

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2338

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

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 14, 2003 at 9:50 a.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 Jackson called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of February 19, 2003, Meeting No. 2335

On **MOTION** of **HARMON** the TMAPC voted 5-0-1 (Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; Horner "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of February 19, 2003, Meeting No. 2335.

Minutes:

Approval of the minutes of February 26, 2003, Meeting No. 2336

On **MOTION** of **HARMON** the TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of February 26, 2003, Meeting No. 2336.

Minutes:

Approval of the minutes of March 5, 2003, Meeting No. 2337

On **MOTION** of **HARMON** the TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of March 5, 2003, Meeting No. 2337.

REPORTS:

Chairman's Report:

Mr. Jackson reported that there was a training session held at INCOG March 18, 2003 and he hopes that everyone enjoyed it and received good information. He requested the Planning Commissioners to keep that information in mind and hopefully it would be utilized in the future.

Director's Report:

Mr. Stump reported that there are four items before the City Council, Thursday, March 20, 2003.

ITEMS TO BE CONTINUED:

PRELIMINARY PLAT:

Glendale Acres – AG-R (2672) (PD-21) (County)

North of West 171st Street South, West of South Elwood Avenue (**Continuance Requested**)

STAFF RECOMMENDATION:

Mr. Stump stated that the applicant is redoing the plat and needs additional time. Mr. Stump suggested this application be continued to March 26, 2003.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **CONTINUE** the preliminary plat for Glendale Acres to March 26, 2003 at 1:30 p.m.

Application No.: PUD-559-5

MINOR AMENDMENT

Applicant: Brian Ward

(PD-18) (CD-8)

Location: 10101 East 91st Street South

STAFF RECOMMENDATION:

Staff recommends a continuance to April 2, 2003.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **CONTINUE** the minor amendment for PUD-559-5 to April 2, 2003 at 1:30 p.m.

Application No.: PUD-678

RS-3 TO PUD

Applicant: Jack Cox

(PD-26) (CD-8)

Location: West of northwest corner of East 98th Street and South Memorial Drive

STAFF RECOMMENDATION:

Applicant has requested a continuance to April 2, 2003.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **CONTINUE** PUD-678 to April 2, 2003 at 1:30 p.m.

Application No.: CZ-319

AG to IL or CG

Applicant: Kenneth Laster

(PD-20) (County)

Location: South and east of the southeast corner of East Highway 64 South and South 185th East Avenue

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has requested a continuance. She explained that the applicant did not indicate a date certain and recommended a 30-day continuance.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **CONTINUE** CZ-319 to April 16, 2003 at 1:30 p.m.

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SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19488 – Robert Bearer (2683)

(PD-26) (CD-8)

South of southeast corner of East 106th Street and South Sheridan Road

STAFF RECOMMENDATION:

The applicant desires to split 'Reserve A' into two tracts, of which both resulting tracts meet the RS-2 bulk and area requirements. A waiver of the Subdivision Regulations is being requested because Tract A would have more than three side lot-lines.

The sanitary sewer line would be required to be extended to Tract B prior to deeds being stamped. Reserve A is currently platted with limits of no access along Sheridan Road, with a 30' access point at the proposed split line. A change of access would be required to provide the 30' access to both tracts.

Reserve A was dedicated as a stormwater facility, with the provision that it could revert to Service Corp. of Tulsa, Inc., if the City determined it was no longer needed due to stormwater improvements. The dedicated easement was closed

by action of the City Council, and the owners filed a vacation action in Tulsa District Court. The court foreclosed the utilities' right to reopen those easements, subject to a "reservation by the City of Tulsa of any and all of its rights in and to an easement for the intermittent overland flow of stormwater drainage ..."

The Technical Advisory Committee expressed concerns regarding the existing runoff, noting that the majority of the property is located within a floodplain and that the creek might have to be re-directed in order to build on Tract B.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the conditions that the sanitary sewer line be extended to meeting Public Works' requirements; that a Change of Access be approved by the TMAPC, providing 30' of access to both tracts; and that language be added to both deeds that the tract is subject to the easements previously granted to the City of Tulsa, acknowledging the restrictions contained in the easements.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations for L-19488 subject to the following: The sanitary sewer line is extended to meet Public Works' requirements; that a Change of Access be approved by the TMAPC providing 30' of access to both tracts; and that language be added to both deeds that the tract is subject to the easements previously granted to the City of Tulsa, acknowledging the restrictions contained in the easements, per staff recommendation.

