

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2533**

Wednesday, December 3, 2008, 1:30 p.m.

Aaronson Auditorium

Central Library, 400 Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Ard	Alberty	Boulden, Legal
McArtor	Carnes	Feddis	
Midget	Marshall	Fernandez	
Sparks	Shivel	Huntsinger	
Walker	Smaligo	Matthews	
Wright		Sansone	
		Bates	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, November 26, 2008 at 2:41 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 Cantrell called the meeting to order at 1:40 p.m.

**REPORTS:**

**Chairman's Report:**

Ms. Cantrell reminded the Planning Commission of the deadlines for Planitulsa and future meetings.

**Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas.

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**Minutes:**

**Approval of the minutes of November 5, 2008 Meeting No. 2351**

On **MOTION** of **MIDGET** the TMAPC voted 5-0-1 (McArtor, Midget, Sparks, Walker, Wright "aye"; no "nays"; Cantrell "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of November 5, 2008, Meeting No. 2351.

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## CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **LS-20261** – John Wimbish (8304)/Lot-Split (PD-18B) (CD-7)  
West of South Oswego Avenue and North of East 66<sup>th</sup> Street, 3720 East 64<sup>th</sup> Place (Continued from 11-05-08 agenda for re-notification on related PUD-142-7 minor amendment) (**Related to Item 3.**)
3. **PUD-142-7 – John B. Wimbish** (PD-18) (CD-7)  
South and east of the southeast corner of Harvard Avenue and 61<sup>st</sup> Street South (Minor Amendment to reflect a lot-split.) (Continued from 11/05/08 and 11/19/08.) (**Related to Item 2.**)

### **STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reflect a lot-split. The lot-split proposes removing a 5' x 90.08' portion from the northern boundary of Lot 15 and adding it to the southern boundary of Lot 16, of Block 4 – Point South. The lot split will correct an existing structural property line encroachment from Lot 16 onto Lot 15. Concurrently, lot-split application LS 20261 appears on the November 5<sup>th</sup>, 2008 agenda.

Pending the approval of LS-20261, staff recommends **APPROVAL** of minor amendment PUD-142-7.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

4. **LS-20267** – Tulsa Engineering (8305)/Lot-Split (PD-18 B) (CD-2)  
East of East 67<sup>th</sup> Place and West of South Timberlane Road, 2858 East 67<sup>th</sup> Place South
5. **LS-20268** – Andrew Shank (9317)/Lot-Split (PD-6) (CD-9)  
North of East 26<sup>th</sup> Place and East of South Delaware Avenue, 2829 East 26<sup>th</sup> Place
6. **LC-137** – Mary Kell (9202)/Lot-Combination (PD-10) (CD-1)  
Southeast corner of West Easton Street and North Union Avenue, 1602 West Easton Street (**Related to LS-20269, Item 7.**)
7. **LS-20269** – Mary Kell (9202)/Lot-Split (PD-10) (CD-1)  
Southeast corner of West Easton Street and North Union Avenue, 1602 West Easton Street (**Related to LC-137, Item 6.**)

8. **LC-112** – Tyson Tompkins (9318)/Lot-Combination (PD-6) (CD-9)  
North of East 27<sup>th</sup> Street and East of South Peoria Avenue, 1341 East 27<sup>th</sup> Street
9. **LC-134** – Richard Morgan (0331)/Lot-Combination (PD-2) (CD-3)  
East of North Utica Avenue and North of East King Street, 1015 North Utica
10. **LC-135** – Roy Johnsen (9202)/Lot-Combination (PD-10) (CD-1)  
Southeast corner of West 1<sup>st</sup> Street and South Phoenix Avenue, 115 South Phoenix Avenue West
11. **LC-138** – Damas & LaShaun Joseph (0225)/Lot-Combination (PD-2) (CD-1)  
East of North Midland Avenue and South of East Tecumseh Street, 762 East Tecumseh Street
12. **Amendment to Deed of Dedication and Restrictive Covenants –** (PD-18c) (CD-8)  
Living Word Missions Plat, North of East 91<sup>st</sup> Street South and East of South Memorial Drive
13. **BOA-20802 –** (9329) Plat Waiver – Cell Tower (PD-6) (CD-9)  
2491 Skelly Drive

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by BOA 20802 which, if approved, will allow a cell tower in RM-1 and RM-2 zoning districts for this site.

