

STAFF RECOMMENDATION:

Staff requests a continuance to December 3, 2003 for further TAC review.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HILL**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins Horner, Ledford "absent") to **CONTINUE** the preliminary plat for Pleasant Oaks 3 to December 3, 2003 at 1:30 p.m.

Union Bank Addition – PUD 333A (9332)

(PD-18B) (CD-9)

5623 South Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on .83 acres.

The following issues were discussed November 6, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-333-A.
2. **Streets:** Legal description does not match plan. A sidewalk with a ramp may be needed along Lewis. Check the property owner address. Identify right-of-way as "dedicated by this plat". Include right-of-way dedication in covenants. Provide missing lot dimensions. Include PUD number on plat.
3. **Sewer:** On the conceptual plan and on the plat, show the existing ten-foot sanitary sewer easement enlarged to a 15-foot easement to meet City standards.
4. **Water:** Water is available.

5. **Storm Drainage:** An overland drainage easement is needed for offsite stormwater flowing onto the site, on the plat and in the covenants. On the conceptual plan, use a bearing for directional callout in northwest corner of the plan. Masonry screening fences cannot block existing water flows. The entire system will need a PFPI. The drainage design needs to be corrected.
6. **Utilities: SBC:** A four-inch conduit is needed. **PSO:** The applicant needs to meet with the PSO engineer to provide additional easements.
7. **Other: Fire:** A hydrant needs to be within 400 feet of the building. A fire hydrant needs to be installed.

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 therefor 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 therefor 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the preliminary plat for Union Bank Addition, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Mr. Jackson asked if there were interested parties present for the Wind River Sketch Plat. He explained that it would not be heard today, but when it is, a preliminary plat it would be advertised by public notice at a later date.

There were no interested parties wishing to speak.

CHANGE OF ACCESS ON RECORDED PLAT:

Airpark Distribution Center, Lot 6, Block 1- (2004)

(PD-16) (CD-6)

Northeast corner of Garnett Road and Apache Street

STAFF RECOMMENDATION:

This application is made to allow a change of access along East Apache Street. The property is zoned IM.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the change of access for Airpark Distribution Center, Lot 6, Block 1, per staff recommendation.

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Red Bud Corner, Lot 1, Block 1 – (939)

(PD-4) (C-4)

Northwest corner of East 15th Street and South Yale Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Yale Avenue. The property is zoned PUD 672.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HILL** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the change of access for Red Bud Center, Lot 1, Block 1, per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: CZ-328

AG TO CS

Applicant: David C. Charney

(PD-15) (County)

Location: Northeast corner of East 106th Street and Highway 75 North

STAFF RECOMMENDATION:

The applicant withdrew this application.

Application No.: CZ-329

AG to CS

Applicant: Don A. West

(PD-15) (County)

Location: Northeast corner of East 96th Street and Highway 75 North

STAFF RECOMMENDATION:

The applicant withdrew this application.

Application No.: CZ-331

RS to CS

Applicant: Ray P. Bates

(PD-24) (County)

Location: Southeast corner of East 67th Street North and Peoria Avenue North

STAFF RECOMMENDATION:

CZ-320 MAY 2003: All concurred in approval of a request to rezone the property at 7102 North Peoria from RS to CS for a doughnut shop, north and west of the subject property.

CZ-287 OCTOBER 2001: All concurred in approval of a request to rezone the property immediately south of the subject property at East 66th Street North and North Peoria Avenue from RS to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is 100' x 120' in size and is located on the southeast corner of East 67th Street North and North Peoria Avenue. The property is flat, non-wooded, contains a private lodge and accessory storage building, and is zoned RS. It has a gravel driveway in the front (west side) and a paved driveway on the rear (east side). The requirement for minimum frontage CS zoning in Tulsa County is 150' on an arterial, and as the chart below indicates, this lot does not meet that requirement.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
North Peoria Avenue	Secondary arterial	Varies	4 lanes
East 67 th Street North	Residential	50'	2 lanes

UTILITIES: Water to the site is served by the Turley Water System. Tulsa Public Works provides sewer service.

SURROUNDING AREA: The subject property is abutted on the north by two single-family residences, zoned CS; on the east by single-family residences, zoned RS; on the south by a gear shop (possibly vacant, and the subject of a previous zoning case), zoned CS; and on the west by a wrecker service and related automotive uses, zoned IL and RS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 24 area is within the Peoria Special District, and the Plan recognizes that commercial trends in this area will continue. The proposed rezoning **may be found** in accord with the Plan by virtue of its location within a Special District.

STAFF RECOMMENDATION:

Based on provisions of the Plan and trends in the area, staff could support the requested rezoning, but the lot does not meet the minimum frontage requirement of 150'. Furthermore, it is not clear at this time whether adequate on-site parking could be provided. If the requested CS zoning is approved, it is apparent some Board of Adjustment actions will be required if the property is to be used as a restaurant. Staff therefore recommends **APPROVAL** of CS zoning for CZ-331

Ms. Matthews stated that the County Board of Adjustment approved a minimum frontage of 120' and now staff can recommend approval.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 5-1-0 (Harmon, Hill, Jackson, Midget, Westervelt "aye"; Coutant "nay"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to recommend **APPROVAL** CS zoning for CZ-331 per staff recommendation.

Legal Description for CZ-331:

The West 100' of the North Half of Lot 7, Block 12, Golden Hill Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and on the southeast corner of East 67th Street North and North Peoria Avenue, Tulsa, Oklahoma, **From RS (Residential Single-family District) To CS (Commercial Shopping Center District).**

ZONING PUBLIC HEARING

Application No.: Z-6917

RS-3 to IL

Applicant: Michael Coulter

(PD-15) (County)

Location: West of southwest corner of East Pine Street and North 129th East Avenue.

STAFF RECOMMENDATION:

Z-6764 June 2000: Approval was granted for a request to rezone a 5.5-acre tract located east of and abutting the subject tract, from RS-3 to IL for a machine shop.

Z-6687 June 1999: A request to rezone the 4.5-acre tract located south of the southwest corner of East Pine Street and North Garnett Road, from RS-3 to IL for a machine shop. All concurred in approval of IL zoning.

Z-6229 February 1989: A request to rezone a five-acre tract located west and abutting the subject tract from RS-3 to IL. All concurred in IL zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, vacant, and zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Pine Street	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by heavy equipment storage and parking zoned IM; to the east by a single-family dwelling, zoned IL; to the west by a storage facility for large containers, zoned IL; and to the south by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 2. This area is designated for industrial development consistent with the Industrial Plan section of the Comprehensive Plan. According to the Zoning Matrix, IL zoning **may be found** to be in accord with the Comprehensive Plan, due to its location within a Special District.

Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and adjacent land uses, staff can support the requested rezoning and therefore recommends **APPROVAL** of IL zoning for Z-6917.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Harmon, Hill, Jackson, Midget, Westervelt "aye"; Coutant "nay"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to recommend **APPROVAL** of IL zoning for Z-6917 per staff recommendation.

Legal Description for Z-6917:

The West 142.82' of the W/2, NE/4, NW/4, NE/4, Section 32, T-20-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located west of the southwest corner of East Pine Street and North 129th East Avenue (12060 East Pine Street), Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

Application No.: PUD-405/Z-5722-SP-9-B MINOR AMENDMENT

Applicant: Stephen P. Gray (PD-18) (CD-8)

Location: 7608 East 76th Street

STAFF RECOMMENDATION:

The applicant has requested a continuance to December 3, 2003.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins Horner, Ledford "absent") to **CONTINUE** PUD-405/Z-5722-SP-9-B to December 3, 2003 at 1:30 p.m.

Application No.: PUD-236-B-4

MINOR AMENDMENT

Applicant: Mike Hughes

(PD-18) (CD-8)

Location: 7807 East 76th Street

STAFF RECOMMENDATION:

The minor amendment proposes to increase the maximum building floor area for Development Area II of PUD-236-B by 742 SF; from 54,732 SF to 55,474 SF for an addition to the education building of an existing church (see attached site plan).

Staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request.

RELATED ITEM:

Application No.: PUD-236-B

DETAIL SITE PLAN

Applicant: Mike Hughes

(PD-18) (CD-8)

Location: 7807 East 76th Street

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a classroom and multipurpose addition to an existing church building. The proposed use, a church and customary accessory uses (Use Unit #5), is in conformance with Development Standards.

The proposed classroom and multipurpose structure complies with all development standards regarding maximum height permitted, building setbacks and minimum landscaped area requirements. A minor amendment has been requested for the increase in floor area as it exceeds the maximum permitted. Although an additional 65 parking spaces are proposed, parking requirements are tied to chapel space or seating. No new chapel space is proposed, therefore, no new additional parking is required. Proposed new parking lot lighting is in compliance with Development Standards and the Zoning Code.

Staff recommends **APPROVAL** of PUD-236-B detail site plan as proposed on condition that the related minor amendment is approved by TMAPC.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the minor amendment for PUD-236-B-4 per staff recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the detail site plan for PUD-236-B per staff recommendation.

Application No.: PUD-569-2/Z-6054-SP-3a	MINOR AMENDMENT CORRIDOR SITE PLAN
Applicant: Mark Capron	(PD-18) (CD-8)
Location: North and east of 84 th Street and South 107 th East Avenue	

STAFF RECOMMENDATION:

The minor amendment proposes to add church as included within Use Unit 5 as a permitted use in Development Area D of PUD-569-2. The existing uses are as follows:

Uses included within, Use Units 10, Off-Street Parking; 11, Offices and Studios; nursing homes as included within Use Unit 2, and assisted living facility and elderly/retirement housing as included within Use Unit 8.

There is an existing church (Hope Worship Center) to the west of the subject tract, across 107th East Avenue that is within Development Area C of PUD-569.

Staff finds that the proposed use will not result in any increase of incompatibility with the proximate properties. Therefore staff recommends **APPROVAL** of the request subject to the condition that all other standards of Development Area D (PUD-569) as amended shall remain unchanged.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the minor amendment for PUD-569-2/Z-6054-SP-3a, subject to the condition that all other standards of Development Area D (PUD-569) as amended shall remain unchanged, per staff recommendation.

Mr. Westervelt requested a recess.

Chairman Jackson called for a ten-minute recess at 2:45.

Chairman Jackson reconvened the meeting at 2:50 p.m.

Chairman Jackson announced that the worksession scheduled immediately following the Planning Commission meeting has been cancelled and would be rescheduled to December 17, 2003.

OTHER BUSINESS:

Reconsideration/Z-6916/Z-6916-SP-1/PUD-694

AG to CS/CO/PUD

Applicant: Charles Norman

(PD-8) (CD-2)

Northeast corner of West 91st Street, west of South Union Avenue

STAFF RECOMMENDATION Z-6916:

PUD-636 September 2000: Approval was granted for a PUD on a 108-acre tract located in the northeast corner of West 81st Street South and South Union Avenue for a mixed use development. The property was previously zoned CO in November 1975 (Z-4825) and November 1980 (Z-5457). PUD-636 proposed seven development areas for single-family, multifamily and commercial uses.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8.4 acres in size and is located on the northeast corner of West 91st Street South and South Union Avenue. The property is gently sloping, non-wooded, vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
West 91 st Street South	Secondary arterial	100'	2 lanes
South Union Avenue	Secondary arterial	100'	2 lanes

UTILITIES: Water service is available to the subject tract and sewer would require septic systems.

SURROUNDING AREA: The subject property is abutted on the north and south by vacant land zoned AG; to the east by U. S. Highway 75 South, zoned AG; and to the west by single-family dwellings, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity -Corridor at the intersection of East 91st Street South and South Union Avenue with the balance being designated Low Intensity - Corridor. The requested CO **is** in accord with both the Medium Intensity – Corridor and the Low Intensity – Corridor designations. The requested CS **is** in accord with the Medium Intensity – Corridor and **is not** in accord with the Low Intensity – Corridor designation.

STAFF RECOMMENDATION: Staff can support the requested rezoning of the south 467' of the tract CS (which corresponds to the Medium Intensity-Corridor designation) and the remainder CO, if the TMAPC deems the accompanying PUD-694 or some variation of it appropriate. Staff therefore recommends **APPROVAL** of CO and CS as described if the TMAPC recommends approval of the PUD and the Corridor Site Plan.

STAFF RECOMMENDATION PUD-694/Z-6916-SP-1:

The subject tract consists of 8.4 acres located on the north side of West 91st Street between South Union Avenue and the Okmulgee Beeline expressway. The property is within the city limits of Tulsa; however, the property on the south side of West 91st Street is within the City of Jenks. The immediate neighborhood is shown on Exhibit F, Aerial Photo – Land Uses. The subject tract is zoned AG. Concurrently, an application (Z-6916) has been made to rezone the tract to CS and CO.

The Arkansas Valley Petroleum Company intends to construct its corporate headquarters building and one of its fuel distribution centers on the site. The company will store diesel, unleaded gasoline and kerosene on-site in state approved tanks for area delivery to small commercial, rural residential and agricultural users. No on-site fuel sales will be made at the fuel distribution.

The property in Development Area A along the west 91st Street frontage is planned for small convenience commercial uses and the fuel distribution center. The north 4.6 acres in Development Area B is proposed primarily for office use with mini-storage and a cell tower as additional permitted uses.