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L-19489 – Jerry Dixon (2193)

(PD-6) (CD-7)

4619 East 37th Place South

STAFF RECOMMENDATION:

The applicant has requested to split a portion of Lot 16 to be tied to Lot 15 and split a small portion off Lot 15 to be tied to Lot 16. The lot-split application was filed to achieve a settlement reached in District Court between the two property owners. The configuration would result in both tracts having four side lot-lines;

therefore, the applicant is requesting a waiver of the Subdivision Regulations stating that a tract shall not have more than three side lot lines.

The Tulsa City Board of Adjustment approved a variance of the average lot width on February 25, 2003. All other RS-3 zoning requirements have been met. If approved, Tract C would provide access to the lake for Lot 15; Tract D would give additional footage for the existing side yard on Lot 16.

The Technical Advisory Committee had no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would help the two owners to accomplish the settlement agreement on their District Court dispute. Therefore, staff recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Alan Yenton, 4625 East 37th Place, Tulsa, Oklahoma 74135, representing his mother, stated that he is in agreement with this application.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations for L-19489 per staff recommendation.

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FINAL PLAT:

Tulsa Recreation Center for the Physically Limited – IM, (PD-4) (CD-4)
RM-3, (693),
815 South Utica Avenue

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 6.81 acres.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

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

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Pleasant Oaks IV – RS (3191)

(PD-18) (County)

North of West 61st Street South, East of South 177th West Avenue

STAFF RECOMMENDATION:

This plat consists of 25 lots in two blocks on 37 acres. The property will be used for a residential subdivision.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

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

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MINOR SUBDIVISION PLAT:

Berryhill Donut – PUD 566 (2092)

(PD-9) (County)

Northwest Corner of South 57th West Avenue and West 41st Street

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.04 acres.

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

1. **Zoning:** The property is zoned PUD-566, with this site having CS underlying zoning. The TAC saw this site as a proposed plat waiver at the February 6, 2003 meeting. The applicant has decided to come back through the process with a minor subdivision plat at this time. A minor amendment was approved for the PUD to allow for an alternative to the use of sewer to this site.
2. **Streets:** Limits of No Access is shown per the County Engineer's requirements. The covenants need to contain proper right-of-way language. Show all existing book and page numbers. Legal descriptions must be exact.
3. **Sewer:** N/A
4. **Water:** N/A
5. **Storm Drainage:** Surface drainage easements may be required per the County Engineer's specifications. Standard covenant language must be used.
6. **Utilities:** N/A
7. **Other: INCOG Transportation:** West 41st Street will have a designated bike route/lane in the future.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

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

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ZONING PUBLIC HEARING

Application No.: Z-6885

RS-3 TO CH OR IL

Applicant: Terry McConnery

(PD-16) (CD-6)

Location: Northeast corner of East Pine Street and North 129th East Avenue

RELEVANT ZONING HISTORY:

BOA-19161 August 2001: The Board of Adjustment denied a special exception to permit mining and quarrying in an AG district. The property is located south of the southeast corner of East Apache and North 129th East Avenue and north of the subject tract.

Z-6280 February 1990: An application was filed requesting the rezoning a 19-acre tract located east of the southeast corner of East Apache Street and North 129th East Avenue from AG to IH for an asphalt batch plant. Staff and TMAPC recommended denial of IH and recommended restricting the IM zoning to the westerly portion to protect the residential use on the northeast, and to recommend IL zoning on the east 300'. The City Commission concurred in approval per TMAPC and staff recommendation.

BOA-15082 March 1989: The Board of Adjustment approved a special exception to allow a temporary open-air asphalt continuous mix plant in conjunction with a construction company in an AG-zoned district for a period of one year. The property is located east of the southeast corner of East Apache Street and North 129th East Avenue.

BOA-13530 April 1985: The Board approved a special exception to permit a mobile home in an RS-3 zoned district and denied a variance of the one-year time limit to permanent. The property is located east of the southeast corner of East Reading Place and North 129th East Avenue and north of the subject tract.

