

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1317
Wednesday, July 9, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Avey Eller Gardner Holliday Keith Kempe, Secretary Parmele, Chairman Petty C. Young, 1st Vice Chairman T. Young	Inhofe Keleher	Alberty Crowley Gardner Howell	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, July 8, 1980, at 12:15 p.m. as well as in the Reception Area of the TMAPC Offices.

Chairman Parmele called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 10-0-0 (Avey, Eller, Gardner, Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Inhofe, Keleher "absent") to approve the Minutes of June 25, 1980 (No. 1315).

On MOTION of C. YOUNG, the Planning Commission voted 10-0-0 (Avey, Eller, Gardner, Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, Keleher "absent") to correct the Minutes of PUD #235, June 18, 1980 to read: Condition 6. (a) From centerline of 71st Street 110' and Condition 11., That in addition to the 60-foot collector street (91st East Avenue) a cul-de-sac or "hammerhead" turn-around at the end of 91st East Avenue be provided.

REPORTS:

TMAPC Claims:

On MOTION of C. YOUNG, the Planning Commission voted 10-0-0 (Avey, Eller, Gardner, Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, Keleher "absent") to approve the 1979-1980 and 1980-1981 TMAPC Claims (Attached).

Report of Receipts and Deposits:

On MOTION of GARDNER, the Planning Commission voted 10-0-0 (Avey, Eller, Gardner, Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, Keleher "absent") to accept the Report of Receipts and Deposits for the Month ended June 30, 1980 (Exhibit "A-1").

DIRECTOR'S REPORT:

On MOTION of KEMPE, the Planning Commission voted 10-0-0 (Avey, Eller, Gardner, Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, Keleher "absent") to approve a Contract by and between the City of Tulsa and the Tulsa Metropolitan Area Planning Commission in the amount of \$63,503 for providing staff facilities and property for the Board of Adjustment for July 1, 1980 - June 30, 1981 (Exhibit "B-1").

CONTINUED PUBLIC HEARING:

Public Hearing On A Proposed Amendment To The Tulsa Zoning Code, to Add Thereto Section 750, Regulating The Establishment of "Sexually-Oriented Businesses."

Bob Gardner advised the Commission that the Staff had compared the proposed Ordinance with the zoning regulations of other cities, as well as reviewing the possible ramifications of the proposal on the City of Tulsa. The Staff noted that "sexually-oriented businesses" would almost be eliminated altogether if the Ordinance was approved as written, prohibiting the establishment of any sexually-oriented businesses within 1,000 feet of other sexually-oriented businesses, church, school, park, playground or areas zoned residential. The following wording was the recommendation of the Staff:

"750.2 Prohibition

"No person shall cause or permit the establishment of any of the "sexually-oriented businesses" as defined in Section 750.1, in an area zoned other than 'CS', 'CG' and 'CH'. In addition, no person shall cause or permit the establishment of any of the "sexually-oriented businesses", as defined in Section 750.1, within one thousand (1,000) feet of any other "sexually-oriented business," or within five hundred (500) feet of a church, school, park or playground, or within three hundred (300) feet of areas zoned residential or within three hundred (300) feet of a non-arterial street which provides access to a residentially zoned area. Provided further that the Board of Adjustment may permit by Special Exception "sexually-oriented businesses," as defined in Section 750.1 in an "IL", "IM", or "IH" District, subject to the distance limitations set forth herein."

Mr. Gardner stated that there are other types of uses that are similar in terms of impacts on neighborhoods which have not been addressed. He noted there are similar type situations in terms of traffic and noise related to bars, even though they may not have the nude dancing, etc.; however, this would take considerable study requiring more time than was available to the Staff at this time.

The Staff recommended the Ordinance be approved, with the proposed changes in 750.2, realizing that this might be just an interim step and that later there might be additional work done on the entire question.

Continued Zoning Public Hearing on Proposed Amendment to the Tulsa Zoning Code

Commissioner T. Young stated that most of the complaints seem to be with people who have a disregard for other people's property without regard to what is going on inside the particular business establishment. He suggested that a category such as "adult entertainment" which would also include other businesses such as bars, taverns and lounges as well as sexually-oriented businesses would be in order since they all generate the same sort of negative impact. Mr. Young advised that he was not sure the proposed Ordinance was the way to deal with the issue and suggested that a Use Unit in the Zoning Code would be best. He agreed with Commissioner Ron Young's interest in getting something on the books to handle the problem at this time; however, he proposed that the Staff research the possibility of a Use Unit in the Zoning Code which would cover "adult entertainment."

