

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1383
 Wednesday, November 18, 1981, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller	Gardner	Chisum	Linker, Legal
Freeman	Higgins	Compton	Department
Holliday	Kempe	Gardner	
Petty	ParmeLe	Lasker	
C. Young	Inhofe		
T. Young			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, the 17th day of November, 1981, at 11:00 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman C. Young called the meeting to order at 1:50 p.m. and declared a quorum present.

MINUTES:

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve the Minutes of October 21, 1981 (No. 1380), October 28, 1981 (1381) and November 4, 1981 (No. 1382).

REPORTS:

Receipts and Deposits:

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve the Report of Receipts and Deposits for the month of October, 1981.

Director's Report:

A request has been presented from the Transportation Policy Committee to call a public hearing to amend the Major Street and Highway Plan concerning Riverside Expressway. Specifically, this would be to consider deletion of the Riverside Expressway from 81st Street North to where it presently ties with the southeast leg of the Inner Dispersal Loop and to replace this with a parkway. The standards of this would also be considered for public hearing at the same time. The date suggested is December 16, 1981.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") that a public hearing be set for December 16, 1981, to amend the Major Street and Highway Plan and the Transportation Plan for consideration of amendment of those two plans as they relate to the proposed Riverside Expressway and a possible addition of a substitute parkway.

SUBDIVISIONS:

Motel Six First Addition (594) North and East of 11th Street and Garnett Road
(CS)

The Staff presented the plat with the applicant represented by Jack Cox.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Motel Six First Addition, subject to the conditions.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve the Preliminary Plat for Motel Six First Addition, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
2. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
3. Access points shall be approved by the City and/or Traffic Engineer.
4. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
5. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
6. All Subdivision Regulations shall be met prior to release of final plat.

Southern Hills Mall Second Addition (PUD #253) (3393) SW corner of 51st Street
and Marion Ave. (CS & OL)

The Staff presented the plat with the applicant represented by Jack Cox.

Mr. Wilmoth advised that the Staff made some suggestions during the T.A.C. meeting and the Engineer has supplied a revised plat showing two lots to distinguish between an office building and the commercial building that will be within this PUD. The plat fits the text of the PUD, lot for lot.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Southern Hills Mall Second Addition, subject to the conditions.

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to approve the Preliminary Plat for Southern Hills Mall Second Addition, subject to the following conditions:

Southern Hills Mall Second Addition (PUD #253) (continued)

1. In Covenants at top of page 2, add..."and the City of Tulsa..." to that paragraph, after the word 'assigns'.
2. All conditions of PUD #253 shall be met prior to release of final plat, including any applicable provisions in the Covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the Covenants.
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
4. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
5. Access points shall be approved by the City and/or Traffic Engineer.
6. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
7. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
8. All Subdivision Regulations shall be met prior to release of final plat.

Professional Office Park (794) SW corner of 15th Street and South 101st East Ave.
(CS)

The Staff presented the plat with the applicant represented by the developer, Warren Morris.

The previous review on the Sketch Plat showed that research of the zoning files reveal that Ordinance #14311 resulted in the majority of the tract being placed in an FD District, which prevents any development of buildings, etc.

It is the plan to use excavated channel material to fill adjacent to the bank and obtain some additional usable land. However, any change will require approval of the City Engineer and adjustment of the FD Boundary through a zoning application process.

The Staff recommended on the Sketch Plat that the 1st phase of the Plat include only the land outside the FD area. The streets would have a temporary cul-de-sac or turn-around until the FD was changed. The Water and Sewer Department will require loop lines by separate instrument on the future street alignment. It was also recommended the street widths on 15th Street and 101st East Avenue conform with the Major Street Plan.

After the review on August 13, 1981, the T.A.C. suggested that possibly it would be better to plat all of the property at this time, but show all the

Professional Office Park (continued)

FD area as a "Reserve." Then when the FD is modified, "Reserve" could be replatted into lots as per original plat.

On the current review, Oklahoma Natural Gas advised the applicant that they may have a gas line and/or right-of-way along the east side of South 101st East Avenue. The applicant should check this out. The P.S.O. advised that they would need overhead lines on the "north and east" and the same should show in paragraph #6 of the Covenants.

The Staff has advised the applicant that the Engineering Department was not ready to recommend approval of the plat at this time, due to the drainage requirements adjacent to Mingo Creek and an adjacent tributary. The Engineering Department has advised the applicant that the road cul-de-sac extends into dedicated floodway defined by previous legal description (Ordinance). The applicant and his engineer needed time to work out the drainage problems before transmitting the plat to the Planning Commission, since the plat did not meet the requirements previously agreed upon with the owner. Zoning Case #5123 reflects the entire area is to be platted.

The Technical Advisory Committee and Staff recommended the plat be TABLED to allow the applicant, his engineer and attorney to work out the drainage problems prior to review by the Planning Commission.

Since the Technical Advisory Committee met, the City Engineer has reviewed the plat and would approve a partial plat outside the floodplain boundaries. The remainder of the plat will be brought back as the second phase. There is some drainage work to be done on the cul-de-sac, since it would be in the FD District. There are six lots outside the FD that are being platted and will not be within any FD District. Mr. Wilmoth recommended this be given a preliminary approval, subject to a review by the T.A.C., before it is brought before the Planning Commission for a final release. He advised that there were 18 conditions made by the T.A.C. on their first review of the Sketch Plat and he would like the preliminary plat to include these conditions.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve the partial plat, subject to the following 18 conditions and additional review by the T.A.C., as recommended by the Staff.

1. Since a 50' strip of RS-2 was left from the north property line, and a 10' setback is required from the zoning boundary, a building line that is 60' from the centerline or 50' from new property line should be shown.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines. (Show front easements parallel to street.)
3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language in Covenants relating to water and sewer.)

