

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2320

Wednesday, September 4 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Bayles | Dick | Dunlap | Romig, Legal |
| Carnes | Jackson | Fernandez | |
| Coutant | | Huntsinger | |
| Harmon | | Matthews | |
| Hill | | Stump | |
| Horner | | | |
| Ledford | | | |
| Midget | | | |
| Westervelt | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, August 30, 2002 at 1:11 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, Chair Harmon called the meeting to order at 1:33 p.m.

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ITEMS TO BE CONTINUED:

APPLICATION NO.: PUD-668

RS-2/IM/IL/OL to RS-2/IM/IL/OL/PUD

Applicant: Roy Johnsen

(PD-17) (CD-6)

Location: West of northwest corner of East 11th Street and South 138th East Avenue

TMAPC Comments:

Mr. Harmon stated that Mr. Stephen Gray, representing interested parties, has requested a continuance to September 18, 2002.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing APAC, stated that Mr. Gray is an attorney for the neighborhood representatives and called to request a continuance in order that people in the nearby subdivision to the east (Golden Acres) have an opportunity to visit with management of APAC and tour the site. He commented that he doesn't want to request a continuance himself, but if Mr. Gray thinks it is helpful to ask for a continuance himself, APAC would not object.

Interested Parties Comments:

Stephen Gray, 4530 South Sheridan Road, Suite 205, Tulsa, Oklahoma 74145, stated that the purpose of his request is to allow selected neighbors from the Golden Acres subdivision to meet with management at APAC. His clients would like some clarification and to discuss the proposed PUD with management.

TMAPC Comments:

Mr. Horner asked Mr. Gray if there was something about the PUD that he and his clients do not understand. In response, Mr. Gray stated that he believes there is a lot of information floating around and he is trying to clarify some issues.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson, Midget "absent") to **CONTINUE** PUD-668 to September 18, 2002 at 1:30 p.m.

APPLICATION NO.: PUD-670

RS-3 to RS-3/PUD

Applicant: Ricky Jones/Roy Johnsen

(PD-6) (CD-9)

Location: Southwest corner of East 31st Street and South Rockford

TMAPC Comments:

Mr. Harmon stated that the applicant has requested a continuance to September 18, 2002.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson, Midget "absent") to **CONTINUE** PUD-670 to September 18, 2002, at 1:30 p.m.

REPORTS:

Worksession Report:

Mr. Harmon reported on the August 28th worksession and stated that one of the items discussed is on today's agenda.

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SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19380 – Lawrence Morrison (2702)

(PD-11) (CD-1)

Location: 1426 North Waco

Staff Recommendation:

The applicant has applied to split a 111' X 160' tract off an approximate two-acre tract. Both tracts meet all the RS-3 bulk and area requirements; however, Tract B will result in having more than three side-lot lines and the full required right-of-way has not been given. The applicant is requesting a waiver of the Subdivision Regulation that a tract have no more than three side-lot lines, and a waiver of Section 6.5.1.(c)(3) of the Subdivision Regulations for reduced dedicated right-of-way.

The subject property has street frontage on Xenophon and Waco. Although Xenophon has 55' of right-of-way, it is built as a single-lane street from Newton to Pine. Waco has 50' of right-of-way beginning at Newton but it narrows to 30' at the south corner of the subject property. Waco is built as a single-lane street from Newton to just north of the subject property, where it dead-ends into the abutting property. The subject property is required to dedicate 20' for right-of-way along Waco per the *Major Street and Highway Plan* for residential streets.

The Technical Advisory Committee discussed the extension of the sewer line, providing a stormwater easement, and the need of a fire hydrant. After the TAC meeting, staff noted a posted sign on Xenophon reflecting the owner's intent to split the property into eight tracts, which would require the property to be platted.

With the single-lane streets, emergency vehicles would have difficulty in accessing the property. Staff recommends **DENIAL** of the waiver of Subdivision Regulations for 20' of required right-of-way along Waco, and of the lot-split. Staff recommends that the property be platted.

Should the Planning Commission approve the lot-split, staff recommends that approval be granted with the conditions that the 20' right-of-way be deeded to the City of Tulsa along Waco, that the sewer line be extended, and Public Work's concerns regarding the stormwater easement and the need for a fire hydrant be met.

Mr. Midget in at 1:38 p.m.

Applicant's Comments:

Lawrence Morrison, 1125 West Seminole Place, Tulsa, Oklahoma 74127, stated that he is a minister in the north Tulsa area and he is very interested in developing the community in the North Tulsa area. He indicated that he purchased 2.5 acres of land three years ago and decided to build a home on the subject tract. He commented that today's issue is not selling property, but that he has built a \$300,000.00 home on the existing property, which is adjacent to a development that was developed on the same road. He stated that he is continuing that development with his home and the bank is requiring that he obtain a lot-split before closing in four weeks.

Mr. Morrison explained that the City of Tulsa requested a 25-foot easement, which is his land and would come through his yard. He indicated that there are several homeowners from the subject area present today and they do not want the road extended. If the road is extended, it would have to go through the neighbors' yards. The engineers do not have any plans to widen the road and it is a dead-end street.

Mr. Morrison stated that there are two fire hydrants in the subject area, one on Xenophon. He further stated that the fire hydrants are not the issue today, but only the lot-split he has requested. He explained that he needs the lot-split so that he doesn't have to mortgage the whole tract of land. He commented that his home is already built and it seems that when North Tulsa begins to develop something, someone throws up a red flag. He further commented that he is doing something to improve the community.

Mr. Morrison explained that he could do this in another way by mortgaging the whole tract and then have the bank release it, but that is not the right way to do this. It is his property, and he doesn't understand why the city is trying to keep him from splitting his lot.

TMAPC Comments:

Mr. Harmon asked Mr. Morrison what his intention is to do with the remainder of the subject property. In response, Mr. Morrison stated that he is a 100-percent disabled veteran and he has several children. He explained that he is requesting the lot-split in order to get his house in order. He doesn't want his wife to have to go through a lot of red tape if something were to happen to him in the near future. Mr. Morrison stated that the bank obtained a survey. Mr. Harmon explained that his question was what he would do with the balance of the land and if that is why there is a sign showing a development for eight lots. In response, Mr. Morrison stated that the balance of the land is not the issue. In response, Mr. Harmon stated that it is an issue because he wants to split the land. In response, Mr. Morrison stated that he didn't request a subdivision. In response, Mr. Harmon

stated that by splitting the subject tract, the applicant is creating a subdivision. Mr. Harmon stated that this is true all over the City and not just with Mr. Morrison's property. Mr. Harmon explained that there are guidelines that everyone has to meet when land is split. Mr. Morrison stated that there are no plans to widen the street and the City doesn't need the easement. Mr. Morrison asked why he had to go through this because the only reason he is here today is because he doesn't want to deed 25 feet of his land to the City. He purchased the property and he shouldn't have to give it away to the city. In response, Mr. Harmon stated that anyone who develops land has to provide the right-of-way. In response, Mr. Morrison stated that there are no plans to widen the street and he shouldn't have to deed his land away. Mr. Harmon stated that any time there is a subdivision, the right-of-way is required to be deeded. Mr. Morrison stated that he is not doing a subdivision. Mr. Morrison stated that the house is already built and it has a 25-foot setback already.

Mr. Westervelt stated that there appear to be plans for seven additional lots besides the subject house. In response, Mr. Morrison stated that if he splits the land, then there would be seven lots and it is not the issue today. In response, Mr. Westervelt stated that it is the issue. Mr. Morrison interrupted Mr. Westervelt and stated that he didn't bring it up. In response, Mr. Westervelt stated that he appreciates the applicant's concern in wanting to get his affairs in order for his wife, but if he is wanting to so, he should listen to staff and file proper subdivision plat, because if it is left as requested, it would be a large regulatory issue to deal with later. If Mr. Morrison is concerned about his wife having a problem in the future, then he should listen to staff and do what they recommend in order to avoid problems in the future. Mr. Westervelt informed Mr. Morrison that he should listen to the advice is getting today, because it is the truth. Mr. Morrison stated that the issue today is that he is getting ready to close on his house and the house is 93 percent complete. Mr. Morrison further stated that the City allowed him to build the house where it is. He commented that the City told him to set the house 25 feet back. Mr. Westervelt asked Mr. Morrison why he couldn't dedicate the land. In response, Mr. Morrison stated that he couldn't dedicate the land because it would be in his yard.

