

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2381

Wednesday, June 16, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 10, 2004 at 2:15 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 1<sup>st</sup> Vice Chair Jackson called the meeting to order at 1:35 p.m.

### Minutes:

#### **Approval of the minutes of May 26, 2004, Meeting No. 2379**

On **MOTION** of **HARMON** the TMAPC voted 7-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Bayles, Miller, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of May 26, 2004, Meeting No. 2379.

### Minutes:

#### **Approval of the minutes of June 2, 2004, Meeting No. 2380**

On **MOTION** of **HILL** the TMAPC voted 6-0-1 (Carnes, Coutant, Harmon, Hill, Jackson, Ledford "aye"; no "nays"; Horner "abstaining"; Bayles, Midget, Miller, Westervelt "absent") to **APPROVE** the minutes of the meeting of June 2, 2004, Meeting No. 2380.

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**REPORTS:**

**Director's Report:**

Mr. Alberty reported that the TMAPC receipts for May 2004 are slightly up over the April 2004 receipts and up slightly over May receipts of 2003. However, the total zoning applications received are considerably down in number. Land division is up and BOA application fees have almost doubled over this time since last year.

Mr. Alberty further reported that there are no TMAPC items on the City Council agenda for this Thursday. He indicated that last Thursday the City Council did approve Z-6945, Justin Cook, for RS-3 zoning.

Mr. Alberty announced that there are some staff changes in Land Development Services. He explained that the County budget will be reduced over last year's budget and INCOG is taking a significant budget cut. Management has made a decision to reassign personnel as opposed to losing personnel. As a result, some of our services to the public will be affected, but the critical areas will be maintained with regard to application processing. Some of the programs will have to be eliminated. Mr. Dunlap has agreed to be transferred to Community Planning and working in Sand Springs as their Principal Planner. Mr. Dunlap's position will be vacant until funding is returned to employ someone at that position. Mr. Alberty commented that staff would miss Jim Dunlap and his reassignment will be effective until July 1, 2004.

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**Mr. Jackson stated that some of the items on today's agenda will be taken out of sequence.**

**Application No.: Z-6944**

**RS-3 TO OL**

**Applicant:** David Leifeste

(PD-6) (CD-9)

**Location:** 1320/1316 East 35<sup>th</sup> Place

**STAFF RECOMMENDATION:**

Ms. Matthews stated that there has been a request for a continuance of one week from the applicant. Staff concurs with this request.

**INTERESTED PARTIES:**

**Guy de Verges**, 1343 East 35<sup>th</sup> Place, Tulsa, Oklahoma 74104, stated that he could return next week.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-1 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; Hill "abstaining"; Midget, Miller, Westervelt "absent") to **CONTINUE** Z-6944 to June 23, 2004 at 1:30 p.m.

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**Application No.: Z-6946**

**OL to IL**

**Applicant:** Bruce Rothell

(PD-16) (CD-6)

**Location:** East of northeast corner of East Pine and North Mingo Road

Ms. Matthews stated that she believes there is a request for a continuance for this item. She explained that Z-6946 will be taken out of order because it is the rezoning request and should be heard before the plat.

**STAFF RECOMMENDATION:**

**December 2000 Z-6789:** All concurred in approval of rezoning property south and east of the subject property and east of the Mingo Creek channel from IL to RM-2.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately five acres. It is located east of the northeast corner of East Pine Street and North Mingo Road. The property is flat, non-wooded, vacant and zoned OL.

**STREETS:**

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

**UTILITIES:** Municipal water and sewer appear to be available.

**SURROUNDING AREA:**

The subject property is abutted on the north by industrial and related uses, zoned IL; on the south by a large vacant area, zoned AG; on the west by vacant land and a single-family residence, zoned CS; and on the east by industrial uses and the Mingo Creek channel, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject property as Medium Intensity – No Specific land use and Special District Two, Industrial Area. Plan policies (Section 3.2) call for industrial

uses in this area due to proximity to transportation and the physical characteristics of soil, slope, etc.

According to the Zoning Matrix the requested IL **may be found** in accord with the area designated as Medium Intensity – No Specific land use and also with the area in the Special District, by virtue of its location within a special district.

**STAFF RECOMMENDATION:**

Based on existing physical facts and the Comprehensive Plan, staff can support the requested IL designation and therefore recommends **APPROVAL** of IL for Z-6946. Staff notes that this appears to be an early multiple-lot subdivision and this rezoning, if approved, will require replatting of the property.

**Related Item:**

**MINOR SUBDIVISION PLAT:**

**Ameristar E-Coat Plant** – (0430)

(PD 16) (CD 6)

9903 East Pine Street

**INTERESTED PARTIES:**

**James Mautino**, 14628 East 12<sup>th</sup> Street, Tulsa, Oklahoma 74108, requested that Items 3 and 16 be continued. He explained that he had a discussion yesterday at the Public Works meeting and there has been a letter from Mr. Page putting a hold on the permit on the landfill. He indicated that he is trying to get this resolved by next week and he would like this postpone until there is a decision on this.

**TMAPC COMMENTS:**

Mr. Carnes asked Mr. Mautino how long a continuance he would need. In response, Mr. Mautino stated that he would like a continuance to next week.

**Applicant's Comments:**

**Bruce Rothell**, Crafton Tull and Associates, 2488 East 81<sup>st</sup> Street, Tulsa, Oklahoma 74137, stated that if the Planning Commission rules that a continuance is necessary, he would go along with it. He explained that he has been through the proper channels and made all of the applications required.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget, Miller, Westervelt "absent") to **CONTINUE** Z-6946 and the minor subdivision plat for Ameristar E-Coat Plant to June 23, 2004 at 1:30 p.m.

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

**SUBDIVISIONS:**

**FINAL PLAT:**

**Union Bank of Chandler** – (9332) PUD 333 A (PD-18B) (CD-9)  
5623 South Lewis Avenue

**STAFF RECOMMENDATION:**

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

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat with the oil well certificate being received before the plat is filed.

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

**INTERESTED PARTIES:**

**Terra and Diana Crotty**, 2428 East 56<sup>th</sup> Place, Tulsa, Oklahoma 74105, expressed concerns with the ten feet of space between the fences. She explained that the applicant wants to have a slope, which would cut down the amount of space. They requested a retaining wall to help prevent erosion.

**TMAPC COMMENTS:**

Mr. Jackson asked staff to display the site plan. In response, Mr. Alberty explained that this is a plat and the staff does not have the site plan available. He suggested that the engineer could answer the questions.

**Applicant's Comments:**

**Cecil Cotner**, 1547 South Evanston Avenue, Tulsa, Oklahoma 74104, stated that he doesn't understand what the interested party is asking for.

Ms. Crotty stated that she was told that there would be a concrete wall on the property line and then there would be ten feet of landscaping as a buffer between the bank and her residential property. She explained that she spoke with the foreman today and he explained that the ten feet would be sloped and if the land is sloped, then it takes less space and the cars would not be ten feet from her property if a straight line were drawn. If the land is sloped, it would allow for more erosion and if the concrete wall is on the property line, then the vegetation that has been planted to keep erosion down would all die. She would prefer that the ten feet be on a straight line.