Professional Office Park Addition (continued)

4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
8. Street names shall be approved by the City Engineer. Show on plat as required.
9. All adjacent streets and/or widths thereof should be shown on the final plat. (Identify 99th East Avenue.)
10. All curve data shall be shown on final plat where applicable. (Including corner radii.)
11. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by the City Engineer.
12. It is recommended that the developer coordinate with Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
15. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
16. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. (Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.)
17. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
18. All Subdivision Regulations shall be met prior to release of final plat.

The Staff presented the plat with the applicant not present.

Mr. Wilmoth advised that this was not a zoning application, but an 80-acre plat required by the Board of Adjustment since it was so large. There will be a church and school which has approval of the Board and is meeting the requirements that the T.A.C. put on it.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Grace Fellowship Addition, subject to the conditions.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve the Preliminary Plat for Grace Fellowship Addition, subject to the following 13 conditions:

1. Identify adjacent land as "unplatted".
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (17½' perimeter) Existing easements should be tied to, or related to property and/or lot lines.
3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language in Covenants relating to water and sewer.)
4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer, (if required).
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission. (Show drainageways if required by the City Engineer.)
8. Access points shall be approved by the City and/or Traffic Engineer. (Recommend 3 as shown, 40' wide)
9. A Corporation Commission letter or (Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
10. Tie-down location of KAMO easement where it crosses the property line.
11. Make changes in Covenants to include required language for drainage easements, as applicable, Water and Sewer Department and Public Service Company of Oklahoma.

Grace Fellowship Addition (continued)

12. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
13. All Subdivision Regulations shall be met prior to release of final plat.

Brittany Square Addition (PUD #266) (3293) South and East of 51st Street and South Delaware Pl. (RM-1, RM-2, RS-2 & FD)

The Staff reminded the Commission that this plat had been granted a preliminary approval on November 4th, but after discussion regarding the second point of access, the Commission voted to reconsider the preliminary approval. Since the applicant had left the meeting, the Commission took no action on the motion and continued the item to the November 18th meeting. The Staff was instructed to draft a letter from the Planning Commission asking the City to reconsider the PUD, making the point that a crash gate should be put at 53rd Street and all traffic to have access on 51st Street. The City response to the Planning Commission letter was originally scheduled on the City Commission meeting November 10th, but the City Commission took no action and continued the item until November 20th.

Since the November 4th Planning Commission Meeting, the applicant has completed the requirements for the plat and all letters of approval have been received. The Staff advised the Planning Commission that the plat met the conditions set forth in the PUD and was ready for final approval and release.

Mr. Bill Doyle represented the applicant and briefly explained that an alternate access point at 52nd Street was no longer available and the access at 53rd Street was the only other available location. That location had been approved by the Fire Department as full access since they did not favor a "crash gate" if the full access could be made available.

Commissioners Terry Young and Carl Young commented that with the additional facts regarding the access and the vacating of 52nd Street, the objections to the plat and PUD would be withdrawn.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Parmele, Kempe, Higgins, Inhofe, "absent") to approve the final plat and release same on Brittany Square Addition.

Blackwell-Crockett (3293) NE corner of 57th Street and South Lewis Ave. (OL)
Cedarcrest Park (1783) NE corner of 90th Street and South Delaware Ave. (RM-T)
Executive Center (983) SW corner of 71st Street and Yale Avenue (OM)
Morton View (2014) North and East of 86th Street North and Highway #169 (CG)

The Chair, without objection, tabled the above items.

ACCESS CHANGE ON RECORDED PLAT:

Koger Executive Center Addition

This request is to move one access point 15' further north. Traffic Engineer has approved the request and it is recommended the Planning Commission concur.

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve this access change for Koger Executive Center.

Gilcrease Hills Center, Village I, Block 1

This is a request to vacate two 40' access points and relocate them to the easterly portion of the shopping center. The new access points will be 40' and 30' so the total number of access points remain unchanged. Traffic Engineer has approved the request and it is recommended the Planning Commission concur.

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve this access change for Gilcrease Hills Center, Village I, Block 1.

Expressway Park Addition

This request is only to expand an existing 40' access point to a 60' width to accommodate an entry with a median island. Traffic Engineering has approved the request and it is recommended the Planning Commission concur.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve this request to change access for Expressway Park Addition.

LOT-SPLITS:

For Ratification of Prior Approval:

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve the following Lot-Splits:

L-15317	Steven Lenz	(2383)	L-15344	Joseph B. & Patricia	
15340	LeGere & Nash			Seibert	(3093)
	Partnership	(3083)	15345	Williams Center and	
15341	FAMCO of Tulsa, Inc.	(2393)		Williams Plaza	
15342	Expressway Park Assoc.	(2994)		Hotel	(192)
			15346	F. S. R. C., Inc.	(2194)

LOT-SPLIT FOR WAIVER:

L-15194 Kenneth Hensley (2282) 9909 South 31st West Avenue (RE)

This is a request to waive the frontage on a tract in an RE District to permit creation of a "flag lot" with approximately 33,000 square feet. The remainder will be over four acres and not subject to a lot-split. The only waiver requested is the 30' frontage on the access "handle". Approvals of the City-County Health Department and Board of Adjustment will be required.

The Technical Advisory Committee and Staff recommended APPROVAL of L-15194, subject to the conditions.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve this waiver on L-15194, subject to the following conditions:

- (a) Approval of the City-County Health Department for septic systems; and
- (b) approval of the County Board of Adjustment.