It is the policy of TMAPC to waive the platting requirement for the cell tower use. Therefore, staff can recommend **APPROVAL** of the requested plat waiver for BOA-20802 if it is approved by the board of adjustment. This agenda item will have been prepared before the BOA hearing on the cell tower.

15. **Cherry Street Ridge** – (9307) Final Plat (PD 6) (CD 9)  
Northwest corner of East 15<sup>th</sup> Street South and South Troost Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 1.03 acres.

All release letters have been received and staff recommends **APPROVAL**.

16. **Penn Office Park -** (8315) Final Plat (PD 18) (CD 8)  
North of the northeast corner of East 91<sup>st</sup> Street South and Yale Avenue

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 4.96 acres.

All release letters have been received and staff recommends **APPROVAL**.

17. **Z-5636-SP-2b – Whistler Sign Company, LLC** (PD-18) (CD-5)  
Located along the northbound exit ramp of U.S. 51 (B.A. Expressway) to U.S. 169 (Corridor Plan Minor Amendment for the purpose of relocating a previously approved outdoor advertising sign.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment for the purpose of relocating a previously approved Outdoor Advertising (O/A) sign location to the originally approved location per Z-5636-SP-2.

In 1994 the TMAPC approved corridor site plan Z-5636-SP-2 permitting an OA sign at the location depicted by #1 on attached Exhibit A. In July 2008 the TMAPC approved minor amendment Z-5636-SP-2a permitting digital technology to be added to the Outdoor Advertising sign and the relocation of the approved location, 237' to the west as signified by #2 on Exhibit A. Since that 7/08 TMAPC approval an Outdoor Advertising sign has been approved via the BOA spacing verification process and installed 1,100 feet to the northwest of the location approved in July of 2008, making the currently approved location less than 1,200 feet from the northwest Outdoor Advertising sign.

As a result this minor amendment is required to return the approved location to the existing and originally approved location (see #3 on Exhibit A). The BOA has re-approved the spacing for the exiting/original location in case 20803, approved 11/25/08. The re-approval is required so the applicant may add digital technology to the existing Outdoor Advertising sign.

Therefore, staff recommends **APPROVAL** of minor amendment Z-5636-SP-2b with the condition that the overall height of the sign does not increase, and the permitted display surface area (672 SF) of the sign as approved by Z-5636-SP-2 will remain effective. Certification of compliance with section 1221-F and G of the Zoning Code (see Exhibit B) must be supplied to the City of Tulsa Zoning Official prior to the release of sign permits.

Note: Approval of a minor amendment does not constitute detail site, sign, or landscape plan approval

18. **Z-5903-SP-1d – Sisemore Weisz & Associates, Inc.** (PD-18C) (CD-8)

South of the southeast corner of 63<sup>rd</sup> Street and Mingo Road (Corridor Plan Minor Amendment to reflect variances granted by the City Board of Adjustment.) **(Related to Item 19)**

**STAFF RECOMMENDATION:**

The applicant is requesting minor amendments to Corridor District Site Plan #Z-5903-SP-1 to reflect variances granted by the City of Tulsa Board of Adjustment (BOA) in BOA case 20282, approved 6/13/06.

Specifically, BOA case 20282 granted an increase in the permitted lot coverage by a building from .3 (30%) to .33 (33%); a reduction in the over-all required parking to 237 parking spaces; and a reduction of the required setback from the centerline of South Mingo Road from 200 feet to 125 feet.

Since these variances have been approved by the BOA staff recommends **APPROVAL** of minor amendment Z-5903-SP-1d.

Note: Approval of a minor amendment does not constitute detail site, sign, or landscape plan approval

19. **Z-5903-SP-1 – Sisemore Weisz & Associates, Inc.** (PD-18c) (CD-8)

South of the southeast corner of 63<sup>rd</sup> Street and Mingo Road (Corridor Detail Plan for a 27,822 SF addition to the existing Tulsa Oiler's Ice Center to allow for the construction of a second indoor ice rink) **(Related to Item 18.)**

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 27,822 square foot (SF) addition to the existing Tulsa Oiler's Ice Center to allow for the construction of a second indoor ice rink. The proposed use, Use Unit 19 – Hotel, Motel and Recreation is a permissible use within the approved Corridor District Site Plan.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per BOA approval of case 20282 allowing a reduction in parking to 237 parking spaces. BOA case 20282 also allows a 125' setback from the centerline of Mingo Road and allows the building to cover 33% of the site.

