

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2341

Wednesday, April 16, 2003, 1:30 p.m.  
Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 14, 2003 at 10:49 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.

**REPORTS:**

**ITEMS TO BE CONTINUED:**

**Application No.:** Z-6875/PUD-679                      **CS/SR/AG to CS/SR/IL/PUD**  
**Applicant:** Bradley Beasley                              (PD-17) (CD-6)  
**Location:** Southwest corner of East Admiral Place and South 161<sup>st</sup> East  
Avenue

**TMAPC COMMENTS:**

Mr. Jackson announced that the applicant has requested a continuance to May 7, 2003.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **CONTINUE** Z-6875 and PUD-679 to May 7, 2003 at 1:30 p.m.

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**Application No.:** PUD-678                              **RS-3 to PUD**  
**Applicant:** Jack Cox                                      (PD-26) (CD-8)  
**Location:** West of northwest corner of East Admiral Place and South 161<sup>st</sup>  
East Avenue

**TMAPC COMMENTS:**

Mr. Jackson stated that the applicant would like a continuance to May 7, 2003.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **CONTINUE** PUD-678 to May 7, 2003 at 1:30 p.m.

**Director's Report:**

Mr. Stump reported that TMAPC does not have any items on the City Council agenda.

Mr. Stump stated that the TMAPC receipts for the month of March 2003 indicate an increase in platting and zoning activities.

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**Commissioner Collins at 1:40 p.m.**

**SUBDIVISIONS:**

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

**L-19487 – Bland Properties, LLC** (991) (PD 23) (County)

**Location:** 916 North Willow Road

**STAFF RECOMMENDATION:**

The applicant purchased a tract of land with three existing dwellings, and is seeking to split the property into three tracts. A waiver of the Subdivision Regulations is being requested because proposed Tracts 1 and 3 would have more than three side lot lines.

In order to comply with the zoning requirements, the County Board of Adjustment will hear a request for three variances of the RS zoning district on Tuesday, April 15, 2003.

In order to comply with the Subdivision Regulations, the applicant has agreed to provide separate water service to each tract, as well as to provide each tract with its own separate sanitary sewer service or separate septic system.

The Technical Advisory Committee suggested that Tracts 1 and 3 be connected to the local sanitary sewer service at some point, but expressed no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the conditions that the County Board of Adjustment approve the necessary zoning variances, and that each proposed tract have its own separate water and sewer/septic service.

**TMAPC COMMENTS:**

Mr. Ledford asked staff how TMAPC would know when the improvements are installed on the property. He explained that he hesitates to approve the lot-split to be recorded prior to the installation of the improvements. In response, Mrs.

Chronister stated that if the Planning Commission elects to approve the lot-split today, then the applicant would have to pay to install the waterlines and sewer lines. She explained that she would receive a letter from the City of Sand Springs verifying this before she stamps the deeds.

Mr. Harmon asked if staff had a problem with the narrow width of 41 feet for one of the lots. In response, Mrs. Chronister stated that the average lot width is 60 feet and the original design was to make the lot 60 feet, but it did not have the 30 feet going back to the center tract (back to the back). That was one of the variances requested through the County Board of Adjustment. Also, on Tract 3, the tract on the north, because of its length, the average lot width is 41.29 feet, and so that one also received a variance of the average lot width.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split, with the conditions that the County Board of Adjustment approve the necessary zoning variances, and that each proposed tract have its own separate water and sewer/septic service, per staff recommendation.

\* \* \* \* \*

**L-19507 – Wayne Alberty** (1193)

(PD 5) (CD 5)

1723 South 79<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant has applied to split a 105' x 150' tract (Tract 1) out of a 165' x 234' parcel. Both tracts meet all the RS-2 zoning bulk and area requirements. A waiver of the Subdivision Regulations is being requested because proposed Tract 2 would have more than three side lot lines.

The Technical Advisory Committee suggested that runoff for Tract 2 should flow north when developed, but expressed no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

**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 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split per staff recommendation.

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**LOT-SPLIT FOR RESCINDING TIE-AGREEMENT:**

**L-19510 – Sack & Associates, Inc.** (3483) (PD 26) (CD 8)  
11681 South Hudson Court

**STAFF RECOMMENDATION:**

In October 2000, L-19130 was approved that split Lot 2, Block 2, Frenchman's Creek into two parcels, and required that each half be tied to the abutting parcel (Lots 1 and 3, respectively). The owners now desire to split a portion of Tract A and add it to Tract B. Both tracts meet all the RS-1 bulk and area requirements.

The applicant is requesting that the tie-agreement for Tract A of L-19130 be rescinded, to allow Tract C to be split off Tract A. The remainder of Tract A will then be tied to Lot 1, and Tract C will be tied to Tract B and Lot 3.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **RESCINDING** the tie language for Tract A of L-19130, and **APPROVAL** of the current lot-split request, L-19510.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **RESCIND** the tie-language for Tract A of L-19130, and **APPROVE** of the current lot-split request, L-19510 per staff recommendation.

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

**L-19512 – Ed Schermerhorn** (773) (PD 21) (County)  
13327 South Yorktown Avenue

**L-19513 – Sack & Associates, Inc.** (2683) (PD 26) (CD 8)  
6808 East 109<sup>th</sup> Street

**STAFF RECOMMENDATION:**

All these lot-splits are in order and staff recommends **APPROVAL**.

**TMAPC Action; 9 members present:**

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

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**FINAL PLAT:**

**South Country Meadows - AG** (3373) (PD-21) (County)  
Northwest corner of East 181<sup>st</sup> Street and South Yale Avenue

**STAFF RECOMMENDATION:**

This plat consists of six lots in one block on 20 acres.

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

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

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**Mr. Ledford announced that he would be abstaining from the following item.**

**Lewis 53 Office Park North** – PUD 502-A (3293) (PD-18) (CD-9)

Northeast corner of South Lewis Avenue and East 53<sup>rd</sup> Street South

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 1.09 acres.

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

**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 8-0-1 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Bayles, Midget "absent") to **APPROVE** the final plat for Lewis 53 Office Park North per staff recommendation.

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**Fossil Ridge** – PUD 673 (1824) (PD-14) (County)

East of the Northeast corner of East 156<sup>th</sup> Street and North Mingo Road

**STAFF RECOMMENDATION:**

This plat consists of 16 lots in one block on 15 acres.

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

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

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

**TMAPC Action; 9 members present:**

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

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**PLAT WAIVER:**

**Z-6779 - CBD-(192)**

(PD 1) (CD 4)

West side of North Elgin Avenue, South of East Archer Street

**STAFF RECOMMENDATION:**

The platting requirement was triggered by Z-6779 which approved CBD zoning on the site in August of 2000.

