

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2396**

Wednesday, November 17, 2004, 1:30 p.m.

Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, November 10, 2004 at 3:22 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, 2<sup>nd</sup> Vice Chair Hill called the meeting to order at 1:30 p.m.

**REPORTS:**

**Chairman's Report:**

Ms. Hill reported that there are two items on the agenda requesting a continuance:

**PRELIMINARY PLAT:**

**Country Club** – (0234)

(PD 11) (CD 1)

Country Club Drive and West Haskell Street (**request a continuance requested to 12/1/04**)

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Coutant, Hill, Horner, Ledford, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Harmon, Jackson, Midget "absent") to **CONTINUE** the preliminary plat for Country Club to December 1, 2004.

\*\*\*\*\*

**MINOR SUBDIVISION PLAT:**

**Arvest Midtown** – (PUD 708) (9307)

(PD 6) (CD 4)

Southeast corner of East 15<sup>th</sup> Street and Utica Avenue (**request a continuance requested to 12/1/04**)

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Coutant, Hill, Horner, Ledford, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Harmon, Jackson, Midget "absent") to **CONTINUE** the minor subdivision plat for Arvest Midtown to December 1, 2004.

\*\*\*\*\*

**Director's Report:**

Mr. Alberty reported that the TMAPC receipts are down over this time last year by approximately \$4,000 for the month of October. He commented that the County's fees have been consistent and may be off slightly, but the main differential in fees is with the City and is still heading in that trend this fiscal year, which started in July.

Mr. Alberty asked the Planning Commission if they would like to schedule a worksession for December 1<sup>st</sup> or the 15<sup>th</sup> since there will not be a worksession next week due to the Thanksgiving holiday. In response, Mr. Westervelt recommended December 1<sup>st</sup>.

Mr. Alberty reported on the upcoming City Council agenda and the TMAPC items that will be heard at the City Council this Thursday.

\*\*\*\*\*

Mr. Harmon in at 1:33 p.m.

**TMAPC COMMENTS:**

Ms. Hill stated that she would like to take the minor amendment for PUD-542-7 out of order as a companion item to L-19757.

**Planning Commissioner Jerry Ledford, Sr. stated that he would be abstaining from PUD-542-7 and L-19757.**

**Application No.: PUD-542-7**

**MINOR AMENDMENT**

**Applicant: Jerry Ledford, Jr.**

**(PD-18B) (CD-8)**

**Location: 8520 South Maplewood Avenue**

**STAFF RECOMMENDATION:**

This application is to reduce the required lot size from 22,500 square feet to 15,500 square feet, splitting the northern portion from Tract 2 and attaching it to Tract 3. This lot-split precedes this minor amendment on the November 17 TMAPC agenda, and pending approval of that action, staff recommends **APPROVAL** of PUD-542-7.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 7-0-1 (Bayles, Coutant, Harmon, Hill, Horner, Miller, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Jackson, Midget "absent") to **APPROVE** the minor amendment for PUD-542-7 per staff recommendation.

\*\*\*\*\*

**SUBDIVISIONS:**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-19757 – Tulsa Engineering & Planning Associates (8315)** (PD 18) (CD 8)

8519 and 8520 South Maplewood

**STAFF RECOMMENDATION:**

The proposal is to split off a portion of Lot 2 and tie it to Lot 3. Both proposed tracts would meet the RS-1 bulk and area requirements; however, approval of a PUD minor amendment to reduce the required lot size from 22,500 sq. ft. to 15,500 sq. ft. would be required (scheduled for the November 17, 2004, TMAPC hearing). A waiver of the Subdivision Regulations is being requested because Tract 1 would have more than three side lot lines.

The Technical Advisory Committee had no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition the portion being split off Lot 2 be tied to Lot 3.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 7-0-2 (Bayles, Coutant, Harmon, Hill, Horner, Miller, Westervelt "aye"; no "nays"; Ledford, Midget "abstaining"; Carnes, Jackson "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split, with the condition the portion being split off Lot 2 be tied to Lot 3.