Mr. Stump stated that the City is asking for an additional 20 feet. Staff received a copy of the applicant's plot plan for their building permit and it shows the setback of 50 feet from the centerline of the street. The applicant built the house five feet from the planned right-of-way because he didn't measure back the way their plot plan for the building permit; therefore the house is too close to the street. This is what happens when people do not dedicate the adequate right-of-way. The applicant measured from the front property line at the wrong place. The front property line is five feet from centerline instead of 25 feet, so the applicant placed the house 30 feet back from centerline rather than the 50 feet that he indicated on his plot plan. Now the applicant has a cloud on title because his building does not meet the setback requirements with or without dedication of right-of-way.

Mr. Morrison stated that the housing addition adjacent to him has houses located just like his, and if he gives the City 20 feet, the rest of the land belongs to him. The road dead-ends and he doesn't understand the purpose of the dedication. Mr. Harmon stated that the purpose is for future street development. Mr. Harmon further stated that no one knows what would be developed in 20 to 30 years and that is why the dedication is required when being developed, because something in the future would require that right-of-way and it is not exclusive to the applicant's property, but everywhere in the city.

Mr. Midget stated that the houses to the south of the subject property appear to be set back correctly. In response, Mr. Stump stated that the houses to the south are on an existing 50-foot right-of-way, which is the standard right-of-way. The applicant built with 20 feet of his 25 feet on his half of the right-of-way as part of his lot. The applicant measured 20 feet east of where he should have started measuring for his 25-foot setback. The applicant actually has a five-foot setback or 30 feet from centerline when it should be 50 feet from centerline. Mr. Midget asked if the applicant dedicated 20 feet he would be in compliance or even with the existing right-of-way. In response, Mr. Stump stated that the applicant would be even with the west boundary of the right-of-way to the south.

Mr. Morrison stated that Shirley Abbott developed houses on Xenophon with 30 feet and there was no issue like this one. Mr. Morrison asked what makes his setback an issue. Mr. Stump stated that east of the centerline had 30 feet of right-of-way and it would be the west side that would have to dedicate on Xenophon. Mr. Stump explained that everything is done from the centerline and the east half of Xenophon's right-of-way was in existence and actually five feet more than needed, but it is the west side (when it is developed) that would have to dedicate the additional right-of-way, south of Oklahoma Street.

Mr. Harmon explained to Mr. Morrison that the Planning Commission is not trying to be obstinate, but rather explain that if the dedication is not done today, then it would cause problems in the future. In response, Mr. Morrison stated that he spent his hard-earned money to purchase the subject property and now the City requires that he dedicate 25 feet of his land. Mr. Morrison further stated that he already gave the City an easement. In response, Mr. Harmon stated that everyone uses his hard-earned money to purchase homes and every land owner who has developed property in the City of Tulsa has been required to dedicate right-of-way. Mr. Harmon explained that his is not exclusive to the applicant at all. Mr. Morrison stated that he could understand dedicating the right-of-way if there was a plan to widen the road. Mr. Harmon stated that development doesn't occur that way. Mr. Morrison stated that his neighbors are present today and they are upset about giving the city an additional 25 feet. The neighbors do not want their street widened.

Mr. Midget asked Mr. Morrison if his main concern is for the home that is built or land that is not developed yet. In response, Mr. Morrison stated that his main concern is not for the lots that are undeveloped. Mr. Morrison explained that his concern is for his home that is built and the property being split in order to mortgage less property. Mr. Morrison stated that if in the future he decides to develop the balance of the property, he could apply for the subdivision and go through that route. He explained that the City made him bring in sewer as though it were a subdivision in order to meet the requirements of a subdivision. Mr. Morrison stated that all he wanted to do was to separate his home from the existing property. Mr. Midget explained to Mr. Morrison that he is trying to see if there is some way to compromise and protect the existing home and yet not jeopardize the city's existing interest in obtaining right-of-way. Mr. Morrison stated that if the additional 20 feet were dedicated on the houses along Waco and if the road were extended all the way, it would come through some of their yards.

Mr. Stump stated that Mr. Morrison's statement is incorrect. The right-of-way dedication is already in existence to the south of the subject property and nothing would change.

Mr. Ledford explained that the applicant built the house in the wrong location and defied the site plan that was submitted to the building permit office by building it 20 feet closer than it should have been. It is unfortunate that this occurred, but if the Planning Commission is not consistent in requiring dedication the Major Street and Highway Plan right-of-way when the property is split, then there would be problems with all of the other lot-splits that were forced to comply with the regulation. This is part of the Subdivision Regulations and the Planning Commission shouldn't waive this requirement.

Mr. Morrison asked where the 20 feet of right-of-way would be located. In response, Mr. Harmon stated that it would be 20 feet back onto the applicant's property. Mr. Harmon explained that the right-of-way would line up directly with the existing right-of-way to the south. Mr. Ledford stated that 20 feet from the applicant's property line would be the right-of-way.

Mr. Morrison stated that he understands that the Planning Commission needs to be consistent, but they should judge each case by its merits. In response, Mr. Ledford stated that the Planning Commission can't do that because it is a Subdivision Regulation that has to be complied with. Mr. Ledford stated that he can't vote to waive the dedication for this particular case.

Interested Parties Comments:

Roy Pinder, 1346 North Waco, Tulsa, Oklahoma 74127, stated that he is confused and would like to know how this application would affect his property line. He explained that his property is located next to Mr. Morrison.

TMAPC Comments:

Mr. Harmon explained to Mr. Pinder that this application would not change his property line at all because the dedication of right-of-way is already in place.

Interested Parties Comments:

Cornelius Gentles, 1322 North Waco, Tulsa, Oklahoma 74127, stated that he is concerned about the 25-foot dedication of right-of-way. If the street is widened how would it affect his property line.

TMAPC Comments:

Mr. Harmon stated that this issue would not affect Mr. Gentles' property. In response, Mr. Gentles stated that if the street were widened 25 feet, it would affect him. Mr. Harmon explained that the dedication of right-of-way is already in place for the lots south of Mr. Morrison.

Mr. Westervelt suggested that Mr. Romig meet with the interested parties and the application in order to explain the dedicated right-of-way or possibly continue this application to another date.

Mr. Harmon asked Mr. Gentles if his question was answered satisfactorily. In response, Mr. Gentles answered affirmatively.

Mr. Harmon stated that he would prefer to go into discussion and make a decision.

Mr. Horner stated that he supports Mr. Ledford's statement and the Planning Commission shouldn't deviate.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson "absent") to **APPROVE** the lot-split for L-19380 subject to the 20' right-of-way be deeded to the City of Tulsa along Waco, subject to the sewer line be extended, Public Work's concerns regarding the stormwater easement, and the need for a fire hydrant be met; subject to any additional dividing of property be accomplished by process of a subdivision plat.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19381 – Lutheran Church of Our Savior God (393) (PD-5) (CD-4)

West of northwest corner of East 3rd Street and Sheridan

L-19416 – Sack & Associates, Inc. (2683) (PD-26) (CD-8)

10911 South 69th East Avenue

L-19420 – Tulsa Development Authority (2502) (PD-2) (CD-1)

21227 North Owasso

Staff Recommendation:

Mrs. Fernandez stated that these are in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-1** (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Midget, Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Jackson "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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

Accelerated Building Permits:

Arrowhead Ridge – PUD-586-A-1, CO-Z-5888-SP-2 (1884) (PD-18C) (CD-8)

Location: Northeast corner of Highway 169 and East 91st Street South

Staff Recommendation:

This request is for an accelerated release of a building permit for foundation permits for the proposed Arrowhead Ridge project. Uses for this project include a medical complex (heart hospital) and related uses.