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

***A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:***

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

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

4. Is right-of-way dedication required to comply with Major Street and Highway Plan.	X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X
6. Infrastructure requirements:	
a) Water	
i. Is a main line water extension required?	X
ii. Is an internal system or fire line required?	X
iii. Are additional easements required?	X



- b) Sanitary Sewer
  - i. Is a main line extension required? X
  - ii. Is an internal system required? X
  - iii. Are additional easements required? X
- c) Storm Sewer
  - i. Is a P.F.P.I. required? X
  - ii. Is an Overland Drainage Easement required? X
  - iii. Is on-site detention required? X
  - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the plat waiver for PUD-6779 per staff recommendation.

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**PUD-390-B – (3693)**

(PD 18) (CD-7)

Northeast corner of East 61<sup>st</sup> Street and South 89<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a major amendment to allow Barber and Beauty Shop uses and new development standards.

**Staff provides the following information from TAC at their February 20, 2003 meeting:**

**ZONING:**

TMAPC Staff: The property is in an existing plat.

**STREETS:**

There is mutual access on lot to the west.

**SEWER:**

Public Works, Waste Water: No Comment.

**WATER:**

Public Works, Water: No Comment.

**STORM DRAIN:**

Public Works, Storm Water: No Comment.

**FIRE:**

Public Works, Fire: No Comment.

**UTILITIES:**

Franchise Utilities: No Comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing platted lot for the site.

**A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:**

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

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

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

**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 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the plat waiver for PUD-390-B per staff recommendation.

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**BOA 19498 – (2592)**

(PD 6) (CD 9)

4635 South Madison Place

**STAFF RECOMMENDATION:**

The platting requirement was triggered by BOA 19498 which granted a special exception for a church use.

***Staff provides the following information from TAC at their April 3, 2003 meeting:***

**ZONING:**

TMAPC staff: There was a special exception granted for a church use on the property where there is an existing structure which will be used for the church in a residential area. The property has been platted (Evergreen Subdivision).

**STREETS:**

No comment.

**SEWER:**

There is a ten-foot easement existing.

**WATER:**

Public Works, Water: No Comment.

**STORM DRAIN:**

Public Works, Stormwater: No Comment.

**FIRE:**

Fire: No Comment.

**UTILITIES:**

Franchise Utilities: No Comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the church use on an existing platted piece of property.

***A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:***

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

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

4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
lii Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on-site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X

- |     |  |   |
|-----|--|---|
| 9.  | Is the property in a P.U.D.?   | X |
|     | a) If yes, was plat recorded for the original P.U.D.   | X |
| 10. | Is this a Major Amendment to a P.U.D.?   | X |
|     | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | X |

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the plat waiver for BOA-19498 per staff recommendation.

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**Z 6878 – (1683)**

(PD 18) (CD 8)

East 88<sup>th</sup> Street, west of South Yale Avenue

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a rezoning from RS-3 and OL to OL. Staff provides the following information from TAC at their April 3, 2003 meeting:

**ZONING:**

TMAPC staff: The property was recently rezoned to OL (office light).

**STREETS:**

Limits-of-No-Access is needed along Yale Avenue. Property is not adequately defined. There may be right-turn access, but check with Mr. SomdeCerff in Traffic Engineering.

*Applicant: The property to the north has a plat waiver and the property is defined to the south.*

**SEWER:**

Public Works, Wastewater: Sewer is located to the south.

**WATER:**

Public Works, Water: Water is accessed across Yale.

**STORM DRAIN:**

Public Works, Stormwater: Onsite detention will be required. Floodplain needs to be defined.

**FIRE:**

Fire: No Comment.

**UTILITIES:**

Franchise Utilities: No Comment.

Staff recommends **DENIAL** of the plat waiver requested. The use proposed is a medical office building and the property has not been previously platted. If the Planning Commission believes that a plat waiver is warranted for this site, staff recommends that the Limits-of-No-Access, and on-site detention be provided per Public Works approval.

**A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:**

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

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

4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X
6. Infrastructure requirements:	
a) Water	
i. Is a main line water extension required?	X
ii. Is an internal system or fire line required?	X
iii. Are additional easements required?	X
b) Sanitary Sewer	
i. Is a main line extension required?	X
ii. Is an internal system required?	X

- iii. Are additional easements required? X
  - c) Storm Sewer
    - i. Is a P.F.P.I. required? X
    - ii. Is an Overland Drainage Easement required? X
    - iii. Is on-site detention required? ✕ X
    - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X\*
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

\* Limits of No Access is required on Yale.

Mrs. Fernandez stated that it has come to her attention that on-site detention is no longer required for the subject site.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing Paul Wilson, 21<sup>st</sup> Properties, stated that the main reason for this application is because the property immediately north was rezoned and rebuilt for a real estate office. The real estate office sought and received a plat waiver. The real estate office has access to Winston, which is the street to the west, and to Yale, which is the arterial street frontage. The Subdivision Regulations have a provision for plat waiver and one of the criteria is that the purposes of the platting can be achieved by other actions (Section 1.9). Mr. Johnsen cited Section 1.9 from the Subdivision Regulations.

Mr. Johnsen explained that he originally thought that there would be detention required on the subject property and limits of no access to Yale. It has been determined that detention will not be required and that can be removed from the plat waiver form. He indicated that his client has no problem with the limits of no access onto Yale and there would be a curb-cut, which was recognized by TAC and it has been done by separate instrument in numerous incidents. The basic purposes of platting can be accomplished and have already been accomplished.



Mr. Johnsen stated that he doesn't find in the Subdivision Regulations that there is provision for requiring limits of no access on non-arterial streets. There is a specific provision that if the subject property abuts an arterial street, the Planning Commission may require, and usually does, limits of no access. The argument could be made that if you were platting the subject property and if the Subdivision Regulations don't require access limitations, then it wouldn't be appropriate for the Planning Commission to impose them.

Mr. Johnsen commented that Mrs. Fernandez referred to an interpretation of the Board of Adjustment (BOA) that was made several years ago, which is a dilemma. The interpretation has always been that if the property was across from a residential district and the only thing separating them was a non-arterial street, then screening would be required along the boundary except the points of access. This interpretation came up during the development of the Sonic restaurant on South Lewis, and the BOA determined that it didn't include the access points and screening was required along the entire boundary. He indicated that Mrs. Fernandez is stating that his client would have to have a screening fence along the boundary next to the residential area, and if that is true, then there would be no access. This interpretation is either not known to the permitting department or is ignored. If this interpretation were to be enforced, then the remedy is a request for a variance because it comes from the Zoning Code and not the Subdivision Regulations. Mr. Johnsen concluded that the only thing that he cannot answer a "yes" to is that the property has not been previously platted and the restrictive covenants are irrelevant on a commercial tract. The subject property is in compliance with all of the criteria except that the property has not been previously platted.