Assistant City Attorney, Alan Jackere, advised that a distinction should be made concerning the distance limitations from schools - schools could be trade schools, business schools or those schools offering a compulsory education curriculum - is the distance limitation to apply to "all" schools. He also noted that the parks and playgrounds should be defined as public parks and public playgrounds.

Police Chief Stege advised that he strongly supported an ordinance or some type of control mechanism that would force bars, private clubs, and sexually-oriented businesses apart from one another. One of the enforcement tools which is available to the Police Department is the Criminal Code; however, the charge goes to the person committing the crime and the business itself cannot be charged. Therefore, the person is arrested and the business goes on. Another enforcement tool is an injunction; however, it is almost useless because the police have to be able to prove to the court that this particular business is the cause of the public nuisance. Chief Stege stated it was the Police Department's position that the proximity of the businesses to one another and the "crowd psychology" that develops when these types of businesses and these types of people are permitted to congregate and feed upon one another, creates problems beyond the capability of our current laws to deal with.

Commissioner Keith, in regard to Chief Stege's statement that the employee was arrested and the business was not affected, questioned if there wasn't some point in time when the business becomes a public nuisance. Mr. Stege stated that the legal position which the operators of the business take, is that we hired this employee, now find that he violates the law and it is not our business policy to permit violation of the law and he is on his own.

Ken Brinkman, President of the Board of Directors of the Longview Homeowner's Association including 750 homeowners, urged approval of the proposed Ordinance. Mr. Brinkman stated one reason for requesting approval of the Ordinance was that the concentration of these "sexually-oriented businesses" appeals to rowdy and less desirables of the population. The nature of these types of businesses will cause a decrease in property value of the surrounding area. Mr. Brinkman's second reason

Continued Public Hearing: (continued)

for approval of the Ordinance was that the concentration of vehicles around these types of places, combined with a mixture of drinking and driving, can cause an increase in the vehicle accident rates which can involve innocent persons in the surrounding residential areas. Mr. Brinkman stated that the Association has three privately owned and maintained parks within the area and requested consideration of distance limitations for these parks. He recommended that dispersion rules be applied to the "sexually-oriented businesses" so that they will have minimal impact on the surrounding area.

Kenny Martin, 2413 South 108th East Avenue, advised that he has lived in the Magic Circle area the past 14 years. He stated that he had obtained 22 signatures of unhappy homeowners in the area who would like to see something done about the "night-spots" in the neighborhood. Mr. Martin also noted that he felt the five year time limit was too long and something should be done before that time.

Jack Foreman, 2133 South 103rd East Avenue, presented pictures to the Commission showing fences torn down, mail boxes knocked over, a dumpster with a puddle of stale beer and urine which scents the alley, and garbage knee-deep in the alley. He also noted that many of those frequenting the businesses use his driveway to turn around in. Mr. Foreman stated he was violently opposed to the existence of business establishments like this so close to a residential area. He also felt the five year time limit of the Ordinance was too long.

Diane Metheny stated she lives on 103rd East Avenue and was concerned for the safety of her children due to the heavy traffic and irresponsible drivers. She stated that she does not even let them play in the front yard because of the traffic.

Mark Shellhammer, 1017 North Oswego Avenue, noted that there is substantial proof that sexually-oriented businesses lead to such crimes as murder and rape; he referred to statistics compiled in Cleveland, Ohio which substantiated this fact. Mr. Shellhammer asked the Commission to approve the Ordinance to disperse these types of businesses.

Raymond Jackson, 3711 South Olympia Avenue, advised that he lives across the river where one-half of the area is industrial. He stated that he was for any action which would help to control these businesses. However, he felt the proposed Ordinance would tend to move more of the sexually-oriented businesses into his area. He proposed that all of Tulsa and Tulsa County be considered rather than just the one area of 21st Street and 103rd East Avenue.

Steve Shell, 1636 South 109th East Avenue, stated he has lived in this area the past three years and has seen the growth of the sexually-oriented businesses in the area. He stated that after viewing several obscenities and nearly being run over, he now drives a mile out of his way to get to his home after 6:00 o'clock on Thursday, Friday and Saturday nights. He noted that it was time to have some kind of support for the general public and stop letting the pleasure of a few people deprive the public of their safety.

Continued Public Hearing: (continued)

James Lawrence, 2419 South 108th East Avenue, stated he has a three year old daughter and did not want to see her raised in the environment which exists near his home. He urged the Commission not to get bogged down on this issue and to recommend adoption of the Ordinance.

Diane Eckhart resides in the residential area between 21st and 103rd Street. She urged the Commission to do something about the sexually-oriented businesses noting that she was just asking for her right to live in the beautiful City of Tulsa.

Douglas Edwards, 10019 East 28th Street, advised that it is important that people distinguish between adult entertainment centers, such as topless bars, and other types of commercial activity because they are different and produce different problems. When they are allowed to congregate in one area it represents too intensive a use in that area.