FOR WAIVER OF CONDITIONS:

L-15331 Small Business Administration (2990) East side of Coyote Trail, South of West 41st Street (AG-R)

This is a request to waive the frontage requirement in order to create three (3) lots from two (2) existing platted lots. The access handle will be 50' wide and serve as access to the rear tract, while the other two (2) tracts have access to the Coyote Trail. The Staff sees no objection to the request, since there are other lots of similar size in the area. Approval would be subject to the City-County Health Department and the County Board of Adjustment.

The Technical Advisory Committee and Staff recommended APPROVAL of L-15331, subject to the conditions.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to approve L-15331 for Small Business Administration, subject to the following conditions:

- (a) Approval of City-County Health Department for septic system; and
- (b) approval of the County Board of Adjustment.

L-15332 James Williams

Mr. Wilmoth advised that the applicant submitted a letter (Exhibit "A-1") requesting this be withdrawn and that he be given a refund of fees. The Staff has done some work on it and it has been to the Technical Advisory Committee. The Staff would have no objection to a partial refund of the \$35 fee.

L-15332 (continued)

On MOTION of FREEMAN, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to allow the applicant to withdraw this application and refund Mr. Williams \$25.00.

CONTINUED PUBLIC HEARING:

Application No. 5624
Applicant: Richard Stimson
Location: NW of Haskell Street and Peoria Avenue

Present Zoning: RM-1
Proposed Zoning: IL

Date of Application: August 28, 1981
Date of Hearing: November 18, 1981
Size of Tract: 50' x 150'

Presentation to TMAPC by: Bill Harrington
Address: Thompson Building

Phone: 582-1065

Staff Remarks:

Gardner advised that the original recommendation has been modified and does not know if the applicant now meets the conditions. This Case was continued so that the applicant could try to get the adjoining property owners to apply for rezoning.

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity, Industrial-potential Corridor and Special District 2.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the IL District is in accordance with the Plan Map.

Staff Recommendation:

The subject property is located on the north side of Haskell Street, west of Peoria Avenue. The property presently contains a single-family residence and the applicant is requesting IL zoning to permit a furniture storage use.

The area of the subject tract represents a mixture of residential, industrial and commercial uses. The area is in transition from residential to industrial. The subject property abuts single-family residential tracts to the east, west and north. The abutting tracts to the south contain a large manufacturing warehouse and parking lot. The Staff feels that the subject application does not meet the test for industrial conversion of residentially zoned property, since the tract is abutted on three sides by single-family residences and would isolate residential properties to the east. However, the Staff feels that if the application contained the abutting properties to the east, it would meet the test for industrial conversion of residentially zoned property. As an alternative, if the applicant had the consent of the property owners to the east, the Staff could support the IL zoning.

Therefore, without either zoning the properties to the east or consent of the owners of the property to the east, the subject request is not appropriate, is not consistent with the policies of the District 2 Plan and should be DENIED.

Applicant's Comments:

Bill Harrington, representing Mr. Stimson, stated that the applicant was not successful in getting any of the neighbors to join the application, so the status has not changed. The neighbors said they did not have any immediate need for IL zoning. Mr. Stimson is now in a bad position because

Z-5624 (continued)

he cannot use his property, but IL is recommended by the long-range planning. He again requests that the IL be approved. A petition was presented at the previous hearing signed by all the surrounding neighbors consenting to the zoning change. The first property owner to the east would not sign, though. Gardner stated that the petition in the file would prove that he did meet the recommendation from the Staff and the lack of protestants would be sufficient evidence that the neighbors did agree. T. Young advised that he would favor this application without the restriction made by the Staff, since this is in a redevelopment location. The petition is an acknowledgment from the property owners that the area is going industrial. Mr. Harrington explained that there is an industrial tract across the street from the subject property. C. Young felt the Board would compromise itself somewhat by approving this zoning because usually redevelopment starts on the outside instead of the interior. Although it is designated to go IL, there is no assurance that it will. Since it is contiguous to the south and several of the adjoining property owners support it, C. Young agreed to support the rezoning.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for IL:

Lot 43 and 44, Block 4, Frisco Addition, Tulsa County, Oklahoma.

Application No. PUD 267
Applicant: Charles E. Norman (Reinkemeyer)
Location: SE/c E. 101st & S. Sheridan

Present Zoning: CS & RM-1

Date of Application: August 31, 1981
Date of Hearing: November 18, 1981
Size of Tract: 10 acres, plus or minus

Presentation to TMAPC by: Charles E. Norman
Address: 909 Kennedy Building, Suite 1100

Phone: 583-7571

Staff Recommendation:

Planned Unit Development #267 is located at the southeast corner of 101st Street South and Sheridan Road. The subject tract is vacant as are the tracts to the north and west. The tract to the northwest contains a "Quik-Trip" commercial use and the abutting land to the east and south is part of a single-family subdivision. The subject tract is zoned a combination of CS and RM-1 and the applicant is requesting a PUD to spread the commercial use over the entire site.

The Comprehensive Plan designates the CS portion of the subject tract Low to Medium Intensity -- No Specific Land Use and the RM-1 portion as a Low-Intensity Residential. A portion of the RM-1 is also designated as Development Sensitive because of drainage.

The Development Guidelines encourage the use of planned unit developments and the spreading of more intense land use. The reason for this was the Guidelines were approved permitting lesser amounts of commercial zoning at a Type One Node than previous to adoption of the Guidelines (5 acres vs 10 acres of CS zoning). In addition, the development controls of a PUD would assure that abutting residential properties would be considered and the developments compatible.

The Staff reviewed the applicant's PUD Text and Site Plans and find the proposed development consistent with the stated purposes and provisions of the PUD Ordinance, with minor modifications as recommended by the Staff. PUD #267, with modifications is:

- 1) consistent with the Comprehensive Plan,
- 2) in harmony with the existing and expected development of the surrounding areas; and
- 3) a unified treatment of the development possibilities of the project site.