Mr. Johnsen concluded that the subject property is one parcel, one building, which is properly zoned. There is a provision in the Subdivision Regulations for a plat waiver and one has been granted on the property immediately adjacent to the subject property. Therefore it should be granted on the subject property.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Johnsen if he is concerned that the subject property has not been adequately described by surrounding platted properties or street right-of-way. In response, Mr. Johnsen stated that he is not concerned about this because he knows that the subject property has been conveyed for a number of years and has a legal description that adequately describes the property. Mr. Johnsen indicated that there are three sides that have been defined by streets or platting. He stated that there is one side, the boundary line between two parcels for over 35 years, that would be impacted by this.

Mr. Westervelt asked Mr. Johnsen what the driving factor for requesting a plat waiver. In response, Mr. Johnsen stated that his client is cost conscious and platting is expensive and is time consuming.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the plat waiver for PUD-6878 with the condition of limits of no access on Winston and Yale.

Mr. Stump stated that making the condition of limits of no access would inform the purchaser that he can't use it for access and a site plan is showing access onto Winston, which is not allowed by the Zoning Code.

Mr. Johnsen stated that what is before the Planning Commission is the Subdivision Regulations and they do not provide for limitations of access on non-arterial streets. If Mr. Stump is right in his interpretation, then he would have to seek a variance and if he is granted the variance, he would have the access. This is a zoning issue and not a Subdivision Regulation issue. Mr. Johnsen requested the Planning Commission to decide according to their Subdivision Regulations.

Mr. Stump advised the Planning Commission to consult their counsel on powers in this regard rather than trusting the applicant's counsel.

Mr. Johnsen submitted the Subdivision Regulation to Mr. Romig, referring to Section 2.c.

Mr. Romig stated that he believes the Planning Commission could require the limits of no access. There is nothing in this language that states it is prohibited.

Mr. Westervelt suggested that this application be continued in order to allow Legal time to review this issue.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **RECONSIDER** the plat waiver for Z-6878.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **CONTINUE** the plat waiver for Z-6878 to April 23, 2003 at 1:30 p.m.

\*\*\*\*\*

**EXTENSION OF PRELIMINARY PLAT:**

**Southcrest Medical Campus II – PUD 559/Z5888-SP-1** (PD 18) (CD 8)  
(1884)

Northeast corner of East 91<sup>st</sup> Street and South 101<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, in one block, on 5.03 acres, with one reserve.

Staff recommends **APPROVAL** of the extension of the preliminary plat for six months.

**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 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the extension of the preliminary plat for Southcrest Medical Campus II for six months, subject to the following conditions: 1) the unplatted property to the north (if being used as an access to the subject lot) shall be reserved as a mutual access and standards established for the street, 2) along 91<sup>st</sup> Street (south) access be approved per Traffic Engineering, per staff recommendation.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING:**

**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 185<sup>th</sup> East Avenue.

**STAFF RECOMMENDATION:**

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 12 acres in size and is located on the north side of U. S. Highway 64 and east of South 185<sup>th</sup> East Avenue. The property is flat, partially-wooded, vacant, zoned AG and entirely

within the 100-year floodplain of the Arkansas River. The tract is approximately eight feet below Highway 64 and would be covered by four to six feet of floodwaters during a regulatory flood. The northeast corner of the property is in the floodway.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
U. S. Highway 64	Primary arterial in this area	120'	2 lanes
South 185 <sup>th</sup> East Avenue	Secondary arterial	100'	2 lanes

**UTILITIES:** The applicant proposes a well and septic on this property.

**SURROUNDING AREA:** The subject property is abutted on the north, south, southeast, and west by vacant land, zoned AG and to the east and northeast is the Arkansas River, zoned AG. To the northwest is Leonard Mountain, a heavily wooded large-lot residential area that also contains a small airport and below-ground, a geological (seismic) monitoring station.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment.

Under the Guidelines, the subject property could not meet the criteria for any type of medium intensity node, since it is not at an intersection of arterial streets. According to the Zoning Matrix, the requested IL or CG **is not** in accord with the Development Guidelines.

**STAFF RECOMMENDATION:**

Based on the Development Guidelines and existing physical facts, staff cannot support either IL or CG for the property and therefore recommends **DENIAL** of IL or CG zoning for CZ-319.

**Applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **DENIAL** of the IL or CG zoning for CZ-319 as recommended by staff.

\* \* \* \* \*

**ZONING PUBLIC HEARING**

**Application No.:** CZ-321

**AG to CG**

**Applicant:** Jack H. Catlett

(PD-23) (County)

**Location:** 14117 West 41<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

**CZ-312 October 2002:** All concurred in approval of a request to rezone a 132' x 320' tract located north of the northwest corner of West 41<sup>st</sup> Street South and South 129<sup>th</sup> West Avenue from RE to CS for the expansion of a mini-storage facility.

**CBOA-1838 April 2001:** The County Board of Adjustment approved a request for a special exception to allow a Bed and Breakfast facility along with a driving range and recreation area within an AG-zoned district. The property is located north and west of the northwest corner of West 41<sup>st</sup> Street South and South 137<sup>th</sup> West Avenue and north of the subject property.

**CBOA-1750 July 2000:** The Board approved a request for a special exception to allow Use Unit 16, mini-storage facility, on property located on the northwest corner of West 41<sup>st</sup> Street and South 129<sup>th</sup> West Avenue.

**CZ-255 September 1999:** All concurred in approval of a request to rezone the 2.5-acre tract abutting the subject property on the east, from AG to CS for a combined mini-storage, office and residential use.

**CZ-249 February 1999:** A request to rezone a 1.7-acre tract located on the northwest corner of West 41<sup>st</sup> Street and South 129<sup>th</sup> West Avenue from RE to CS for commercial retail development was approved.

**CBOA-897 June 1989:** The Board denied a request for a use variance to allow a transmission repair business in an AG-zoned district on the subject property.

**CBOA-690 November 1986:** The Board of Adjustment approved a special exception to allow a church use in an RE-zoned district and a variance to allow gravel parking. The property is located east of the subject tract at 13100 West 41<sup>st</sup> Street South.