Mr. Cotner stated that he doesn't have the detail site plans with him, but he believes that the distance between the east edges of the parking lot to the property line is more than ten feet. The detail site plans have been approved by

the Planning Commission and all of the site development plans have been approved by the City of Tulsa. Mr. Cotner further stated that he has met all of the PUD requirements.

Mr. Jackson asked staff if they could inform Ms. Crotty of the screening requirements. In response, Mr. Alberty stated that staff does not have the PUD file. The site plan has been approved and staff is collectively believing that the distance is more than ten feet. Whatever the distance is, it is already approved and Ms. Crotty could go to the TMAPC offices at 201 West 5<sup>th</sup>, Suite 600 and she can view the site plan and PUD requirements.

Ms. Crotty requested direction for a contact person to discuss these issues with if the applicant does not follow through with the approved site plans. In response, Mr. Jackson stated that site has to be built per the documents for the PUD. Mr. Jackson explained that the Planning Commission is not privy to conversation the interested party had with the third party.

Mr. Cotner stated that it would not be conducive to the development of the property because if ten feet was brought out ten feet straight and then slope down to the final grade, then there would have to be a retaining wall, which was not a requirement of the Planning Commission.

Mr. Jackson recommended that the interested parties go to the INCOG offices and review the detail site plans.

Mr. Cotner stated that any erosion problem would be the bank's responsibility.

Ms. Diana Crotty stated that the developer is using a technicality to state that the parking lot would be ten feet from her property line. She explained that with the slope it would only be seven feet from her property line.

Mr. Ledford stated that a slope would be measured horizontally and it would not be along the slope. If the PUD required ten-foot of separation, then it would be a horizontal measurement.

Ms. Crotty stated that this would require a retaining wall if they build a slope. In response, Mr. Ledford stated that the Planning Commission does not review engineering drawings. He explained that Public Works would approve the engineering drawings.

Mr. Ledford explained that the Planning Commission is only considering the final plat today and the applicant has met all of the requirements and everyone has signed off on all of the plans. He stated that if the interested party has a problem with the developer, she should address it with Public Works.

Mr. Jackson explained to Ms. Crotty that the Planning Commission would be voting on the final plat, which is a written document, and the developer has to build based upon the final plat. Public Works Department will do all of the inspections to assure that it is built according to the plans.

Mr. Romig offered to visit with Terra and Diana Crotty to explain the procedures.

**TMAPC Action; 9 members present:**

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

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**Greater Mt. Carmel Baptist Church – (0330)**

(PD 2) (CD 3)

2037 North Utica Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on .66 acres.

The following issues were discussed June 3, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 and was approved for the church use by BOA 19633.
2. **Streets:** No comments.
3. **Sewer:** Remove reference to Atlas page 78. Provide a 25-foot intersection radius.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities:** Okay.
7. **Other: Fire:** Show surrounding subdivisions. Show six-foot sidewalk. Show geographic reference.

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; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Miller, Westervelt "absent") to **APPROVE** minor subdivision plat for Greater Mt. Carmel Baptist Church, subject to special conditions and standard conditions per staff recommendation.

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**PRELIMINARY PLAT:**

**Summit West – (8303)**

(PD 18) (CD 7)

North of East 71<sup>st</sup> Street, east of South Garnett Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 3.7 acres.

The following issues were discussed June 3, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OL. Mini-storage uses are proposed.
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities:** Additional easements are needed, including an eleven-foot utility easement to the north.
7. **Other: Fire:** A hydrant is needed at the entrance.

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; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Miller, Westervelt "absent") to **APPROVE** the preliminary plat for Summit West subject to special conditions and standard conditions per staff recommendation.

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Mr. Horner out at 2:00 p.m.

Southern Ridge – (2183)

(PD 18) (CD 8)

3912 East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This plat consists of three lots, three blocks, on 2.16 acres.

The following issues were discussed June 3, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 631. All PUD standards must be met.
2. **Streets:** A more readable style is needed for the plat. Dimension reserve as a separate lot. Dimension limits of no access and access points. Identify 91<sup>st</sup> Street as right-of-way dedicated by this plat. Properly dimension Reserve A. Identify the private street name. Show all lot line dimensions. Include right-of-way in the title of Section I A. Evaluate sight distance for the proposed access point. A 14-foot minimum inbound lane is needed for safety. Clarify mutual access easement and overland drainage easement.
3. **Sewer:** No comment.
4. **Water:** Show building line. Add leader lines for Statutory Easement distance. Use standard location map. No dead-end water mains are allowed. There is a 40-foot maximum distance of a fire hydrant off from the water main.

5. **Storm Drainage:** If the 100-year floodplain is in existing easements, show the page/book numbers or plat number that established the easements. Identify the name of the creek. Clarify overland drainage easements and detention easements. Walls cannot block the floodplain. A PFPI may be needed. Show 50-year floodplain, creek and dimensions.
6. **Utilities: ONG:** A 17.5-foot utility easement is needed along the west side of the plat. **Cox, SBC:** A minimum of an 11-foot utility easement is needed along the east boundary of the plat.
7. **Other: Fire:** A fire hydrant will need to be provided. Plat lines are confusing and need to be changed/clarified. Change line styles to clearly differentiate right-of-way lines, property lines, utility lines and boundary lines. Redimension for clarity. Show standard location map. Show date of preparation in lower right corner of the sheet.

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.)
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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.

**TMAPC COMMENTS:**

Mr. Midget stated that he had discussed earlier the prospect of this application being a candidate for authorization for an accelerated release for a building permit to be included. He asked if the Planning Commission could make that recommendation.

Mr. Alberty stated that there are several things that would have to take place. Prior to filing for an accelerated release of a building permit, the applicant must obtain preliminary plat approval, which is today. The contractor has been advised of the steps. Because this is a PUD, the applicant has to file for a site plan, which has not been done as of yesterday. The applicant also has to file a landscape plan and all of these things would have to be put into motion prior to the Planning Commission considering an accelerated release, which the applicant has not requested.

Mrs. Fernandez stated that the way the plat has been going through the process, there are no real problems with it and in her opinion it would be a waste of money and time for the applicant to apply for an accelerated building release. If the applicant files the needed documents, then he should be able to get his final plat through and ready to go.

Mr. Ledford stated that it is unusual to get an accelerated building permit on a multiple-lot subdivision.



Mr. Midget asked staff if they indicated that the site plan had not been submitted. In response, Mr. Alberty confirmed that the site plan had not been submitted at this time.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Horner, Miller, Westervelt "absent") to **APPROVE** the preliminary plat for Southern Ridge, subject to special conditions and standard conditions per staff recommendation.

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**PLAT WAIVER**

**BOA 19189** – (192) IM

(PD 4) (CD 4)

308 South Kenosha

**STAFF RECOMMENDATION:**

The platting requirement is triggered by BOA-19189 which allows an art gallery in an IM zone, and varies the required number of parking spaces.