Pat Hester, 10215 East 23rd Place, felt the five year time-frame was too long and suggested it be changed to two years. He also recommended that the proposed location limit of 300 feet from residential areas be changed to one or two miles, mile increments, which would be clear and more understandable.

Joel Rubin, 7161 South Erie Avenue, stated he operates the Studio One and Circle Theaters in Tulsa. He thanked the Commission for allowing him to speak and noted that it was great to live in a constitutional democracy where people can speak their minds without fear of retaliation or prior judgements.

Mr. Rubin pointed out that he experiences the same problems with his business on Main Mall as the residents of the 21st and 103rd East Avenue area. He stated that he has been in business in Tulsa for ten years and feels he has a pretty good scope as to what is going on as far as adult oriented businesses are concerned. Mr. Rubin advised that he operates within the law. He questioned if this Ordinance would solve the problems experienced in the 21st and 103rd East Avenue area, or if it would just tend to move the problem to another area. He pointed to the Brookside area where problems have been experienced with the teenagers and asked if we are now going to tell them they cannot be on Peoria anymore. He questioned if there was not another way to control these problems.

Mr. Rubin advised that this type of problem reminded him of the 1960's when the black population was striving for their rights in housing, etc. The public approved of this as long as they were in someone else's neighborhood. He stated that he has invested money in his property on South Lewis and questioned what he would do if he had to vacate that property in five years, noting that they were really talking about a person's civil rights.

Mr. Rubin stated he would like to recommend the term "adult-oriented" rather than sexually-oriented businesses. He pointed out that Dallas, Texas has zoning laws pertaining to the sexually-oriented businesses; however, these types of business are still located across the street from parks and schools. The businesses just pay the fines and continue to operate. He questioned if the 7-11 stores would be exempt from the

Continued Public Hearing: (continued)

Ordinance, what about the male impersonator who appears at Ziegfields, and will the stage show "Hair" be allowed to play at the Williams Center?

Barry Heaver, 2745 East Skelly Drive, representing Studio I and Circle Theaters, stated he did not feel the proposed Ordinance would supply the relief which the residents want. Mr. Heaver felt the Commission should suggest to the City Commission that they realize there is a problem, but it needs to be approached from a different direction.

Dr. Crowley advised that there is precedent to determine that this controlling adult or sexually-oriented businesses falls within a zoning or land use control area and that separation, whether you can cause particular kinds of impacting land uses to be separate from one another, is something that can be considered.

Commissioner C. Young asked Mr. Jackere if a shorter time period for nonconforming use would, in his opinion, be a problem with the court? Mr. Jackere stated he felt the five year time period was reasonable and if the time was shortened it might become a problem. Mr. Young also recommended the Staff amendment include the words public or private in regard to parks.

Commissioner T. Young suggested that the Staff amendment clarify the types of schools with the addition of "offering a compulsory curriculum."

On MOTION of T. YOUNG, the Planning Commission voted 10-0-0 (Avey, Eller, Gardner, Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, Keleher, "absent") to recommend the Commission adopt the proposed amendment with the changes recommended by the Staff to become effective upon action of the City Commission as follows:

"Section 750. LOCATION OF SEXUALLY-ORIENTED BUSINESSES

"750.1 Definitions

"(A) As used in this Section, the terms 'sexual conduct' and 'specified anatomical areas' shall mean as follows:

1. 'Sexual Conduct' includes the following:

- (a) The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
- (b) ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;
- (c) masturbation; and
- (d) excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Continued Public Hearing: (continued)

2. 'Specified Anatomical Areas' includes the following:
 - (a) Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola;
 - (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"(B) For purposes of this Ordinance, the 'sexually-oriented businesses' are defined as follows:

1. Adult Amusement or Entertainment: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to 'Sexual Conduct' or 'Specified Anatomical Areas', as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
2. Adult Bookstore: An establishment having as a significant portion of its stock in trade books, film magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
3. Adult Mini Motion Picture Theater: An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
4. Adult Motel: A motel wherein material is presented, as part of the motel services, via closed circuit T. V. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
5. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
6. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
7. Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part

Continued Public Hearing: (continued)

7. (continued)

of in connection with 'Sexual Conduct' or where any person providing such treatment, manipulation or service related thereto exposes 'Specified Anatomical Areas'.