If Z-6916 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-694/Z-6916-SP-1 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-694/Z-6916-SP-1 subject to the following conditions:

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

DEVELOPMENT AREA A

LAND AREA:

Gross	4.78 acres	208,197 SF
Net	3.75 acres	163,462 SF

PERMITTED USES:

Those uses included within Use Unit 10, Off-Street Parking Areas; and Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Entertainment Establishments and Eating Establishments other than drive-ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and Services; ~~Fuel Distribution only as included within Use Unit 15, Other Trades and Services; Use Unit 16, Mini-Storage; Use Unit 18, Drive-In Restaurants;~~ Use Unit 21, Business Signs and Outdoor Advertising and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 40,000 SF

MAXIMUM BUILDING HEIGHT:

Two stories not exceeding 45 feet.

Architectural elements and business logos may exceed the maximum building height with detail site plan approval.

~~MAXIMUM FUEL STORAGE FACILITIES HEIGHT: 30 FT~~

~~MAXIMUM LAND COVERAGE OF BUILDINGS: 30%~~

OFF-STREET PARKING:

As required by the applicable use unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of East 91st Street 100 FT

From the centerline of South Union Avenue 150 FT

From the north boundary 10 FT

From the east boundary (Okmulgee Beeline) 10 FT

Internal lot side yards to be established by detail site plan.

~~MINIMUM FUEL STORAGE TANK SETBACKS:~~

~~From the centerline of South Union Avenue 200 FT~~

LANDSCAPED AREA:

A minimum of ten percent of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Tulsa Zoning Code.

SIGNAGE:

1. One ground sign shall be permitted for each lot on the West 91st Street frontage with a maximum of 160 square feet of display surface area and 25 feet in height. There shall be a maximum of two ground signs permitted on the West 91st Street frontage.
2. One center identification ground sign shall be permitted within 25 feet of the Okmulgee Beeline right-of-way with a maximum of 200 square feet of display surface area and 25 feet in height.

3. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
4. Outdoor advertising signs shall be permitted within 50 feet of the Okmulgee Beeline right-of-way.

~~OTHER MINI-STORAGE STANDARDS:~~

~~Shall comply with the RM-2 requirements.~~

DEVELOPMENT AREA B

LAND AREA:

Gross	5.11 acres	222,583 SF
Net	4.61 acres	201,017 SF

PERMITTED USES:

Those uses included within Use Unit 4, Antennas and Supporting Structures only; Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services; ~~Use Unit 16, Mini Storage~~ and uses customarily accessory to permitted uses.

MAXIMUM BUILDING FLOOR AREA: 60,000 SF

MAXIMUM BUILDING HEIGHT:

Two stories not exceeding 45 feet.

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

OFF-STREET PARKING:

As required by the applicable use unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of South Union Avenue	150 FT
From the north boundary	25 FT
From the south boundary	10 FT

From the east boundary (Okmulgee Beeline)

10 FT

Antennas and Supporting Structures shall be located within 75 feet of the Okmulgee Beeline right-of-way.

MINIMUM LOT WIDTH:

200 FT

LANDSCAPED AREA:

A minimum of fifteen percent of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Tulsa Zoning Code.

SIGNAGE:

1. One ground sign shall be permitted for each lot along the South Union Avenue frontage which shall not exceed 48 square feet of display surface area and ten feet in height.
2. One ground tenant identification sign for Development Area B shall be permitted within Development Area B within 25 feet of the Okmulgee Beeline frontage which shall not exceed 160 square feet of display surface area and 25 feet in height.
3. One wall sign shall be permitted for each building which shall not exceed 18 square feet in display surface area.

SCREENING:

A solid screening fence six feet high or higher shall be installed along the north boundary of Development Area B, provided the screening fence requirement may be modified by detail landscape plan approval after considering the development status of the property immediately to the north.

~~OTHER MINI-STORAGE STANDARDS:~~

~~Shall comply with the RM-2 requirements.~~

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 25 feet in height within Development Area A. No light standard nor building-mounted light shall exceed 20 feet in height within Development Area B.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.
14. All access shall be approved by the Public Works Department.

Development Services Comments for TAC meeting October 16, 2003:

PUD-694, northeast corner of West 91st Street and South Union Avenue.

Water – Access to the water main is available. Water system to be designed per City of Tulsa standards.

Stormwater – This was difficult to review without a conceptual plan. Detention is required, as are easements to convey all public waters.

Wastewater – No sanitary sewer service is available in the area. Septic lateral field must be in an easement.

Transportation – No comment.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he was asked two questions during the recess and would like to address those questions first. The first question was the orientation of the proposal on the subject property. Mr. Norman explained and demonstrated where the location of the proposal would be. Mr. Norman further explained the noticing requirements and that anyone past the 300-foot radius from the subject property would not receive a notice. The second question asked about what appeared to them as storage tanks, but is actually required stormwater detention facilities. He indicated that anything that drains toward the City of Jenks there is an unwritten agreement that stormwater detention would be required on-site. The proposed detention facility is divided into three areas and would have landscaping.

Mr. Norman stated that Robert Bell, Planner for the City of Jenks, objects to part of this proposal based on the Comprehensive Plan. The Comprehensive Plan supports corridor zoning and restricts the uses, except at the nodes, to residential, office or institutional type of uses. He is requesting CO zoning to permit his client to have office uses within the area outside of the node. The south 467 feet be zoned CS, which is not a full five acres because it is only 290 feet across the frontage. The fuel distribution facility and the small commercial area could be accommodated under straight-node CS zoning. The proposal will be less than what could occur under any typical commercial development at the node.

Mr. Norman reiterated that if the Planning Commission accepts the limitation of the number of trucks that could be parked on the subject property and that they are parked on the easternmost portion (adjacent to the expressway right-of-way), then the maximum number of trips per day, including the bobtail, would not exceed 25 trips. This load would be less than office use would generate in terms of trips per day on the adjacent arterial street. This is a low intensity use, even though it involves a number of 18-wheeler fuel transport trucks as described earlier. Mr. Norman described the intensities of the surrounding properties.

Mr. Norman explained that the stormwater detention facility would serve as an additional use of providing a buffer or transition from the single-family homes. There would also be a solid screening fence installed, which would not be required because the uses are across an arterial street. He reminded the Planning Commission that usually the screening and landscaping would be an issue until detail site plan. Mr. Norman cited the setbacks and placement of buildings from the site plan. He explained that 60' x 80' or 4,800 SF is the maximum area that can be used for on-site fuel storage, rather it is above or below ground. He offered this information to ensure the interested parties that there wouldn't be any growth.

Mr. Norman stated that the company has never had a spill in 30 years of operation. There is more risk at a convenience store filling up an automobile than there is from this type of facility. Convenience stores have as many or more gallons of fuel stored underground than would be stored at the proposal.

In response to Mr. Norman, Mr. Westervelt estimated that the convenience stores have approximately 36,000 gallons of fuel stored underground.