Staff recommends **APPROVAL** of the plat waiver because of the existing structures, and the existing platted property in the downtown area.

***A YES answer to the following three questions would generally be FAVORABLE to a plat waiver:***

- |  | <b>Yes</b> | <b>NO</b> |
|--|------------|-----------|
| 1. Has property previously been platted?   | X          |           |
| 2. Are there restrictive covenants contained in a previously filed plat?             | X          |           |
| 3. Is property adequately described by surrounding platted properties or street R/W? | X          |           |

***A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:***

- |  |   |
|--|---|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? | X |
| 5. Will restrictive covenants be filed by separate instrument?                       | X |

6. Infrastructure requirements:
  - a) Water
    - i. Is a main line water extension required? X
    - ii. Is an internal system or fire line required? X
    - iii. Are additional easements required? X
  - b) Sanitary Sewer
    - i. Is a main line extension required? X
    - ii. Is an internal system required? X
    - iii. Are additional easements required? X
  - c) Storm Sewer
    - i. Is a P.F.P.I. required? X
    - ii. Is an overland drainage easement required? X
    - iii. Is on site detention required? X
    - iv. Are additional easements required? X
7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
8. Change of Access
  - a) Are revisions to existing access locations necessary? X
9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.?
10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
11. Are mutual access easements needed to assure adequate access to the site? X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

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

There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Horner, Miller, Westervelt "absent") to **APPROVE** the plat waiver for BOA-19189 per staff recommendation.

\* \* \* \* \*

**BOA 19848 – (9325)**

(PD 18) (CD 7)

4932 South 83<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a Board of Adjustment approval for a church.

**Staff provides the following information from TAC at their June 3, 2004 meeting:**

**ZONING:**

TMAPC staff: The plat waiver is for property zoned IL.

**STREETS:** No comment.

**SEWER:** No comment.

**WATER:** No comment.

**STORM DRAIN:** No comment.

**FIRE:** No comment.

**UTILITIES:** No comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat on the property.

***A YES answer to the following three questions would generally be FAVORABLE to a plat waiver:***

- |  | Yes | NO |
|--|-----|----|
| 1. Has property previously been platted? | X   |    |

- 2. Are there restrictive covenants contained in a previously filed plat? X
- 3. Is property adequately described by surrounding platted properties or street R/W? X

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

- 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? X
- 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? X
- 6. Infrastructure requirements:
  - a) Water
    - i. Is a main line water extension required? X
    - ii. Is an internal system or fire line required? X
    - iii. Are additional easements required? X
  - b) Sanitary Sewer
    - i. Is a main line extension required? X
    - ii. Is an internal system required? X
    - iii. Are additional easements required? X
  - c) Storm Sewer
    - i. Is a P.F.P.I. required? X
    - ii. Is an overland drainage easement required? X
    - iii. Is on site detention required? X
    - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.?
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMOND**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Horner, Miller, Westervelt "absent") to **APPROVE** the plat waiver for BOA-19848 per staff recommendation.

\*\*\*\*\*

**Mr. Midget out at 2:05 p.m.**

**Authorization for Accelerated Release of Building Permit:**

**Victory Christian Campus** – (8307) (PD 18) (CD 2)

7700 South Lewis Avenue

**STAFF RECOMMENDATION:**

This request is for an accelerated building permit for a new sanctuary. This is requested for a full building permit in order to complete the structure before Easter of 2006.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations.

The preliminary plat was approved on August 6, 2003 by TMAPC. The accelerated permit can be considered if the preliminary plat has been approved.

The Technical Advisory Committee did not object to the proposal and made no comments on any concerns.

Staff can recommend **APPROVAL** of the authorization for an accelerated building permit.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of HILL, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Horner, Midget, Miller, Westervelt "absent") to **APPROVE** the authorization for accelerated release of building permit for Victory Christian Campus per staff recommendation.

\*\*\*\*\*

**Hillcrest Medical Center One – (9307)**

(PD 4) (CD 4)

Southwest corner of East 11<sup>th</sup> Street and South Trenton Avenue

**STAFF RECOMMENDATION:**

This request is for an accelerated building permit for a new multi-story medical office building. This is requested for a full building permit in order to build the structure while certain right-of-way is vacated while the platting process is completed.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations.

The preliminary plat was approved on March 3, 2004 by TMAPC. The accelerated permit can be considered if the preliminary plat has been approved.

The Technical Advisory Committee did not object to the proposal and made no comments on any concerns.

Staff can recommend **APPROVAL** of the authorization for an accelerated building permit.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **HILL**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Horner, Midget, Miller, Westervelt "absent") to **APPROVE** the authorization for accelerated release of building permit for Hillcrest Medical Center One per staff recommendation.

\*\*\*\*\*

Mr. Horner and Mr. Midget in at 2:10 p.m.

**COMPREHENSIVE PLAN PUBLIC HEARING:**

Consider proposed amendments of the District 2 Plan Map and Text to include all or part of the Crutchfield Neighborhood Revitalization Plan as part of the Comprehensive Plan for the Tulsa Metropolitan Area. Resolution No.: 2381:862.

**STAFF RECOMMENDATION:**

DRAFT

**PROPOSED AMENDMENTS TO DETAILED PLAN FOR PLANNING DISTRICT 2, INCORPORATING THE CRUTCHFIELD NEIGHBORHOOD MASTER PLAN AS A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA**

• **Map changes:**

Change boundaries of existing Special District 2-Industrial Area to omit the Crutchfield Neighborhood.

Designate the boundaries of the Crutchfield Neighborhood, as indicated on the "Proposed Land Use Changes" map, showing a Mixed Use area and leaving the remaining land use intensity designations as they are.

• **Text changes:**

Add a new Section 3.2, Crutchfield Neighborhood Revitalization Area, with the following goals and objectives.

**3.2 Development policies within the Crutchfield Neighborhood Revitalization Area shall be in accord with the following goals and objectives, as contained within the Crutchfield Neighborhood Revitalization Plan.**

**Goal 1. Improve the Crutchfield Neighborhood Infrastructure and preserve the existing residential areas for residential use.**

**Objective 1.** Streets: All residential streets in area are in need of repair.

**Objective 2.** Sidewalks: Repair/replace sidewalks on Peoria Avenue and Utica Avenue. Repair and replace, add sidewalks, as needed focusing first on routes to schools and commercial areas.

**Objective 3.** Water and Sewer: Repair, replace, upgrade to ensure that capacities are adequate to meet future growth (especially industrial) needs.

**Objective 4.** Electric and Natural Gas: Upgrade as necessary to meet expanding commercial and industrial needs.

**Objective 5.** Parks and Recreational areas: Improve and upgrade parks to better serve the community.

A. Bullette Park: Implementation of the 10-year plan.

B. Crutchfield Park: Implementation of 10-year plan.

**Objective 6.** Public Safety: Streetlights and pedestrian crossings

**Objective 7.** Improve Flood Protection: Address recurrent street flooding problem on Peoria below the Burlington Northern train bridge.