Therefore, the Staff recommends APPROVAL of PUD #267, subject to the following modification and conditions:

- 1) That the applicant's Text and Site Plan be incorporated as conditions of approval unless herein modified. The Staff's Concept Plan be used to interpret Staff conditions and modification to the applicant's Plan.

2) Development Standards:

Permitted Uses:

Uses permitted as a matter of right in the CS-Commercial Shopping Center District, except that multifamily dwellings and bars, taverns and private clubs having as their principal activity the dispensing and consumption of alcoholic beverages shall not be permitted.

Maximum Floor Area----- 108,900 sq. ft.

Minimum Building Setbacks

South Boundary

The west 400 feet ----- 55 feet

the east 217 feet -----100 feet

East Boundary ----- 55 feet

North and West Boundaries

From the centerline of adjacent arterial sts. 100 feet

Maximum Building Height: (to the top of parapet)

The south 300 feet of the west 400 feet ----- 26 feet

The remainder of the PUD Site ----- 20 feet

Off-Street Parking

4.5 spaces shall be provided for each 1,000 sq. ft. of floor area.

Minimum Landscaped Open Space ----- 41,000 sq. ft.

3) Within the south and east 120 feet of the property the following construction and use restrictions shall apply:

(a) Architectural Compatibility. The south and east elevations (adjacent to Sheridan Park) of buildings within the shopping center shall be architecturally compatible with the north and west elevations of the buildings within the shopping center; however, the provisions of this subparagraph are not intended to require identical lighting, decoration or trim on all sides of the buildings within the shopping center;

(b) Roofs. The roof of any building within the shopping center shall not exceed 26 feet in height. The perimeter of all roofs shall be sloped at a 45-degree angle from the highest point of the roof to the eave. Eaves shall not exceed 12 feet in height above the adjacent ground level, except at corners where, for a distance of 40 feet from the corner, the building walls may extend to the full height of the building. The sloped portion of the roofs shall be covered with composition shingles weighing not less than 340 pounds per square;

- (c) Siding Materials. The siding materials on the south and east faces of buildings within the shopping center shall be brick or lapped siding with a horizontal pattern or combinations of brick and siding. Where siding is used the material shall be wood or vinyl;
 - (d) Mechanical Equipment. All mechanical equipment shall be roof-mounted or located within the interior of a building. Roof-mounted mechanical equipment shall be screened from ground level view from the lots within Sheridan Park Addition which are adjacent to the property;
 - (e) Trash Receptacles. No trash receptacles shall be located within 45 feet of the boundaries of Sheridan Park. All trash receptacles and storage areas shall be screened from ground level view from the lots within Sheridan Park Addition which are adjacent to the property;
 - (f) Loading Docks. All loading docks shall be screened by brick walls not less than 12 feet in height or shall be located on the interior of a building and be equiped with overhead doors;
 - (g) Landscaping. A landscaped buffer of a minimum of 30 feet (10' applicant's property and 20' private property) in width and containing a 6-foot privacy fence shall extend the full length of the east and south property lines which abut single-family residential uses, and no paved areas shall occur within 85 feet of an existing or proposed residential structure.
 - (h) Lighting. All lighting shall be directed downward and away from lots within Sheridan Park Addition.
- 4) That detailed Site and Landscaped Plans be submitted for approval prior to the request for any building permit and such required landscaping and fencing shall be installed prior to occupancy of any south or east perimeter building.
 - 5) That a subdivision plat, incorporating the PUD conditions of approval within the restrictive covenants, be approved by the TMAPC and filed of record in the County Clerk's Office making the City of Tulsa beneficiary to said covenants, prior to the request for a building permit.

The Staff would like to take this opportunity to commend both the applicant and the neighborhood for what the Staff feels to be a highly innovative and satisfactory solution to the buffering or residential land use from commercial uses.

At the same time, the Staff would urge the Planning Commission to take extra consideration in the applicant's approach to open space throughout the remainder of the project. One of the purposes of using the Planned Unit Development zoning is to "provide and preserve meaningful open space." It is the Staff's contention that this Site Plan, as submitted by the applicant, does not meet the intent of this purpose and has, therefore, asked that the applicant meet the intent illustrated in the Staff's Concept Plan and submit a detailed Landscape Plan be part of the conditions placed on the development.

Applicant's Comments:

Charles Norman, representing the applicant, handed the Commission copies of the text (Exhibit B-1). The project is to be called "Village South" and is a proposal for a planned neighborhood shopping center of moderate size. Mr. Norman stated that they have met with the Sheridan Park Homeowners approximately nine times. This residential addition abuts the subject tract on the south and east. The developers and the homeowners have come to an agreement.

The first objective was to eliminate any potential of developing the property as multi-family even though a zoning district presently exists that would have permitted 130 apartment units. The multi-family use would be prohibited under the terms of the PUD. They also prohibited as a matter of voluntary proposal, development of bars, taverns and private clubs. It is the intent of the owner and developer that this center will not be other than a neighborhood shopping center. Through private negotiations with the Homeowners Association, approximately ten or twelve other uses of that type would be prohibited by private agreement. The most difficult aspect of the planning process was to develop the relationship between the commercial shopping center and the nine single-family lots which back up to the property in Sheridan Park. The supermarket has specific configuration requirements as far as depth, width and height and represents the major building block and the anchor tenant in a center of this size. He felt it was necessary to locate the shopping center close enough to the adjacent single-family homes to prevent any commercial parking or traffic on the rear of the center. The supermarket requires a maximum height of 26 feet and the smaller buildings in the center are limited to a maximum building height of 20 feet. Because of the loading docks behind the supermarket, they were able to move some buildings farther from the single-family areas. The neighborhood, as well as Mr. Norman, was concerned with the effect of a 26' high wall, 55' away from the common boundary with Sheridan Park and that was the focus of the landscaping design and discussions with the neighborhood. The architects proposed a treatment of the roof on the south and east boundaries that would result in a maximum height of an eave of 12 feet above the adjacent ground with the roof slanting at a 45° angle up to the maximum height of the building and would then become a flat roof.