Mr. Norman stated that with the node concept, with the corridor approval and the only part that doesn't meet the concept would be the fuel distribution center and it is integrally tied to the office building, the headquarters building and the dispatching training function of the company, he would request that the Planning Commission approve this proposal. Mr. Norman requested that the hours of operation, in particularly the return hours, be extended to 10 p.m. or 11 p.m. He reminded the Planning Commission that the subject property is adjacent to the Okmulgee Beeline and there is probably a steady hum from it at least until the midnight hours that would mask any sound of vehicles returning to the site after the hours first put in place two weeks ago.

TMAPC COMMENTS:

Mr. Harmon stated that the extended hours give him a great deal of concern. There are other companies that do deliveries to Ft. Smith and it is considered a ten-hour turnaround. In response, Mr. Norman stated that these are exceptional circumstances and are not the usual operation. There will be vehicles that return at 7:00 p.m. or 8:00 p.m. and some leeway is all that they are requesting for unusual situations. In response, Mr. Harmon stated that he understands that

sometimes the drivers make frequent stops that could delay their return, but the neighbors need to be considered with regard to the noise of the trucks returning late at night. Mr. Norman stated that he is requesting the hours to be extended to 10:00 p.m. or 11:00 p.m. and he doesn't believe that five or six trucks would be an annoyance to a neighborhood. Mr. Norman further stated that there would be more traffic and noise at the convenience store across the street from the facility. In response, Mr. Harmon stated that the convenience store noise is already established and the proposed facility would be adding noise to it. Mr. Norman stated that he lives one mile away from Skelly Drive and he can hear a constant hum from the traffic. He is sure that this is present in the subject area in terms of background noise as compared to a truck driving back into the yard to be parked overnight. The truck wouldn't be going 50 miles per hour, but would be turning into the subject property.

Mr. Harmon stated that he doesn't want to inconvenience the neighborhood in order to make something more convenient for a few truck drivers. If they leave at 6:00 a.m. and make their deliveries, then they should be able to return at 6:00 p.m. unless they are delivering a long way away, which would have to be Guymon, Ft. Smith or Harrison, Arkansas to be later than 6:00 p.m.

Mr. Midget asked where the applicant is currently parking his vehicles. In response, Mr. Norman stated that he is currently storing his trucks at the existing property. The existing facility is slightly smaller in size on 41st Street off of Highway 75. The company has acquired another company and would like to combine their office functions and staff at a new location. Presently the combined operation is three to five transport trucks, but in moving to a new site, they are requesting to be approved for a maximum of twelve trucks to permit some expansion. This small facility would never accommodate more than twelve trucks. There is no reason to move to the subject property unless there is room to have the twelve trucks. The office building would be sized for additional growth as well.

Mr. Westervelt asked Mr. Norman how he felt about masonry screening walls versus wooden screening walls. In response, Mr. Norman stated that he doesn't believe there is a significant difference if they are tilt-up pre-cast panels.

Mr. Westervelt asked Mr. Norman about having gates to close after operating hours to prevent seeing into the facility. In response, Mr. Norman stated that he thought his client would want some type of gate for security purposes.

Mr. Westervelt asked Mr. Norman if he would be supportive of underground storage. In response, Mr. Norman stated that he doesn't oppose it and believes it could be feasible at some cost. Mr. Norman reiterated that the return hours are more important than the other issues because of the length of the hauls.

Mr. Norman stated that his client does not want to move to the subject property and not know what the operating hours would be or that they wouldn't accommodate his drivers. He explained that his client has been in business for many years and intends to stay in business for a long time.

INTERESTED PARTIES:

County Commissioner Randi Miller, District 2, thanked the members for serving on the TMAPC. She stated that she is very familiar with the subject area and it is an up-and-growing development area. There is a lot of growth and a lot of potential growth. Her main concern is the elementary school adjacent to the subject property. There is a community center that is at the closest location (south of the subject area). She stated that when the 300-foot radius is used for notifying the neighborhood, not everyone is notified and that is what has happened here.

Commissioner Miller stated that streets from 81st to 91st are not on the capital improvement project list. She explained that the roads are not in good shape and there is no future capital improvement project for any roads off of Union from 81st to 91st.

Commissioner Miller expressed concerns with above-ground storage tanks in what she considers a community area. There is a new development within the subject area and numerous houses along Union. She stated that she is concerned about the possibility of fire and compared the fire in Glenpool. Although everyone abides by the safety standards, accidents happen. If the subject property were allowed to have above-ground storage tanks and an accident did happen, it would be too close to children on both sides. Decisions should be made with the best concerns of the people that live in the area and their children. She commented that she knows that Arkansas Valley Company has a safe record, but accidents can occur.

Commissioner Miller stated that there would be no way to confirm that the trucks being stored on the subject property are completely empty. She asked if it would be someone's job to confirm that the trucks are emptied before storing for overnight.

Chairman Jackson requested that the audience refrain from clapping because it takes time from the meeting.

INTERESTED PARTIES OPPOSING Z-6916/Z-6916-SP-1/PUD-694:

Guy Nelson, 2515 West 91st Street, Tulsa, Oklahoma 74132, **Mitzi Bilby**, 8822 South Union, Tulsa, Oklahoma 74132; **Melissa Dase**, 518 North Emerson, Jenks, Oklahoma 74037; **George & Dorothy Lair**, 9316 South 43rd West Avenue, Jenks, Oklahoma 74037; **Dolores Creekmore**, 1724 West 91st Street, Tulsa, Oklahoma 74132; **Cynthia Scanlon**, 4407 West 93rd Street, Tulsa, Oklahoma 74132; **Nona Holliday**, 1725 West 91st Street, Tulsa, Oklahoma

74132; **Martin Brown**, 8934 South 39th West Avenue, Tulsa, Oklahoma 74132; **Kathy Simon**, 2908 West H Street, Jenks, Oklahoma 74037; **Hebby Rubottom**, 2913 W. H Street, Jenks, Oklahoma 74037; **Jerry McClellan**, 9070 South 28th West Avenue, Tulsa, Oklahoma 74132; **William D. Finley**, 2919 West H Street, Jenks, Oklahoma 74037; **Janelle R. Smith**, 1908 W. 91st Street, Tulsa, Oklahoma 74132; **Nancy Sullenger**, 1901 West 91st Street, Tulsa, Oklahoma 74132; **Jim Reynolds**, 515 North Emerson, Jenks, Oklahoma 74037; **Gary W. Edmonds**, 2708 West 91st Street, Tulsa, Oklahoma 74132; **Jeffrey McCollum**, 9229 South 36th West Avenue, Tulsa, Oklahoma 74132; **Steve McGraff**, 9223 South Zenith Avenue, Tulsa, Oklahoma 74132; **Bill Jolin**, 9210 South 36th West Avenue, Tulsa, Oklahoma 74132; **Timothy Beggans**, 2824 West G Street, Jenks, Oklahoma 74037; **Cory Derring**, 3103 West H Street, Jenks, Oklahoma 74037; **Jim Maness**, 8918 South Union, Tulsa, Oklahoma; **Steve Oakley**, Jenks City Attorney, Acting City Manager; **Jean Brown**, 8934 West Avenue, Tulsa, Oklahoma 74132; **Jim Coffey**, Planner for the City of Bixby, 2927 West H Street, Jenks, Oklahoma 74037; **Anita Robinson**, 4410 West 88th, Tulsa, Oklahoma 74132; **Paul and Carol Beck**, 2010 West 91st Street, Tulsa, Oklahoma 74132; **Angela Smith**, 1916 West 91st Street, Tulsa, Oklahoma 74132; **Jay Menger**, 7805 South Xenophon, Tulsa, Oklahoma 74132.