**Objective 8.** Pursue the creation of an Urban Renewal Plan and Tax Increment Plan as a means of securing funding for infrastructure improvements in this area.

**Goal 2. Modify current land use practices to more closely reflect the existing uses and conditions within the neighborhood to infill on small lots and ensure compatible infill development in the future. Modify design and land use standards to support improved design as a means of protecting residential areas from incompatible commercial/industrial uses.**

**Objective 1.** Recommend changes in the following areas:

A. In *specifically* designated areas, allow for a mix of varied but compatible land uses. This mix of uses may occur on adjacent properties and should also allow and encourage multiple uses on the same property. These mixed uses should be allowed to develop as the market dictates in a free and unencumbered manner. Once the necessary "mixed-use" changes have been made, there should rarely be an instance where additional zoning changes, planned unit developments, Special Exceptions, or variances are needed.

B. Compatibility with adjacent uses should be achieved by requiring a high architectural standard. For the portions of buildings and site that face a public street, high-quality



architectural design and materials should be used and a pedestrian orientated front façade and entrance should be required.

- C. Change building setback requirements for commercial corridors to require buildings to hold established setback lines, which are typically on or near the street.
- D. Flexibility in parking requirements to encourage and support the reuse of existing commercial properties and existing, smaller, commercial lots. Specifically, 1) changes that easily allow shared parking without need Special Exception or variance, 2) adjacent on-street parking spaces counted as part of off-street parking total.
- E. Also in support of infill development on smaller commercial lots, reduced landscaping should be allowed in order to allow for full utilization of constrained sites.

**Goal 3. Stabilize and improve housing market in the area and advocate the building of a new K-8 public school in the area.**

The neighborhood would like to have made available avenues for assistance in housing repair and maintenance, business start-up, crime control, pedestrian amenities and other quality-of-life issues. They would also like to see a new school built in or near the area in the future.

**Objective 1.** Advocate the building of a new school, which will serve (K-8) grades. The existing Lowell school is closed.

**Objective 2.** Stabilize existing housing: Increase awareness of existing programs provided by local non-profit organizations and the City of Tulsa.

**Objective 3.** Encourage new residential construction on existing vacant lots.

**Objective 4.** Continue to remove blighting influences that exist in the three areas.

**Objective 5.** Seek out and develop partnerships with public and private entities to help fund and promote housing and public improvements. Develop an Urban Renewal Plans and Tax Increment Financing Plans based on this Plan.

**Objective 6.** Remove the Lowell building and make available the appropriate portion of the site for single-family detached housing.

**Goal 4. Advocate for economic development, commercial revitalization and employment.**

**Objective 1.** Seek out and develop public and private partnerships to help fund and promote economic development in the area.

**Objective 2.** Identify areas that are currently underutilized commercial sites and convert those sites, which could provide office, light manufacturing, and small warehouse facilities.

**Objective 3.** Remove the Lowell school and make available the appropriate portion of the property for commercial use.

**Objective 4.** Overcome barriers to private mortgage financing in this neighborhood.

**Goal 5. Identify ways in which the delivery of social service to the area can be improved.**

**Objective 1.** Develop partnerships with various local agencies to address escalating neighborhood needs that are the result of a neighborhood that is growing in population and diversity.

Renumber existing 3.2 to 3.3 and the numbers following accordingly.

**RESOLUTION NO. 2381:862**

**A RESOLUTION AMENDING  
THE DETAIL PLAN FOR PLANNING DISTRICT 2,  
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 14th day of April, 1976, this Commission, by Resolution No.1108:423, did adopt the Detail Plan for Planning District 2 as a part of the Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 16th day of June, 2004, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted Detail Plan for Planning District 2 to incorporate various provisions of the Crutchfield Neighborhood Revitalization Plan, as set forth in Exhibit A, attached and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendment to the Detail Plan for Planning District 2 Map, as above set out, be and are hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**TMAPC COMMENTS:**

Mr. Harmon stated that he approves of the plan, but it seems to be a long way from being implemented. In response, Ms. Matthews stated that implementation has to come after the plan is adopted. In response, Mr. Harmon asked staff if there should be future worksessions to talk about this. In response, Ms. Matthews indicated that there is no need for future worksessions to discuss the plan because it is a pilot study and after it is adopted the implementation can begin. Ms. Matthews stated that if the Planning Commission is not comfortable adopting the plan, then another worksession is necessary. In response, Mr. Harmon stated that he is sure that the staff would find a way to implement the plan. In response, Ms. Matthews stated that the staff and neighborhood would implement the plan.

**INTERESTED PARTIES:**

**Tony Bluford**, 1027 North Rockford Avenue, Tulsa, Oklahoma 74106, stated that he appreciates the Planning Commission taking the bus tour of the Crutchfield Neighborhood and see what they are trying to accomplish. He appreciates the Planning Commission approving this plan. He indicated that there is a long way to go, but this is the first step to get to their destination.

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Miller, Westervelt "absent") to recommend **APPROVAL** of the proposed amendment for District 2 Plan Map and Text to include the Crutchfield Neighborhood Revitalization Plan as part of the Comprehensive Plan for the Tulsa Metropolitan Area, Resolution No. 2381:862 per staff recommendation.

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## ZONING PUBLIC HEARING

Application No.: PUD-342-A/PUD-342-3      MAJOR AMENDMENT

Applicant: Kevin Coutant      (PD-18) (CD-7)

Location: South of southwest corner of East 71<sup>st</sup> Street and South Mingo Road

Ms. Coutant announced that she would be abstaining from this item.

### STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to transfer commercial building floor area from Development Area A to Development Area B and a major amendment to allow additional commercial uses within Development Area B. Development Area A is described as the northerly 4.63 acres (net) of PUD-342, which has been platted as Wembley Station. Development Area B is described as the southerly 264.25 feet of PUD-342, which is unplatted and contains 1.7 net acres.

PUD-342 was approved by the City in January 1984. The PUD consists of approximately 7.51 (gross acres) located south and west of the southwest corner of East 71<sup>st</sup> Street and South Mingo Road. PUD-342 has 927.94 feet of frontage on Mingo beginning 200 feet south of 71<sup>st</sup> Street and 79.89 feet of frontage on 71<sup>st</sup> beginning 200 feet west of Mingo. The south boundary is abutted by a General Telephone exchange facility, and the west boundary is abutted by a multifamily retirement center, an apartment project and three single-family homes. There are commercial uses to the north and commercial and multifamily to the east across Mingo Road.

The following uses, floor area and building heights were approved:

#### **Permitted Uses:**

As permitted by right in a CS district, except south 250 feet shall be restricted to Use Unit 11 and accessory uses.

<b>Maximum Floor Area:</b>	111,855 SF
Commercial Uses	59,885 SF
Office Uses:	52,000 SF

#### **Maximum Building Height:**

Commercial Area:	28 FT/2 Stories
Office Area:	5 Stories

The underlying zoning within the PUD could potentially support a total maximum building floor area of approximately 145,970 SF. The CS zoning could allow approximately 76,334 SF of commercial uses and the existing OL zoning approximately 69,637 SF of office uses.