A 6' screening fence will be re-constructed along the north and east boundary lines per Corridor District development standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted development standards. The existing sidewalk along Mingo Road will be maintained or replaced if removed for construction. All sight lighting will be limited to 18 feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula.

Staff recommends **APPROVAL** of the detail site plan for expansion of the Tulsa Oiler's Ice Center with the following requested revisions to the submitted site plan:

- Add the existing sidewalk along Mingo Road to the submitted plan;
- Show the dimensions of the parking stalls and maneuver isles for the 15 parking spaces located in the Mutual Access Easement (MAE) along the south boundary of the site.

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

21. **PUD-578-A – Tanner Consulting/Susan Torbett** (PD-26) (CD-8)

North of the northwest corner of 111<sup>th</sup> Street South and Memorial Drive (Detail Site Plan for a 4,987 square foot Braum's Restaurant and Ice Cream Store.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 4,987 square foot (SF) Braum's Restaurant and Ice Cream Store. The proposed Use Units, Use Unit 12 –Eating Establishments, Other Than Drive-ins and Use Unit 13 – Convenience Goods and Services/Grocery are permitted uses within PUD-578-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is from one direct point off South Memorial Drive and a mutual access easement (MAE)/shared drive from South Memorial with the lot to the south. Sidewalks will be provided along Memorial Drive and parking has been provided per the applicable use units of the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code and all sight lighting will be limited to 20 feet in height and will be directed down and away from adjoining residential properties per application of the Kennebunkport Formula where applicable. A six-foot high trash enclosure is provided per PUD development standards.

Staff recommends **APPROVAL** of the detail site and landscape plans for Lot 1, Block 1 – Braum’s at Southern Crossing with the following requested revisions to the site plan:

- Add sidewalks along Memorial Drive per section 1107, B-4 of the Zoning Code and section 4.3 of the Subdivision Regulations.

22. **PUD-555-A-2 – Lou Reynolds/World Outreach Church** (PD-18C) (CD-8)

The north side of 91<sup>st</sup> Street, east of Memorial Drive (Minor Amendment to consolidate the allocated floor area between two permitted uses.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to consolidate the allocated floor area between two permitted uses within PUD-555-A. There is no request for an increase or decrease in permitted floor area, as well as, no request to amend any other existing development standard of PUD-555-A.

PUD-555-A currently allocates floor area among four (4) permitted uses as follows:

Maximum Building Floor Area:

Sanctuary	15,000 SF
Office/Accessory Uses	47,100 SF
Missionary Quarters	6,500 SF
Storage	<u>1,400 SF</u>
<b>Total permitted</b>	<b>70,000</b>

Minor Amendment PUD-555-A-2 proposes to consolidate the floor area for the missionary quarters use and the storage use due to uncertainty about the future development within these two use categories and providing the some flexibility for future development plans as follows:

Maximum Building Floor Area:

Sanctuary	15,000 SF
Office/Accessory Uses	47,100 SF
Missionary Quarters/Storage	<u>7,900 SF</u>
<b>Total permitted</b>	<b>70,000</b>

There is no increase in floor area being requested and the consolidation of floor area represents 11% of the over-all allocated floor area for the site, therefore, staff recommends **APPROVAL** of minor amendment PUD-555-A-2. All other terms and conditions of PUD-555-A shall remain effective.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

23 **PUD-422 – John Morgan** (PD-6) (CD-9)

West of the southwest corner of East 33<sup>rd</sup> Street South and Peoria Avenue (Detail Site Plan for a security gate across 33<sup>rd</sup> Street South between Lot 8 and Lot 2.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a security gate across 33<sup>rd</sup> Street South between Lot 8 and Lot 2 – Crow Creek Office Park. This portion of East 33<sup>rd</sup> Street South is a private street. The rolling gate will tie into existing fence structures on Lot 8 and Lot 2.

Since East 33<sup>rd</sup> Street South is a private street and the plan has received approval of the City of Tulsa Traffic Engineering and the City of Tulsa Fire Marshall (see attached Exhibit A), staff recommends **APPROVAL** of the detailed site plan for the gate across East 33<sup>rd</sup> Street South in Crow Creek Office Park.