8. Model Studio: Any place where, for any form of consideration or gratuity, figure models who display 'Specific Anatomical Areas' are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

9. Sexual Encounter Center: Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

"750.2 Prohibition

"No person shall cause or permit the establishment of any of the 'sexually-oriented businesses' as defined in Section 750.1, in an area zoned other than 'CS', 'CG' and 'CH'." In addition, no person shall cause or permit the establishment of any of the 'sexually-oriented businesses', as defined in Section 750.1, within one thousand (1,000) feet of any other 'sexually-oriented business', or within five hundred (500) feet of a church, school (type which offers a compulsory education curriculum), public or private park, or within three hundred (300) feet of areas zoned residential or within three hundred (300) feet of a nonarterial street which provides access to a residentially zoned area. Provided further that the Board of Adjustment may permit by Special Exception 'sexually-oriented businesses', as defined in Section 750.1 in an 'IL', 'IM' or 'IH' District, subject to the distance limitations set forth herein."

The 'establishment' of a 'sexually-oriented business' shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in Section 750.1.

"750.3 Nonconforming Uses

"Any business existing as of the effective date of this Ordinance that is in violation hereof shall be deemed a nonconforming use. Such a nonconforming use will be permitted to continue for a period not to exceed five (5) years, unless sooner terminated for any reason whatsoever or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. In the event that two or more sexually-oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible zone, the first such sexually-oriented

Continued Public Hearing: (continued)

business licensed and continually operating at a particular location shall be the conforming use and the later-established business(es) shall be nonconforming.

Nothing in this Ordinance is intended to make legal any business or activity that is expressly declared illegal under any other provisions of this Code or under any state or federal laws."

Further, the Planning Commission directs its Staff to develop a new use unit within the current Commercial zoning and classification which recognizes the special land use impact of adult entertainment businesses, specifically, sexually-oriented businesses, bars, taverns and lounges. The new use unit will be presented to the Planning Commission as an amendment to the Tulsa City and County Zoning Code with a five-year phase-out or amortization clause, which when adopted by the Tulsa City and County Commissions will replace the amendment today recommended for adoption.

Z-5421 (continued)

Instruments Submitted: Petition in Support of Application (Exhibit "C-1")
(114 signatures)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- No Specific Land Use, Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the OL District may be found in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends DENIAL of the requested OL zoning for the following reasons:

The subject property is 6 acres in size, located on the west side of South Memorial Drive at 76th Street. The property is zoned RS-3 single family residential, is undeveloped and the applicant is requesting OL low-intensity office zoning.

The subject tract was part of an original zoning application requesting OL zoning on 20 acres. The OL zoning was denied on January 29, 1980(Z-5334) and RS-3 zoning was approved. The physical conditions surrounding the subject property have not changed, however, the applicant has reduced substantially the amount of acreage under application for OL zoning and has filed PUD #236 to control the development of the property. The surrounding properties are developed low-density residential in accordance with the Comprehensive Plan and Development Guidelines. Three sides of the property abut RS-3 single-family residential zoning. The fourth side, which is to the north, is a 15-acre City park and a 5-acre elderly housing project, which buffers the subject tract from the commercial development at the intersection of 71st Street and Memorial Drive. The Staff can find no physical facts peculiar to the subject property or the surrounding properties that would justify a departure from the Development Guidelines and office zoning on the subject property.

For these reasons, the Staff recommends DENIAL of OL zoning on the subject property.

TMAPC Action: 9 members present.

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Avey, Eller, Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, Keleher "absent") to recommend to the Board of Commissioners that the following described property be rezoned OL:

A tract of land in the S/2 of the SE/4 of the NE/4 of Section 11, Township 18 North, Range 13 East in the City and County of Tulsa, Oklahoma, more particularly described as: Beginning at the NE corner of said S/2, SE/4, NE/4; thence South 150', West 300', South 164', West 690', North 314', and East 990' to the point of beginning, containing 6.007 acres, more or less.

Application PUD No. 236

Present Zoning: (RS-3)

Applicant: Roy Johnsen (Basta & Lindsey)

Location: South of the SW corner of 71st Street and Memorial Drive

Date of Application: May 30, 1980

Date of Hearing: July 9, 1980

Size of Tract: 6 acres

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Applicant's Comments:

Roy Johnsen, representing the applicant, presented PUD #236 consisting of five development areas including single-family attached units and office development. Mr. Johnsen advised that the minimum lot size in Development Area "A" single-family attached area, had been amended from 6,000 sq. ft. to 6,900 sq. ft. after concerns had been expressed by the area residents.

In Area "B", which only contains four lots, which are slightly larger than some of the other lots, the Staff has recommended that the dwellings be detached. Mr. Johnsen asked that the Commission not impose this requirement since it is consistent with the rest of the development. He requested the opportunity to construct the attached buildings due to the size of the lots and the fact that the overall density is not increased.