\*\*\*\*\*

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

**L-19735 – Neighbors Investments, LLC** (9310) (PD 5) (CD 4)

6231 East 15<sup>th</sup> Street

**L-19744 – Scott Rutherford** (1432) (PD 15) (County)

12112 East 74<sup>th</sup> Street North

- L-19749 – Sandra Hackenbury** (9213) (PD 6) (PD 9)  
1125 East Sunset Drive
- L-19755 – DeAngelo Wagoner** (0213) (PD 25) (CD 1)  
733 East 38<sup>th</sup> Street North
- L-19756 – Tanner Consulting, LLC** (8333) (PD 26) (CD 8)  
Louisville Place, north of East 115<sup>th</sup> Street
- L-19758 – Shirley West** (1417) (PD 15) (County)  
11328 East 106<sup>th</sup> Street North
- L-19760 – Roger Taylor** (6405) (PD 20) (County)  
Northeast corner of East 191<sup>st</sup> Street and Garnett
- L-19761 – Bob Martin** (2418) (PD 14) (County)  
15684 North 107<sup>th</sup> East Avenue
- L-19763 – Jerry White** (9106) (PD 23) (County)  
17301 West Wekiwa Road
- L-19764 – Sack & Associates, Inc.** (9320) (PD 6) (CD 9)  
2430 East 38<sup>th</sup> Street

**STAFF RECOMMENDATION:**

These lot-splits are all in order and staff recommends **APPROVAL**.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

\*\*\*\*\*

**FINAL PLAT:**

**Palazzo II** – PUD 669 (2894)

(PD 17) (CD 6)

North side of 51<sup>st</sup> Street, West of 145<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 10.8 acres.

All release letters have been received for this final plat and staff recommends **APPROVAL** of the final plat for Palazzo II.

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

\*\*\*\*\*

**PRELIMINARY PLAT:**

**Raven's Crossing** – (PUD 707) (8326)

(PD 26) (CD 8)

West of Northwest corner of East 111<sup>th</sup> Street and Memorial Drive

**STAFF RECOMMENDATION:**

This plat consists of 79 lots, ten blocks, on 37.2 acres.

The following issues were discussed October 21, and November 4, 2004 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD 707. All PUD setbacks and requirements must be shown/met.

2. **Streets:** Show and dimension all islands as reserves within public right-of-way. Redesign the public street approaches at both gates for 20:1 transitions (109<sup>th</sup> and 110<sup>th</sup> Streets). Include East 111th Street in the dedication of "street rights-of-way". Construction standards for the private streets meeting City standards for "minor residential streets" were included in Section II I.3. Separate and list in Section II I.3.a. (iv) both r/w width and maximum grade as minor exceptions. Sidewalks shall be installed on both sides of the collector streets per the Subdivision Regulations. Provide adequate turnaround at the south gate entry. At southeast corner of property, "25.25' row to PSO." check page as 963. At cul-de-sacs and intersection corners, property lines need to be shown as radii rather than sharp curb points. Section II C. Public Street Standards – please delete "as shown on the plat" which follows immediately after "sidewalks on the north side of East 111<sup>th</sup> Street".
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Access must be provided to the detention facility. The overland drainage easement in Lot 4, Block 10 needs to be expanded into Lot 5. It appears drainage from the north (under the word "unplatted") enters the proposed platted area near the center of the north lot line of Lot 5, Block 10. Due to the size and type of the outlet storm sewer pipe from the stormwater detention facility, the 20-foot separate instrument easement for this offsite public pipe must be a storm sewer easement only not a u/e. A meeting has been scheduled for November 5, 2004 to discuss a regional facility for several developments proposed including this area. If the regional facility becomes a reality, then this plan for detention may change. Storm sewers are covered in Section II A. Please remove the "storm sewers" language from Section II E, and replace it with the standard language for "overland drainage easements". Stormwater detention is required for the additional runoff from Blocks 1 thru 5. Please note that in Section II H 1 Blocks 6, 7 and 8 were included in the areas that Reserve A is providing the "flow, conveyance, detention, and discharge of storm water runoff from...", and Block 1, where the runoff is required to be detained, has not been included. This is not correct, and the discharging of water across a watershed boundary into another watershed is not permitted. It is further noted that these same blocks have been included and excluded from maintenance responsibility for Reserve A in Sections II H 3 and 3 d.
6. **Utilities: ONG:** May need 15' on all streets (planned service in front). **Cox:** Okay. **PSO:** Working with company engineers on easements.