The proposed amendments to the PUD would be permitting a maximum building floor area of 76,250 SF which is a decrease of 35,635 SF from the existing approval and is approximately 69,720 SF less than what the underlying zoning could support. The maximum building floor area for commercial uses would be increasing by 16,365 SF from 59,885 to 76,250 SF.

The proposed minor amendment would transfer commercial floor area from Development Area A to Development Area B. The maximum building floor area for Development Area A would be reduced from 59,885 SF to 52,506 SF. All other conditions of PUD-342 as amended would apply to Development Area A, except for the setback from the south boundary, which would now be eleven feet.

Staff finds the request to reduce the maximum building floor area of Development Area A and to transfer commercial floor area to Development Area B to be minor in nature as it relates to Development Area A. Therefore, staff recommends **APPROVAL** of the minor amendment for Development Area A (PUD-342-3) subject to the following conditions:

<b>Maximum Building Floor Area:</b>	52,506 SF
<b>Minimum Building Setback south boundary of Development Area:</b>	11 FT

The existing sign standards shall apply to Development Area A, which are as follows:

That signs shall comply with the restrictions of the PUD Ordinances and the following additional restrictions:

Ground Signs: Ground signs shall be limited to one (1) sign on 71<sup>st</sup> Street and two (2) on Mingo Road identifying the project and/or tenants therein. No ground sign shall exceed 20 feet in height nor exceed a display surface area of 200 square feet.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1-1/2 square feet per each lineal foot of building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

The proposed major amendment only applies to Development Area B (PUD-342-A). The development area has been approved for a maximum of 52,000 SF of office uses with a maximum building height of five stories. The applicant is proposing a maximum of 23,744 SF of commercial uses and maximum building height of one story, not to exceed 28 feet in height.

The proposed major amendment would permit commercial uses on Development Area B. The existing maximum building floor area for Development Area B is 52,000 SF (office uses). The applicant is proposing a maximum of 23,744 SF (commercial uses). The total commercial floor area (76,250 SF) for the PUD could be permitted by the underlying CS zoning. The maximum building height would go from five stories to one story, not to exceed 28 feet.

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-342-A as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-342-A subject to the following conditions:

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

**Land Area:** Gross 2.0 AC Net 1.7 AC

**Permitted Uses:**

Those uses included within Use Unit 10 (Off-Street Parking Areas), Use Unit 11 (Office, Studios and Support Services), Use Unit 13 (Convenience Goods and Services), and retail establishments only as included within Use Unit 14 (Shopping Goods and Services).

**Maximum Building Floor Area:** 23,744 SF

**Maximum Building Height:**

One story, not to exceed 28 FT

**Minimum Building Setbacks:**

From centerline of Mingo Road	110 FT
From north boundary	11 FT
From south boundary	10 FT
From west boundary	50 FT

**Other Bulk and Area Requirements:**

As provided within an OL district.

**Minimum Off-Street Parking:**

As required by the applicable Use Unit.

**Minimum Landscaped Area:** Ten percent of net lot area

**Signs:**

Signs accessory to the uses within the Development Area shall comply with the restrictions of the PUD Chapter and the following additional restrictions.

Ground Signs: Ground signs shall be limited to one along the Mingo Road right-of-way, which shall not exceed eight feet in height and not to exceed a display surface area of 64 square feet.

Wall or Canopy Signs: Wall or canopy signs shall not exceed 1.5 square feet of display surface area per lineal foot of the main building wall to which affixed, provided, however, the aggregate length of wall signs shall not exceed 75 percent of the wall or canopy to which affixed and no wall signs shall be affixed to the west- or south-facing walls.

3. Private and public vehicular and pedestrian circulation shall be reviewed during detail site plan review. All access shall be approved by TMAPC, Public Works Department and the Tulsa Fire Department.
4. All landscaping and screening shall meet or exceed the requirements of the PUD Chapter and Landscape Chapter of the Zoning Code. A six-foot high or higher masonry screening wall shall be erected and maintained along the west boundary of the development area.

5. 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.
6. 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.
7. 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.
8. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
9. 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.
10. 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 20 feet in height.
11. 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.
12. 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.



13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. 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.
15. 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.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-1 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; Coutant "abstaining"; Miller, Westervelt "absent") to recommend **APPROVAL** the major amendment and minor amendment for PUD-342-A/PUD-342-3, subject to conditions per staff recommendation.

**Legal Description for PUD-342-A:**

The South 264.24 feet of the North 528 feet of the E/2, SE/4, NE/4, NE/4 of Section 12, T-18-N, R-13-E, Tulsa County, State of Oklahoma, and located south of the southwest corner of East 71<sup>st</sup> Street South and South Mingo Road, Tulsa, Oklahoma, **FROM OL/PUD (Office Low Intensity District/Planned Unit Development [PUD-342]) TO OL/PUD (Office Low Intensity District/Planned Unit Development [PUD-342-A]).**

\*\*\*\*\*

**Application No.: CZ-343**

**AG to IL**

**Applicant:** Kenneth Ellison

(PD-15) (County)

**Location:** Southwest corner of East 116<sup>th</sup> Street and North Memorial

**STAFF RECOMMENDATION:**

**CZ-335 April 2004:** A request to rezone a twenty-acre tract located on the southeast corner of East 116<sup>th</sup> Street North and North Yale Avenue from AG to IL

or CG for a metal fabricating business was approved for IL on the west half of the tract. The balance of the tract remained AG.

**CZ-333 January 2004:** A request to rezone a 21-acre tract located on the southwest corner of East 116<sup>th</sup> Street North and U. S. Highway 75 from AG to IL or CG was filed. Staff and TMAPC recommended denial of CG and approval of IL zoning on the north 660'. The Board of County Commissioners approved IL zoning per recommendation.

**CZ-328 and CZ-329 November 2003:** Requests were filed to rezone two separate five-acre tracts from AG to CS. One tract was located on the northeast corner of East 96<sup>th</sup> Street North and Highway 75 and the second tract was located on the northeast corner of 106<sup>th</sup> Street North and Highway 75. Both requests were withdrawn by the applicants upon determination that both properties had street frontage but did not have rights-of-way to access.

**CZ-325 August 2003:** A request to rezone a 2.5-acre tract located on the southeast corner of East 146<sup>th</sup> Street North and Highway 75 from AG to CS was denied. The site did not qualify as a Medium Intensity node under the terms of the Development Guidelines.

**CZ-324 August 2003:** A request to rezone a 342-acre tract located south and east of the southeast corner of East 146<sup>th</sup> Street North and Highway 75 for residential development was approved for RE zoning.

**CZ-270 September 2000:** A request to rezone a two-acre tract located on the northeast corner of East 116<sup>th</sup> Street North and North Memorial Drive from AG to CS for a health spa was withdrawn by the applicant prior to public hearing.

**CZ-264 May 2000:** A request to rezone a 3.4-acre tract located on the northwest corner of East 96<sup>th</sup> Street North and Highway 75 North from RS to CS was filed and approved for CS zoning on the south 150' with the remainder remaining RS.