Exhibits submitted by applicant and interested parties: Revised submittal (Exhibit A-1), Maps (Exhibit A-2), and photographs (Exhibit A-3 and A-4).

COMMENTS OF OPPOSING INTERESTED PARTIES:

The facility is not appropriate for the subject area due to the population of churches, schools, neighborhoods, etc.; there is excessive traffic in the subject area and this would add more traffic hazards; health concerns and traffic issues; hours of operation from 6 a.m. to 12 p.m. is too excessive for twelve trucks; this would become an eyesore; the highway traffic does not go in front of the homes, but this would bring large tanker-trucks into their neighborhoods and it is inappropriate; commercial type of uses is not inappropriate, but fuel storage seems to be a more industrial use, which is inappropriate; would lower property values; a developer would never develop across the street from a fuel storage facility; had no idea that the proposal was for a fuel storage facility until reconsideration was requested; above-ground or below-ground fuel storage is not appropriate; the large tanker trucks would take up both lanes to turn left into the facility; Union Street is in bad shape and the large trucks would destroy the street further; children riding their bikes would be in danger due to the 18-wheeler trucks being in the subject area; neighbors can smell the fuels when the convenience store receives a load of fuel and now the new facility would add to that problem; solid rock is four feet underground in the subject area and they would have to use dynamite; if the tanks were underground and they leaked it would contaminate well water; the area is developing and there is a need for a cohesive development plan that works with the City of Tulsa, City of Jenks and City of Sapulpa; the surrounding area is residential and there is no industrial nearby; Highway 75 is below grade and is not visible from the residents in the

subject area; the distance and the highway being below grade shields the neighborhood from truck traffic noise; the proposal would set the tone for future development and it would stifle future housing development; Franklin Street was built for access for Staplehurst Subdivision and now the proposal is to allow truck traffic to use this street for a turnaround spot; Franklin Street is blacktopped and not built to withstand 18-wheeler trucks; the City of Tulsa does not have the budget to improve Union or Franklin and the roads are not capable of handling the truck traffic; EPA concerns; fire concerns, subject area is a high accident area already; do not want a tank farm built in their neighborhood; how would the vapors be recovered as required by the EPA; would there be a sprinkler system in the tanker storage area; would there be jet fuel stored; an empty tanker is more dangerous than a full tanker; gasoline fires are very hot and easily become out of control; the vapors have a chemical in that is a carcinogen and is too close to schools; when the intersection is redone the gas station on the corner will be removed and will no longer have to worry about the fumes or the activities; lighting spilling over into the neighborhoods; when 91st and Union is improved there will be houses removed and the proposal would be the view of the residents remaining; at 121st and Highway 75 there is a stoplight and there are numerous accidents and everyone exits onto Union to avoid the traffic jam; if there is a fire the subject area would have to be evacuated; residential living was in place first and oppose this proposal; industrial uses attracts more industrial uses; the sign advertising this proposal was not visible; many of the property owners in the subject area did not know about the rezoning application; many minivans and school buses in the subject area going to and from school; this appears to be more industrial than commercial; commercial would be expected to be a convenience store, strip mall, offices, etc., not a fuel distribution facility; Tulsa has many abandoned industrial areas that have been neglected, abandoned, and many are adjacent to major thoroughfares and that is the first thing visitors to Tulsa see; haven't had time to review Zoning Code due to not knowing about this meeting until the last minute; new housing additions being built all around this area and the facility would cease all development; there is a safety issue and the noise from Highway 75 is heard by the neighbors regardless if it is below grade; there are soccer fields in the subject area that are used by all age groups for practices and games; truck drivers are not supposed to drive over ten hours and the neighbors do not want a driver of a transport truck driving in the neighborhood when he is tired at the end of the day; concerned about the flow rate of the fire hydrants that would have to be used in case of a fire in the facility; the flow rate is inadequate for a facility of the proposed size; the firewater should be upgraded to 12 inches rather than the six-inches it is currently; a vapor buster or recovery system must run 24 hours a day and must be monitored by personnel within the confines of the facility; the City of Jenks is concerned about public safety and welfare in the subject area; the City of Jenks expressed concerns about the access points and turning radius that the trucks would need to make entry into the subject area; the City of Jenks expressed concerns that there would be truck traffic going through the Staplehurst Subdivision; two weeks ago this company agreed to run their transport trucks through the neighborhood

between the hours of 6:00 a.m. and 6:00 p.m. only and now they are wanting to extend the hours; the existing commercial businesses in the area are daycare for children and a family-run X-ray survey company (Geo Survey Company), which is attached to its owner's home; The survey company is neat, quiet and well maintained; the survey company has not brought heavy large trucks into the neighborhood; in Oklahoma there is predominately southern winds and the fumes and pollution from the proposed site would blow toward the daycare facility; the existing schools in the subject area are approximately 100% school-bused; never seen a fuel distribution in a commercially-zoned area; would not have purchased in the area if the fuel tanks were existing.

INTERESTED PARTIES:

Robert Bell, Planning Director for the City of Jenks, 211 North Elm, Jenks, Oklahoma 74037, stated that he had some issues with the Use Unit 15, Other Trades and Services, and felt that fuel transfer and truck terminal may be more consistent with an industrial use. The property is designated as medium intensity and low intensity by the Tulsa District 8 Comprehensive Plan and it also has a corridor land use designation over the entire property. He stated that, looking at the zoning matrix and the Comprehensive Plan, he noted that corridor zoning district and the CS zoning district would be a permitted use in the medium intensity plan category. Mr. Bell read sections from the Zoning Code and the Comprehensive Plan (Section 3.6.3 and Section 3.6.3.6, Policies for Beeline Corridor).

Mr. Bell stated that he found no indication in the staff report or in the applicant's presentation of why uses other than the agricultural/residential/office or community facilities should be allowed on the subject property.