7. **Other: Fire:** N/A. Show date of preparation. Change preliminary plat name on conceptual plan. Dimensions and callouts need to be made readable.

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.

**TMAPC COMMENTS:**

Mr. Harmon asked staff if the cemetery would have any bearing on the decision made today. In response, Mrs. Fernandez stated that the homeowners' association would be responsible for the care of the cemetery, provisions for which would have to be included in the covenants.

**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, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the preliminary plat for Raven's Crossing, subject to special and standard conditions per staff recommendation.

\*\*\*\*\*

**Twilight Hills Estates – (9024)**

(PD 23) (County)

West of 177<sup>th</sup> West Avenue, North of West 41<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This plat consists of nine lots, two blocks, on 42.6 acres.

The following issues were discussed November 4, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG. The plat is proposed because of the number of lot-splits done on the property.

2. **Streets:** Show right-of-way clearly. Concern about the continuation of 179<sup>th</sup> West Avenue from the south was expressed. Statutory right-of-way as exists must be shown on the plat, especially on Lot 1, Block 1. Legal descriptions must be correct. Addresses and street names need to be shown correctly.
3. **Sewer:** No comment.
4. **Water:** Tulsa RWD # 1 will supply water.
5. **Storm Drainage:** Add standard language for water, storm sewer and sanitary sewer.
6. **Utilities: ONG:** Additional 15-foot easements will be needed. County Cablevision may serve the area.
7. **Other:** The County Engineer was not represented at the meeting so his concerns will need to be incorporated into the TAC comments.

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

**Waivers of Subdivision Regulations:**

1. A waiver to more than three side lot lines for Lot 1, Block 2, is requested.

**Special Conditions:**

1. The concerns of the County Engineer must be taken care of to his 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 **HORNER**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the preliminary plat for Twilight Hills Estates, subject to a waiver of Subdivision Regulations; special and standard conditions per staff recommendation.

\*\*\*\*\*

**CHANGE OF ACCESS ON RECORDED PLAT:**

**Lots 1 and 2, Block 1, Helen N. Commercial Center** (9418) (PD 17) (CD 5)

North of East 31<sup>st</sup> Street, West of Garnett Road

**STAFF RECOMMENDATION:**

This application is made to allow a change of access along East 31<sup>st</sup> Street. The proposal is to shift an existing 40-foot limited access to the east.

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.

**The applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the change of access on recorded plat for Lots 1 and 2, Block 1, Helen N. Commercial Center per staff recommendation.

\*\*\*\*\*

**ZONING PUBLIC HEARING**

**Application No.: Z-6963**

**RS-3 to CS**

**Applicant:** K. Neal Jackson

**(PD-5) (CD-4)**

**Location:** West of northwest corner of East 4<sup>th</sup> Place and South Sheridan Road

**STAFF RECOMMENDATION:**

**Z-6771/PUD-633 June 2000:** A request was approved, to rezone approximately one-half acre tract located south of the southeast corner of East 4<sup>th</sup> Street and South Sheridan and east of the subject property from OL to CS and PUD for office, commercial and automotive uses.

**BOA-17805 April 1998:** The Board of Adjustment approved a special exception to allow an existing auto body repair shop and paint shop in a CS-zoned district on property located on the east side of Sheridan and north of East 4<sup>th</sup> Place.

**Z-6566 December 1996:** All concurred in approval of a request to rezone two lots located south of the southeast corner of East 4<sup>th</sup> Street and South Sheridan Road from RS-3 to OL for a proposed mini-storage facility.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 65' x 136' in size. It is located west of the northwest corner of East 4<sup>th</sup> Place and South Sheridan Road. The property is flat, non-wooded and contains a dwelling and accessory building. The property is zoned RS-3.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 4 <sup>th</sup> Place	Residential	50'	2 lanes

**UTILITIES:** Municipal water and sewer are available.

**SURROUNDING AREA:**

The subject property is abutted on the north and west by single-family residential uses, zoned RS-3; to the south by a Drug Warehouse, zoned CS; and to the east by Couch Pharmacy, zoned CS. Farther to the northeast is a fast-food restaurant, zoned CS. Farther east, across South Sheridan Road, are mixed church and retail uses, zoned CS and one zoned PUD-633.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity-Residential land use.