BOA-13144 May 1984: The Board of Adjustment approved a special exception to allow a salvage yard an expansion of an existing yard, in an IM-zoned district, on property located west of the southwest corner of East Apache Street and North 145th East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 134.75' x 250' in size, approximately .77 acres and is located on the northeast corner of East Pine Street and North 129th East Avenue. The property is flat, non-wooded, contains a single-family dwelling and is zoned RS-3.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. # Lanes |
|-------------------------------------|---------------------|-----------------|-----------------------|
| East Pine Street | Secondary Arterial | 100' | 2 lanes |
| North 129 th East Avenue | Secondary Arterial | 100' | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is abutted on the north by a single-family dwelling (apparently vacant) and vacant land, zoned RS-3; to the east by vacant land and a landfill, zoned CH; to the south by vacant land, zoned IL; and to the west by vacant property, zoned IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 2, designated for industrial and commercial uses, particularly those related to the airport. Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and adjacent zoning, staff can partially support the request for rezoning. Because of the adjacent single-family residential to the north, staff cannot support the requested CH zoning but can support the requested IL. Therefore, staff recommends **DENIAL** of CH zoning for Z-6885 and **APPROVAL** of IL zoning.

APPLICANT'S COMMENTS:

Dennis Huntley, Realtor (no address given), stated that the applicant wanted CH zoning because he did not want to have to come back later for a special exception from the 75-foot setback required on the north side of the property. He indicated that the applicant intends to build a building for automobile customizing. The applicant does hand painting and there would not be any paint booths.

STAFF COMMENTS:

Mr. Stump stated that one of the primary reasons for recommending IL zoning is to obtain the 75-foot setback. Staff doesn't feel that total absence of a setback as allowed in CH is appropriate in the subject area.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to recommend **DENIAL** of CH zoning for Z-6885 and recommend **APPROVAL** of IL zoning for Z-6885 as recommended by staff.

Legal Description for Z-6885:

The West 184.75' of the South 233.75' of the SW/4, SW/4, Section 28, T-20-N, R-14-E, Tulsa County, State of Oklahoma, and located on the northeast corner of East Pine Street and North 129th East Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

* * * * *

Application No.: Z-6886

RS-3 TO OL

Applicant: Bob Thompson

(PD-16) (CD-6)

Location: West of northwest corner of East 39th Street South and South Peoria Avenue

RELEVANT ZONING HISTORY:

BOA- 17826 September 1997: The Board of Adjustment approved a variance of the 5' required landscape strip between a parking lot and residential property; a variance of the required 50' setback from the street; and a variance of the required screening between a parking lot and R-zoned district, subject to a tie agreement between the owner of the lot and the owner of the adjoining commercial business and subject to the site plan submitted. The property is located west of the southwest corner of East 37th Place and South Peoria Avenue.

Z-6597 August 1997: A request to rezone a lot located west of the southwest corner of East 37th Place and South Peoria Avenue from RS-3 to PK. All concurred in approval of PK parking.

PUD-535 June 1995: A request to rezone a tract located on the southwest corner of East 39th Street and between South Owasso Avenue, across East 39th Street from the subject property, from CH and RS-3 to PUD-535 and to abandon the existing PUD-491. The proposal would allow retail uses on the existing CH area and parking within the RS-3 zoning. All concurred in approval of the

request subject to no parking on the north side of the buildings, no access to South Owasso and no access to East 39th Street within 175' east of the centerline of South Owasso Avenue, and additional landscaping.

PUD-520 November 1994: A request to abandon the existing PUD-491 on property located on the southwest corner of East 39th Street and South Peoria and rezone the property for restaurant use with accessory parking on the west. The application to abandon the PUD was approved but the applicant withdrew his application.

PUD-491 July 1992: All concurred in approval of a request to rezone a 1.05-acre tract located on the southwest corner of East 39th Street and South Peoria Avenue from RS-3 and CH to RS-3/CH/PUD to allow a mini-storage facility.

PUD-480 April 1992: All concurred in approval of a request to rezone a tract located east of the southeast corner of East 39th Street and South Peoria Avenue from CH, CS and RM-2 to PUD for commercial and multifamily development

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 50' x 144' in size and is located west of the northwest corner of East 39th Street South and South Peoria Avenue. The property is flat, non-wooded, contains one and possibly two single-family dwellings, and is zoned RS-3. It lies within the study area of the Brookside Pilot Study.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. # Lanes |
|------------------------------------|---------------------|-----------------|-----------------------|
| East 39 th Street South | Residential Street | 50' | 2 lanes |
| South Peoria Ave. | Urban Arterial | 70' | 4 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is abutted on the north by single-family dwellings, zoned RS-3; on the south by a parking lot associated with a video store, zoned PUD-535; on the east by a dry cleaners, a muffler shop and a drive-in restaurant, zoned CH; and on the west, by a single-family residence, zoned RS-3.

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 within the Northern Brookside Business Area.