**CBOA-389 September 1983:** The Board of Adjustment approved a variance to allow two dwelling units per lot of record in an AG-zoned district for family members only, located west of the northwest corner of West 41<sup>st</sup> Street South and South 137<sup>th</sup> West Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately five acres in size and is located west of the northwest corner of West 41<sup>st</sup> Street South and South 137<sup>th</sup> West Avenue. The property is sloping, partially wooded, contains a single-family dwelling with an automobile repair business, and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 41 <sup>st</sup> Street South	Primary arterial	120'	2 lanes

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

**SURROUNDING AREA:** The subject property abuts vacant property on the north, zoned AG; to the south and west by single-family dwellings, zoned AG; to the southeast by a single-family development, zoned RE; and to the east by a residence, a number of outbuildings and a commercial business, 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 tract as a Commercial Node.

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

Because the property in question lies within the Sand Springs planning area, this case was referred to the Sand Springs Planning Commission for comment. That body recommended approval of the request.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, zoning and BOA actions in the area and recommendations from the Sand Springs Planning Commission, staff can support the rezoning request and recommends **APPROVAL** of CG zoning for CZ-321.

**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 **CARNES**, the TMAPC voted **9-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to recommend **APPROVAL** of CG zoning for CZ-321 per staff recommendation.

**Legal Description for CZ-321:**

The W/2 of the following described tract of land, Lot 4, Bowles Acres in the S/2 of the SW/4, Section 21, T-19-N, R-11-E, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point 921.6' East of the Southwest corner of Section 21, T-19-N, R-11-E; thence North 708.7'; thence East 307.2'; thence South 708.7'; thence West 307.2' to the Point of Beginning, containing five acres, more or less, less and except the South 50' thereof, and located west of the northwest corner of West 41<sup>st</sup> Street South and South 137<sup>th</sup> West Avenue, Sand Springs, Oklahoma, **From AG (Agriculture District) To CG (Commercial General District).**

\* \* \* \* \*

**Application No.: PUD-564-A**

**MAJOR AMENDMENT**

**Applicant:** Charles E. Norman

(PD-17) (CD-5)

**Location:** North and east of northeast corner of East 31<sup>st</sup> Street and South Memorial Drive.

**STAFF RECOMMENDATION:**

PUD-564 was approved by the City Council in August 1997. The PUD consists of 5.47 acres located north and east of the northeast corner of East 31<sup>st</sup> Street and South Memorial Drive. PUD-564 permitted the expansion of an existing automobile and light truck sales and office building into the northwest part of the tract and permitted the remainder of the site, except the east 80 feet to be used for off-street parking for employees and customers and for the storage of automobiles and light truck awaiting repair and sale. The east 80 feet of the tract was developed as channel for Audubon Creek with a capacity to carry the 100-year storm runoff.

Riverside Nissan has contracted to purchase from Carpenter's Union Local No. 943 a 2.6-acre tract adjacent to the existing dealership which is the subject of PUD-564-A.

Located on the Carpenter's Union property is a building containing approximately 13,000 square feet constructed in 1971, which is currently used for the offices of the staff of the union, meetings and banquet facilities and substantial shop areas for carpenter apprenticeship programs.

The purposes of PUD-564-A are:

1. To add the Carpenter's Union property to PUD-564 with the property originally included in PUD-564 described as Development Area A and the Carpenter's Union property described as Development Area B;
2. To permit the Carpenter's Union property within Development Area B to be used for offices for the sales staff and for customer conferences and for the display for sale of new and used automobiles and light trucks (Development Area A less the east 80 feet is within a CZ zoning district; no additional zoning is required for the building floor area proposed for Development Area B); and
3. To establish development standards for Development Area B.

The proposed Development Area B is abutted on the east by two single-family residences fronting on East 28<sup>th</sup> Place. A drainageway from underneath I-44 crosses the northeasterly part of the site as shown on Exhibit C, Drainage Plan, and will remain undisturbed. The existing buffer area to the single-family residences along the easterly boundary of Development Area B will be tied to the drainageway within Development Area B. Area B will be screened and landscaped as described under screening and landscaping and as indicated on Exhibit B.

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-564-A as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.



Therefore, staff recommends **APPROVAL** of PUD-564-A subject to the following conditions:

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

**DEVELOPMENT AREA A**

**Land Area:**

Net	5.47 Acres	238,273 SF
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**Permitted Uses:**

Those uses included within Use Unit 10, Off-Street Parking; Use Unit 11, Offices and Studios; and automobile and light truck service and repair, if conducted within an enclosed building, and automobile and light truck storage.

<b>Maximum Building Floor Area:</b>	15,000 SF
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<b>Maximum Building Height:</b>	35 FT
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**Minimum Building Setbacks:**

From the east boundary of the Development Area	200 FT
From the south boundary of the Development Area	200 FT
From the west boundary of the Development Area	0 FT
From the north boundary of the Development Area	0 FT

**Minimum Bulk Waste Container Setbacks:**

From the east and south boundaries of the Development Area	200 FT
From the west and north boundaries of the Development Area	0 FT

**Minimum Setback for Storage of Inoperative Vehicles Awaiting Repair:**

From east and south boundaries of PUD	200 FT
From west and north boundaries of PUD	0 FT

**Off-Street Parking:**

1. As required by the permitted uses and applicable use unit of the Tulsa Zoning Code.
2. All auto and light truck storage and parking areas shall have an all-weather dust-free surface.

**Wrecked or Inoperative Vehicles:**

Wrecked or inoperative vehicles shall not be stored within the property except for vehicles awaiting repair within the property. No wrecked or inoperative vehicle shall be stored for more than 30 days without the repairs being completed.

**Signage:**

No ground or wall signs shall be permitted within the property other than directional signs not exceeding three square feet of display surface area each.

**Internal Landscape Open Space:**

Landscaped open space equal to a minimum of fifteen (15) percent of the net area of the property shall be provided as required by the approved text of the PUD and in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code. A landscaped open area with a minimum width of 80 feet shall be maintained along the east boundary of the Development Area. A security fence shall be constructed outside of the 80 feet wide landscape buffer area to protect automobiles and trucks within the storage area. The west 100 feet of the eastern 180 feet of the southern boundary shall be adequately screened by either a screening fence or landscape approved as a part of the detail landscape plan.

## DEVELOPMENT AREA B

### Land Area:

Net	2.595 Acres	113,055 SF
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### Permitted Uses:

Those uses included within Use Unit 10, Off-Street Parking, Use Unit 11, Offices and Studios, and display for sale of new and used automobiles and light trucks.