**CZ-173 June 1989:** A request to rezone a 12.6-acre tract located in the southeast corner of East 106<sup>th</sup> Street North and U. S. Highway 75 and extending south along the Highway 75 right-of-way for approximately 1,463 feet for automobile sales. All concurred in denial of CG zoning and CS zoning was approved in the alternative.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately 18.3 acres. It is located in the southwest corner of East 116<sup>th</sup> Street North and North Memorial Drive. The property is flat, non-wooded, vacant and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 116 <sup>th</sup> Street North	Primary arterial	120'	2 lanes
North Memorial Drive	Secondary arterial	100'	2 lanes

**UTILITIES:** The subject tract is served by rural water system and sewer is by septic system.

**SURROUNDING AREA:**

The subject property is surrounded in all directions by vacant agricultural land, with scattered single-family dwellings, and is zoned AG; and to the southeast is a large-lot subdivision that is vacant, zoned AG-R.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 15 Plan, a part of the North Tulsa County Comprehensive Plan, designates the subject property as Agriculture – Rural Residential. According to the Zoning Matrix, the requested IL or CG **is not** in accord with the Plan.

**STAFF RECOMMENDATION:**

Based on the existing surrounding land uses and the Comprehensive Plan, staff cannot support the requested IL or CG zoning and therefore recommends **DENIAL** of IL or CG for CZ-343.

**Applicant's Comments:**

**Kenneth Ellison**, 3105 East Skelly Drive, Tulsa, Oklahoma 74105, stated that his client lives adjacent to the subject property. He explained that his client has retired and it is his desire to have the 20 acres rezoned either as CG or IL. A statuary company would like to utilize the subject property to make concrete statutes and retail sales. A mobile home supplier would like to locate on the subject property and sell components for repairing and maintaining mobile homes.

Mr. Ellison explained that his client has owned the property for 33 years and he is not going to build something offensive to the neighbors or to himself. His client would like to supplement his income by rezoning the subject property and having tenants.

Mr. Ellison recognized that there have been letters submitted opposing the rezoning, but they are predominately people who wanted to have control over what is being built on the subject property and he has no problem with that. The other objections deal with the low water pressure in the subject area. All of these things could be dealt with during the development phase.

### **TMAPC COMMENTS:**

Mr. Jackson asked Mr. Ellison if he reviewed the Comprehensive Plan prior to filing the subject application to see if it was in accord with the plan. In response, Mr. Ellison stated that he did not run an impact study on the subject property. In response, Mr. Jackson explained that the requested zoning are the highest use categories and could allow a multitude of different uses. The zoning goes with the land and not with the applicant's original intent to zone the land. In response, Mr. Ellison stated that his client could agree to light industrial zoning.

Mr. Jackson asked staff to explain what the Comprehensive Plan recommends. In response, Mr. Alberty stated that the Comprehensive Plan for North Tulsa County designates the subject area as agricultural, which is the lowest density of residential development, which would be rural residential development. No commercial or industrial would be consistent with the plan, nor would it be consistent with the established zoning. The only zoning in the subject area other than AG is AG-R. The introduction of any commercial and industrial would be totally inappropriate.

### **INTERESTED PARTIES OPPOSING CZ-343:**

**Jan Thomas**, 7623 East 116<sup>th</sup> Street North, Collinsville, Oklahoma 74021; **Mike Henley**, 12116 North 113<sup>th</sup> East Avenue, Collinsville, Oklahoma 74021; **Tom Baker**, 3821 East 106<sup>th</sup> Street North, Sperry, Oklahoma 74073; **Ed Campbell**, 11231 North Memorial, Owasso, Oklahoma 74055; **Sue Piggott**, 8500 East 116<sup>th</sup> Street North, Owasso, Oklahoma 74055 (read a letter from Todd Werdel, 7855 East 116<sup>th</sup> Street North, Collinsville, Oklahoma 74021); **Virgil Zielke**, 12305 North 70th East Avenue, Collinsville, Oklahoma 74021; **Max Rader**, 8304 East 116<sup>th</sup> Street North, Owasso, Oklahoma 74055.

### **COMMENTS OF INTERESTED PARTIES OPPOSING CZ-343:**

Thanks to INCOG for the recommendation of denial; the staff is correct that the subject area is not setup for commercial uses; the property owner has a bad past for moving homes and mobile homes onto the subject property and not doing any upkeep; no indication in the subject area that it is ready for commercial or industrial uses; the subject area has county roads; there is no sewer available and the water pressure problematic; most of the homes are on five-plus acres and have agricultural uses; people in the subject area chose to live in the subject area for the quiet agricultural setting and to drive back into town for their business needs; one mile east of the subject property is a large storage facility and it has changed the complexion of the neighborhood adjacent to the facility.

### **Applicant's Rebuttal:**

Mr. Ellison stated that his client has lived in the subject area for 33 years and not built anything, but that doesn't mean it would not ever have anything built on it. He suggested that the interested parties participate in zoning the subject property, because it is going to be zoned, and have some control with the local

resident as opposed to somebody out of Chicago or New York. Most of the people opposing this application have not lived in the area as long as his client.

Mr. Ellison requested that the Planning Commission consider zoning the subject property, as he doesn't believe it will be detrimental to anyone in the subject area. He indicated that the rezoning would be in the best interest of the County and surrounding community to rezone.

**TMAPC COMMENTS:**

Mr. Harmon stated that he is in agreement with staff's recommendation to deny this application. There are many opportunities to develop this land to produce income if the owner elected to do so without rezoning to IL or CG.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Miller, Westervelt "absent") to recommend **DENIAL** of IL or CG zoning for CZ-343 per staff recommendation.

\*\*\*\*\*

**Application No.: CZ-344**

**AG TO AG-R**

**Applicant:** Mike Walker

(PD-21) (County)

**Location:** West of northwest corner of West 171<sup>st</sup> Street and South Elwood

**STAFF RECOMMENDATION:**

**CZ-316 January 2003:** All concurred in approval of a request to rezone the adjoining forty acres to the east from AG to AG-R for residential development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately forty acres. It is located west of the northwest corner of West 171<sup>st</sup> Street South and South Elwood Avenue. The property is flat, non-wooded, vacant and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 171 <sup>st</sup> Street South	Primary arterial	120'	2 lanes

**UTILITIES:** The subject tract is served by the City of Glenpool for water and sewer.

**SURROUNDING AREA:**

The subject property is abutted on the east by a vacant tract presently under construction for a residential development and zoned AG-R; to the north and west by vacant land, zoned AG; and to the south by agriculture land with scattered single-family homes, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 21 Plan, a part of the Comprehensive Plan for the City of Glenpool, designates the subject property as being Low Intensity – Residential.

According to the Zoning Matrix the requested AG-R is in accord with the Land Use Intensity of the Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and the surrounding uses, staff recommends **APPROVAL** of AG-R zoning for CZ-344.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Miller, Westervelt "absent") to recommend **APPROVAL** of AG-R zoning for CZ-344 per staff recommendation.