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

**TMAPC COMMENTS:**

Mr. Midget had a question for Items 6, 7 and 9, but didn’t request that they be removed from the consent agenda. Ms. Feddis explained that for Item 6 and 7, the building permit requires that the applicant combine the lots before obtaining a lot-split. On Item 9, the land is zoned industrial.

**The Planning Commission considered the consent agenda.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **6-0-0** (Cantrell, McArtor, Midget, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Carnes, Marshall, Shivel, Smaligo "absent") to **APPROVE** the consent agenda Items 2 through 13, 15 through 19, and 21 through 23 per staff recommendation.

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**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

- 14. **Z-7095 – (9308) Plat Waiver** (PD 4) (CD 4)  
Southeast corner of South Lewis Avenue and East 16th Street

**STAFF RECOMMENDATION:**

Mr. Boulden stated that he requested that this item be pulled from the consent agenda so that he would explain the circumstances and status of this plat waiver. He explained that the City is trying to facilitate this PUD and his office has prepared a deed of dedication restrictive covenants. However, there is a legal description for the additional right-of-way that needs to be dedicated and he has not been able to obtain that at this time. Also the mutual access driveway easement needs to be obtained and a legal description is needed for this as well and he is not sure where he will be able to get that. Mr. Boulden suggested that this case be continued to another date to be set by staff.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **WALKER**, TMAPC voted **6-0-0** (Cantrell, McArtor, Midget, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Carnes, Marshall, Shivel, Smaligo "absent") to **CONTINUE** the plat waiver for Z-7095 to a date set by staff.

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- 20. **Z-5412-SP-1a – Whistler Sign Company, LLC** (PD-6) (CD-9)  
3141 East Skelly Drive South (Corridor Plan Minor Amendment)  
**(Withdrawn by applicant.)**

**Withdrawn.**

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Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

**PUBLIC HEARING**

25. **LS-20260** – Sack & Associates (9316)/Lot-Split (PD 4) (CD 4)  
West of South Knoxville Avenue and South of East 23<sup>rd</sup> Street, 2400  
South Harvard Avenue

**STAFF RECOMMENDATION:**

Ms. Feddis stated that the subject property had three tracts with some concerns for the third tract. The owners have decided to only split the first two tracts and staff can recommend **APPROVAL**.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Cantrell, McArtor, Midget, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Carnes, Marshall, Shivel, Smaligo "absent") to **RATIFY** the lot-split L-20260 given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**Mr. Sparks announced that he would have to abstain from this item.**

26.. **51 Yale** – (9328) Preliminary Plat (PD 18B) (CD 7)  
Southwest of the intersection of East Skelly Drive and South Yale  
Avenue (continued from 11/19/08)

**Applicant’s Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, 74103, stated that there are few technical issues that he believes can be worked out. He requested a continuance to December 17, 2008.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **5-0-1** (Cantrell, McArtor, Midget, Walker, Wright "aye"; no "nays"; Sparks "abstaining"; Ard, Carnes, Marshall, Shivel, Smaligo "absent") to **CONTINUE** the preliminary plat for 51 Yale to December 17, 2008.

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27. **Harvard Square South** – (9328) Preliminary Plat (PD 6) (CD 5)  
Southeast corner of East 41<sup>st</sup> Street and South Harvard Avenue  
(continued from 11/5/08 and 11/19/08)

**STAFF RECOMMENDATION:**

This plat consists of four lots, one block, on 6.8 acres.

The following issues were discussed October 16, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned for PUD 761 (CS, RM-2, OL). All PUD standards must be followed and shown in the covenants. Mutual access easements must be shown. The landscaping wall location will need to be coordinated with Development Services to make sure it does not interfere with utilities.
2. **Streets:** Width of mutual access easement (MAE) at Harvard Avenue should be called out with dimension line. The MAE width does not appear to be the same as the access width. Minimum right-of-way dedication length required for a right turn lane on a secondary arterial is 388 feet, measured from the section line. Please verify on plat with additional dimensioning that this minimum distance requirement is met. There is confusion as to where the 310 feet measures to on the north end near 41<sup>st</sup> Street. Verify street right-of-way.
3. **Sewer:** The proposed abandonment of the existing sanitary sewer line that extends through Lot 4 should be plugged at the existing manhole, without the addition of a new manhole. Lot 4 has access to the existing sanitary sewer line without adding the manhole.
4. **Water:** No comment.
5. **Storm Drainage:** The “Detention Easement” should be in a “reserve”, when there is more than one lot in a subdivision. Section I H should have the words “Reserve A” at the end of the title for this subsection. The City of Tulsa standard language for stormwater detention and maintenance in a Reserve must be used. Remove the word “or” from line 4 of Subsection I H I. Standard language can be obtained through David Spear 596-2570. The detention easement shown on this plat will be required, as will the detention facility in that easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