Mr. Bell stated that the City of Jenks requests that this application be denied based upon the finding that the requested zoning and uses, as specified within the PUD text, are not in accordance with the District 8 Comprehensive Plan.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Nelson if the Planning Commission were inclined to require underground storage tank facilities, he would be more comfortable with that. In response, Mr. Nelson stated that it would be a safer facility if the tanks were underground. Mr. Nelson further stated that the above-ground tank facility is not his only objection. Mr. Nelson reiterated that this is too close to the schools and the subject area is a residential area and this type of facility is inappropriate. Mr. Nelson stated that he never dreamed that the subject property would be developed as a fuel storage facility.

Ms. Hill asked Mr. Nelson if he would be opposed to an office only and no fuel storage facility and trucks. In response, Mr. Nelson stated that the subject property is a logical commercial site, but not for fuel storage. He does not object

to the subject property being developed commercially, but do object to a fuel storage facility.

Ms. Hill asked Ms. Creekmore how often she noticed the transport truck coming to the convenience store. In response, Ms. Creekmore stated that she is not sure, but she thought three times a week.

Mr. Westervelt asked Ms. Creekmore what percentage of homes are served by public water versus well water. In response, Ms. Creekmore stated that she doesn't drink her well water, but she uses it to water her garden and yard. The home is on public water supply. She stated that most of the residences have well water to water their yard and trees. She explained that everyone is on Creek County Rural Water.

Mr. Jackson asked Mr. Bell if the subject property was located within the Jenks fence line. In response, Mr. Bell stated that it is on the border of the fence line. Mr. Bell further stated that the City of Jenks is concerned about the right-of-way purposes. He explained that he understood that some of the trucks would be going to the Conoco plant in Jenks and it would increase the truck traffic in the area. This would be an impact to the Jenks area.

Mr. Jackson explained that a third party posts the signs for the Planning Commission. In response, Mr. Edmonds stated that he doesn't doubt that the sign was posted, but it was not noticeable.

Mr. Dunlap demonstrated where staff requested the sign company to post the rezoning sign on the subject property.

Applicant's Rebuttal:

Mr. Norman stated that he would like to repeat the scale of the proposal. He explained that the particular use of the fuel distribution facility is located within Development Area A and the total area of Development Area A, including the commercial that is proposed for the 91st Street frontage, is 3.75 acres within the PUD. This is less area than would be typically zoned CS at the node on 91st and Union. The reason for using the corridor zoning rather than the corridor PUD was to qualify the northern portion of the subject property for office use and suggested mini-storage and alternative uses, but office use is acceptable to his client and to Mr. Bell, Jenks City Planner. Mr. Bell correctly read the limitations on those uses that area along Union Avenue. There is no objection under the Comprehensive Plan to the commercial node on 91st and Union. Consequently, when Development Area A was designed it was to include this particular fuel distribution facility use within that node or easily than what could be expanded through a PUD. It happens that, due to the odd dimensions (angular dimensions), the north/south dimension is more than 467 feet and the east/west is substantially less feet.

Mr. Norman stated that all of the 18-wheeled trucks that service the City of Jenks have to make that same turn that has been discussed by the interested parties. The same difficulties turning are for the grocery trucks, fuel trucks, delivery trucks, etc.

Mr. Norman stated that the industrial allegations that have been made are technically not correct. Use Unit 15 is permitted by exception within a PUD under Other Goods and Services and it includes a number of uses that are similar. It specifically permits fuel oil, ice distribution, propane service, lumber yards, which are have pickups and deliveries. Staff agreed that the fuel distribution facility maybe located within Use Unit 15 and that is how it has been presented. This is a use that is permitted by exception within any of the commercial zoning districts or within the corridor. The Planning Commission has recommended rezoning the south 467 feet in the CS area and it covers approximately half of the fuel distribution facility area itself. Most of the technical issues have been explored and discussed and staff has recommended that the proposed uses are in accord with the Comprehensive Plan for the City of Tulsa. Most of the discussion has been about the fuel distribution facility and Arkansas Valley Petroleum is somewhat unique that it desires to have its total operating facility on one site. This PUD and Corridor Site Plan was devised with this in mind for this specific user. From a use standpoint, he has felt that this appropriately designed under the guidelines for section line roads and particularly adjacent to the expressway.

Mr. Norman stated that the rest of the discussion is primarily concentrated on the safety aspects of the fuel storage facility at the site. He explained that he has tried to do his best in describing this by showing pictures, giving dimensions and square footage. It is what is represented to be and needed for onsite storage of fuel. The State of Oklahoma has requirements for containment dikes for spills and if the tanks were underground there are dozens of requirements that are referred to for safe storage of fuel. His client does have vapor locks for the loading of the bobtail truck and unloading for the local storage. These are required by State law and those permits are separately obtained. He requested that the interested parties and the Planning Commission to when considering safety it would be the same as going to a convenience to store or service station to purchase fuels and sitting on top of 30,000 gallons of underground storage. The safety issues that have been presented by the interested parties today are something that everyone faces every day and it really doesn't happen the way it has been described to the Planning Commission this afternoon. School buses pass fuel trucks all of the time, and all of the convenience stores and grocery stores in the City of Jenks are supplied by transport trucks that go and down Main Street and probably come closer to schools then the trucks would for the proposed facility. The safety issues that were described today just simply do not occur. Hundreds and possibly thousand of trucks travel on the Okmulgee Beeline between the refineries in West Tulsa, Okmulgee, Henryetta and the terminals in Glenpool, which would be closer to the school site to the southeast than the proposal. The safety aspects have been exaggerated or imagined and

are not verifiable by any standard that the Planning Commission would apply to their decision.

Mr. Norman stated that he represents a reputable company whose owner tried to correct him at the last hearing two weeks ago. His client requested that this be reconsidered to make sure that everything was clearly understood. He explained that he wished he had the opportunity to discuss these issues with the interested parties in a different setting, but that opportunity did not occur until today. He thanked the Planning Commission for the patience with this issue. He stated that today's discussion would be helpful to the City Council if the Planning Commission uses the same judgement that they use on applications for intersection streets on a section line and arterial roads. He further stated that he hopes the Planning Commission would recognize what a very successful company and good corporate citizen his client is and find it appropriate for this location under the conditions that have been presented to the TMAPC.

TMAPC COMMENTS:

Mr. Midget stated that he understood that there would be limited hours of operation and a limited number of the trucks, and now the proposal is for no more than twelve of the 18-wheelers. He asked Mr. Norman whether, if the Planning Commission did not allow the expanded number trucks, it would negatively impact the operation. In response, Mr. Norman stated that the 18 wheelers wouldn't come back to the site until they have made all of their deliveries, but the drivers could have more than one tank full of deliveries in one day and return late into the evening. It is important to Arkansas Valley that there are occasions where trucks might be returning and he doesn't believe the 6:00 a.m.; however, departure time is that significant. There could be times when they would return after 6:00 p.m. and he would like the Planning Commission to consider something that would be reasonable and not an excessive concern to the neighborhood.