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

TMAPC approved the Preliminary Plat for Arrowhead Ridge on August 28, 2002.

The Technical Advisory Committee reviewed the request for the accelerated building permit at their August 15, 2002 meeting. The TAC members did not object to the request so long as it was only for foundation permits and is tied to the site plan as approved. Staff can recommend **APPROVAL** of the request for the foundation permit per the submitted foundation plan. An approved detail site plan must be submitted in conformance with the PUD standards before any other permits are released for this project.

TMAPC Comments:

Mr. Ledford asked if staff is comfortable with the site plan to move forward with this request. In response, Mr. Stump stated that staff checked to see if the foundation locations do not produce a building that would violate any setbacks, but that is as far as staff can determine at this point.

Mrs. Fernandez stated that staff and TAC would prefer, in the future, to have the approved detail site plan prior to the accelerated building permit request. Staff worked toward that goal, but there were some problems with the site plan regarding to parking before the applicant felt it could be submitted. Staff is comfortable with this request at this time.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Jackson, Westervelt "absent") to **APPROVE** the request for the foundation permit per the submitted foundation plan, subject to an approved detail site plan being submitted in conformance with the PUD standards before any other permits are released for this project as recommended by staff.

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ZONING PUBLIC HEARING

APPLICATION NO.: Z-6868

RS-2 to CS

Applicant: Jose R. Zamarrida

(PD-17) (CD-6)

Location: 1126 South 120th East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6480/PUD-539 August 1995: A request to rezone a 17.5-acre tract located on the north side of East 11th Street and east of South 123rd East Avenue from CS, RM-1, and RS-3 to CS/PUD for a boat sales, boat storage facility and a mini-storage. All concurred in approval, subject to modifications.

BOA-16960 March 1995: The Board of Adjustment approved a special exception to allow Use Unit 15, a food distribution facility, on property located on the southwest corner of East 11th Street and South 120th East Avenue.

Z-6015 December 1984: A request to rezone a 2.1-acre tract located west of the northwest corner of East 11th Street and South 123rd East Avenue from RS-3 to CS. All concurred in approval of CS zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 75.9' x 280' (.48 acre) and located south of the southwest corner of East 11th Street and South 120th East Avenue. The property is flat, non-wooded, contains a single-family dwelling and a nonconforming landscape contracting business. The lot fronts South 119th East Avenue and South 120th East Avenue and is zoned RS-2.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. # Lanes |
|--|------------------------------|----------|-------------------|
| East 11 th Street | Secondary arterial Street | 100' | 4 lanes |
| South 119 th East Avenue & South 120 th East Avenue | Residential streets | 50' | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by a motel and accessory parking, zoned CS; to the west by church, zoned RS-3; to the south by a single-family dwellings, zoned RS-3; and to the east by a commercial business, zoned CS and RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as being Medium Intensity - Linear Development Area.

According to the Zoning Matrix the requested CS **is** in accord with the Zoning Matrix.

STAFF RECOMMENDATION:

Based on existing and developing trends in the area and the Comprehensive Plan, staff can support the requested rezoning and therefore recommends **APPROVAL** of CS zoning for Z-6868.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Jackson, Westervelt "absent") to recommend **APPROVAL** of CS zoning for Z-6888 as recommended by staff.

Legal Description for Z-6868:

A tract of land being a part of the NE/4, NW/4, Section 8, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, described as follows: beginning at a point 355' West of the Northeast corner of said NE/4, NW/4, thence South a distance of 619.75' to the true point of beginning; thence West a distance of 280' to a point which is 700.8' North of the South line of the NE/4, NW/4 of said Section; thence South a distance of 75.8' to a point; thence East a distance of 280' to a point; thence North a distance of 75.93' to the true point of beginning, and located south of the southwest corner of East 11th Street South and South 120th East Avenue, Tulsa, Oklahoma, **From RS-2 (Residential Single-family Medium Density District) To CS (Commercial Shopping Center District).**

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Mr. Westervelt in at 2:10 p.m.

APPLICATION NO.: Z-6869

OL to CH

Applicant: Ted Sack

(PD-6) (CD-4)

Location: Northwest corner of East 15th Street and South Rockford Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-16328 April 1993: The Board of Adjustment approved a request for a special exception to allow for off-street parking in an RM-2 zoned district and approval of the landscape plan for same property. The lot abuts the subject tract on the north.

BOA-15359 January 1990: The Board of Adjustment approved a special exception to allow the expansion of a school in an RM-2 zoned district; a variance to permit off-street parking spaces within the front yard; a variance of the required setback from the required 50' to 34' for off-street parking; a variance of the required 85' setback from East 15th Street to permit the construction of school buildings within 71' of the centerline of East 15th Street; and a variance of the FAR for a Use Unit 5, church and school buildings, from .5 to .63. The property is located south of the subject tract across East 15th Street.

BOA-14310 December 1986: A request for a variance of the screening fence between an off-street parking lot zoned OL and an R-zoned district was denied by the Board of Adjustment. The property is west of the subject tract separated only by an alley.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 14' x 88' of an original platted 50' lot. The subject tract contains a small extension of the existing building constructed on Lot 11. The building on Lot 11 is zoned CH. The property is flat, non-wooded, and zoned OL.

STREETS:

| Exist. Access | MSHP Designation | MSHP R/W | Exist. #. Lanes |
|------------------------------|-------------------------|-----------------|------------------------|
| East 15 th Street | Urban arterial street | 80' | 4 lanes |
| South Rockford Avenue | Residential street | 50' | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by a parking lot, zoned OL; to the east and west by commercial uses and accessory parking, zoned OL and CH; and to the south by a church and private school, zoned RM-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Subarea A, Cherry Street Business Subarea. The provisions of the Cherry Street Study, an adopted part of the District 6 Detail Plan, call for continued development of lower intensity pedestrian-scale commercial and office uses here. The study further encourages provision of adequate parking to serve existing and future development. The Plan Map also designates the property as Medium Intensity-No Specific Land Use within the Cherry Street Special Consideration Area.

According to the Zoning Matrix the requested CH **may be found** in accord with the Zoning Matrix by virtue of its location within a Special Consideration Area.

STAFF RECOMMENDATION:

Based on the surrounding and nearby land uses and zoning, staff cannot support an extension of the CH zoning, an obsolete zoning pattern near a residential area. However, due to the existing zoning and land use patterns, staff can support CS zoning in the alternative. Therefore, staff recommends **DENIAL** of CH zoning for Z-6869 and **APPROVAL** of CS zoning in the alternative.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the OL zoning cuts through part of the existing building. He explained that the building has been used by Wood Oil Company for many years and it is to be converted from an office use to a commercial use. He stated that he couldn't make the conversion of the north part of the existing building without changing the zoning.

Mr. Norman stated that his client is proposing to add two outside coolers for a restaurant use and if it were zoned CS it would be in violation of the setbacks. He commented that he has discussed these issues with his client and he has agreed with CS zoning and if need, accommodate the small building by going to the Board of Adjustment, unless staff would reconsider and allow part of the application to be CH and CS. He explained that the right-hand wall of the existing building is on the property line or back approximately two feet and the small addition would be within the setback in the CS district, which wouldn't apply if it were CH.

Mr. Stump stated that staff wouldn't object to that small addition of CH, even though staff prefers CS zoning. In response, Mr. Norman stated that would be approximately the south nine feet of the east 58 feet would be CH and the remainder could be zoned CS. In response, Mr. Stump agreed with Mr. Norman's proposal.

Mr. Stump stated that the Planning Commission may want to take the more comprehensive way out and zone the entire tract under application to CH and prevent a small sliver being mapped, which would become meaningless.

Interested Parties Comments:

Stephen Walter, 1428 South Rockford, Tulsa, Oklahoma 74120, stated that he lives 100 feet to the north of the subject property. He expressed concerns regarding the use of the subject property. He asked if the CH zoning would allow any other type of commercial use such as outdoor seating or speakers.

Mr. Harmon explained that when the property is rezoned, it is allowed whatever types of uses are under that zoning. Mr. Stump stated that CS and CH would allow outdoor seating for a restaurant use and other commercial activities.