According to the Zoning Matrix the requested CS zoning **is not** in accord with the Plan.

**STAFF RECOMMENDATION:**

Staff is not supportive of this rezoning, even though the property in question is vacant and faces a retail parking lot. The proposal is not in accord with the District 5 Plan. Approval of this application will have a negative impact on the seemingly stable single-family residential neighborhood that remains on the south (east of the parking lot), west and north. If this is approved, expect the CS zoning boundary to be extended at least one more lot to the west between East 4<sup>th</sup> Place and 4<sup>th</sup> Street. This area appears to be undergoing transition much like Brookside, with the same demands for commercial and other medium intensity uses adjacent to single-family neighborhoods.

For these reasons, and based on the District 5 Plan, staff recommends **DENIAL** of CS zoning for Z-6963.

**Applicant's Comments:**

**Neal Jackson**, 4240 East 107<sup>th</sup> Street, Tulsa, Oklahoma 74136, stated that he purchased the subject property several years ago and he has been leasing it for the last couple of years. He indicated that the people who lease tend to run it down and it becomes an eyesore. He proposes to rezone the house and make it into an office behind the pharmacy. He commented that Drug Warehouse is directly across the street from the subject property and goes back into the neighborhood as far as his proposal would be. Mr. Jackson concluded that he would like to use the subject property as an office, parking or storage.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Jackson how long he has owned the subject property. In response, Mr. Jackson stated approximately three years.

Mr. Harmon asked Mr. Jackson if the subject property has been occupied during that period of time. In response, Mr. Jackson stated that he has leased the subject property during this period of time.

Mr. Harmon asked Mr. Jackson if the subject property is currently occupied. In response, Mr. Jackson stated that it is occupied, but the renters are behind on their rent and he has been unable to collect the rent for the last two months.

Mr. Harmon asked Mr. Jackson if the subject property has been used as residential real estate property in the last three years. In response, Mr. Jackson answered affirmatively.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to recommend **DENIAL** of the CS zoning for Z-6963 per staff recommendation.

\* \* \* \* \*

**Application No.:** Z-6964

**CS to CH**

**Applicant:** Joe Donelson, Jr.

(PD-16) (CD-3)

**Location:** Southwest corner of East Marshall Street and North Mingo Road

**STAFF RECOMMENDATION:**

**Z-6678 August 1999:** Approval of a request to rezone a 150' x 165' tract located south and west of the southwest corner of East Latimer and North Mingo Road from RS-3 to IL. This tract was used as storage for a nonconforming roofing business to the east.

**Z-6024 February 1985:** A request to rezone a .8-acre tract located west of the southwest corner of East Latimer Street and North Mingo Road and south of the subject property, from RS-3 to CH was denied.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 0.76 acre in size. It is located on the southwest corner of East Marshall Street and North Mingo Road. The property is flat, non-wooded, vacant and zoned CS.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East Marshall Street	Residential	50'	2 lanes
North Mingo Road	Secondary arterial	100'	4 lanes

**UTILITIES:** Municipal water and sewer are available.

**SURROUNDING AREA:** The subject property is abutted on the north by industrial and construction-related uses, zoned CS; to the east by vacant land and wooded land, possibly related to Mingo Creek improvements, zoned CS; to the southeast by a major PSO/AEP facility, zoned IL; to the west by an air-conditioning service, zoned CG; and to the south by a carpet cleaning business, zoned CH.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity-No Specific land use.

According to the Zoning Matrix the requested CH zoning **is not** in accord with the Plan.

**STAFF RECOMMENDATION:**

Staff cannot support the requested CH zoning for Z-6964. The existing CH south of the site has been in place for many years and probably would not be recommended now. The warehouse/office use proposed for this site is possible with CG zoning and a BOA approval of a Special Exception or by right under IL zoning. The differences between the CG and IL, in this case, are that the CG requires 100' minimum frontage and the IL requires 150'. The property appears to meet both of those criteria. Under CG, the maximum FAR is .75, while IL has no maximum. Both street setbacks are the same. Because no R-zoned property adjoins this site, there is no required setback from that. Staff therefore recommends **DENIAL** of CH zoning for Z-6964 and in the alternative, recommends **APPROVAL** of either CG or IL (with new notice required for the latter).