<b>Maximum Building Floor Area:</b>	12,000 SF
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<b>Maximum Building Height:</b>	20 FT
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### Minimum Building Setbacks:

From easterly boundary of the Development Area	100 FT
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From southerly boundary of the Development Area	85 FT
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From westerly boundary of the Development Area	0 FT
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From northerly boundary of the Development Area	50 FT
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### Minimum Bulk Waste Container Setback:

No exterior trash collection facilities shall be located within 150 feet of the easterly boundary of Development Area B.

### Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code. All parking areas for the display for sale of automobiles and light trucks shall have an all-weather, dust-free surface.

### Signage:

1. One ground sign shall be permitted along the I-44 service road frontage which shall not exceed 160 square feet of display surface area and 25 feet in height. Such ground sign shall be located at least 225 feet from the easterly boundary of Development Area B.
2. Wall signs shall be permitted not exceeding two square feet of display surface area per lineal foot of building wall to which attached, provided wall signs shall not be permitted on the easterly or southerly facing building walls within Development Area B.

3. Internal Landscaped Areas:

A minimum of fifteen percent of the net land area shall be developed in accord with the Landscape Chapter of the Tulsa Zoning Code and in accord with the screening and landscape plan, Exhibit B, provided areas for the display for sale of automobiles and light trucks shall not be considered as required off-street parking for the administration of the off-street parking and Landscape Chapter requirements of the Tulsa Zoning Code.

4. The landscaped buffer area in Development Area A shall be tapered to follow the existing easternmost driveway in Development Area B and then widened to include an area approximately 140 feet wide at the northeastern corner of Development Area B. Deciduous trees shall be installed within the new landscaped area as shown on Exhibit B, screening and landscaping plan, with a minimum caliper of two inches and a minimum height of ten to twelve feet at planting, spaced approximately 25 feet apart to permit canopy development.

A six feet high or higher solid screening fence shall be constructed on the westerly side of the landscaped area within Development Area B to a point at the north boundary of Lot 11, Block 2, Candlelight Addition and then connected to the northwest corner of that lot. The extension of the screening fence shall create a visual barrier between the two residences adjacent to Development Area B and the vehicles displayed and an effective physical barrier to prevent trespassers from entering the landscaped buffer area.

5. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

8. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
9. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
10. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard shall be located within 80 feet of the east boundary of Development Area A. No light standard shall be located within the landscape buffer area along the easterly boundary of Development Area B as shown on the screening and landscape plan, Exhibit B. Light standards within 100 feet of the easterly boundary of Development Area B shall not exceed 16 feet in height. No light standard nor building-mounted light shall exceed 25 feet in height.
11. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
16. An external public address speaker system shall be prohibited.

17. There shall be no access from the PUD to East 28<sup>th</sup> Place South.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to recommend **APPROVAL** of the major amendment for PUD-564-A per staff recommendation.

**Legal Description for PUD-564-A:**

**DEVELOPMENT AREA A:** A TRACT OF LAND BEING PART OF LOT EIGHT (8), BLOCK ONE (1), GROVELAND ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT 8; THENCE S 48°34'30" W ALONG THE NORTHERLY LINE OF LOT 8 A DISTANCE OF 528.67 FEET TO THE NORTHWESTERLY CORNER OF LOT 8; THENCE S 00°35'30" E ALONG THE WEST LINE OF LOT 8 A DISTANCE OF 351.82 FEET TO A POINT; THENCE NORTHEASTERLY TO A POINT ON THE EAST LINE OF LOT 8, SAID POINT BEING N 00°35'30" W A DISTANCE OF 505 FEET FROM THE SOUTHEAST CORNER OF LOT 8; THENCE N 00°35'30" W ALONG THE EAST LINE OF LOT 8 A DISTANCE OF 572.19 FEET TO THE NORTHEAST CORNER OF LOT 8 AND THE POINT OF BEGINNING. **DEVELOPMENT AREA B:** ALL OF LOT SEVEN (7), BLOCK ONE (1), GROVELAND ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND VACATED SOUTH 85TH EAST AVENUE RUNNING THROUGH AND ADJACENT TO SAID LOT SEVEN (7), BLOCK ONE (1), GROVELAND ADDITION, and located north and east of the northeast corner of East 31<sup>st</sup> Street South and South Memorial Drive, Tulsa, Oklahoma, **From RS-2/CS/PUD-564/OM (Residential Single-Family Medium Density District/Commercial Shopping Center District/Planned Unit Development/Office Medium Intensity District) To RS-2/OM/CS/PUD-564-A (Residential Single-Family Medium Density District/Office Medium Intensity District/Commercial Shopping Center District/Planned Unit Development).**

\* \* \* \* \*

**Application No.: PUD-355-B-3**

**MINOR AMENDMENT**

**Applicant:** Ricky Jones

(PD-18) (CD-8)

**Location:** North and west of the northwest corner of East 91<sup>st</sup> Street and South Yale Avenue

**STAFF RECOMMENDATION:**

The applicant has made the following request:

Applicant requests a minor amendment of the required 50-foot building setback on the east side of Lot 7 to 40 feet.

In order to permit a lot-split, the applicant requests a minor amendment to split the west ten feet of Lot 7 and attach it to Lot 6. Additionally, the applicant requests an amendment to the maximum permitted building area for Lot 7 to 8,000 square feet and for Lot 6 to 13,750 square feet. Existing five-foot building lines between Lots 6 and 7 are to be relocated along the new property line.

PUD-355-B consists of 10.29 acres located north and west of the northwest corner of East 91<sup>st</sup> Street and South Yale Avenue. The PUD is approved for office and commercial uses. PUD-355-B was approved by the City Council in July, 2000.

Development Area B-5 (Lot 6) has a net land area of 28,975 SF. Uses are those permitted by right in an OL district. The maximum building floor area for Development Area B-5 (Lot 6) is 10,000 SF.

Development Area B-6 (Lot 7) has a net land area of 32,653 SF. Uses are those permitted by right in an OL district. The maximum building floor area for Development Area B-6 (Lot 7) is 11,750 SF.

Staff finds the request to change the building setback on the east side of Development Area B-6 (Lot 7) from 50 feet to 40 feet; split the west ten feet of Development Area B-6 (Lot 7) and attach it to Development Area B-5 (Lot 6); change the maximum building floor area for Development Area B-6 (Lot 7) from 11,750 SF to 8,000 SF; and change the maximum building floor area for Development Area B-5 (Lot 6) from 10,000 SF to 13,750 SF to be minor in nature and that the approved PUD standards are not substantially altered. Therefore, staff recommends **APPROVAL** of the request. The existing five-foot building lines between Lots 6 and 7 shall be relocated along the new property line.