**GIS:** Remove the contours from the face of the plat. Fix the inconsistencies between the metes and bounds description and the face of the plat.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and 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.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Cantrell, McArtor, Midget, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Carnes, Marshall, Shivel, Smaligo "absent") to **APPROVE** the preliminary plat for Harvard Square South, subject to special conditions and standard conditions per staff recommendation.

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- 28. **Z-7119 – Robert Buss** **AG to CS**  
 Northwest corner of West 71<sup>st</sup> Street South and (PD-8) (CD-2)  
 Highway 75 South

Withdrawn.

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- 29. **Z-7120 – Robert Buss** **AG to CS**  
 South of southwest corner West 71<sup>st</sup> Street South and (PD-8) (CD-2)  
 Highway 75 South

Withdrawn.

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30. **Z-7121 – Robert Winchester**

**PK to OM**

South of southwest corner East 31<sup>st</sup> Street South and South Louisville Avenue (PD-6) (CD-9)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 20206 dated August 30, 2001, established zoning for the subject property.

**PROPOSED ZONING:** OM

**PROPOSED USE:** Office

**RELEVANT ZONING HISTORY:**

**Z-6825 September 2001:** All concurred in approval of a request for rezoning a 5± acre tract of land from RS-3 to PK for parking on property located south of southwest corner of East 31<sup>st</sup> Street and South Louisville Avenue.

**PUD-638 October 2000:** All concurred in approval of a request for a Planned Unit Development on a 1.9-acre tract located on the southwest corner of East 32<sup>nd</sup> Place and South Jamestown from RM-1 and RM-2 to PUD for a two-story medical office development.

**BOA-17502 September 1996:** The Board of Adjustment approved a special exception to allow a public library, Use Unit 2, on property located east of the northeast corner of East 32<sup>nd</sup> Place and South Harvard and a variance of the required frontage on a non-arterial street from 50' to 22' to permit a lot-split.

**BOA-16586 February 1994:** The Board of Adjustment approved a special exception to allow a drive-through facility in an OL-zoned district and for an existing bank. The property is located on the northeast corner of East 31<sup>st</sup> Street South and South Louisville Avenue and northeast of the subject property.

**Z-6393 March 1993:** All concurred in approval of a request to rezone a lot located east of the northeast corner of East 31<sup>st</sup> Street and South Louisville Avenue from RS-3 to OL.

**Z-6227 January 1989:** All concurred in approval of a request to rezone a 1.3-acre tract located on the southeast corner of East 31<sup>st</sup> Street South and South Louisville Avenue directly east of the subject tract from RS-3 to OL on the north 150' and PK zoning on the south tract that fronts the subject property.

**PUD-345 January 1984:** All concurred in approval of a proposed Planned Unit Development a 3.1± acre tract of land for office use including the Tulsa Teacher's Credit Union, on property located west of the southwest corner of East 31<sup>st</sup> Street and South New Haven Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 12,188± square feet in size and is located south of southwest corner of East 31<sup>st</sup> Street South and South Louisville Avenue. The property appears to be used residentially and is zoned PK.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Louisville Ave	N/A	N/A	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by green space associated with the adjacent credit union, zoned OL, and the credit union’s parking lot, zoned PK; on the north by an office building, zoned CS; on the south by single-family residential units, zoned RS-3; and on the west by a parking lot, zoned RM-1.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested OM zoning **is not** in accord with the Plan.

**STAFF RECOMMENDATION:**

The remainder of the block face on South Louisville and facing it are in single-family residential use. The requested OM zoning has no height limitations and is not in accord with the Comprehensive Plan. If this request were recommended for approval, one could expect both sides of South Louisville to eventually request rezoning to medium intensity uses as far south as East 32<sup>nd</sup> Street, as it has to the west on either side of South Jamestown. Therefore, staff cannot support the requested OM zoning and recommends **DENIAL** of OM zoning but can recommend **APPROVAL** of OL (which may be found to be in accord with the Plan and which is limited to one story in height) in the alternative. Per provisions of the Zoning Code (Section 1211.C), uses in Use Unit 11 (Offices, Studios and Support Services) must be screened by a screening wall or fence along the lot line(s) in common with an R district, in this case, on the south and west.