If the TMAPC deems the CG zoning acceptable, that can be recommended under the current notice. If the TMAPC prefers the IL zoning, new notice must be given and a new application submitted.

**Applicant's Comments:**

**J.R. Donelson**, 8410 East 111<sup>th</sup> Street South, Tulsa, Oklahoma 74133, stated that he is in agreement with the CG zoning in the alternative.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to recommend **DENIAL** of CH zoning for Z-6964 and recommend **APPROVAL** the CG zoning for Z-6964 per staff recommendation

**Legal Description for Z-6964:**

The East 225' of the North 180' of the SE/4, SE/4, NE/4 of Section 36, T-20-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, and located on the southwest corner of East Marshall Street and North Mingo, Tulsa, Oklahoma, **From: CS (Commercial Shopping Center District) To: CG (Commercial General District).**

\*\*\*\*\*

**Application No.: Z-6965**

**RS-3 to IL**

**Applicant:** Ken Williams

(PD-18) (CD-6)

**Location:** Southeast corner of East 48<sup>th</sup> Street South and South Mingo Road

**STAFF RECOMMENDATION:**

**Z-6486 June 1995:** Approval was granted for a request to rezone a .8-acre tract located approximately 225 feet from the subject property on the east side of South Mingo Road, from RS-3 to IL for industrial use.

**Z-6487 June 1995:** Approval was granted for a request to rezone property at the southeast corner of East 47<sup>th</sup> Place and South Mingo Road from RS-3 to IL.

**Z-6486 June 1995:** All concurred in approving IL zoning on the adjoining tract to the south, finding that commercial zoning was not supported by the Comprehensive Plan. The proposal was to enlarge the existing educational facility on the property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.3 acres in size. It is located on the southeast corner of East 48<sup>th</sup> Street South and South Mingo Road. The property is flat, non-wooded, vacant and zoned RS-3 and IL.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 48 <sup>th</sup> Street South	Residential	50'	2 lanes
South Mingo Road	Secondary arterial	100'	4 lanes

**UTILITIES:** Municipal water and sewer are available.

**SURROUNDING AREA:**

The subject property is abutted on the north by a strip center with mixed office, retail and vacant uses, zoned IL; to the east by vacant property and an industrial use, zoned IL; to the west by a strip center that includes a church, offices and service uses, zoned IL; to the southwest by a childcare center, zoned OM; farther to the southwest by the Mingo Manor Apartments, zoned RM-2; and to the south by a private school and related uses (Miss Helen's), zoned RS-3 and IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 1 – Industrial Area with a small portion of Development Sensitive in conjunction with a drainage area.

According to the Zoning Matrix the requested IL zoning **may be found** in accord with the Plan, due to its location within a Special District. Plan policies call for future industrial development to occur in this area and for adequate infrastructure to be provided to accommodate it.

**STAFF RECOMMENDATION:**

Although this area is designated for industrial use, many other uses exist within it. Given the setback and screening requirements of the IL zoning category, any impact of the proposed rezoning on adjacent non-industrially zoned properties should be minimized. Staff can support the requested rezoning and recommends **APPROVAL** of IL zoning for Z-6965.

**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, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to recommend **APPROVAL** the IL zoning for Z-6965 per staff recommendation.

**Legal Description for Z-6965:**

Part of Lots 1 and 2 and all of Lots 3 and 4 and part of vacated streets and alleys beginning at the Southwest corner of Lot 3 then East 183.71', North 75', West 183.71', South 75' to the Point of Beginning, Block 40 Alsuma, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; and Beginning at the Northwest corner SW/4, SW/4, thence South 208.75', East 208.71', North 208.75', West 208.71' to the Point of Beginning less 50' for street, Section 30, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and located on the southeast corner of East 48<sup>th</sup> Street South and South Mingo Road, Tulsa, Oklahoma, **From: RS-3 & IL (Residential Single-family High Density District & Industrial Light District) To: IL (Industrial Light District).**

\*\*\*\*\*

**Application No.: PUD-681-3**

**MINOR AMENDMENT**

**Applicant:** Ricky Jones

(PD-26) (CD-8)

**Location:** South of southeast corner of East 111<sup>th</sup> Street and South Louisville

**STAFF RECOMMENDATION:**

This request is to reduce the required 25' setback from the perimeter of the PUD to 17.5' when the perimeter is used as a side yard, with the 25' setback remaining when the perimeter abuts the rear yard. This is the third application for a Minor Amendment to the Estates of Waterstone since March 2004. Previously approved Minor Amendments allowed, with conditions, the termination of a private street with a cul-de-sac rather than a stub street (PUD-681-1) and an increase in total number of lots from 15 to 17 (PUD-681-2).