Mr. Walter stated that he opposes that the subject property being rezoned to CS because it would bring more noise, traffic, etc. Mr. Walter further stated that he would prefer the subject property remain zoned OL.

Dana Bernie, 1427 South Rockford Avenue, Tulsa, Oklahoma 74120, stated that she lives two houses down from where the applicant wants to install a parking lot. She indicated that she is currently fighting another parking lot in the area that didn't comply with the approved site plan. If the subject property is rezoned to CH or CS it would add additional noise. The subject area is a residential area with children, and if there is alcohol being sold, there would be extra problems. Ms. Bernie concluded by objecting to the rezoning.

TMAPC Comments:

Mr. Horner asked if staff is willing to compromise and approve CH zoning on the entire tract. In response, Mr. Stump stated that it is only a 14-foot wide tract and 88 feet long, which is a small area, and therefore staff could agree to CH zoning.

Applicant's Rebuttal:

Mr. Norman stated that his client has a pending application before the Board of Adjustment (BOA) for the two lots directly across the street on the east side. The proposal is for parking, subject to a site plan and landscaping plan that would provide for the existing Quizno's restaurant and the restaurant to be in the Wood Oil Building to have the full amount of parking required for that use. He indicated that he would present a condition to the BOA application that there would be no outdoor seating on the north side of the existing building. There are no plans to have any activity on the north side other than adding the cooler areas to the

existing building. He commented that the neighborhood plan for 15th Street encourages provision for off-street parking for these uses. This application would accomplish this if approved by the BOA.

TMAPC Comments:

Mr. Harmon asked if the proposed parking lot across the street is being developed in connection with the restaurant. In response, Mr. Norman answered affirmatively and explained that it would also bring Quizno's into compliance regarding parking.

Mr. Harmon asked Mr. Norman why he didn't wrap it all up in a PUD. In response, Mr. Norman stated that a PUD would be feasible, except that the BOA could achieve the same goal (with respect to the parking area). Mr. Norman explained that the proposed parking would be on lots other than lot that generate the use. He stated that the proposal is in accord with the Cherry Street Master Development Plan.

Mr. Westervelt asked about screening walls and their locations. In response, Mr. Norman stated that there is a proposal to have a solid masonry wall on the north side and prefer to do the same on the alley side as well. There would be a 14-foot greenbelt area on the north boundary under the proposed plan. He explained that the plan is going to be reworked with respect to the landscaping and it would be presented to the BOA.

18Mr. Westervelt asked Mr. Norman if it would possible for the masonry wall to be on the north side of the subject property on the left side of Rockford. In response, Mr. Norman stated that he believes there is an existing wall in existence; however, he is not sure and he would have to investigate it. There is a BOA-approved parking lot to the north of the proposal and it has not been fully developed according to the site plan that was submitted. This is something that his client is going to try to avoid.

Mr. Stump stated that immediately north of the subject tract is another newly-developed parking lot for the Kilkenny's restaurant and is separate from the proposed parking lot.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson "absent") to recommend **APPROVAL** CH zoning for Z-6869.

Legal Description for Z-6869:

The South 14 feet of the East 88 feet of Lot 10, Block 6, Bellview Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northwest corner of East 15th Street South and South Rockford Avenue, Tulsa, Oklahoma, **From OL (Office Low Intensity District) To CH (Commercial High Intensity District).**

* * * * *

APPLICATION NO.: CZ-312

RE to CS

Applicant: Doyle E. Lee

(PD-23) (County)

Location: North of northwest corner of West 41st Street and South 129th West Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

CBOA-1750 July 2000: The County Board of Adjustment approved a request for a special exception to allow Use Unit 16, mini-storage facility, on property abutting the subject tract on the south and located on the northwest corner of West 41st Street and South 129th West Avenue.

CZ-255 September 1999: All concurred in approval of a request to rezone a 2.5-acre tract located west of the northwest corner of West 41st Street and South 137th West Avenue from AG to CS to allow the existing single-family home on the south end of the tract and permit a mini-storage facility on the northern portion.

CZ-249 February 199: A request to rezone a 1.7-acre tract located on the northwest corner of West 41st Street and South 129th West Avenue from RE to CS for commercial use was approved. The tract is abutted on the north by the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 132' x 320' (.96 acre) and located north of the northwest corner of West 41st Street and South 129th West Avenue. The property is flat, non-wooded, contains a single-family dwelling and is zoned RE in the county. The lot fronts South 129th West Avenue.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. # Lanes |
|-------------------------------------|---------------------------|----------|----------------|
| South 129 th West Avenue | Secondary arterial street | 100' | 2 |
| West 41 st Street South | Primary arterial street | 120' | 2 |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north and west by single-family dwellings, zoned RE; to the east by a vacant lot, zoned AG; and to the south a mini-storage facility, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 23 Plan, a part of the Comprehensive Plan for the City of Sand Springs, designates the subject property as being in a Commercial Node.

According to the Zoning Matrix the requested CS is in accord with the Zoning Matrix.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and existing land uses and zoning in the area, staff can support the requested rezoning and recommends **APPROVAL** for CS zoning for CZ-312.

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, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson "absent") to recommend **APPROVAL** for CS zoning for CZ-312 as recommended by staff.

Legal Description for CZ-312:

The North 132' of the South 447' of the E/2, SE/4, SE/4, SE/4 of Section 21, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma according to the U. S. Government survey thereof, and located north of the northwest corner of West 41st and South 129th West Avenue, Sand Springs, Tulsa County, Oklahoma, **From RE (Residential Single-family Estate District) To CS (Commercial Shopping Center District).**

Mr. Midget out at 2:25 p.m.

APPLICATION NO.: CZ-313

AG to CS

Applicant: Jimmie Beck

(PD-19) (County)

Location: Northwest corner of East 131st Street and South 193rd East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

CBOA-1619 January 1999: The County Board of Adjustment approved a special exception to allow the change of a nonconforming use on the subject property and located in an AG-zoned district, to allow a dwelling and a chiropractic office.

CBOA-1491 April 1997: The County Board of Adjustment approved a special exception to permit a 100' monopole antenna in an AG-zoned district. The property is located approximately ¼ mile west of the subject tract on the northwest corner of East 131st Street South and South 185th East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.5 acres in size and is located on the northwest corner of East 131st Street South and South 193rd East Avenue. The property is flat, non-wooded, contains a single-family dwelling and is zoned AG in the county. The lot fronts East 131st Street South and South 193rd East Avenue. The Board of Adjustment approved a special exception to allow a chiropractic clinic as a home occupation. As indicated by the attached letter from Farhad Daroga, Broken Arrow City Planning Director, the City of Broken Arrow anticipates annexing the entire section containing this property by mid-October, 2002.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. # Lanes |
|-------------------------------------|---------------------------|-----------------|-----------------------|
| South 193 rd East Avenue | Primary arterial street | 120' | 2 lanes |
| East 131 st Street South | Secondary arterial street | 100' | 2 lanes |

UTILITIES: Water is provided to this site from the Broken Arrow water system with a 12" main located on the south side of East 131st Street South. Sewer is by septic systems or lagoons.

SURROUNDING AREA: The subject tract is abutted on the north and west by single-family dwellings, zoned AG; to the east by vacant land within Wagoner County, zoned single-family residential; to the southeast, by a convenience store, zoned neighborhood commercial within Wagoner County; and to the south by single-family homes, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 19 Plan, a part of the Comprehensive Plan for the City of Broken Arrow, designates the subject property as being in a Commercial/Employment Node.

According to the Zoning Matrix the requested CS is in accord with the Land Use Intensity System Zoning District Table.

STAFF RECOMMENDATION:

The Broken Arrow Planning Commission has recommended that this case be continued at least 45 days, pending annexation of the property to Broken Arrow. Nonetheless, the requested rezoning is in accord with the adopted Comprehensive Plan and staff, therefore, recommends **APPROVAL** of CS zoning for CZ-313.