Mr. Midget asked Mr. Norman if the underground storage would be an issue for his client. In response, Mr. Norman stated that he doesn't believe underground storage is anything that would cause the company to make a decision against this site.

Mr. Jackson announced that the Planning Commission is a recommending body only and the decision made today would go before the City Council. Interested parties are able to attend the City Council meeting and make their comments again.

Mr. Westervelt stated that several weeks ago after a particularly heated TMAPC meeting, the City Council called and inquired if there was security at the Planning Commission meetings. He informed the City Council that the Planning Commission did not have the same security that the City Council has. Mr. Westervelt informed the interested parties that they are certainly not the

crowd that the City Councilor sat in front of. He stated that the interested parties have done a thorough and polite job of representing themselves, and the Planning Commission greatly appreciates it. There are times when this is not always the case.

Mr. Westervelt stated that he voted on the prevailing side the last time this case was before the Planning Commission, and based on the new information, he has changed his mind.

MOTION of WESTERVELT to recommend DENIAL of this application based on the existing zoning patterns and uses that are apparent and the minimal infrastructure that is in place.

Mr. Harmon stated that he would second the motion. He further stated that this is an unusual corridor district and there is no direct major thoroughfare access and no frontage road. To apply the other standards that may be available in other corridor districts to this application isn't appropriate and it is too intense for this particular location.

Ms. Hill stated that she spent approximately 30 minutes today driving the subject area. She indicated that she is familiar with the subject area. She stated that she voted against this application previously and today she concurs with her fellow Planning Commissioners.

Mr. Midget stated that he originally voted for this project, reluctantly, but he felt comfortable with the restrictions that were imposed. With new information it causes him to reevaluate the original decision. It would be hard to support this application after hearing the new information that came out today.

Ms. Coutant stated that she would not be supporting this application because it does not conform to the existing zoning patterns. The problem with the streets would be that they are not compatible with the use that is proposed.

Mr. Jackson recognized Mr. Norman.

Mr. Norman asked the Planning Commission if their thinking would be the same if the fuel distribution facility were deleted. He explained that he has an obligation to the property owner as well as the purchaser. There was a good deal of planning done in connection with the corner and the office uses. He would appreciate it if the Planning Commission would discuss if the concerns are with the overall proposal or with just the fuel distribution facility. Mr. Norman concluded that the proposal is a sound land use.

Mr. Westervelt stated that if the proposal were for the office use only, then he would not be struggling with this. The fuel facility is not as problematic as the trucks utilizing the facility for storage. If it were simply an office complex, then he

wouldn't have a problem with this application. He indicated that if someone came before the Planning Commission later with a light office application or a reasonable non-residential use and the same people showed up protesting he would be disappointed. He concluded that if Mr. Norman is proposing the office use only, it could have an effect on his motion.

Mr. Norman stated that the plan that is presented and the regular commercial uses are at the intersection corner (3.75 acres). He requested the Planning Commission to consider approving the plan and deleting the uses that are objectionable. Otherwise the plan is in accord because the office use transitions to the north and south. This would prevent the property owner from being in the position to come back through a very expensive process and resubmit something else without the proposed fuel facility.

Mr. Westervelt asked Mr. Norman if he is requesting the Planning Commission to approve the request and delete the fuel distribution and the tanks. In response, Mr. Norman answered affirmatively.

Mr. Westervelt suggested that staff schedule a worksession in the near future to educate all on corridor zoning.

Mr. Norman stated that the only thing he has heard that is objectionable from a standard procedure of the nodes would be to delete the Use Unit 15, Other Trades and Services, fuel distribution and storage use. Then there would be a plan that could be applied.

Mr. Alberty stated that what he is hearing is that the fuel distribution and certain uses under Use Unit 15 are what are considered objectionable. No one complained about the typical commercial uses and office uses, which are a part of this plan. If the motion goes as it is proposed, then the entire project is denied. That would probably be an over-reaction to what has actually been presented to the Planning Commission. He suggested that the Planning Commission could deny the aspect that was objectionable. There is a list of permitted uses and the Planning Commission could approve the PUD and the zoning and strike from those permitted uses that the Planning Commission finds objectionable.

Mr. Norman suggested striking Use Unit 15, Use Unit 16, Mini-Storage, Drive-in restaurants and the referenced business signs are limited to the east 50 feet of the property adjacent to the expressway.

Mr. Westervelt asked staff to run through the activities of each of the Use Units.

Mr. Dunlap read what the Zoning Code would allow in each Use Unit proposed.

Mr. Romig stated that the Use Units proposed would not allow bars or adult entertainment as such, which are Use Unit 12a.

Mr. Norman concurred with Mr. Romig.

Mr. Harmon withdrew his second on the motion of Westervelt.

Mr. Jackson recognized interested parties.

Interested parties asked if the uses would allow cell towers.

Mr. Romig stated that there is a federal statute for the telecommunications act that does not allow the Planning Commission to consider microwaves from cell towers.

Ms. Scanlon stated that there should be a comprehensive plan if the applicant wants to go commercial with this proposal. She suggested that they resubmit a plan for commercial and to identify how each area would be developed.

Mr. Jackson informed Ms. Scanlon that the applicant would have to go through Stormwater Management before developing anything on the subject property.

Mr. Midget stated that there is no way industrial can go into the proposed site with the definitions that have been discussed today.

Mr. Albery stated that there were not any industrial uses being proposed, but were interpretations of some of the interested parties. There would have to be a detail site plan approved and there is no detail site plan at this time. If there is any confusion about that, then the TMAPC should deny the Z-6916-SP-1 portion of this application and require the application to resubmit a site plan. A detail plan would be submitted prior to any request for building permits, and subsequent to that, there would have to be a subdivision plat that would have to be prepared. There are continual procedural requirements that would be more specific than what has been heard today. The only thing heard today is that if this motion passes, the Planning Commission has approved the CS and CO zoning with the specific Use Units and the applicant must return with a detail site plan.

Mr. Westervelt asked if the interested parties would be noticed when the detail site plan is presented. In response, Mr. Albery stated that a notice would be given as it was for the reconsideration.

Mr. Westervelt explained the process of development to the interested parties.

County Commissioner Randi Miller stated she would like to request that the Planning Commission request or recommend that the developer meet with the neighbors and interested parties prior to development. She thanked the Planning

Commission for striking the tank farm and reminded the Planning Commission that the neighbors would be community partners with Mr. Norman's client.

In response to interested parties, Mr. Jackson stated that Legal has advised the Planning Commission that they cannot deny a cell tower if it meets the existing criteria of the Zoning Code.

Mr. Westervelt requested that Mr. Norman to meet with the neighbors prior to any development. In response, Mr. Norman stated that he would if he is involved with the development.