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

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, the Brookside pilot study, trends in the area and existing nearby land uses, staff can support the requested rezoning and recommends **APPROVAL** of OL for Z-6886.

INTERESTED PARTIES:

Linda Burns, 1562 South Yorktown Place, Tulsa, Oklahoma 74104, stated that she owns the property adjacent to the subject property. The houses to the west are residential and adding light office would increase safety, parking and traffic issues. Ms. Burns concluded that she fears this would create more requests for additional businesses in the subject area.

STAFF COMMENTS:

Ms. Matthews pointed out that the line for the Brookside Business Area has been moved to encompass the subject lot and the two lots to the west.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Burns if she is familiar with the Brookside Infill Study. In response, Ms. Burns stated that she is not familiar with this plan. Mr. Jackson stated that a lot of work has been done by the Brookside Neighborhood Association and Business Association. He explained that the two associations worked together to develop a new format to set a limitation on the intrusion of businesses into neighborhoods. Staff is indicating that the new plan designates the subject property and two more lots to the west as being within those boundaries and is appropriate for OL zoning.

Ms. Burns asked when the Brookside Business Plan was developed. In response, Mr. Stump stated that this process was started three years ago to develop the Brookside Infill Study.

Mr. Westervelt asked Ms. Burns if she resided at this location or has it as rental property. In response, Ms. Burns stated that she no longer lives in the home, but leases it out.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to recommend **APPROVAL** of OL zoning for Z-6886, per staff recommendation.

Legal Description for Z-6886:

Lot 18, Block 1, Newport Addition, a resub of Brockman’s Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located west of the northwest corner of East 39th Street South and South Peoria Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To OL (Office Low Intensity District).**

Application No.: Z-6887

CS TO RS-4

Applicant: Rayanne Tobey

(PD-2) (CD-1)

Location: Northwest corner of West Golden Street and North Denver Avenue

RELEVANT ZONING HISTORY:

Z-6723 December 1999: The homeowners of Brady Heights requested rezoning for many of the properties to an HP (Historic Preservation) category between Marshall and Fairview Streets, the L.L. Tisdale Expressway and west of Main Street. The TMAPC and City Council unanimously approved the request.

Z-6373 November 1992: The homeowners of Brady Heights and Cheyenne Park requested rezoning on an area located east of the Osage Expressway to North Cincinnati Avenue, between Fairview Street and Pine Street from RM-1 to RS-4. This did not include the subject tract. All concurred in approving the rezoning request.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 100’ x 160’ in size and is located on the northwest corner of West Golden Street and North Denver Avenue. The property is flat, non-wooded, contains a single-family dwelling, and is zoned CS.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. # Lanes |
|----------------------|---------------------|-----------------|-----------------------|
| North Denver Avenue | Collector street | 60’ | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is abutted on the north by a catering firm/restaurant, zoned CS; on the south, by the Brady Mansion, zoned RM-1; to the east by single-family residences and a parking lot, zoned RS-4; and to the west, by the L.L. Tisdale Expressway, zoned RM-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as in Special District 1 – NDP Area, and Low Intensity – No Specific Land Use. This is in the Osage-Emerson sector and the Brady Heights neighborhood. Much of the surrounding neighborhood is in a Historic Preservation area.

According to the Zoning Matrix the requested RS-4 **may be found** in accord with Plan, due to its location within a Special District. Plan text policies recommend that commercial properties not so designated on the plan be acquired and converted to residential uses.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing nearby uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of RS-4 for Z-6887.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to recommend **APPROVAL** of RS-4 zoning for Z-6887 per staff recommendation.

Legal Description for Z-6887:

The South 100' of Lot 1 and the South 100' of the East 40' of Lot 2 and the East 20' of the West 60' of the South 78.18' of Lot 2 all in Block 6, North Tulsa Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northwest corner of West Golden Street and North Denver Avenue, Tulsa, Oklahoma, **From CS (Commercial Shopping Center District) To RS-4 (Residential Single-family Highest Density District).**

* * * * *

Application No.: PUD-485-A-3

MINOR AMENDMENT

Applicant: Chase Bales

(PD-26) (CD-8)

Location: 10808 South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow church uses within PUD-485-A.

PUD-485 was approved by the City of Tulsa in 1992. The PUD consists of approximately five acres located at approximately 10808 South Memorial Drive.

The following uses were permitted:

Use Units 13, Convenience Goods & Services; and 14, Shopping Goods and Services; Use Unit 19, Hotel, Motel and Reservation Facilities, except excluding hotel, motel and rifle or pistol ranges; and Use Unit 20, Commercial Recreation: intensive uses including only tennis and volley ball courts, baseball and softball fields and other outdoor recreation fields or courts.