TMAPC Comments:

Mr. Harmon asked if this is common practice for another city to request an extension of time pending an annexation. In response, Ms. Matthews stated that it has come up before. She explained that first Broken Arrow proposed to complete the annexation in the near future; however, the latest phone conversation from the Broken Arrow Planner was that the annexation is not going to occur in October and may be several months later. This doesn't change the staff's recommendation because the request is in accord with the plan.

Mr. Ledford pointed out that the letter from Broken Arrow requested that if the subject property were rezoned, the minutes reflect that the subject property be subject to platting. In response, Ms. Matthews stated that she agrees with that and pointed out that it is an automatic requirement when property is rezoned.

Mr. Stump informed the Planning Commission that the Comprehensive Plan that staff is referring to is the Broken Arrow Comprehensive Plan.

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 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson, Midget "absent") to recommend **APPROVAL** of CS zoning for CZ-313 as recommended by staff.

Legal Description for CZ-313:

A tract of land beginning at the southeast corner of SE/4, SE/4, Section 1, T-17-N, R-14-E, of the IBM, Tulsa County, more particularly described as follows, to-wit: beginning at the southeast corner of the SE/4, SE/4, thence W 240,' N 454', E 240', S 454' to POB, Tulsa County, State of Oklahoma, and located in the northwest corner of East 131st Street South and South 193rd East Avenue, Broken Arrow, Tulsa County, Oklahoma, **From AG (Agriculture District) To CS (Commercial Shopping Center District).**

* * * * *

APPLICATION NO.: PUD-669

RM-1 to RM-1/PUD

Applicant: William B. Jones

(PD-17) (CD-6)

Location: West of northwest corner of East 51st Street and South 145th East Avenue

Staff Recommendation:

The PUD proposes a maximum of 180 multifamily dwelling units on 10.9 net acres located 1254 feet west of the northwest corner of the intersection of East 51st Street and South 145th East Avenue.

The subject tract is zoned RM-1. The tract is abutted on the east by an apartment complex zoned RM-1 and vacant property zoned RM-1; on the north by vacant RS-3-zoned property; and on the west by vacant RM-1-zoned property. There is vacant CO-zoned property to the south of the tract across East 51st Street.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-669 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-669 subject to the following conditions:

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

2. **Development Standards:**

Land Area: 10.9129 Acres 475,368 SF

Permitted Principal Uses:

Multifamily dwellings as included within Use Unit 8.

Maximum number of Dwelling Units: 180

Minimum Livability Space Per Dwelling Unit: 600 SF

Maximum Building Height: 47 FT

Maximum Stories: Three

Minimum Building Setbacks:

Principal Buildings:

From centerline of East 51st South 85 FT

From East, West and North Boundaries of the PUD

One Story 50 FT

Two Story 60 FT

Three Story 75 FT

Garages or Carports:

From the north and west boundaries of the PUD 10 FT

From the south boundary of PUD 85 FT

From the east boundary of the PUD 5 FT

Minimum Parking Spaces:

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

Other Bulk and Area Requirements:

As established within an RM-1 District.

Signs:

One identification may be erected that complies with the provisions of the RM-1 district.

Landscaping:

Shall comply with the requirements of the Landscape Chapter of the City of Tulsa Zoning Code.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All bulk trash containers shall be screened from public view in such a manner that the container cannot be seen by persons standing at ground level.
7. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties abutting the PUD. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in properties abutting the PUD or street right-of-way.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

9. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, traffic engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review.
13. All access and internal vehicular circulation shall be approved by the Tulsa Fire Department and Traffic Engineering.

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 **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson, Midget "absent") to recommend **APPROVAL** of PUD-669 subject to conditions as recommended by staff.

Legal Description for PUD-669:

A tract of land situated in the SE/4 of Section 28, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows, to-wit: commencing at the Southeast corner of said SE/4; thence N 89°59'18" W along the South line of said SE/4 for a distance of 1,254.00' to the Point of Beginning, also being the Southwest corner of Palazzo – Tulsa Addition; thence N 89°59'18" W along the South line of the SE/4 for a distance of 500.00' to a point; thence N 0°02'04" W for a distance of 1,002.93' to a point; thence N 83°27'26" E for a distance of 31.23' to a point; thence S 82°26'42" E for a distance of 309.87' to a point; thence S 78°40'45" E for a distance of 165.06' to a point, thence S 0°02'04" E for a distance of 248.70' to a point that is the Northwest corner of Palazzo – Tulsa Addition; thence S 0°02'04" E along the West line of Palazzo – Tulsa Addition for a distance of 684.75' to the Point of Beginning, and located west of the northwest corner of East 51st Street South and South 145th East Avenue, Tulsa,

Oklahoma, From RM-1 (Residential Multifamily Low Density District) To RM-1/PUD (Residential Multifamily Low Density District/Planned Unit Development [PUD-669]).

* * * * *

Mr. Midget in at 2:30 p.m.

Mr. Westervelt announced that he would be abstaining from this application and exited the room at 2:30 p.m.

APPLICATION NO.: PUD-671/Z-6579-SP-3 **CO to CO/PUD**

Applicant: Roy Johnson/Gregory Weisz (PD-26) (CD-8)

Location: North of northwest corner of East 101st Street and South Memorial.

Staff Recommendation:

The PUD proposes automobile and light truck sales (new and used), repair and service (excluding body repair and painting), and also those uses permitted by right in CS district (excluding Use Unit 12a) on 4.908 net acres located on the west side of South Memorial Drive approximately 1/8 miles north of East 101st Street. The subject tract has 495.80 feet of frontage on Memorial Drive and the depth, measured from the Memorial Drive right-of-way is approximately 431 feet.

The subject tract is zoned CO. The tract is abutted on the north by property zoned CO/PUD-603-A that has been approved for commercial and automotive uses. The property to the east, across Memorial Drive is zoned CO/PUD-411-C and has been approved for commercial and automotive uses. The subject tract is abutted on the south by a convenience store and car wash zoned CS. There is a smoke shop to the southwest of the tract zoned AG. The subject tract is abutted on the west by a single-family subdivision (Audubon Park) zoned RS-3/PUD-554.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-671/Z-6579-SP-3 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-PUD-671/Z-6579-SP-3 subject to the following conditions:

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

Net Land Area: 4.908 Acres

Permitted Principal Uses:

Uses permitted by right within a CS district, excluding Use Unit 12a uses; and automobile and light truck sales (new and used), repair and service (excluding body repair and painting) as included within Use Unit 17. No outside repair or service of vehicles nor storage of vehicles under repair is permitted.

Maximum Building Floor Area: 25,000 SF

Maximum Building Coverage Per Lot: 30%

Minimum Lot Frontage on Memorial Drive: 150 FT

Minimum Building Setbacks:

From Memorial right-of-way 60 FT

From West Boundary of the PUD 150 FT

From South Boundary of the PUD 40 FT

From North Boundary of the PUD 40 FT

Minimum Setback from West Boundary of PUD:

Any west-facing garage doors or vehicle access points 250 FT

Maximum Building Height: 35 FT

Minimum Off-Street Parking:

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

Minimum Landscaped Area:

10% of net lot area.

Minimum Off-Street Parking or Vehicle Storage Setback:

From Abutting Residential Districts: 35 FT

Minimum Access Drive Setback:

From Abutting Residential Districts 35 FT

Minimum Bulk Trash Container Setback:

From Abutting Residential Districts 150 FT

Signs:

One ground sign for each lot with frontage on Memorial Drive is permitted, which shall be on the Memorial Drive frontage and shall not exceed 25 feet in height nor 250 square feet of display surface area. All promotional signs and flagpoles shall be east of all buildings on the lot and promotional signs, including inflatable devices, shall not exceed the height of the principal building on the lot. Wall signs shall comply with the requirements of Section 1103.B.2. of the Zoning Code but there shall be no wall signs allowed on the west-facing walls of building within 250 feet of the west boundary of the PUD.