Per the Staff recommendation, this concept has the same theme on the rear as on the front. There will be decorative, non-functional dormers on the roof which is compatible with the homes. Since the developer knows what his own requirements are, he can propose a specific solution to the transitional problem that so often occurs. Usually, the landscaping is on the other side of the fence and is not seen by the people intended to benefit from it until it grows to a sufficient height. Mr. Coffman, the landscape architect, met with neighborhood committees and has developed a specific list of plant materials that would be located on the shopping

center side of the fence and a similar quantity and quality would be provided to each of the abutting lots on the perimeter to be planted within the 20 feet of their adjacent lot to provide a corresponding and larger depth of landscaping. That will provide an enjoyable transition. The neighbors have concurred. In addition, this project does provide a landscaping perimeter along South Sheridan and East 101st Street in the area in front of the buildings and a total of 41,000 square feet of landscaped and open space that is not required under typical commercial or multi-family development. In this case, the developer is asking to extend the commercial uses to a larger area but is surrendering the multi-family use that is permitted and is providing these design considerations and open space not required in conventional development. The other matters set out in the Staff Recommendation are basically those that have been agreed upon. Trash receptacles will be screened and located away from the common boundary. Mechanical equipment is to be roof-mounted, not close to the boundary line between the center and the adjacent homes. The Commission will have a chance to review other details when the site plan is submitted.

T. Young asked Mr. Norman if he is in accord with the request by the Staff to present a landscape plan. Mr. Norman replied that he agrees at this time because he does not object to working with the Staff to present a specific landscape plan at the time the project is ready for building permits.

Interested Party: Bill Bryan Address: 10234 S. 68th E. Ave. 74133

Interested Party's Comments:

Bill Bryan, Attorney for the Sheridan Park Homeowners Association, represents approximately 90 homeowners in the area. They have had numerous meetings with Mr. Norman and the developers on this matter. Negotiations have been entered into and he thanked Mr. McCartney and others. A tentative agreement has been drawn and restrictive covenants will be filed with approximately five of the homeowners. A majority of the homeowners feel this is a satisfactory agreement. Initially, the homeowners were opposed to the plan. However, because of the negotiations and the good faith conveyed by the developers, they are not opposed to the plan now. The agreement has not been signed at this time but a final draft is being prepared. The developers have agreed to another hearing if something is not approved in the final agreement. In regard to the landscaping, it is not going to be a 30 foot strip but will be a voluntary planting of the same density of materials on the other side of the screening fence and limited to the abutting homeowners who may plant these within 25 feet of the fence. C. Young advised that the Planning Commission has no jurisdiction over the signing of the agreement. Mr. Bryan understood that fact. He concluded that the reason the homeowners agreed to the plan was because of Mr. McCartney's good faith and wants to stress that this is not a precedent for the other three corners of the node.

Applicant's Comments:

Mr. Norman agrees that they will proceed with the development and execution of the private agreement and if that is not possible, he will ask for the matter to return to the Commission for further public hearing.

PUD No. 267 (Continued)

Instruments Submitted:

Copy of the Plan Text (Exhibit "B-1").

TMAPC Action: 6 members present.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, subject to Staff recommendations:

The Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section 26, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Z-5627 T. B. Hendrix

Mr. Hendrix advised that Mr. DeBouse, the owner, had passed-away since filing the application and that his widow, Mrs. DeBouse, has informed Mr. Hendrix to withdraw this application. However, Mr. Hendrix would like to request a continuance to see if the other heirs would be in agreement with the application. There was a protestant present who did not want a continuance because this was passed once before when he was present. C. Young stated that in deference to the protestant this Case should be heard or dismissed. This would not be a denial and could be applied for again. Mr. Hendrix asked for a refund if possible and Mr. Gardner advised that all the monies had been spent except for the public hearing fee of \$25.00.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe, "absent") to withdraw this application and refund \$25.00 of the zoning fee.

Application No. Z-5632

Present Zoning: RS-3

Applicant: Ray Conard

Proposed Zoning: OL, CS, RM-1

Location: North and South of 35th Street and West of 129th East Avenue

Date of Application: August 24, 1981

Date of Hearing: November 18, 1981

Size of Tract: 13 acres, more or less

Presentation to TMAPC by: Ray Canard

Address: 2743 South Memorial 74129

Phone: 664-8550

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the RM-1 and OL Districts may be found in accordance with the Plan Map, and the CS District is not in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends DENIAL of the requested OL, CS and RM-1 zoning and approval of RM-T zoning, except for the four lots on the west side of the subject tract, two on the north side, and two on the south side of 35th Street South, which should remain RS-3 for the following reasons:

The subject tract is presently vacant and is abutted on the north, west and south by developed single-family subdivisions and on the east by vacant land. The vacant land on the east side of the tract and fronting on 129th East Avenue is zoned CS.

The Comprehensive Plan designates the subject area Low Intensity, No Specific Land Use. With the development of residential surrounding the property on three sides, it would be the Staff's interpretation that the Plan would call for low intensity residential on this tract. However, given the existing CS zoning on the tract of land abutting the east side of the property, the physical constraints posed by utility and floodway easements, and the economics of development, the Staff feels it could support a slightly higher density development on the majority of the tract and would recommend the RM-T as being appropriate. Since the applicant is requesting a zoning pattern that would allow him to develop a higher intensity development than the surrounding residential, the Staff feels that a buffer should be provided by the applicant between his development and the single-family residences abutting the property on the west and would recommend that the RS-3 zoning remain on the four western most lots.