The major amendment PUD-485-A didn't change the permitted uses.

The applicant is proposing to add church use as included within Use Unit 5 as a permitted use. A similar request was made on February 19, 2003 (PUD-485-A-2), at which time the Planning Commission denied the request. The applicant did not demonstrate that the proposed use would be conducted entirely on the CS-zoned portion of the tract. The applicant has submitted revised information that shows the proposed use would be on the CS-zoned portion of the tract.

Staff finds that the proposed church use as included within Use Unit 5 would be permitted by right by the underlying zoning on the CS-zoned portion of the tract and would not result in any increase of incompatibility with the present and future use of the proximate properties. Therefore, staff recommends **APPROVAL** of the request, to permit church uses as included within Use Unit 5 as permitted uses within the CS-zoned portion of the Champions Athletic Complex.

TMAPC COMMENTS:

Mr. Jackson asked about the surrounding land owners who were concerned about their restaurants obtaining liquor licenses. In response, Mr. Stump stated that he doesn't believe this would be an issue. Mr. Stump explained that there are two types of licenses, A-1, which indicates that bars receive more than 50% of their revenue from alcoholic beverage sales, and an A-2, which is less than 50% of their revenue and is considered an accessory bar. Mr. Stump stated that he doesn't believe the spacing requirements from churches are in effect for the

A-2 liquor license. Mr. Stump indicated that he visited with one of the landowners to the north who was concerned about this issue and suggested he check with the ABL Commission. Mr. Stump stated that he has not heard from the interested party and assumes that he would not be impacted by the church use for his restaurant with an accessory bar.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **APPROVE** the minor amendment for PUD-485-A-3 to permit church uses as included within Use Unit 5 as permitted use within the CS zoned portion of the Champions Athletic Complex per staff recommendation.

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OTHER BUSINESS:

Application No.: PUD-617

DETAIL SITE PLAN

Applicant: Jef Falling

(PD-4) (CD-9)

Location: 2123 South Atlanta Place

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a two-story, 5,858 SF general business office for Henderson & Associates. The proposed use, Use Unit 11, Office & Studios, is permitted by PUD-617 development standards.

The site is located at the terminus of Atlanta Place, a private street. Proposed parking meets minimum requirements with 20 spaces provided, 12 of which are located within the 'Area 2' stormwater detention easement. Parking within this easement is permitted per PUD-617 standards with permission of the Public Works Department. Verification of this approval is attached in the form of an e-mail from Ray Whitley. In addition, the proposed parking complies with the 50-foot minimum setback from the south boundary of the PUD as required by the development standards.

Maximum building floor area permitted by PUD-617 standards is 43,500 SF for the entire PUD. This proposed building on the last lot to be developed will bring total floor area in the PUD to 27,623 SF and will meet minimum setback requirements, including the minimum setback of 70 feet from the southern

property lines of Lots 6 and 7 Block 1, Oaklane Addition. At 32.2 feet high, the proposed building is under the maximum 40-foot height permitted. No parking lot lighting is proposed and building-mounted lights will be sconces, with no light source directly visible. No outdoor bulk trash container is proposed and the site meets minimum net landscaped area requirements. Because Atlanta Place is a private street, no street yard requirements apply.

Staff recommends **APPROVAL** of PUD-617 detail site plan on condition that no office uses other than general office uses (no medical & dental offices, clinics & laboratories; funeral homes and union halls; studio or schools) be permitted without TMAPC site plan review.

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

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HILL**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-617 on condition that no offices uses other than general office uses (no medical & dental offices, clinics & laboratories; funeral homes and union halls; studio or schools) be permitted without TMAPC site plan review per staff recommendation.

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COMMISSIONERS' COMMENTS:

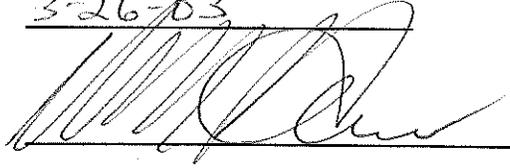
Mr. Westervelt read a letter from Mrs. Hammond thanking the TMAPC for the hard work on PUD-333-A and helping to preserve her oak tree.

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There being no further business, the Chair declared the meeting adjourned at 2:05 p.m.

Date Approved:

3-26-03



Chairman

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ATTEST: Dell Anna Contant
Acting Secretary