3. The principal access to all development in the PUD shall be from a corridor collector street and each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements unless a variance of Section 804 of the Zoning Code is obtained from the Board of Adjustment. There shall be a maximum of two access points onto South Memorial Drive. The northernmost access point onto Memorial shall be mutually accessible from the adjoining tract to the north and shall be designed to provide adequate stacking distance for automobiles waiting to enter Memorial Drive. All access must be approved by Traffic Engineering, the Tulsa Fire Department and TMAPC. If the PUD contains uses other than an auto dealership mutual access to the south of the PUD may be required.

4. A landscaped buffer strip at least 35 feet in width shall be provided and maintained along the west boundary of the PUD. The existing topography of this buffer strip shall be maintained, except for minor changes for stormwater drainage or utility installation. In addition every effort shall be made to preserve all healthy existing trees of six-inch diameter or greater in the buffer strip. A masonry screening wall and/or additional landscaping may be required in this buffer strip to provide adequate separation of uses. The design and location of this wall and/or landscaping shall be determined by TMAPC when reviewing a proposed Detail Site Plan. Landscaping throughout the PUD shall meet or exceed the requirements of the Landscape Chapter and PUD Chapter of the Tulsa Zoning Code.
5. If the PUD is subdivided, uses and intensities of uses, access and development standards shall be established by Minor Amendment or recording of a subdivision plat containing such standards.
6. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
8. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
9. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

10. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties abutting the PUD. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in properties abutting the PUD or street right-of-way. No light standard nor building-mounted light shall exceed 25 feet in height, and within 150 feet of the west boundary of the PUD no such lights shall exceed 12 feet in height. All such lights shall be set back at least 75 feet from a residential lot.
11. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
16. An external public address or pager/speaker system is prohibited.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing Bob Nelson, Mazda Dealership, stated that the zoning patterns were established at approximately the same time by a common owner, the CO along the Memorial frontage and the RS-3 to the west, which is Audubon Park. On the east side of Memorial there are a number of auto dealerships that have been approved over time. To the immediate north of the subject property is zoned CO and an earlier PUD for Jim Norton was approved for auto dealerships as well. Basically, this submittal mirrored the development standards that were imposed on the tract to the north, including some rather restrictive lighting

requirements, landscaping requirements, sign limitations, use limitations, set backs, etc. Those issues have been dealt with and set out in the staff recommendation.

Mr. Johnsen stated that he has one objection to the staff recommendation regarding landscaping. He explained that the north was approved at 15-feet as a minimum width, but there was going to be detail review and discussion that there might be some punch-outs scattered along that boundary. Mr. Nelson is committed on the subject property to a 35-foot landscaped area along the west boundary, out of deference to Audubon Park single-family subdivision, which is to the immediate west.

Mr. Johnsen indicated that he would like one modification to the staff recommendation. He proposed 35 feet of landscaped area along the west boundary, which is heavily covered with trees. The objective is to keep these areas at grade so that there wouldn't be significant tree loss, to take steps to save trees and require detail landscape plan review so that if additional trees are required, they could be imposed and to see if additional screening may be required due to grade changes. When the earlier zoning was done, a screening fence was erected along the entire west boundary of the properties to the north and the subject property. The modification he would like to propose is as follows: A masonry screening wall or screening fence to be determined at site plan review to see what is really necessary to properly screen the neighborhood, given the grades. He noted that there is already a screening fence on the west boundary and there are 35-foot mature woods and then the subject property. He suggested that there may be a retaining wall there in part and then a screening fence on top. He stated that he would like to leave these options open for detail site plan review.

Mr. Johnsen stated that he met with the Audubon Park Neighborhood Association and had an excellent meeting. He commented that he left the meeting with the feeling that there was good support for the project. The neighborhood association did request that the applicant not change anything in their submittal. He indicated that he is trying to confirm on record that he is not changing any requirement to lessen the protection offered to the neighborhood. The staff recommendation has added some protections and his client is accepting those requirements.

TMAPC Comments:

Mr. Ledford stated that the conceptual site plan provides a mutual access to the north, but not to the south (QuikTrip side). Mr. Ledford asked Mr. Johnsen if there would be a problem with the mutual access being provided, because typically the Planning Commission has encouraged mutual access along arterial streets from all commercial areas. In response, Mr. Johnsen stated that it would be a problem providing mutual access on the QuikTrip side. Mr. Johnsen agreed that over time the Planning Commission has encouraged mutual access, but that

has been generally designed where there are properties that aren't at the intersection. Mr. Johnsen compared this scenario with an example of 71st Street where a traffic signal was being located and the plan was to have all of the nearby properties have access to the traffic signal by providing mutual accesses. Mr. Johnsen stated that the more common scenario is where there is a retail complex with various out-lots with interchangeable uses that share parking, which makes for a clean flow among those uses. Mr. Johnsen explained that in this instance, he doesn't think the mutual access fits, and may damage the type of project that is proposed. He commented that QuikTrip is very knowledgeable, has good lawyers and engineers, and they would like to improve their access anytime that they can, which he understands. However, they are going to do so at the expense of this project, in his opinion. How he distinguishes QuikTrip from a lot of the settings that in the past has required mutual access was this: 1) QuikTrip is not in the proposed PUD, 2) QuikTrip is not in the corridor district. He explained that the property to the north wanted mutual access because there is a break in the median located there and that makes sense and his client is not resisting that request. QuikTrip is located on a corner property and currently exists. A corner property is unique because there are direct accesses to two arterials, Memorial and 101st. Their clientele will always be able to get where they would like to go, one way or the other. Mr. Johnsen cited several alternatives QuikTrip patrons have to get in and out of the business. He concluded that the demands and concerns that are usually present on the shared access requirement doesn't quite fit the subject property circumstances because the corner property has access to two arterials and has no relation to the type of use that is being proposed. An automobile dealership has their inventory on the front and customers walk around looking at the merchandise. When a dealership closes, the inventory is secured by gates. QuikTrip is a 24-hour operation and to have their traffic running through the customer service area and inventory doesn't make practical sense. Given the circumstances that QuikTrip is located on the corner property and the type of business being proposed on the subject application he would like to ask for some practical business judgment of the Planning Commission to let both parties go their own way without the mutual access.

Interested Parties Comments:

Stephen Schuller, 100 West 5th Street, Suite 500, Tulsa, Oklahoma 74103, representing QuikTrip Corporation, stated that he did discuss this issue with Mr. Johnsen this morning and they were unable to come to any agreement. QuikTrip feels very strongly that there should be a mutual access driveway connection near the southeast corner of the subject property, which is the northwest corner of the QuikTrip property. The City of Tulsa and this Planning Commission have historically had either recommended or required mutual access connections between commercial developments along the primary arterial streets. In this instance, it is important because the center median on Memorial Drive has one median break on the northeast corner of the subject property and in order to regulate and control the traffic flow through that central mutual median access

point QuikTrip would recommend and urge a mutual access connection. PUD-603 to the north of the subject property had a mutual access drive contemplated, and the minutes of the Planning Commission meetings show that all of the lots or tracts would be connected by interior mutual access easements. These include the development areas along Memorial Drive and a service road extending along Memorial Drive frontage connecting 98th Street at the north, to the median and the median break on Memorial Drive, with a mutual access point at the southeast corner. This configuration extends the mutual access to the subject property and, by implication, the same kind of mutual access agreements that exist through these kinds of commercial developments down to the QuikTrip property. Mr. Schuller cited a similar PUD relating to mutual accesses.

Mr. Schuller stated that Mr. Jon Eshelman, Traffic Engineering Consultants, is present today to discuss the technical aspects on this type of design and why it is recommended for this area. He commented that there are two alternatives: 1) a mutual access easement across the front to permit the various commercial properties to enjoy the kind of access that is contemplated and is designed in commercial development like this all over Tulsa, or 2) separate driveway along the Memorial Drive frontage like the Joe Marina location at 91st and Memorial. Mr. Schuller urged the Planning Commission to continue with existing city policy of encouraging mutual access easements and driveways along Memorial Drive for access between the different commercial developments.

TMAPC Comments:

Mr. Harmon asked Mr. Schuller how he would address the question of security of the car lot if there is a driveway opened 24 hours. In response, Mr. Schuller stated that the security doesn't seem to be a problem for Joe Marina along 91st and Memorial.