In view of the TMAPC's action at a previous meeting to approve a similar side yard setback reduction on the development to the west, which is in common ownership, staff can reluctantly support this request. Therefore, staff recommends **APPROVAL** of PUD-681-3.

**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 **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the minor amendment for PUD-681-3 per staff recommendation.

\*\*\*\*\*

**Application No.: PUD-648-2**

**MINOR AMENDMENT**

**Applicant:** Roy Johnsen

(PD-8) (CD-2)

**Location:** Northeast corner of West 71<sup>st</sup> Street and Highway 75 South

**STAFF RECOMMENDATION:**

This application is for a lot-split in Development Area D, to create Tracts 1 and 2 and to reallocate the floor area for these tracts. The allowed uses within this Corridor and PUD are medical (Hospital and Office uses). Development Area D

was originally approved for 13.51 acres with one lot. This proposal would result in Development Area D-1 having 3.3 acres (24.4% of the original 13.51 acres) and D-2 with the remaining 10.2 acres on "[a]dditional lots as may be permitted by minor amendment and allocation of floor area." Maximum building floor area requested for D-1 is 56,000 square feet, which is 65% of the total allowed 85,748 square feet for all of Development Area D. While staff can support the requested PUD-648-2, there is a concern that any future amendments may result in unbuildable lots. Mitigating, to some extent, this concern is the fact that both development areas are in the same ownership and therefore any hardship this transfer of building area may create is self-imposed. With these reservations, staff recommends **APPROVAL** of PUD-648-2.

**Applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the minor amendment for PUD-648-2 per staff recommendation.

\*\*\*\*\*

**Application No.: PUD-567-9**

**MINOR AMENDMENT**

**Applicant:** Brent Bailey

(PD-18) (CD-8)

**Location:** 10808 East 71<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This application is to allow two ground signs (apparently one already exists) on one lot and to increase the allowable wall signage from 1.5 square feet per lineal foot of wall space to 2.0 square feet. The subject property lies within Development Area A of the original PUD-567, which allowed one ground sign per lot on the 71st Street frontage, a maximum of 160squarefeet of display surface area and a maximum of 25' in height. Wall signs were not to exceed 1.5 square feet of surface display area per lineal foot of wall space. No maximum aggregate signage area was specified for Development Area A.

A later minor amendment, PUD-567-5, on a lot on which Cheddars and Fish Daddy's are located and also in Development Area A, allowed two ground signs on one lot, to accommodate two restaurants. In February 2004, minor amendment PUD-567-7 was approved to allow a projecting sign for Fish Daddy's

Restaurant, in addition to the previously-approved second ground sign. A third minor amendment, PUD-567-8, requested an increase in ground sign height on the Cheddars/Fish Daddy's lot from 25' to 35' and has been recommended for denial (November 3, 2004).

Based on the original PUD and subsequent minor amendments, staff can support the request for a second ground sign (to be built to meet the original PUD design standards, not to exceed 160 square feet of display surface area and no higher than 25'). However, staff can find no compelling reason to allow the maximum of 1.5 square feet of display surface area for wall signs to be increased to 2.0 square feet. Therefore, staff recommends **APPROVAL** of the request to allow two ground signs (meeting the original PUD design standards) and **DENIAL** of the request to increase the maximum wall signage from 1.5 square feet to 2.0 square feet per lineal foot of wall space. Staff notes that the applicant currently has an illegal roof sign that he has been told to remove. Therefore, staff further recommends that no permit be issued for additional signage on this lot until the illegal roof sign is permanently removed.

**TMAPC COMMENTS:**

Mr. Westervelt requested the staff to notify Neighborhood Inspections regarding the illegal signage.