Mr. Norman stated Arkansas Valley Company will not purchase this property now that the fuel facility has been removed. Anything presented in the future would require notice of the detail plans and he doesn't know if he would be involved with the future purchaser of the property. This will let the current owner of the property inform possible purchasers what is permitted on the property and what process is involved before developing.

Mr. Westervelt clarified all of the interested parties listed on the sign-in sheets and everyone within 300 feet will receive notice.

TMAPC Action; 6 members present:

On amended **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to recommend **APPROVAL** of CS and CO zoning for Z-6916/Z-6916-SP-1 per staff recommendation and to recommend **APPROVAL** of PUD-694, subject to striking Use Unit 15 uses and Use Unit 16 uses as follows: mini-storage, and drive-in restaurants and subject to a detail site plan be required for anything to be constructed on this property as modified by the Planning Commission. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Legal Description for Z-6916:

The South 467 feet of the following described tract: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4, SW/4) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE N 0°00'15" E ALONG THE WEST LINE THENCE A DISTANCE OF 927.95 FEET TO THE POINT OF BEGINNING; THENCE S 89°51'09" E A DISTANCE OF 564.20 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 11°15'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 210.09 FEET; THENCE S 22°34'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF

U.S. HIGHWAY 75 A DISTANCE OF 51.00 FEET; THENCE S 11°15'52" W ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 636.71 FEET; THENCE N 89°50'08" W A DISTANCE OF 247.64 FEET; THENCE N 42°03'08" W A DISTANCE OF 121.86 FEET; THENCE N 89°59'45" W A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SW/4, SW/4; THENCE N 0°00'15" E ALONG THE WEST LINE OF SAID SW/4, SW/4 A DISTANCE OF 787.83 FEET TO THE POINT OF BEGINNING, and located in the northeast corner of West 91st Street South and South Union Avenue, Tulsa, Oklahoma, **From: AG (Agriculture District) To: CS (Commercial Shopping Center District).**

And the following described property less and except the south 467 feet: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4, SW/4) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE N 0°00'15" E ALONG THE WEST LINE THENCE A DISTANCE OF 927.95 FEET TO THE POINT OF BEGINNING; THENCE S 89°51'09" E A DISTANCE OF 564.20 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 11°15'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 210.09 FEET; THENCE S 22°34'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 51.00 FEET; THENCE S 11°15'52" W ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 636.71 FEET; THENCE N 89°50'08" W A DISTANCE OF 247.64 FEET; THENCE N 42°03'08" W A DISTANCE OF 121.86 FEET; THENCE N 89°59'45" W A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SW/4, SW/4; THENCE N 0°00'15" E ALONG THE WEST LINE OF SAID SW/4, SW/4 A DISTANCE OF 787.83 FEET TO THE POINT OF BEGINNING, and located in the northeast corner of West 91st Street South and South Union Avenue, Tulsa, Oklahoma, **From: AG (Agriculture District) To: CO (Corridor District).**

Legal Description for PUD-694:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE N 0°00'15" E ALONG THE WEST LINE THENCE A DISTANCE OF 927.95 FEET TO THE POINT OF BEGINNING; THENCE S 89°51'09" E A DISTANCE OF 564.20 FEET TO A POINT ON THE

WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 11°15'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 210.09 FEET; THENCE S 22°34'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 51.00 FEET; THENCE S 11°15'52" W ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 636.71 FEET; THENCE N 89°50'08" W A DISTANCE OF 247.64 FEET; THENCE N 42°03'08" W A DISTANCE OF 121.86 FEET; THENCE N 89°59'45" W A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SW/4 SW/4; THENCE N 0°00'15" E ALONG THE WEST LINE OF SAID SW/4 SW/4 A DISTANCE OF 787.83 FEET TO THE POINT OF BEGINNING, and located in the northeast corner of West 91st Street South and South Union Avenue, Tulsa, Oklahoma, **From: AG (Agriculture District) To: CS & CO/PUD-694 (Commercial Shopping Center District/Corridor District/Planned Unit Development)**

Legal Description for Z-6916-SP-1:

And to consider the proposed Detail Corridor Site Plan (Z-6916-SP-1), on the following described property: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE N 0°00'15" E ALONG THE WEST LINE THENCE A DISTANCE OF 927.95 FEET TO THE POINT OF BEGINNING; THENCE S 89°51'09" E A DISTANCE OF 564.20 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 11°15'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 210.09 FEET; THENCE S 22°34'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 51.00 FEET; THENCE S 11°15'52" W ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 636.71 FEET; THENCE N 89°50'08" W A DISTANCE OF 247.64 FEET; THENCE N 42°03'08" W A DISTANCE OF 121.86 FEET; THENCE N 89°59'45" W A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SW/4 SW/4; THENCE N 0°00'15" E ALONG THE WEST LINE OF SAID SW/4 SW/4 A DISTANCE OF 787.83 FEET TO THE POINT OF BEGINNING, and located in the northeast corner of West 91st Street South and South Union Avenue, Tulsa, Oklahoma.

Resolution No. 2351-850:

Correction of Scrivener's error for resolution amending the Plan Map of District 5, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

(Words deleted are shown as strikeout; words added or substituted are underlined.)

RESOLUTION NO. 2351:850

**A RESOLUTION AMENDING
THE PLAN MAP FOR PLANNING DISTRICT 5,
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 21st day of April, 1976, this Commission, by Resolution No. 1109:425, did adopt the Detail Plan for Planning District 5, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 23rd day of July, 2003, 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 amend the District 5 Plan Map, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by the following:

Changing the designation of the northeast corner of East Admiral Place and US 169 from Low Intensity-Corridor and Medium Intensity-Corridor to Medium Intensity-Corridor, per the approved Z-6824; and

Changing the designation of the southeast corner of South 85th East Avenue and East Admiral Place from Medium Intensity-Corridor ~~Commercial~~ to High Intensity-Corridor Commercial to accommodate CH zoning, per the approved Z-6852.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendment to the Detail Plan Map for Planning District 5, as set out above, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

DATED this ____ day of _____, 2003.

Ms. Matthews stated that the word "Corridor" should read "Commercial", which was discovered during the mapping.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Harmon, Hill, Jackson, Midget, Westervelt "aye"; Coutant "nay"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to recommend **APPROVAL** of the Scrivener's error for Resolution No. 2351:850 per staff recommendation.

2004 TMAPC Meeting Date Schedule:

Review and approve the 2004 TMAPC meeting dates.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Horner, Ledford "absent") to **APPROVE** the 2004 TMAPC meeting dates per staff recommendation.

Commissioners' Comments:

Mr. Midget requested that the worksession for modular homes be moved to the January worksession meeting.

There being no further business, the Chair declared the meeting adjourned at 5:45 p.m.

Date Approved:

April 7, 2004

Frank J. [unclear]

Chairman

ATTEST:

Mary E. [unclear]

Secretary