Mr. Harmon pointed out that there are car lots along Memorial that do not share mutual access and are blocked off from each other. In response, Mr. Schuller stated that the city has determined over the years that this is not a good idea, and commercial developments along the primary arterials should be encouraged to provide mutual access easements.

Mr. Midget asked if Joe Marina is located on the corner of 91st and Memorial. In response, Mr. Schuller answered affirmatively.

Mr. Harmon pointed out that the mutual access at Joe Marina is for all of his own dealerships. In response, Mr. Schuller stated that the question was about security and all of the dealerships are Joe Marina's, but cars are able to drive from one dealership to the next. Mr. Schuller explained that the security is still in place and is not compromised by this type of driveway.

Mr. Harmon stated that he could understand having mutual access where Joe Marina is located because he does own all of the dealerships and his customers can drive from one dealership to the next.

Ms. Hill asked if there are any other kinds of commercial development, other than Joe Marina car lots that have mutual access easements. In response, Mr. Romig stated that he lives in the subject area, and at the southwest corner there is a Phillips 66 gas station and the car dealerships are behind the station with an access road along the Memorial frontage and connects to the 91st Street frontage.

Mr. Schuller pointed out that there are two dealerships along 89th Street and Memorial with mutual access, which are owned by separate dealerships.

Interested Parties Comments:

Jon Eshelman, Traffic Engineering Consultants, 6931 South 66th East Avenue, Suite 100, Tulsa, Oklahoma 74133, stated that it is sound traffic engineering practice on divided roadways to encourage and require as much mutual access and flow among parcels that could be achieved. When the development parcels are large and they all end up with a mutual left-turn access along their frontage, maybe it is not as important for mutual access unless someone is trying to reach signal lighted intersection. When parcels are smaller, then some are left between media openings. The ability to provide access to median openings is a big advantage for traffic flow and something that should be encouraged. In the older areas of the city that practice has not been done and there are traffic flow problems in these areas.

Mr. Eshelman stated that in this particular application, if the development occurs the way it is proposed on the map, there wouldn't be an isolated parcel, but if it should be split, then there could be someone in the middle without access to a median opening. It is true that a corner property does have access to two arterials and that does improve the access; however, in this case the QuikTrip doesn't have good access to turn left heading north. He mentioned that the QuikTrip located at 81st doesn't have a mutual access at this time because development has not occurred. Even though a business is located on the corner of a major arterial intersection, the access becomes inhibited, with traffic queuing back from the signals.

TMAPC Comments:

Mr. Midget asked Mr. Eshelman if he was referencing enabling the customers to the north to make a left-hand turn. In response, Mr. Eshelman stated that customers leaving the QuikTrip site wanting to go north on Memorial would be inhibited. Mr. Midget stated that having a mutual access to go through the subject property enables drives to be able to make a left-hand turn. In response, Mr. Eshelman stated that some customers would choose to go north and then

enter at the existing median opening when there is an opportunity rather than making a left-hand turn onto 101st with the traffic that would stack up there.

Mr. Stump stated that there is a new car wash west of the QuikTrip. Mr. Stump asked if QuikTrip provided a mutual access to the car wash to access Memorial. In response, Mr. Schuller stated that there is a mutual access easement that has been drafted and filed of record.

Interested Parties Comments:

Jeannine Terry, 9963 South 79th East Avenue, Tulsa, Oklahoma 74133, Lot 15, Audubon Addition, stated that her property abuts the proposed site on the west. Ms. Terry read a statement about her concerns. In summary, her concerns were screening, saving trees, sound barriers, clean air and bird sanctuaries. She expressed concerns about drainage issues and requested a detailed plan be given to the neighborhood association.

Eric Bohne President of Audubon Homeowner's Association, 9836 South 77th East Avenue, Tulsa, Oklahoma 74133, stated that he lives on the west border and doesn't have the same concerns as Ms. Terry, but he does have some concerns. He thanked Mr. Johnsen and Mr. Nelson for the efforts they have put forth to advise the neighborhood of the submittal. He requested that the homeowners be kept informed regarding to the detail site plan. He explained that there is a significant grade elevation from the neighborhood property line (west border) that goes along Memorial. He stated that there is a need to save as many of the trees as possible because it is vital to the neighborhood to protect the subject area due to the price of homes in this area.

Mr. Bohne requested that Mr. Johnsen and Mr. Nelson to keep him informed about the development. He stated that up to this point they have been very courteous.

Applicant's Rebuttal:

Mr. Johnsen stated that he did have a good meeting with the neighborhood association and feels that there was general support for the proposal. When Audubon Park was developed the larger zoning pattern was currently established. The storm drainage was studied for Audubon Park and the subject property, as well as the property to the north. He understands that the storm drainage was sized to accommodate the development on the subject property, take it through the Audubon system and then into the Bridal Trails detention area. The screening fences were to be built immediately and has been done and are currently existing.

Mr. Johnsen stated that he feels that staff has done a very good job in their language. He explained that there would be minor changes in elevation and grades because there would have to be some perpendicular tie to the drainage system. Staff did state that there would be a detail site plan review of the landscaping and grading of the 35-foot strip area. He concurred that the Audubon Neighborhood Association would be noticed when detail site plan review is being heard by the Planning Commission.

Mr. Johnsen stated that the Planning Commission would require meaningful preservation of the trees and Mr. Nelson is offering to help share the cost if the neighborhood would like to plant more than what the Planning Commission is requiring. The intention was that if the planting is more than the Planning Commission requires, then he would split the cost, and he is not trying to avoid a Planning Commission requirement.

Mr. Johnsen stated that with regard to the access, he is slightly disappointed in Mr. Schuller because he didn't call until Tuesday and he didn't know that Mr. Eshelman was going to appear as an expert. There are a couple of issues he would like to correct. He stated that the representative for Nelson Mazda, Mr. Reeves, couldn't remember any dealership or car area that didn't secure their inventory in one fashion or another. This is true on the east side of Memorial as well, but what makes it different is that all car dealerships have the same hours of operation and joint customer so it works in this scenario. All of the car dealers at the end of the day secure their cars and no one is able to drive into where the inventory is located. He commented that he believes the same thing is true at 91st and Memorial. He stated that all of the interior drives are blocked from the public after hours.

Mr. Johnsen pointed out that QuikTrip is a 24-hour commercial business and their customers have no relationship to the auto dealership. He commented that the customers from QuikTrip would drive across the auto dealership property for 400 feet to get a median break. If the detail site plan comes in for something other than a car dealership, then the access easement issue may need to be revisited at that time. There are times when the uses are compatible to go from one lot to the other and that is when the mutual access easement is imposed, but none of these fit the proposed use.

TMAPC Comments:

Mr. Harmon asked if the mutual access on the northeast corner would be secured at night. In response, Mr. Johnsen stated that the car lot would be secured. Mr. Harmon asked why he didn't do the same on the corner by QuikTrip. In response, Mr. Johnsen stated that the corridor collector for this subject area is 98th Street on the north side of the Norton property (the QuikTrip property is not included in the corridor district) and would have access so that each tract in the corridor development could access to 98th Street. The southern tract (Mazda property) is the access point that can remain open for the tract to

the north and for Mazda during working hours, but it can be gated to protect their inventory. Persons traveling south couldn't come into the lot once it is gated for evening hours. QuikTrip is asking to use the Nelson driveway and customer area for their convenience. Given these facts, the policy is good and should be followed in most instances, but practical business judgment suggests that with a corner lot and the nature of their and Mazda's businesses, it is not necessary to have a mutual access easement, as it would harm Mazda's ability to do business.

Ms. Hill stated that she is proponent of mutual access, but the problem she is having with the mutual access to the car lot is concerned about the safety of pedestrians viewing the cars and the security of the inventory. She explained that she would expect mutual access from one shopping center to the other and expect there to be traffic, but she wouldn't expect as much traffic while shopping and walking around a car lot.