**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 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the minor amendment for PUD-355-B-3 per staff recommendation.

\* \* \* \* \*

**Application No.: PUD-206-15**

**MINOR AMENDMENT**

**Applicant:** Michael Marrara

(PD-18) (CD-8)

**Location:** South and west of southwest corner of East 91<sup>st</sup> Street and South Sheridan Avenue

**STAFF RECOMMENDATION:**

The applicant's requesting a minor amendment to allocate floor area to a 1.69-acre tract located south and west of the southwest corner of East 91<sup>st</sup> Street and South Sheridan Road.

The subject tract is a part of Development Area A of PUD-206. Development Area A consists of 15 acres and was approved in 1977 for retail commercial uses ("...as permitted within a CS district") not to exceed 200,000 square feet of floor area. To date, pursuant to various minor amendment and site plan applications, 116,986 square feet of floor area has been allocated to three platted areas (Food Lion Plat-4889, Walgreen I Plat-4928, and Boatmen's Bank Plat-5061). Assuming a proportional allocation of floor area to land area, the site allocation is computed at 11.3%, which equals 22,600 square feet.

Staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. Requirements of PUD-206 as amended shall apply unless modified below.
2. Development Standards:

**SUBJECT TRACT**

**Land Area:** 1.69 Acres

**Maximum Building Floor Area:** 22,600 SF



**Maximum Building Height:**

One story, not to exceed 26 feet.

**Minimum Building Setback from west boundary of tract:** 25 FT

**Minimum Landscape Requirements:**

Internal landscaped areas shall be provided in accord with the provisions of the PUD and Landscape Chapter of the Tulsa Zoning Code.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the minor amendment for PUD-206-15 per staff recommendation.

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**Application No.: PUD-253-B-2**

**MINOR AMENDMENT**

**Applicant:** Bruce Anderson

(PD-18) (CD-9)

**Location:** Southwest corner of East 51<sup>st</sup> Street and South Marion

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to allow an additional 36 square feet of display surface area to an existing sign.

PUD-253 consisted of 1.345 acres located at the southwest corner of East 51<sup>st</sup> Street and South Marion Avenue. The PUD was approved by the City in 1981 for commercial and office uses. PUD-253-A was approved by the City in 1983. The size of the PUD was increased from 1.345 acres to 2.2 acres and the sign standards were amended and are as follows:

**Ground Signs:**

No more than two ground signs shall be permitted and shall be located at the principal entry on 51<sup>st</sup> Street.

Display Surface Area

Maximum per sign 60 SF

Height (Maximum) above grade of abutting street. 6 FT

**Wall or Canopy Signs:**

Aggregate display surface area not exceeding one and one-half (1 ½) square feet per each lineal foot of the building wall to which the sign or signs are affixed shall be permitted, provided that wall signs nor non-office use areas in Building 1 shall be limited to locations on the lower inset fascia of the existing canopy of each building frontage. Signage for the office use on the east portion of Building 1 shall be submitted for review and approval by the TMAPC prior to installation.

A minor amendment (PUD-253-B-1) was approved by TMAPC in May 1987. This minor amendment allowed the applicant to relocate an existing shopping center identification sign (12 feet wide and 20 feet tall) that was located on South Harvard Avenue to the northeast corner of the PUD (southwest corner of East 51<sup>st</sup> Street and South Marion Avenue). This is the sign to which the applicant is proposing to add 36 square feet of display surface area.

PUD-253-C added restaurant uses as a permitted use in a portion of the PUD. This major amendment (PUD-253-C) was approved by the City Council in December, 1991. The minutes of the November 6, 1991 TMAPC meeting stated that interested parties had concerns of an overabundance of signs in the area and they wanted to ensure that no additional signs were added.

The original PUD approved two ground signs with a maximum display surface area of 40 square feet each and a maximum height above grade of abutting street of five feet. PUD-253-A, in part, increased the display surface area to 60 square feet each and the maximum height to six feet. PUD-253-B-1 permitted one of the ground signs to be 20 feet tall and 12 feet wide. The proposed sign is located on Lot 2, Block 1, Southern Hills 2<sup>nd</sup> Addition. The underlying zoning on Lot 2 is OL. Lot 2 is 125 feet deep and is abutted on the south by single-family dwellings.

Staff finds the request to add 36 square feet of display surface area to an existing sign would substantially alter the approved signage and the character of the sign. Therefore, staff recommends **DENIAL** of the request.

**Applicant's Comments:**

**Bruce Anderson**, 9520 East 55<sup>th</sup> Place, Tulsa, Oklahoma 74145, stated that the existing sign will be rebuilt and redesigned. The sign was built in 1985 and moved over in 1987. He explained that after the sign is rebuilt it could be used in the future for other property within the subject area.

Mr. Anderson stated that he is currently allowed 60 square feet of display surface area and through this amendment the sign would be downsize. The sign would be eight feet wide, but adding square footage on the inner-section of the sign. He commented that technically he would be increasing the square footage of signage, but it would be smaller in width.

Mr. Anderson explained that if he removed six feet from the middle of the existing sign to the bottom, then he believes he would be in compliance with the current PUD and have the sign proposed. He indicated that if he is not allowed the 36 square footage he is proposing then he would be willing to hold at 60 square feet.

**TMAPC COMMENTS:**

Mr. Westervelt stated that the existing sign has open space, but the new sign is solid appears to be a complete monument sign. In response, Mr. Anderson stated that the tenants need the new sign for identification and advertising.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Anderson if he discussed his application with staff regarding a lower monument-style sign with the same tenant acknowledgements. In response, Mr. Stump stated that staff did not discuss a monument sign with the applicant. Mr. Stump further stated that a monument sign could be a visibility obstruction because it would be located at an intersection of a residential street and would be difficult to see oncoming cars on 51<sup>st</sup> Street.

Mr. Anderson stated that his client would prefer to leave the seven-foot height from grade to the bottom of the sign open so there would be no problem with visibility regarding traffic.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **DENY** the minor amendment for PUD-253-B-2 as recommended by staff.

**Mr. Westervelt out at 2:28 a.m.**

**Application No.: PUD-587-5**

**MINOR AMENDMENT**

**Applicant:** Michael Marrara

(PD-180 (CD-8))

**Location:** West of southwest corner of East 81<sup>st</sup> Street and South Yale Avenue

**STAFF RECOMMENDATION:**

The applicant is proposing to split Lot 2, Block 4, Village Park II and reallocate floor area. PUD-587-4 (minor amendment) allocated a maximum building floor area of 35,000 SF to Lot 2. The applicant is proposing to create two tracts out of Lot 2. It is proposed that Tract 1 of Lot 2 be allocated 26,000 SF of floor area and Tract 2 of Lot 2 be allocated 9,000 SF.