**Legal Description for CZ-344:**

The W/2, W/2, SE/4, of Section 26, T-17-N, R-12-E, Tulsa County, State of Oklahoma, and located west of the northwest corner of West 171<sup>st</sup> Street South and South Elwood Avenue, Glenpool, Oklahoma, **From AG (Agriculture District) To AG-R (Agriculture - Residential Single-Family District, Rural Development).**

\*\*\*\*\*

**Application No.:** CZ-342

**IL to IH**

**Applicant:** Randy Frailey

(PD-24) (County)

**Location:** 6650 North Peoria

**STAFF RECOMMENDATION:**

**BOA-2097 May 2004:** A request for a Special Exception to allow storage of houses in transit in a CG-zoned district was denied.

**CZ-320 May 2003:** A request was approved, to rezone a one-acre tract located north of the subject tract on the west side of Peoria at East 71<sup>st</sup> Street North, from RS to CS for a doughnut shop.

**CZ-213 October 1994:** All concurred in approval of a request to rezone a two-acre tract located on the northwest corner of East 66<sup>th</sup> Street North and North Peoria Avenue, from RS to CG.

**CZ-128 April 1985:** Approval was granted on a request to rezone the 3.8-acre tract abutting the subject property on the north, from RS zoning to IL zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately six acres. It is located north of the northwest corner of East 66<sup>th</sup> Street North and North Peoria Avenue. The property is flat, non-wooded, contains an auto salvage and dismantling business, and is zoned IL.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 66 <sup>th</sup> Street North	Secondary arterial	100'	2 lanes
North Peoria Avenue	Secondary arterial	100'	2 lanes

**UTILITIES:** Water to the site is served by the Turley Water System and tie-in to sewer must be granted through an agreement established between Turley and Tulsa.

**SURROUNDING AREA:**

The subject property is abutted on the north and southeast by auto salvage businesses zoned IL; to the southwest by a vacant lot, zoned RS; to the west by the bike trail and residential dwellings, zoned RS; and to the east by a vacant service station and a firewood sales lot, zoned CS.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 1 – Peoria Special District. Policies (Section 3.1) recognize the existing commercial development in this area and encourage that new uses be compatible with other uses. Based on the Zoning Matrix, the proposed IH use **may be found** in accord with the District Plan because of its location within a special district.

**STAFF RECOMMENDATION:**

Staff cannot support the requested rezoning to IH. The applicant may, however, seek IM zoning and Board of Adjustment approval for a salvage yard. The presence of a number of auto salvage facilities along the Peoria Corridor farther south, in Planning District 25 within the City limits, was of concern to that District's planning team several years ago when the North Peoria Corridor study was done. At issue was the lack of screening on the part of many of the salvage yards, particularly when adjacent to residential areas, and the failure to meet setback requirements. With IM zoning and BOA approval, and with appropriate conditions, it is possible to operate as a salvage yard having few if any adverse impacts on surrounding land uses. If the TMAPC does not deem this appropriate, staff suggests the applicant submit a PUD, so that the TMAPC can review and possibly put conditions on site plans for the property.

Having noted these concerns, staff can recommend **APPROVAL** of IM zoning for CZ-342 and **DENIAL** of IH.

**Applicant's Comments:**

**Randy Frailey**, Route 3, Box 25, Chouteau, Oklahoma 74337, stated that he collects cars off the roads, highways and individuals. He indicated that 1300 cars were purchased in 2003. He explained that he is overloaded with cars that are disabled and he would like to sell the car parts.

**TMAPC COMMENTS:**

Mr. Jackson explained to Mr. Frailey that staff is suggesting IM zoning and then he would have to go before the BOA for approval with appropriate constraints.

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

Mr. Harmon stated that he believes the IM zoning would be best for the subject property and allow BOA to impose conditions and requirements.

Mr. Midget agreed with Mr. Harmon. He explained that the BOA would be given an opportunity to impose screening requirements, which is something the Planning Commission couldn't do with the type of zoning the applicant is requesting. Salvage yards along Peoria are very troublesome and ugly.



**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Miller, Westervelt "absent") to recommend **DENIAL** of IH zoning for CZ-342 and recommend **APPROVAL** of IM zoning for CZ-342 per staff recommendation.

**Legal Description for CZ-342:**

Beginning on the North line of the SE/4, SE/4 of Section 36, T-21-N, R-12-E, Tulsa County, State of Oklahoma, at a point 50' West of the Northeast corner of said tract, thence West along said North line a distance of 481' to a point in the East right-of-way line of the Midland Valley Railway, thence Southwesterly along said East right-of-way line a distance of 445' to a point, thence East and parallel to the North line of said tract a distance of 545' to a point, thence Northwardly a distance of 440' to the place of beginning, and located north of the northwest corner of East 66<sup>th</sup> Street North and North Peoria Avenue, Tulsa, Oklahoma, **From IL (Industrial Light District) To IM (Industrial Medium District).**

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**Application No.: Z-6947**

**RS-3/OL/IL to IL**

**Applicant:** Richard Gardner

(PD-18) (CD-7)

**Location:** 5808-5618 South Mingo Road

**STAFF RECOMMENDATION:**

**Z-6672 February 1999:** All concurred in approval of a request to rezone the lot abutting the southernmost subject tract from OM to IL for light industrial use.

**Z-6652 and Z-6653 September 1998:** A request to rezone two lots located south of the southwest corner of East 58<sup>th</sup> Street South and South Mingo Road from RS-3 to IL. All concurred in approval of IL zoning.

**Z-6646 July 1998:** All concurred in approval of a request to rezone a lot located south of the southwest corner of East 58<sup>th</sup> Street and South Mingo Road from RS-3 to IL.

**Z-6619 February 1998:** All concurred in approval of a request to rezone a 3.3-acre tract located north and west of the northwest corner of East 61<sup>st</sup> Street and South Mingo Road from RS-3 to IL.

**Z-6493 August 1995:** Approval was granted for IL zoning on a 1.1-acre tract located north of the northwest corner of East 61<sup>st</sup> Street and South Mingo Road from RS-3.

**Z-6443 June 1994:** Approval was granted for OM zoning on the tract abutting the subject tract on the south.

**Z-6423 December 1993:** All concurred in approval of a request to rezone a 200' x 240' tract located south of the southwest corner of East 58<sup>th</sup> Street and South Mingo Road from RS-3 to IL.

**Z-6304 February 1991:** Approval was granted on a request to rezone a tract located south of the southwest corner of East 55<sup>th</sup> Place and South Mingo Road from RS-3 to IL.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately 1.4 acres. It is located on the southwest corner of East 56<sup>th</sup> Street South and South Mingo Road. The property is flat, partially wooded, contains an office and a residence, and is zoned RS-3, OL, and IL.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Mingo Road	Secondary arterial	100'	4 lanes

**UTILITIES:** City of Tulsa water and sewer are available to the site.

**SURROUNDING AREA:**

The subject property is abutted on the north and east by commercial and industrial service businesses, zoned IL; to the west by single-family dwellings, zoned RS-3; and to the south are offices, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject property as part of Special District 1 – Industrial Area. Plan policies (Section 3.1.1) encourage future industrial land uses to locate within this special district and advocate that adequate utilities and transportation facilities be provided to service those uses.