**Applicant’s Comments:**

**Robert Winchester**, 2232 East 26<sup>th</sup> Street, 74114, submitted a site plan and photographs (Exhibit A-1) and stated that the OL he understands, but he doesn’t have a specific plan to implement. He questioned if he added additional property, there would be a possibility to have some amount of OM zoning with more buffer between the subject property and any other residential.



**TMAPC COMMENTS:**

Mr. Alberty stated that he understands Mr. Winchester is asking about adding more property to the application, but that is not properly before the Planning Commission today. The Planning Commission could consider that if and when it is a possibility and an application is made for rezoning the additional property. He explained that typically the Planning Commission prefers to see a PUD when it encroaches a residential area, which gives some controls to things that might be objectionable. Mr. Alberty stated that staff’s recommendation for today will stand with the recommendation of OL zoning.

Mr. Winchester stated that OL zoning would be fine with him.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Cantrell, McArtor, Midget, Sparks, Walker, Wright "aye"; no "nays"; none “abstaining”; Ard, Carnes, Marshall, Shivel, Smaligo "absent") to recommend **APPROVAL** of the OL zoning for Z-7121 per staff recommendation.

**Legal Description for Z-7121:**

N81.25 S132.5 E/2 Lot 1, Albert Pike 2<sup>nd</sup> Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From PK (Parking District) To OL (Office Light Intensity District).**

\* \* \* \* \*

**OTHER BUSINESS:**

31. **Correction of Scrivener’s Error**

Minutes of August 6, 2008 correcting Scrivener’s error for Item 25, Z-7085 – John Moody, Legal Description, located at North of northeast corner of East 31<sup>st</sup> Street North and North Cincinnati Avenue.

**STAFF RECOMMENDATION:**

Mr. Alberty stated that the applicant had amended his legal description, but what was in the file and in the minutes was the original legal description and included more property than was rezoned. The ordinance was published with the wrong description and now staff would like to correct the legal description and issue an amended ordinance.

**Corrected Legal Description for Z-7085:**

The West 341.64 feet of the South Half of the North Half of the Southwest Quarter of the Northwest Quarter (S/2 N/2 SW/4 NW/4) of Section Twenty-four (24), Range Twelve (12) East of the I.B.&.M., Tulsa County, State of Oklahoma,

LESS AND EXCEPT the following described tracts of land, to-wit: Three tracts of land located in the S /2 of the N /2 of the SW 1/4 of the NW 1/4 of Section 24, Township 20 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma; being more particularly described by metes and bounds, as follows: Tract No. 1: Commencing at the SW corner of the NW /4 of Sec 24, T-20-N, R-12-E, of the I.B.&M.; thence N 01° 10' 36" W along the west line of said NW 1/4 a distance of 658.90 feet to the SW corner of the S 1/2 N 1/2 SW 1/4 of said NW 1/4; thence N 88° 41' 50" E a distance of 50.00 feet to the point of beginning being on the east right-of-way of North Cincinnati Avenue; thence N 01° 10' 36" W along the said east right-of-way a distance of 77.96 feet; thence N 88° 41' 33" E a distance of 291.64 feet; thence S 74° 31' 25" E a distance of 270.13 feet to a point on the south line of the said S 1/2 N 1/2 SW /4 NW /4; thence S 88° 41' 50" W a distance of 550.44 feet to the point of beginning, and containing 0.7537 acres, more or less. Tract No. 2: Commencing at the SW corner of the NW 1/4 of Sec 24, T-20-N, R-12-E, of the I.B.&M.; thence N 01° 10' 36" W along the west line of said NW 1/4 a distance of 864.36 feet; thence N 88° 41' 50" E a distance of 50.00 feet to the point of beginning being on the east right-of-way of North Cincinnati Avenue; thence N 01° 10' 36" W along the said east right-of-way a distance of 30.00 feet; thence N 88° 41' 33" E a distance of 125.00 feet; thence S 41° 02' 09" E a distance of 39.01 feet; thence S 88° 41' 33" W a distance of 150.00 feet to the point of beginning, and containing 0.0947 acres, more or less. Tract No. 3: The South 127.5 feet of the North 251.5 feet of the East 291.64 feet of the West 341.64 feet of the S/2 of the N/2 of the SW/4 of the NW/4 of Sec. 24, T-20-N, R-12-E of the I.B.&M., according to the U.S. Government Survey thereof. **From AG/RM-1/OL (Agriculture District/Residential Multi-family District/Office Low Intensity District) To CS (Commercial Shopping Center District).** (Language with a strike-through has been deleted and language with an underline has been added.)