It should be noted that the Staff considers the existing CS zoned tract to be a clear case of spot zoning and in addition to be inconsistent with the Comprehensive Plan. Even though this tract is not a part of the application before you, the applicant is the owner. With this in mind, the Staff would strongly recommend to the applicant that he tie this tract to the one under application and develop a PUD on the joined properties. The Staff believes that under the PUD supplemental zoning the applicant can accomplish the development he desires and that the surrounding neighborhoods will be protected.

Applicant's Comments:

Mr. Conard stated this tract is difficult to develop because of the outcropping of rock. The dedicated street has not been put in because of the rock and three previous developers have tried to develop this tract. Dirt has been taken off the site to help build streets so it will have to be replaced. A subdivision plat would be possible under the present dedication which would continue the street through the property and develop it into single-family lots of approximately 60' x 150'. However, there is an approximate 60' easement on the north side and about a 45-50' easement along the south. Therefore, the actual buildable area is limited. Because of the deep ditch on the north side, the tract is set off from the houses. He thought it would be better to tie into the commercial tract on the front and arrived at the operation applied for by increasing the commercial zoning back to a line even with the P.S.O. line. This would mean five additional lots zoned commercially to go with the four lots on 129th Street. Between the line of P.S.O. property and the creek, Mr. Conard plans to put in office buildings on either side. Crossing the creek would require a bridge. He has considered a low-water dam and culvert, but that idea would not work. He proposes to divide the lots into smaller lots with zero lot lines for 2-story, single-family adjoining condominiums. These will be to buy, not rent.

Mr. Gardner advised that RM-T would allow the lots proposed, but was not sure of the number of units.

Mr. Conard continued by stating that because of the streets, easements for storm sewer and the bridge, the lots will be 24½ feet. This would allow more money to be spent on the development of the tract, which is extremely high because of the rock, the bridge and the additional utilities required. However, he has the equipment, the personnel and the manpower to do it. He has included the additional 5 lots in the commercial with the 4 lots already zoned commercial which would make it wide enough to build a shopping center and office buildings. It is impossible to market single-family residential lots on today's market due to the financing. The financing is available for condominiums.

Petty asked if the creek is a tributary of Mingo Creek and if it has any problems with flooding. Several of the audience said this is part of Mingo and Mr. Conard stated that he does not know if this area has a history of flooding, but there has been none since the detention facilities were put in and there are no requirements from the City Engineering Department. He could put the street and bridge in as it is now platted. T. Young was concerned about the commercial use. He asked Mr. Conard if he had considered an office use rather than a commercial use clear to 129th. Mr. Conard answered that he could not see a demand for it. There is very little commercial on 129th at this time and his proposal was a way to buffer between the commercial and the bridge, since there is a 60' easement which is lost ground. The easement on the south side is 32' and the easement on the north side is 50'. The ditch separates the land and is about 16' or 18' wide and 8' or 10' deep. Mr. Gardner advised there is commercial at 31st Street.

Z-5632 (continued)

<u>Protestants:</u>	Susan Harris	Addresses:	8286 East 34th Street
	Louis Grissom		3320 South 124th East Avenue
	Alan Ferris		3408 South 121st East Avenue
	Tom Wadsworth		12427 East 36th Street
	Van Bland		12412 East 36th Street
	Vickie Worley		3601 South 127th East Avenue
	Mildred Cooper		3516 South 124th East Avenue
	Carl Peters		12415 East 36th Street
	Everett Wheeler		12416 East 34th Street
	Mrs. C. W. Odle		3360 South 124th East Avenue

Protestant's Comments:

Susan Harris, Chairman of District 17, advised that the District met after receiving notification of the proposed rezoning. Forty-five people attended. The District Planning Team and the neighbors are opposed to the proposal. It is their feeling that the CS that is existing on 129th should not be there and is contrary to the plan which calls for low-intensity. They do not want to expand that commercial and do not feel that anything above a low-intensity should be allowed. This is in the middle of the square-mile along 129th and 129th is not a major improved street. It is two-lane with ditches, no curbs and it will be a long time before this is improved. The traffic is very bad. Cities Service has moved to this area and 129th is already an access to both the Crosstown Expressway and Broken Arrow Expressway. Mrs. Harris checked with the City Engineer and this area is in the floodplain, based on the Corps of Engineer's 1981 F.I.S. study. It is in the Mingo Creek Master Drainage Plan and does drain into Mingo Creek. There have been flooding problems. According to the City Hydrologist, the detention ponds east of 129th will not affect drainage in this area. The City Hydrologist advised her that a floodplain permit would be needed, a drainage plan would be required and in lieu of a detention plan he would have to pay a fee. The creek would have to be modified and an earthchange permit would be needed. The neighbors are concerned that any development over a low intensity would increase the flooding problem. A high-intensity use could not be accommodated. The Staff Recommendation for RM-T with a PUD would probably be acceptable with the provision that the intensity not be increased.

Louise Grissom, Vice President of Union School Board, presented a letter from Dr. Wesley Jarman, Superintendent of the Union Public Schools in opposition to the rezoning (Exhibit C-1).

Alan Ferris was concerned about the traffic situation, since all traffic will have to go past his house to get to Garnett. Tom Wadsworth was concerned about the intensity of the development and brought up the fact that the school is already at capacity. Van Bland stated that the tract was given to a local charity and the charity has given Mr. Conard an option to buy it pending rezoning; therefore there is no financial hardship. Vickie Worley was opposed to the zoning because the proposal would put office space behind her house and that area consistently floods. Everett Wheeler was concerned about the need to dynamite the rock and the fact it might damage the houses. Mildred Cooper, Mrs. C.W. Odle and Carl Peters were concerned about the traffic and flooding.