Staff finds the request to be minor in nature; therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. Requirements of PUD-587 as amended shall apply unless modified below.
2. Development Standards:

**TRACT 1 OF LOT 2**

<b>Land Area:</b>	2.063 Acres	89,867.25 SF
<b>Maximum Building Floor Area:</b>		26,000 SF

**TRACT 2 OF LOT 2**

<b>Land Area:</b>	1.245 Acres	54,219.75 SF
<b>Maximum Building Floor Area:</b>		9,000 SF

**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 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Bayles, Midget, Westervelt "absent") to **APPROVE** the minor amendment for PUD-587-5 per staff recommendation.

\* \* \* \* \*

**Mr. Westervelt in at 2:30 p.m.**

**Application No.: PUD-586-A-2**

**MINOR AMENDMENT**

**Applicant:** Darin Akerman

(PD-18) (CD-8)

**Location:** Northeast corner of East 91<sup>st</sup> Street and Mingo Valley Expressway

**STAFF RECOMMENDATION:**

The applicant is requesting modification of screening requirements around perimeter of a cooling tower area and dumpster associated with the Heart Hospital site plan.

The applicant proposes to keep one-half of the masonry screen wall for the bulk trash container area in the dock as currently planned but eliminate the other half and gate, as illustrated on attached Exhibits 2, 3 and 4. Exhibits 2, 4 and 5 reflect that the dumpster is not exposed to any public parking areas, public streets, or any adjacent properties. The amendment also proposes to eliminate the masonry screen wall partially enclosing the cooling tower and emergency generator area, as shown on the 11/12/02 dated detail landscape plan approved by TMAPC, in favor of a six-foot chain link fence with semi-transparent mesh fabric panels and increased evergreen landscape screening surrounding the cooling tower and generator area, as shown on attached Exhibits 2 and 5.

Staff finds that the request is consistent with the intent of the PUD standards and not a substantial deviation from the original approved plans. Therefore, staff recommends **APPROVAL** of the request per the submitted plans.

**TMAPC COMMENTS:**

Mr. Harmon stated that he thought this issue had been discussed before and the Planning Commission wanted the screening fence on both sides of the gate because of the types of activities that go with a dumpster. In response, Mr. Dunlap stated that staff believes that with the applicant's submittal achieves the issues that were of concerned and it is consistent with the intent of the previous approval.

Mr. Harmon stated that the previous discussion was regarding the types of materials that would be in the dumpster. In response, Mr. Stump stated that the proposal is for a compactor-type of trash disposal, which is tied into a disposal chute and is totally sealed. Mr. Stump suggested that the Planning Commission may want to make it a condition that this type of trash container has to be installed.

Ms. Hill asked Mr. Stump if he was comfortable with the semi-transparent mesh fabric panels on the chain-link fence. In response, Mr. Stump stated that he is comfortable with for this one application only because of its location at the back with another building directly across from it that is a utility-type building and the landscaping that is provided.

Mr. Westervelt asked Mr. Johnsen what the overriding drive is to make this adjustment proposed today. In response, Mr. Johnsen stated that he did not participate in the initial site plan, but Mr. Cooper, property manager for Warren Properties, wrote a two-page letter explaining that it is not a matter of cost, but this would be softer with the landscaping being provided.

Mr. Westervelt acknowledged that he read the letter and it didn't make sense to him to propose an alternative screening. He commented that slats are as good as they are going to be on day one and this is an institutional development that had masonry walls around the dumpster. He is surprised to see this effort to make this change. In response, Mr. Johnsen stated that it is not a dumpster, but a compactor. Mr. Johnsen explained that they are maintaining a wall on one side, but the other side is where the loading dock area is located and then there is an equipment building past it and would not really be screened from anything. The compactor is enclosed and it is not a normal dumpster.

Ms. Hill asked if the mesh was for safety reasons. In response, Mr. Johnsen stated that he understood the mesh to be around the cooling tower. Mr. Stump stated that the mesh is proposed around the cooling tower, and because of its location, it would need better air circulation.

Ms. Hill stated that her concern is that in the future the mesh is going to tear and be unsightly, whereas masonry wouldn't. In response, Mr. Johnsen stated that it is possible that the mesh could become unsightly, but the Warren Foundation has a high maintenance level. In response, Ms. Hill stated that she understands, but she is concerned about the mesh. In response, Mr. Johnsen stated that he normally would agree with Ms. Hill, but the landscaping has been increased and no one will be able to see this area.

Mr. Ledford stated that this is a cooling tower for the central plant and it is necessary for it to breathe. This is located across from the driving lane and behind the cooling of the central plant building.

**Interested Parties:**

**Sarah Anthony**, 11010 East 85<sup>th</sup> Place, Tulsa, Oklahoma 74133, stated that her house is north of the proposed area and she requested clarification. She asked if the changes would be acceptable for any future development that may occur near her property. She commented that she is not in favor of the minor changes.

Mr. Stump stated that the proposal is only specific to the trash compactor and it is not waived for any other development on the tract.

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

Mr. Harmon stated that he would like it to be noted that this is a fully sealed, self-contained compactor and no over-top units can be used or allowed (including trash bins or dumpsters).

Mr. Westervelt stated that he could not support this application. If money is not an object and unless a mechanic or engineer can explain why there would be a problem with circulation to have the masonry wall, he doesn't believe the relief is needed. The only place the mesh should be is on tennis courts' galvanized fences and not in an institutional development.

Mr. Horner inaudible.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-2-0 (Carnes, Collins, Coutant, Harmon, Horner, Jackson, Ledford, "aye"; Hill, Westervelt no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the minor amendment for PUD-587-5, subject to the condition that the compactor be fully sealed and self-contained and that no over-top units, trash bins or dumpsters be allowed as recommended by the Planning Commission.

\* \* \* \* \*

**OTHER BUSINESS:**

**Application No.: PUD-670**

**DETAIL SITE PLAN**

**Applicant:** Ricky Jones

(PD-6) (CD-9)

**Location:** Southwest corner of East 31<sup>st</sup> Street and South Rockford

**STAFF RECOMMENDATION:**

Development Standards for PUD-670 require that "The screening wall along 31<sup>st</sup>, the private drive gating and entry features and the fencing along Rockford shall require submission and approval of a supplemental detailed plan (including

landscaping)". Submitted for review at this time are plans for the 31<sup>st</sup> Street screening wall, private-drive gating and entry features. No landscaping plans related to the wall and gate/entry features have been submitted. Other than the aforementioned requirement for review of landscaping, neither the PUD Development Standards nor TMAPC action indicates specific landscape features and detail required. Most landscaping per the PUD concept plan is contained within 31<sup>st</sup> Street and S. Rockford rights-of-way.