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Cantrell, McArtor, Midget, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Carnes, Marshall, Shivel, Smaligo "absent") to **APPROVE** the amended minutes for 8/6/08 correcting the Scrivener's error for Z-7085 legal description.

**Legal Description for Z-7085:**

The West 341.64 feet of the South Half of the North Half of the Southwest Quarter of the Northwest Quarter (S/2 N/2 SW/4 NW/4) of Section Twenty-four (24), Range Twelve (12) East of the I.B.&M., Tulsa County, State of Oklahoma, LESS AND EXCEPT the following described tracts of land, to-wit: Three tracts of land located in the S /2 of the N /2 of the SW 1/4 of the NW 1/4 of Section 24, Township 20 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma; being more particularly described by metes and bounds, as follows: Tract No. 1: Commencing at the SW corner of the NW /4 of Sec 24, T-20-N, R-12-E, of the I.B.&M.; thence N 01° 10' 36" W along the west line of said NW 1/4 a distance of 658.90 feet to the SW corner of the S 1/2 N 1/2 SW

1/4 of said NW 1/4; thence N 88° 41' 50" E a distance of 50.00 feet to the point of beginning being on the east right-of-way of North Cincinnati Avenue; thence N 01° 10' 36" W along the said east right-of-way a distance of 77.96 feet; thence N 88° 41' 33" E a distance of 291.64 feet; thence S 74° 31' 25" E a distance of 270.13 feet to a point on the south line of the said S 1/2 N 1/2 SW 1/4 NW 1/4; thence S 88° 41' 50" W a distance of 550.44 feet to the point of beginning, and containing 0.7537 acres, more or less. Tract No. 2: Commencing at the SW corner of the NW 1/4 of Sec 24, T-20-N, R-12-E, of the I.B.&M.; thence N 01° 10' 36" W along the west line of said NW 1/4 a distance of 864.36 feet; thence N 88° 41' 50" E a distance of 50.00 feet to the point of beginning being on the east right-of-way of North Cincinnati Avenue; thence N 01° 10' 36" W along the said east right-of-way a distance of 30.00 feet; thence N 88° 41' 33" E a distance of 125.00 feet; thence S 41° 02' 09" E a distance of 39.01 feet; thence S 88° 41' 33" W a distance of 150.00 feet to the point of beginning, and containing 0.0947 acres, more or less. Tract No. 3: The South 127.5 feet of the North 251.5 feet of the East 291.64 feet of the West 341.64 feet of the S/2 of the N/2 of the SW/4 of the NW/4 of Sec. 24, T-20-N, R-12-E of the I.B.&M., according to the U.S. Government Survey thereof. **From AG/RM-1/OL (Agriculture District/Residential Multi-family District/Office Low Intensity District) To CS (Commercial Shopping Center District).**

\* \* \* \* \*

### **Commissioners' Comments**

Ms. Cantrell suggested that the parking requirements be revisited. She expressed concerns with detail site plans coming in with too much parking beyond the requirements. She suggested that Tulsa is over-parked and possibly that should be looked at in the future.

Mr. Alberty stated that staff hasn't taken any position on this issue because usually the provided parking spaces are market-driven and by the leases.

Mr. Alberty informed the Planning Commission that they will meet at the OTC building on December 17, 2008 on the 2<sup>nd</sup> floor, Tulsa City Council Chambers.

Ms. Wright asked for more information regarding their parking. In response, Ms. Huntsinger stated that the Planning Commissioners need to park at the PAC street lot and use their parking permits that were mailed to them.

Ms. Cantrell stated that she has parked in the parking lot and they give you a ticket and when you leave you turn in your ticket with the signed parking pass.

Ms. Wright stated that she wanted to commend Barbara for her wonderful minutes. She commented that she has read a lot of different Cities' minutes and

hers are exemplary. In response, Ms. Huntsinger thanked Ms. Wright for her comments.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 2:09 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chairman

ATTEST: \_\_\_\_\_

Secretary