Applicant's Comments:

Mr. Conard stated that the zoning as it now stands for the platted area contains 50 lots. He plans to have 84 lots of single-family lots. Mr. Gardner advised that under the Staff Recommendation, it would be possible to get approximately 100 without any commercial. However, the applicant is going from 50 to 84 but reducing the residential area by about one-third and increasing the commercial area.

Mr. Conard explained that the land is in his name and on file in the County Court House and has been for some time. He felt the point to be made is that the run-off water will not be affected by what he is asking. There is virtually 100% run-off water in this area. If the whole tract was paved, there would not be a difference because it is solid rock now. There is no soil absorption. The dirt that has been taken off will have to be replaced. The street required will help traffic. He emphasized that he is trying to plan and develop 84 single-family residences, two tracts for offices and slightly enlarge the commercial zoning.

Petty asked Mr. Gardner what the possibility would be under a PUD, assuming the CS was included and the four lots to the west were left RS-3. Mr. Gardner replied that the underlying zoning may allow some additional units if he did not use it for commercial or office. Under the Staff recommendation, there are 50 lots and some lots would be lost because of easements. It might be possible to double that if each 60' lot is split for an average of 30'.

C. Young stated that the plan appears to allow RM-T but cannot see expanding the commercial and would not be in favor of the OL. He could support the Staff recommendation because it obviously is not going to develop single-family large lots due to the condition of the soil. T. Young does not support the commercial currently in place and obviously could not support additional commercial. If there is some set of circumstances that prevents development of RS-3, he could support an RM-T concept which would not substantially increase the number of units allowed with the commercial. However, this support would be for no more than 60 units and therefore could not support the Staff recommendation because the density would be excessive even with the PUD.

Petty thought the reason the tract has not been developed under its present condition is that it is not economically feasible.

Instruments Submitted:

Letter in opposition from Union Public School Superintendent (Exhibit "C-1").

TMAPC action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 5-1-0 (Eller, Freeman, Holliday, Petty, C. Young "aye"; T. Young "nay"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-T per Staff recommendation:

Z-5632 (Continued)

Lots 47 through 70, Block 3, Briarglen East Addition and
Lots 3 through 5, Block 8, Briarglen East Addition and
Lots 1 through 20, Block 9, Briarglen East Addition, Tulsa
County, Oklahoma.

Application No. Z-5618
Applicant: C.M. Reinkemeyer
Location: SW/c of E. 91st and South Mingo Road

Present Zoning: RS-3
Proposed Zoning: RM-1

Date of Application: August 5, 1981
Date of Hearing: November 18, 1981
Size of Tract: 19.4 Acres

Presentation to TMAPC by: C.M. Reinkemeyer
Address: 2626 E. 21st Street, Suite 4 74114

Phone: 742-0820

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, Potential Corridor and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the RM-1 District may be found in accordance with the Plan Map.

Staff recommendation:

The Staff recommends APPROVAL of RM-1 zoning.

The Subject tract is located south of the southwest corner of 91st Street and Mingo Road. It fronts onto Mingo Road, is zoned RS-3 and the applicant is requesting RM-1 zoning for a proposed multi-family use.

The subject tract is vacant, as are the abutting tracts to the north, south and east. The tract directly to the west is vacant, but is proposed to be a single-family and duplex platted area, all under the control of PUD #268. Initially, this application was APPROVED for 15.09 acres of RM-1 zoning at the November 4, 1981, meeting. The area has now been expanded to 19.40 acres to allow the applicant to develop PUD #268 at the density requested and maintain the appropriate RM-1 zoning which is consistent with the Comprehensive Plan and physical facts of the area.

Therefore, the Staff recommends APPROVAL of a total of 19.4 acres of RM-1 zoning.

Protestants: None.

The applicant was not present.

TMAPC Action: 6 members present.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-1:

A tract of land lying in the E/2 NE/4 of Section 24, T18N, R13E of the Indian Base and Meridian according to the U.S. Government Survey thereof, in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point on the East line of said E/2 NE/4, said point lying 950.00 feet South of the Northeast Corner thereof; thence S 00°03'20" E along said East line a distance of 693.94 feet to a point; thence S 89°56'40" W a distance of 120.00 feet to a point; thence S 60°51'28" W a distance of 755.00 feet to a point lying 785.00 feet West of the East line

Z-5618 (Continued)

of said E/2 NE/4; thence N 00°03'20" W a distance of 1605.00 feet to a point; thence S 42°17'29" E a distance of 245.00 feet to a point; thence S 66°56'21" E a distance of 203.22 feet to a point; thence S 37°05'22" E a distance of 174.98 feet to a point; thence S 67°31'15" E a distance of 352.73 feet to the point of Beginning, containing 19.40 acres, more or less.

Application No. Z-5636 Present Zoning: CS, OM
Applicant: Charles E. Norman Proposed Zoning: CO
Location: West of South Garnett Road and Broken Arrow Expressway

Date of Application: September 25, 1981
Date of Hearing: November 18, 1981
Size of Tract: 20 acres, plus or minus

Presentation to TMAPC by: Charles E. Norman
Address: 909 Kennedy Building 74103 Phone: 583-7571

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use and Corridor District.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CO District is in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of the requested CO District zoning for the following reasons:

The subject tract is located at the southwest corner of 41st Street and Garnett Road and is zoned a combination of CS and OM. Located on the property are several new high-rise office buildings and the applicant is requesting CO zoning to add additional buildings with multiple uses.