In compliance with Development Standards, the proposed screening wall is of masonry construction, is not less than seven feet in height and is to be constructed along the north boundary of the PUD (31<sup>st</sup>) excepting the point of gated access and within 40 feet of the centerline of Rockford Drive.

In addition to the above requirements, the entry gates must receive detail site plan approval from Traffic Engineering and the Tulsa Fire Department. Such approval has been received from Traffic Engineering, but has not yet been received from the Tulsa Fire Department.

Staff recommends **APPROVAL** of PUD-670 detail site plan on condition (1.) that the gated entry be approved by the Tulsa Fire Department, and (2a.) that a landscape plan be submitted and approved or (2b.) that a landscape plan is not necessary.

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

Mr. Stump stated that he understands that the Fire Department has already approved the proposed gates.

Mr. Stump asked the Planning Commission if the requirement to see the landscaping plan is still requested. In response, Mr. Westervelt stated that he would like to see the detail. In response, Mr. Stump suggested the Planning Commission consider what is before them today and wait submittal for the details of the fence along Rockford and the landscaping.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that he is surprised about the requirement to not approve the final plat until the fence along Rockford is submitted and approved. He objects to this requirement and fails to see the need for it. He explained that the plat is ready to be filed and detail site plan is required and will be submitted. He suggested that this requirement is a new process of which he was unaware.

Mr. Stump stated that the reason for staff to propose the requirement is because this is not a commercial subdivision where occupancy permits could be withheld until the appropriate screening fences are in place or parking spaces provided.



When this plat is recorded, the developer will be able to sell lots to individuals to build their homes as they want and there is a choice of either saying "...because the fencing was never approved along the front as required by the PUD we refuse to issue a building permit", which hurts the innocent party who purchased the lot and expected to build their home. This should all be settled before the developer markets these lots to the public and that would be the most appropriate time, because the purchaser is aware of this requirement and that it has to be satisfied.

Mr. Johnsen stated that this is unnecessary and there may be a variation in a development and the standards for the required walls have been established. He commented that the fences may not be a uniformed perimeter wall. The covenants require recitation of these considerations, and people purchasing the lots of this quality would know about that up front. There are enforcement procedures in place to make sure the walls are installed and are appropriate. He doesn't understand why the plat should be held up and delay the process.

Mr. Westervelt asked Mr. Johnsen if he had a solution for this issue. In response, Mr. Johnsen stated that there is a problem when the plat is being held. Mr. Johnsen suggested that when the lot comes in for a permit then the front screening wall has to be submitted.

Mr. Stump stated that this is the type of situation that the Planning Commission didn't want. He understood that the Planning Commission did not want eight individual screening fences along the front of Rockford. In response to Mr. Johnsen, Mr. Stump stated that the Planning Commission, City Council and the neighbors thought they were getting a unified treatment of the fencing along Rockford and that is why they asked to review the design of it. If each individual property owner is going to be responsible for installing the fence, then one might put up a rock base, another brick base, and one could have white pickets and another black pickets, etc. There was a perception by the City Council, the neighborhood and the Planning Commission that this would be done by the developer and it would a unified treatment to identify it as a cohesive development. The two off-street parking spaces need to be provided in front and the design has to be reviewed. The City is not set up to hold up building permits on a lot-by-lot basis for single-family residential subdivisions based on a site plan. The PUD did not require this, but rather required the approval of the design of the fencing and show where the parking would be located.

Mr. Johnsen requested a continuance. He stated that he believes Mr. Stump is off procedurally and this would be unprecedented. Mr. Johnsen explained that he didn't plan to speak today and he doesn't have his file.

Mr. Westervelt stated that he had no problem with a continuance. He further stated that he has approximately eight non-meeting hours working through some of these problems with the numerous neighbors and with Councilor Neal. He

indicated that Mr. Stump's recollection of the Planning Commission, City Council and neighbors expecting a unified treatment is accurate.

Mr. Johnsen stated that he is not trying to depart from any development standard that was imposed. He commented that he is questioning the procedural aspect of holding the plat until there is a site plan approval for the front screening wall.

Mr. Westervelt stated that he normally doesn't like to hold up a plat either, but at this moment he prefers this requirement rather than phone calls he would receive if this fence isn't handled in a unified treatment.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **CONTINUE** the detail site plan for PUD-670 to April 23, 2003 at 1:30 p.m.

\* \* \* \* \*

**CONSIDER CALLING A PUBLIC HEARING TO REZONE A PORTION OF SWAN LAKE:**

**STAFF RECOMMENDATION:**

Ms. Matthews stated that the neighborhood requested the rezoning. The neighbors surveyed and mapped the residents that are in support, oppose and neutral. She commented that 65% in favor doesn't appear to be an overwhelming majority, but when you add the residents who are neutral, then it comes out to approximately 90%.

Ms. Matthews stated that the boundaries would be from 16<sup>th</sup> Street to 17<sup>th</sup> Place, from east and west of Quincy and Rockford. Staff recommends setting this issue up for public hearing.

**TMAPC COMMENTS:**

Mr. Harmon stated that the Planning Commission did have a work session regarding this issue and the residents have really done their homework. This is a good plan and is worthy of consideration.

Ms. Matthews agreed with Mr. Harmon's comments.

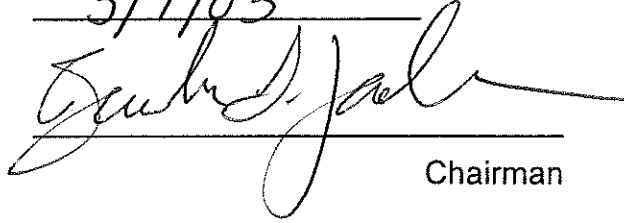
**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** calling a public hearing to rezone a portion of Swan Lake for May 28<sup>th</sup>, 2003.

There being no further business, the Chair declared the meeting adjourned at 2:52 p.m.

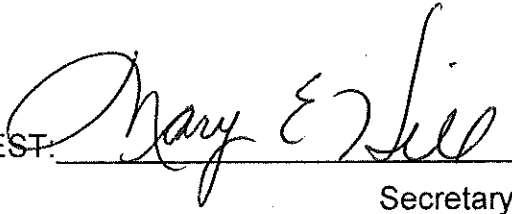
Date Approved:

5/7/03



Chairman

ATTEST:



Secretary