According to the Zoning Matrix the requested IL **may be found** to be in accord with the Comprehensive Plan, due to its location within a Special District.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, surrounding land uses and trends in the area, staff can support the requested IL designation and recommends **APPROVAL** of IL zoning for Z-6947.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Miller, Westervelt "absent") to recommend **APPROVAL** of the IL zoning for Z-6947 per staff recommendation.

**Legal Description for Z-6947:**

Lots 1, 2, and 3, Block 1, Andersen Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southwest corner of East 56<sup>th</sup> Street South and South Mingo Road, Tulsa, Oklahoma, **From RS-3/OL/IL (Residential Single-family High Density District/Office Low Intensity District/Industrial Light District) To IL (Industrial Light District).**

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**Application No.: PUD-498-B-2**

**MIINOR AMENDMENT**

**Applicant:** Jeff Hartman

(PD-18) (CD-8)

**Location:** 10008 East 73<sup>rd</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is proposing to locate a ground sign on 73<sup>rd</sup> Street South instead of on 101<sup>st</sup> East Avenue as permitted by the development standards, and also to remove a wood fence from the west side of the property.

The PUD consists of 1.24 net acres located at the southwest corner of East 73<sup>rd</sup> Street and South 101<sup>st</sup> East Avenue. The PUD has been approved for hotel uses. One ground sign is permitted on South 101<sup>st</sup> East Avenue, which shall not exceed 25 feet in height nor 150 square feet of display surface area. No ground sign shall be within 150 feet of the south boundary of the PUD. The following landscaped open space and screening standard was approved:

A six-foot screening wall or fence shall be provided along the west and south boundaries of the PUD. A minimum of 25% of the net land area shall be improved as internal landscaped open space. Landscaping materials shall be in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

The subject tract is located south of Home Depot and Babies-R-U's stores, zoned CS/OM/PUD-498. Lowe's store, zoned CS/RM-2/PUD-521, is to the east of the tract. Windsail Apartments zoned CO abuts the tract on the west and south.

Staff does not support the request to remove the screening requirement between the hotel use on the subject tract and the residential uses to the west. Staff finds the request to locate the ground sign on the 73<sup>rd</sup> Street frontage instead of 101<sup>st</sup> East Avenue to be minor in nature if it is located a minimum of 200 feet from the west boundary of the PUD. Therefore, staff recommends **DENIAL** of the request to delete the screening requirement along the west boundary of the PUD and **APPROVAL** of the request to locate the ground sign along the 73<sup>rd</sup> Street frontage instead of 101<sup>st</sup> East Avenue with the condition that the ground sign shall not be within 200 feet of the west boundary of the PUD.

**Applicant's Comments:**

**Jeff Hartman**, 4712 West Pittsburgh Street, Broken Arrow, Oklahoma 74012, explained where and why he would like to relocate the ground sign. Mr. Hartman submitted photographs of the site where he is proposing the ground sign (Exhibit A-1) and a site plan (Exhibit A-2).

**TMAPC COMMENTS:**

Mr. Jackson stated that staff has approved the relocation of the proposed sign; however, they do not recommend approval of the removal of the screening fence along the west boundary.

Mr. Hartman stated that the fencing is not in place at this time. He submitted a photograph indicating that the subject property curb and the adjacent property curb are 24 inches apart, which is where the fence should be installed. He requested the fence be deleted because cars parking in the apartment complex would hit the fence because there are no curb stops.

Mr. Dunlap stated that screening that was approved for the PUD is a six-foot screening wall or fence that shall be provided along the west and south boundaries of the PUD with a minimum of 25% of the net land area improved as internal landscaped open space. He further stated that he can not think of one case where screening was not required for hotel uses from residential uses. These are existing residential uses and it was in the original PUD, and staff recommends denial of the request to remove the screening requirement.

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

Mr. Harmon stated that a screening fence is necessary because it keeps the headlights out of someone's bedroom window.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget, Miller, Westervelt "absent") to **DENY** the minor amendment request to delete the screening requirement along the west boundary of PUD-498-B-2 and **APPROVE** the minor amendment request for PUD-498-B-2 to locate the ground sign along the 73<sup>rd</sup> Street frontage instead of 101<sup>st</sup> East Avenue with the condition that the ground sign shall not be within 200 feet of the west boundary of the PUD, per staff recommendation.

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**Application No.: PUD-680-2**

**MINOR AMENDMENT**

**Applicant:** Roy Johnsen

(PD-6) (CD-9)

**Location:** Southeast corner of East 22<sup>nd</sup> Place and South Utica Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-680 to adjust development areas boundaries and increase permitted office floor area within the PUD.

The PUD as amended permits a maximum of 19 dwelling units and 90,327 SF of office floor area on approximately 4.352 acres (net) located at the southeast corner of East 22<sup>nd</sup> Place and South Utica Avenue.

The applicant is proposing a maximum of 19 dwelling units and 103,327 SF of office floor area. The Board of Adjustment approved a variance (BOA-19839) at their June 8, 2004 meeting to permit the additional office floor area. An adjustment to development area boundaries is also being requested (see attached site plan).

Staff finds the request to be minor in nature and recommends **APPROVAL**.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-680-2 per staff recommendation.

\*\*\*\*\*

**OTHER BUSINESS:**

**Application No.:** PUD-355-C

**DETAIL SITE PLAN**

**Applicant:** Doug Huber

(PD-18) (CD-8)

**Location:** Northwest corner of 91<sup>st</sup> Street and South Yale Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for an office building. The proposed use, General Office, Use Unit 11, is in conformance with development standards.

The site plan complies with maximum floor area and height permitted and complies with building setbacks, parking and landscaped area requirements. No parking lot lighting is proposed.

Staff recommends **APPROVAL** of PUD-355-C detail site plan as proposed.

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

**Applicant not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget, Miller, Westervelt "absent") to **APPROVE** the detail site plan for PUD-355-C per staff recommendation.

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**Commissioners' Comments:**

Ms. Bayles stated that she would miss Mr. Dunlap. She thanked Mr. Dunlap for his service and his valuable resources.

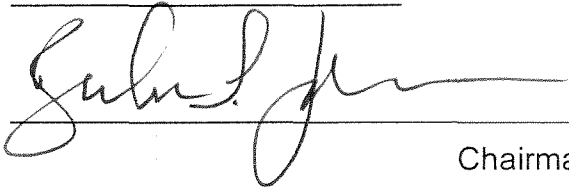
Mr. Jackson asked where Mr. Wolfram would be relocated. In response, Mr. Alberty stated that Mr. Wolfram would be working in Collinsville.

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There being no further business, the Chair declared the meeting adjourned at 2:44 p.m.

Date Approved:

July 7, 2004



Chairman

ATTEST:



Secretary