Mr. Midget asked staff if the applicant indicated that he would prefer one sign over the other if the Planning Commission were not inclined to approve both signs. In response, Ms. Matthews indicated that the applicant is requesting both signs.

**Applicant's Comments:**

**Brent Bailey**, 1889 North 105<sup>th</sup> East Avenue, Tulsa, Oklahoma 74116, asked the Planning Commission what is considered the frontage of the building. The question that INCOG raised was that the placement of the wall sign is on the part that juts out from the rest of the building. He commented that he is looking at this as one whole frontage and it measures 91 feet. If this is how the Planning Commission is measuring it he has no problem with that. The other parts that jut out from the building have massive signs on them, which cover the majority of the wall. He commented that his client has taken the illegal sign down from the roof. He further commented that the tenant has been informed to not change his signage without a permit first.

**TMAPC COMMENTS:**

Ms. Matthews explained that the calculation is based on the wall to which the signage would be attached.

Mr. Bailey stated that the other two towers on the subject property are completely filled with signage. He asked staff if the other tenants have received a minor amendment in order to have these types of signage. In response, Ms. Matthews

stated that as far as she knows, there are no records of approvals for minor amendments for the other signs, but staff will be looking at the existing signs.

Mr. Bailey stated that he is asking for the 19-foot section is to increase it from 1.5 square foot per linear foot to 2.0 square foot per linear foot, which would allow 38 square feet of signage and would be enough to cover what he has submitted.

Ms. Matthews stated that there are a number of illegal signs in the subject area and it would not be unusual for someone to have a sign that did not go through the minor amendment process. Fish Daddy's is the last minor amendment that has been processed in the subject area.

Mr. Bailey stated that the plot plan doesn't show the towers that jut out, but shows the flat frontage of the building, which is what he initially went from for his signage proposal. When he discussed this with INCOG, regarding the location of the signage, he wanted to take the illegal signage down, which would have been fine if it had been lowered below the skyline of the building. He is asking to increase the 19-foot area from 1.5 square feet to 2.0 square feet per linear feet.

Mr. Bailey stated that the tenants of the subject property had not talked with the property owner prior to applying for an additional pole sign. The property owner would prefer that the tenant increase the size of the single pole sign or the single sign that is currently existing rather than installing a second pole sign.

Mr. Bailey stated that he is allowed 160 square feet on the second pole sign and he would like to increase the square footage of the original sign and not have the second sign. He would be increasing the area by 65 square feet.

In response, Mr. Westervelt asked staff and Legal if this application is advertised properly to make a change in the request. In response, Ms. Matthews stated that the change Mr. Bailey is requesting would constitute a new application and staff has not had a chance to review his new request.

Mr. Romig stated that the applicant is not advertised properly to make a change in his proposal. He explained that someone might have an objection to the larger sign.

Mr. Westervelt informed Mr. Bailey that the Planning Commission can render a decision based on the staff recommendation and what has been submitted, but they can't consider the new change.

Mr. Bailey stated that he was hoping that the ripple of the second sign would constitute the increase in the wall sign. He indicated that he understands what the Planning Commission is stating. The tenants are looking for advertisement in the subject area as soon as possible and preferably before the holiday season hits. The landlords have agreed to increase the size of the existing sign, which

he believes allows 25 feet in height and 160 feet in square footage. He is simply requesting an additional 65 square feet instead of the 160 square feet for the additional pole sign.

Mr. Midget asked Mr. Bailey if he would like to continue this request because what he is requesting the Planning Commission to do would be a new application. Staff would need time to review the new proposal and new noticing would be needed. Mr. Midget concluded that the Planning Commission could make a decision on the application that is before them, but it is up to the applicant to decide.

Mr. Bailey stated that he would like the Planning Commission to rule on what is before the Planning Commission today.

Ms. Matthews stated that depending on what Mr. Bailey submits, he may not have to come back before the Planning Commission as a minor amendment, if staff can handle it administratively.

Mr. Bailey stated that his client is looking to decrease the clutter, as far as signage, and still allow all five tenants in the subject area to have a more space for advertisement. He explained that this is the only reason he brought this new change up today, but he would allow the Planning Commission to rule on the existing application.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the minor amendment for PUD-567-9 to allow two ground signs (meeting the original PUD design standards) and **DENY** the request to increase the maximum wall signage from 1.5 square feet to 2.0 square feet per lineal foot of wall space. Staff notes that the applicant currently has an illegal roof sign that he has been told to remove. Therefore, staff further recommends that no permit be issued for additional signage on this lot until the illegal roof sign is permanently removed per staff recommendation.