The Staff recommended, in Development Area "D", that no two-story building be within 200 feet of the west boundary. Mr. Johnsen stated that this would impair the developer's ability to achieve the needed floor area. He proposed the alternative standard that no second level be within 70' of the west boundary. He noted that the dwellings that will be built to the west of the subject tract are a part of this project. Mr. Johnsen also recommended that the second level floor area not exceed 50% of the lower level of that building. Also in Area "D", Mr. Johnsen advised that the amended text concerning abutting streets includes minimum setbacks of buildings from abutting arterial streets of 50 feet and from nonarterial streets 30 feet.

Mr. Johnsen advised that 76th Street, which will end up being 75th Street, is intended to be a public street. There is a loop-drive through Development Area "D", which is intended to be a private street. It is anticipated that in the platting, the development may end up being individually owned office parcels. Two of these parcels would have access to the private drive.

In regard to signs, Mr. Johnsen stated he would like to add the condition that wall signs may be located on the buildings and that they not exceed, in display surface area, 3 sq. ft. per each foot of lineal building wall to which attached or 32 sq. ft., whichever is less. He stated he had no objection to the signs being limited to the lower level.

Mr. Johnsen advised that the City Park, approximately 15 acres, which adjoins the subject tract, does not have any access from the west from the single-family subdivision. He stated that he felt it was appropriate to provide an access to the park and intended to do so with the drive on the easterly part of Development Area "D". He did take exception to the Staff requirement of providing a sidewalk along the west boundary of this office area. Mr. Johnsen pointed out that a sidewalk constructed behind

PUD No. 236 (continued)

buildings and houses presents a problem with vandalism, people interfering with the shrubbery, etc., since it is out of view. The applicant proposes to provide vehicular access to the boundary line with pedestrian walkway paralleling it to the park. Mr. Johnsen stated that the street will be private since it does not meet City standards of 50' in width, but they would give a public easement so that if the park wants to, they can drive across it. The easement for walking will be public. He also advised that there would be no objection to the public parking in the private parking areas; however, they will be maintained as private so that in the event that the parking becomes a problem the individual owner can control the situation. The accessway will be a public easement which will not be subject to closure.

Special Discussion for the Record:

In regard to providing vehicular access to the park, Commissioner C. Young advised that he felt the street should be widened to meet the City standards for a public, two lane street. Mr. Johnsen agreed to do this and in the event that the City would not accept it, he would make it a public easement. The applicant would not be required to provide a sidewalk.

The Staff agreed to all of the amended changes by the applicant with the exception of the deletion of the sidewalk on the west boundary of the office area.

Commissioner Carl Young suggested that the applicant's request for additional signs on the buildings be considered when a detailed site and sign plan was presented.

Staff Recommendation:

Planned Unit Development #236 is located on the west side of Memorial Drive at 76th Street. The 20-acre tract is zoned RS-3 residential single-family and the applicant has filed a companion zoning application (Z-5421) on 6 acres requesting OL low-intensity office zoning.

The development proposed consists of five development areas which include single-family attached units and office development. The maximum number of dwelling units requested is 35 units on 9.82 acres, and a maximum office floor area of 104,000 sq. ft. on 9.27 acres. The applicant has prepared development standards for each of the development areas that will control the development as proposed.

The Staff reviewed the PUD in two parts: The residential portion which we recommend approval; and the office portion which we recommend denial. We will, however, suggest conditions that the Commission may utilize if they support the OL zoning request.

Part I

The Staff has reviewed the residential portion of PUD #236 and find that portion of the PUD is; (1) consistent with the Comprehensive Plan for District 18; (2) harmonizes with the existing development; (3) is a unified treatment of the development possibilities of the subject tract; and (4) is consistent with the stated purposes and standards of the PUD Chapter of the Tulsa Zoning Code. The Staff recommends APPROVAL of this portion of the PUD with the following conditions:

PUD #236 (continued)

1. Development Area "A" Standards:

- a. Gross Area ----- 5.275 acres
- b. Permitted Uses ----- Single-family attached or
- c. Maximum No. of ----- detached dwellings
- Dwelling Units ----- 18
- d. Minimum Lot Size ----- 6,900 sq. ft.
- e. Minimum Lot
- Frontage ----- 50 feet
- f. Side Yards
- attached units ----- 0 feet
- other yard- 15 feet
- detached units ----- 5 feet
- other yard- 10 feet
- g. Off-Street Parking -- 2 spaces per dwelling unit
- h. Other bulk and area requirements, not specified, as required with-
in the RS-3 District.