Ms. Hill asked Mr. Romig if the road that goes behind the store at 91st and Memorial allows the auto dealerships to secure their lots. In response, Mr. Romig stated that the access road is opened 24 hours and the access roads are between Memorial and the car lots. Mr. Romig explained that the owners are able to secure the cars from the access road.

Mr. Harmon stated that if a customer pulls into the wrong driveway after hours, then he can't get to the correct lot on the access road. He explained that the customer would have to go back out onto 91st Street to get to the other lots.

Mr. Romig stated that the road behind the Phillips 66 station is opened 24 hours and he uses that access road himself.

Ms. Hill stated that if she were going east on 91st and she wanted to avoid the corner, and then she could go behind the store. In response, Mr. Romig stated that Ms. Hill is correct.

Mr. Ledford stated that Mr. Johnsen gave a very compelling argument and he understands Mr. Schuller's argument, too. However, on the corner of 81st and Memorial there is also a car wash that is a 24-hour operation, as well as the QuikTrip. The physical facts are that QuikTrip raised that site to divert the water out to Memorial, which means that they have an extraordinarily high wall along their north and west property lines, which makes a physical barrier to have a mutual access. Mr. Ledford stated that he agreed with Mr. Johnsen that in this particular case the mutual access easement is not required, but at some later point, should this property change uses, then the Planning Commission may want to reconsider the mutual access easement issue.

Mr. Midget recognized Mr. Schuller.

Mr. Schuller stated that he is afraid that the Planning Commission may make a decision on inaccurate information. The PUD does not say that it is limited to an automobile dealership, but rather allows permitted uses or every use that is permitted in a CS district with a few exceptions. The site plan seems to indicate an automobile dealership, but he doesn't know if you can count on it with this PUD.

Mr. Schuller explained that he didn't contact Mr. Johnsen until Tuesday prior to today's meeting because he understood, through Friday prior to today's meeting, that staff was recommending a mutual access easement. Therefore, there was no reason for him to contact Mr. Johnsen until he discovered Tuesday that the access was not being recommended, and Monday was a holiday.

Mr. Harmon asked Mr. Johnsen if he would like to have an opportunity to rebut since he was named directly in Mr. Schuller's comments.

Mr. Johnsen stated that Mr. Schuller is correct about how the PUD is written regarding the permitted uses. He explained that this is why he suggested that if there needs to be an additional condition that if the site plan comes in with for some use other than dealership, then the mutual access would be revisited.

Mr. Horner stated that he is an advocate of mutual access, but he can see the merit of this situation.

Mr. Harmon stated that based on Mr. Johnsen's presentation, he is convinced that at this point mutual access would be inappropriate. This is not something the Planning Commission would want to endorse as a concept, but in this particular case there are reasons to make exceptions.

Mr. Midget agreed with Mr. Harmon's statement. He stated that the use makes a big difference in whether the Planning Commission would approve or disapprove the mutual access easement.

Ms. Hill stated that she understands the need to secure the inventory and it is a safety issue for the car buying public. In a car lot situation, there would be more pedestrian traffic and they wouldn't be expecting cars crossing through the lot like one would expect cars driving through a strip mall parking lot.

Ms. Bayles stated that she agrees with Ms. Hill. She commented that when she is shopping for a car, her mind is on looking at the cars and noting the sticker price, and her mind is elsewhere. The safety of the public would be affected if there were a mutual access from QuikTrip to the proposed dealership.

Ms. Bayles stated that she would be reluctant to make any changes to the staff recommendations as they relate to a masonry screening wall or additional landscaping.

Mr. Harmon stated that the safety of the customers is a valid reason not to have traffic going back and forth across the lot.

Mr. Stump suggested that on Item No. 3, language be added as follows: "if the PUD contains uses other than an auto dealership, mutual access to the south of the PUD may be required."

Ms. Hill agreed with Mr. Stump's suggestion.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget "aye"; no "nays"; Westervelt "abstaining"; Dick, Jackson "absent") to recommend **APPROVAL** of PUD-671/Z-6579-SP-3 subject to conditions as recommended by staff and the additional language for Item No. 3. (Words deleted by the TMAPC are shown as ~~strikeout~~; words added or substituted by TMAPC are underlined.)

Legal Description for PUD-671/Z-6579-SP-3:

The N/2, S/2, SE/4, SE/4 and the S/2, S/2, N/4, SE/4, SE/4, Section 23, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, less the East 120' thereof and less the West 768.92' thereof, and located north of the northwest corner of East 101st Street South and South Memorial Drive, Tulsa, Oklahoma, **From CO (Corridor District) To CO/PUD-671 (Corridor District/Planned Unit Development).**

* * * * *

APPLICATION NO.: PUD-431-A-6

MINOR AMENDMENT

Applicant: Randall Johnson

(PD-26) (CD-8)

Location: 10106 South Sheridan

Staff Recommendation:

The applicant is requesting additional signage on a May's Drug pharmacy drive-through fascia.

The existing wall or canopy sign standards for Development Area A are as follows:

The aggregate display surface area of the wall or canopy signs shall be limited to one square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building. No flashing or intermittently lighted signs are

permitted and no wall or canopy signs are permitted on the west elevations of buildings.

The applicant is requesting that the signage on the north fascia of the drive-through be increased from 16 square feet to 30 square feet and from 18 square feet to 31.31 square feet on the east fascia of the drive-through. This would permit a display surface area of 1.875 SF per lineal foot of building wall on the north fascia of the drive-through and 1.74 SF of display surface per lineal foot of building wall on the east fascia of the drive-through.

There are commercial uses on CS-zoned property to the north, across East 101st Street. The subject tract is abutted on the west by a tract that is zoned CS, RM-1/PUD-431-C and has been approved for a convenience store with a car wash.

Staff finds that the requested minor amendment does not substantially modify the approved signage for the north side of the building and therefore recommends **APPROVAL** of the request.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Jackson, Westervelt "absent") to **APPROVE** the minor amendment for PUD-431-A-6 as recommended by staff.

* * * * *

OTHER BUSINESS:

APPLICATION NO.: PUD-186-A

Hardesty Regional Library

Applicant: Charles E. Norman

(PD-18) (CD-7)

Location: 6737 South 85th East Avenue

Staff Recommendation:

Staff has reviewed the first amendment to Declaration of Covenants of Blocks 4 and 5, Woodland Hills Mall, Blocks 2, 3, 4 and 5, which has been drafted to incorporate the development standards and restrictions of PUD-186-A and to amend a Declaration of Covenants dated July 27, 1976, which restricted the use of the library property to a public library only and finds they are consistent with the standards approved by the City Council. Therefore, staff recommends **APPROVAL** of the covenants as submitted.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Jackson, Westervelt "absent") to **APPROVE** the first amendment to declaration of covenants of Blocks 4 and 5, Woodland Hills, Mall, Blocks 2, 3, 4 and 5 as recommended by staff.

* * * * *

Consider calling for a public hearing on the Brookside Infill Development Design Recommendations, A possible amendment to the Comprehensive Plan for the Tulsa Metropolitan Area.

TMAPC Comments:

Mr. Harmon stated that last week the Planning Commission had a good worksession discussing the Brookside Infill Development Design Recommendations. The Planning Commission decided that it is appropriate to call for a public hearing.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson "absent") to **APPROVE** staff calling for a public hearing on September 25, 2002 at 1:30 p.m.

TMAPC Comments:

Mr. Harmon requested staff to make sure that there is a wide notice for the public hearing. In response, Mr. Stump stated that everyone from Urban Development who has participated in the plan, all neighborhood associations registered with the Mayor's office, BOMA, NAIOP, and IREM will be notified.

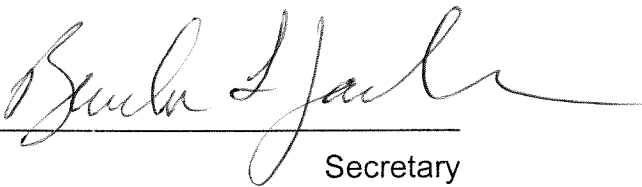
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There being no further business, the Chairman declared the meeting adjourned at 3:50 p.m.

Date Approved: 9/25/02



Chairman

ATTEST: 

Secretary