\* \* \* \* \*

## **OTHER BUSINESS:**

**Application No.:** PUD-631-A

**DETAIL SITE PLAN**

**Applicant:** Stephen Mendenhall

(PD-18) (CD-8)

**Location:** 3916 East 91<sup>st</sup> Street South

### **STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new two-story medical office building. The proposed use, Use Unit #11, Offices and Studios, is permitted by PUD Development Standards.

The proposed office building meets setback, floor area, building height and minimum landscape requirements. Proposed parking is in compliance with the Zoning Code and Development Standards. No parking lot lighting is planned.

A trash dumpster and enclosure, retaining wall and parking with concrete curbing are proposed within a Stormwater Detention Easement on the site's southwest corner. The Deed of Dedication and Restrictive Covenants regarding this easement states, "No fence, building or other obstruction may be placed or maintained in the stormwater detention easement areas nor shall there be any alteration of the grades or contours in the easement areas unless approved by the Department of Public Works of the City of Tulsa." Therefore, Public Works approval is required for these proposed improvements.

Staff recommends **APPROVAL** of **PUD 631-A (L2 B1)** detail site plan contingent upon Public Works approval of the dumpster and enclosure, retaining wall and parking with concrete curbing proposed in the Stormwater Detention Easement.

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

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

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

### **TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the detail site plan for PUD-631-A, subject to Public Works approval of the dumpster and enclosure, retaining wall and parking with concrete curbing proposed in the Stormwater Detention Easement per staff recommendation.

**Application No.: PUD-631-A**

**DETAIL SITE PLAN**

**Applicant:** Stephen Mendenhall

(PD-18) (CD-8)

**Location:** 3920 East 91<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new two-story medical office building. The proposed use, Use Unit #11, Offices and Studios, is permitted by PUD Development Standards.

The proposed office building meets setback, floor area, building height and minimum landscape requirements. Proposed parking is in compliance with the Zoning Code and Development Standards. No parking lot lighting is planned.

Staff recommends **APPROVAL** of **PUD 631-A** detail site plan as proposed.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the detail site plan for PUD-631-A per staff recommendation.

\*\*\*\*\*

**Application No.: PUD-179-U**

**DETAIL SITE PLAN**

**Applicant:** William Farha

(PD-18) (CD-9)

**Location:** 8522 East 71<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new jewelry store on the current site of Spot-Not Car Wash. The proposed use, Use Unit #14, Shopping Goods and Services, is permitted by PUD Development Standards.

The site's existing structures will be demolished to make way for the new jewelry store. The proposed building meets setbacks, floor area, and building height restrictions. Proposed parking is in compliance with the Zoning Code and Development Standards. Lighting will be provided by flat lens, shielded lights mounted on 25 foot high poles. Visibility of light producing elements will extend 58 feet, which, if off site, will affect existing commercial or vacant office property.

The proposed site meets minimum street yard and open space requirements. However, the development standards also require "green belts" on the west, south and east boundaries. The site plan proposes 5 feet rather than the 10 feet required on the south boundary.

Staff recommends **APPROVAL** of **PUD 179-U** detail site plan contingent upon 10 feet being provided as required for the south "green belt".

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson "absent") to **APPROVE** the detail site plan for PUD-179-U, subject to ten feet being provided as required for the south "green belt" per staff recommendation.

\*\*\*\*\*

**Commissioners' Comments:**

Mr. Westervelt stated that he spoke with Brandon Jackson this week and he indicated that his skin graft is doing well and he was optimistic that the doctors would be fitting the halo device after this heals up. Brandon was hopeful that he will get to come home for a little while before returning to the hospital. Brandon stated that his co-workers and supporters are doing a good job looking after his business interests and he is very comfortable where he is.

\*\*\*\*\*

There being no further business, the Chair declared the meeting adjourned at 2:10 p.m.

Date Approved:

12/15/05

Mary E. Hill  
2nd Vice Chair acting  
Chair

Chairman

ATTEST:

JMM Bayles

Secretary