2. Development Area "B" Standards

- a. Gross Area ----- 1.081
- b. Permitted Uses ----- Single-family detached units
- c. Maximum No. of
- Dwelling Units ----- 4
- d. Minimum Lot Size ----- 6,900 sq. ft.
- e. Minimum Lot Frontage ----- 65 feet
- f. Side Yards ----- 5 feet
- other yard- 15 feet
- g. Off-Street Parking -- 2 spaces per dwelling unit
- h. Other bulk and area requirements, not specified, as required with-
in the RS-3 District.

3. Development Area "C" Standards

- a. Gross Area ----- 3.466 acres
- b. Permitted Uses ----- Single-family attached or
- detached dwellings
- c. Maximum No. of
- Dwelling Units ----- 13
- d. Minimum Lot Size ----- 6,000 sq. ft.
- e. Minimum Lot Frontage ----- 60 feet
- f. Side Yards
- attached dwelling----- 0 feet
- other yard- 15 feet
- detached dwelling----- 5 feet
- other yard- 10 feet
- g. Off-Street Parking -- 2 spaces per dwelling unit
- h. Other bulk and area requirements, not specified, as required with-
in the RS-3 District.

4. That a subdivision plat be approved by the Planning Commission incorporating within the restrictive covenants those conditions of the PUD approval, making the City of Tulsa beneficiary to said covenants and filed of record in the County Clerk's Office prior to the request for any building permits. That the subdivision plat for Development Areas "A", "B", "C", precede or be filed simultaneously with the plat for Development Areas "D" and "E", unless Areas "D" and "E" are approved for residential development.

Part II

The applicant is requesting 104,000 sq. ft. of office floor area to be developed within Areas "D" and "E". The area contains 9.27 acres and is zoned RS-3. The application for OL zoning cannot be supported by the Staff, but the present zoning would permit a maximum of 64 dwelling units, including the transfer of dwelling units not allocated to Development Areas "A", "B", and "C".

If the Commission recommends APPROVAL of the OL zoning, the Staff suggests that they find that Development Areas "D" and "E" of PUD #236 are: (1) consistent with the Comprehensive Plan for District 18; (2) harmonizes with the existing development; (3) is a unified treatment of the development possibilities of the subject tract; and (4) is consistent with the stated purposes and standards of the PUD Chapter of the Tulsa Zoning Code. The Staff suggests the following conditions:

1. Development Area "D" Standards

- a. Gross Area ----- 7.56 acres
- b. Permitted Uses -- As permitted within the OL District (except veterinarian office)
- c. Maximum Floor Area ----- 86,000 sq. ft.
- d. Minimum Landscaped Open Space ---- 25% of net area
- e. Maximum Height ----- 28 feet
(2 stories) --- Provided that no 2-story portion be within 200 feet of west boundary line.
- f. Minimum Setbacks of Buildings
 - From West Boundary Line ----- 20 feet
 - From North Boundary Line ---- 20 feet
 - From Abutting Streets ----- 50 feet
- g. Off-Street Parking and Loading as per Section 1214.4 of the Zoning Code.
- h. Other bulk and area requirements, not specified, as required within the OL District.
- i. That a sidewalk (4 feet wide) be required along the west boundary connecting the sidewalk on 76th Street to the City Park.

2. Development Area "E" Standards

- a. Gross Area ----- 1.716 acres
- b. Permitted Uses -- As permitted within the OL District (except veterinarian office)
- c. Maximum Floor Area ----- 18,000 sq. ft.
- d. Minimum Landscaped Open Space ---- 35% of net area
- e. Maximum Height ----- 28 feet (2 stories)
- f. Minimum Setback of Building
 - From South Property Line ---- 20 feet (50 feet if 2-story)
 - From Memorial Drive ----- 50 feet
 - From 76th Street ----- 30 feet
- g. Off-Street Parking and Loading as per Section 1214.4 of the Zoning Code.
- h. Other bulk and area requirements, not specified, as provided within the OL District.

PUD #236 (continued)

3. That a detailed site plan for each development area be approved by the Planning Commission prior to the request for building permit, depicting landscaping areas and materials, building location, parking and access and sign location. Minor amendments may be approved by the Planning Commission provided substantial compliance is maintained with the Development Concept.
4. That a solid surface screening fence be erected and maintained along the west boundary of Development Area "D" and the south boundary of Development Area "E".
5. That one ground identification sign be permitted for Development Area "E" and two ground identification signs be permitted for Development Area "D", a maximum of 32 square feet of display surface area and 4-foot in height. The height may be increased provided that a detailed sign plan be presented to the Planning Commission.
6. That a subdivision plat be approved by the Planning Commission incorporating within the restrictive covenants those conditions of the PUD approval, making the City of Tulsa beneficiary to said covenants and filed of record in the County Clerk's Office prior to the request for any building permit.

Planning Commission Conditions

1. Development Area "A" Standards:

- a. Gross Area ----- 5.275 acres
- b. Permitted Uses ----- Single-family attached or detached
- c. Maximum No. of Dwelling Units ----- 18
- d. Minimum Lot Size ----- 6,900 sq. ft.
- e. Minimum Lot Frontage ----- 50 feet
- f. Side Yards
 attached units ----- 0 feet
 other yard-- 15 feet
 detached units ----- 5 feet
 other yard-- 10 feet
- g. Off-Street Parking -- 2 spaces per dwelling unit
- h. Other bulk and area requirements, not specified, as required within the RS-3 District.

2. Development Area "B" Standards:

- a. Gross Area ----- 1.081 acres
- b. Permitted Uses ----- Single-family detached units
- c. Maximum No. of Dwelling Units ----- 4
- d. Minimum Lot Size ----- 6,900 sq. ft.
- e. Minimum Lot Frontage ----- 65 feet
- f. Side Yards ----- 5 feet
 other yard-- 15 feet
- g. Off-Street Parking -- 2 spaces per dwelling unit
- h. Other bulk and area requirements, not specified, as required within the RS-3 District.

PUD #236: Planning Commission Conditions (continued)

3. Development Area "C" Standards:

- a. Gross Area ----- 3.466 acres
- b. Permitted Uses ----- Single-family attached or detached dwellings
- c. Maximum No. of Dwelling Units ----- 13
- d. Minimum Lot Size ----- 6,900 sq. ft.
- e. Minimum Lot Frontage ----- 60 feet
- f. Side Yards
 - attached dwelling ----- 0 feet
 - other yard-- 15 feet
 - detached dwelling ----- 5 feet
 - other yard-- 10 feet
- g. Off-Street Parking -- 2 spaces per dwelling unit
- h. Other bulk and area requirements, not specified, as required within the RS-3 District.

4. Development Area "D" Standards:

- a. Gross Area ----- 7.56 acres
- b. Permitted Uses -- As permitted within the OL District (except veterinarian office)
- c. Maximum Floor Area ----- 86,000 sq. ft.
- d. Minimum Landscaped Open Space ---- 25% of net area
- e. Maximum Height ----- 28 feet
(2 stories)- Provided that no 2-story portion be within 70 feet of west boundary line.
The second level floor area will not exceed 50% of the lower level of the building.
- f. Minimum Setbacks of Buildings
 - From West Boundary Line ----- 20 feet
 - From North Boundary Line ----- 20 feet
 - From Abutting Arterial Streets 50 feet
 - From Abutting Nonarterial Streets 30 feet
- g. Off-Street Parking and Loading as per Section 1214.4 of the Zoning Code.
- h. Other bulk and area requirements, not specified, as required within the OL District.
- i. That a public, two-lane stub street be provided for access to the City park.

5. Development Area "E" Standards:

- a. Gross Area ----- 1.716 acres
- b. Permitted Uses -- As permitted within the OL District (except veterinarian office)
- c. Maximum Floor Area ----- 18,000 sq. ft.
- d. Minimum Landscaped Open Space ---- 35% of net area
- e. Maximum Height ----- 28 feet (2 stories)
- f. Minimum Setback of Building
 - From South Property Line ---- 20 feet (50 feet if 2-story)
 - From Memorial Drive ----- 50 feet
 - From 76th Street ----- 30 feet

PUD #236: Planning Commission Conditions (continued)

- g. Off-Street Parking and Loading as per Section 1214.4 of the Zoning Code.
 - h. Other bulk and area requirements, not specified, as provided within this OL District.
6. That a detailed site plan for each development area be approved by the Planning Commission prior to the request for building permit, depicting landscaping areas and materials, building location, parking and access and sign location. Minor amendments may be approved by the Planning Commission provided substantial compliance is maintained with the Development Concept.
 7. That a solid surface screening fence be erected and maintained along the west boundary of Development Area "D" and the south boundary of Development Area "E".
 8. That one ground identification sign be permitted for Development Area "E" and two ground identification signs be permitted for Development Area "D", a maximum of 32 square feet of display surface area and 4-foot in height. The height may be increased provided that a detailed sign plan be presented to the Planning Commission. Wall signs may be permitted provided a detailed sign plan is submitted to and approved by the Planning Commission.
 9. That a subdivision plat be approved by the Planning Commission incorporating within the restrictive covenants those conditions of the PUD approval, making the City of Tulsa beneficiary to said covenants and filed of record in the County Clerk's Office prior to the request for any building permits. That the subdivision plat for Development Areas "A", "B", "C", precede or be filed simultaneously with the plat for Development Areas "D", and "E", unless Areas "D", and "E", are approved for residential development.

TMAPC Action: 9 members present.

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Avey, Eller, Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, Keleher, "absent") to recommend to the Board of City Commissioners that the following described property be approved, subject to the Staff Recommendations and the Planning Commission Conditions above:

The S/2, SE/4, NE/4 of Section 11, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

SUBDIVISIONS:

Grand Point (1583) NW corner of 91st Street and Sheridan Road (CS)

AND

Shotgun Sams (1183) West of the SW corner of 71st Street and Memorial Road (OL,CS)

The Staff advised that all letters were in the file and recommended final approval and release of Grand Point and Shotgun Sams.

On MOTION of T. YOUNG, the Planning Commission voted 10-0-0 (Avey, Eller, Gardner Holliday, Keith, Kempe, Parmele, Petty, C. Young, T. Young "nays"; no "nays"; no "abstentions"; Inhofe, Keleher "absent") for final approval and release of Grand Point and Shotgun Sams.

Garnett Meadows (794) 17th Place and South Garnett Road (RD, OL)

AND

Oak Ridge Estates (2883) 10600 Block of South Louisville Avenue (RS-1)

The Staff advised that not all letters had been received and recommended tabling these two plats.

The Chair, without objection, tabled Garnett Meadows and Oak Ridge Est.

OTHER BUSINESS:

PUD #179 Donald Detrich Lot 5, Block 2, Woodland Hills South

Wayne Alberty advised that this is a request to permit a minor encroachment of 1.7' of the corner of the structure in the front setback.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Keith, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, Keleher, Petty, C. Young "absent") to approve a Minor Amendment to PUD #179 to permit a 1.7' encroachment of the front setback on Lot 5, Block 2, Woodland Hills South.

There being no further business, the Chair adjourned the meeting at 4:30 p.m.

Date Approved

July 27, 1980

Chairman

ATTEST:

Cherry N. Kempe
Secretary



TULSA METROPOLITAN AREA PLANNING COMMISSION

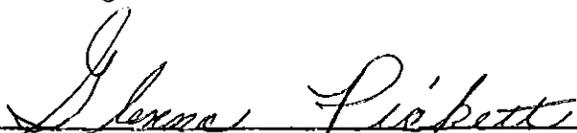
Claims: 1979-80

Account Number	Claim Number	Vendor	Amount
8150	12833	Beacon Stamp and Seal Company	10.10
8150	12834	Envelope House	98.60
7240	12835	Manpower	1,402.69
9300	12836	Parrish and Clark Leasing, Inc.	5,175.00
8330	12837	Dennis Roe Body Shop	156.00
8322	12838	Southwestern Bell Telephone Company	1,349.27
	12839	J. D. Young Company	431.70
8150		(\$ 39.00)	
8151		(\$392.70)	

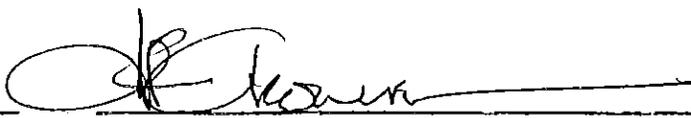
Claims: 1980-81

6200	12840	Mary Finn	196.00
6200	12841	Becky Kephart	286.00
6200	12842	Robert Langenkamp	224.00
6200	12843	Sujata Pathapati	352.00
6200	12844	David Runnels	308.00
6200	12845	Tom Sprehe	352.00
6200	12846	Vincent Waldman	352.00

This is to certify that the above claims are true, just and correct to the best of our knowledge.



 TMAPC Fiscal Officer



 TMAPC Director





TMAPC RECEIPTS
Month of June, 1980

ZONING

City Zoning Fees	(11)	\$ 1190.00	
Fee Waived	(0)	_____	\$1190.00

LAND DIVISION

Subdivision Preliminary Plats	(3)	\$ 150.00	
Subdivision Final Plats	(3)	186.00	
Lot-Splits	(16)	200.00	
Fee Waived	(6)	_____	\$ 536.00

MAPS

\$ 661.20

MISCELLANEOUS

\$ 87.55

BOARD OF ADJUSTMENT

\$1810.00

Fee Waived	(0)		\$4284.75
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<u>Depository Ticket</u>	<u>City Receipt</u>		
710	064221	\$ 767.30	
711	064707	1091.60	
712	065319	1190.65	
713	065683	1285.20	
		\$4334.75	
	*Less:	(50.00)	\$4284.75

CITY BOARD OF ADJUSTMENT

\$1810.00

CITY SHARE

\$1237.38

COUNTY SHARE

\$1237.37

*Less: Board of Adjustment Fee - Bryan Bazay - \$50.00 - Receipt #26052 - Deposit #063413