The subject tract fronts the Broken Arrow Expressway and Garnett Road. The tract has good access to the Broken Arrow Expressway and the Mingo Valley Expressway, which will allow for smooth traffic flows in and out of the development. A detailed site plan (Step 2 in the CO process) will be required to be approved before any additional development can proceed.

The CO request meets the Comprehensive Plan, the site has good access and, therefore, the Staff recommends APPROVAL of CO zoning as requested.

Applicant's Comments:

Charles Norman had no comments to make on the recommendation but thought the map was inaccurate as far as the property included in the application. The tract to the far northwest is not included and the outline would fit in the southeast corner. Mr. Gardner advised that if the area to the west is improperly advertised, it can be subtracted from the application. If the property to the east has not been advertised, it will have to be advertised again under the same zoning number. T. Young felt the Board could approve what he has asked for and if there is no protest filed within the 10 days required, he will get what he applied for.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO, subject to review of the map by Staff:

Beginning at the Northeast Corner of Lot Two (2), Block Two (2), Towne Centre, an Addition to the City of Tulsa, Tulsa County, Oklahoma; thence South $00^{\circ}08'29''$ West a distance of 491.88 feet; thence North $66^{\circ}50'41''$ West a distance of 586.72 feet; thence North $21^{\circ}25'50''$ East a distance of 92.06 feet; thence North $9^{\circ}00'$ West a distance of 75.45 feet; thence North $21^{\circ}25'50''$ East a distance of 167.08 feet to a point on the North line of said Lot Two (2); thence South $66^{\circ}50'41''$ East a distance of 75.87 feet; thence along a curve to the left having a radius of 298.92 feet of 271.23 feet to the point of beginning, containing 200,151.37 square feet, or 4.595 acres, more or less;

and

Beginning at the Northwest Corner of Lot Two (2), Block Two (2), Towne Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma; thence South $66^{\circ}50'41''$ East a distance of 469.90 feet; thence South $21^{\circ}25'50''$ West a distance of 167.08 feet; thence South $9^{\circ}00'$ East a distance of 75.45 feet; thence South $21^{\circ}25'50''$ West a distance of 92.06 feet; thence North $66^{\circ}50'41''$ West a distance of 508.13 feet; thence North $21^{\circ}25'50''$ East a distance of 323.05 feet to the point of beginning, containing 3.592 acres, more or less;

and

Lot One (1), Block Two (2), Towne Centre, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof;

and

Lot One (1), Block Two (2), Towne Centre II, an Addition to the City of Tulsa, Tulsa County, according to the recorded plat thereof.

Application No. Z-5637

Applicant: Charles E. Norman (Helmerich & Payne)

Location: East of S. Garnett Road, South of E. 41st and North of Broken Arrow Expressway

Present Zoning: IR

Proposed Zoning: CO

Date of Application: September 25, 1981

Date of Hearing: November 18, 1981

Size of Tract: 240 acres

Presentation to TMAPC by: Charles E. Norman

Address: 909 Kennedy Building 74103

Phone: 583-7571

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2.

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

Staff Recommendation:

The subject tract is located on the northeast corner of Garnett Road and the Broken Arrow Expressway. It is zoned a combination of CS, RM-1 and IR and the applicant is requesting CO zoning to accomodate higher intensity land use.

The property abuts the Broken Arrow Expressway on the south, Garnett Road on the west, South 41st Street on the north and Cities Service Research and vacant land on the east. The entire subject tract is vacant, it is irregular in shape and surrounds several interior tracts which are developed as offices. The tract is across from multi-story office buildings and apartments to the west.

The subject tract is designated by the Comprehensive Plan as Special District 2, which calls for both high and medium intensity development, which the Staff feels indicates that the total tract should not be zoned and developed at CO standards. If the tract is zoned as requested, it would allow over 10 million square feet of potential floor area to be developed in the total area, which would be a 256% increase over the present zoning. The Staff cannot support this type of development intensity in this location.

The CO zoning requested by the applicant is also inconsistent with the Development Guidelines except along the external west side of the tract because a "Corridor shall have a maximum land area of 3,000 square feet of land area for every foot of expressway frontage". Except for the west 660', the subject tract exceeds the maximum permitted.

Therefore, the Staff would recommend APPROVAL of CO zoning on the west 660', except for that portion not under this application, and DENIAL of CO on the remainder of the tract.

NOTE: The recommended CO zoning, together with the existing IR zoning, would permit approximately 5½ million square feet of development. This zoning pattern with a PUD should accomplish the applicant's future development needs.

Applicant's Comments:

Charles Norman, representing Helmerich and Payne, advised that this parcel is directly across the street from the previous zoning, Z-5636. Helmerich and Payne owns approximately 250 acres north of the Broken Arrow Expressway with the exception of four parcels that are currently developed. The application was filed covering the entire property for corridor district. This is included within Special District 2. This entire section, including the portion south of the Broken Arrow Expressway, is planned for non-residential uses. Everything south is planned for industrial corridor between the Expressway and the railroad tracks. Cities Service owns over 200 acres to the east. None of the property in this section is planned for any uses other than non-residential. This application was filed after the property on the southwest corner of 41st and Garnett had been zoned corridor in accord with the District Plan. The purpose of that is to allow the applicant to take advantage of the increased flexibility of uses and the increased density permitted in a corridor district. However, the corridor district requires 2 sets of public hearings and a detailed site plan review for each project before a building permit can be issued. There is a drainage problem on a part of the property but this will be reserved for a regional detention facility. It is his concept that the entire tract be placed within a corridor district and give up the multi-family on the north and commercial at the corner and submit the whole parcel to the detailed site planning process with the exception of the four tracts noted.

The intent of the application was to have greater detail regulation and site plan approval in exchange for the opportunity to have greater flexibility and a higher density of development. He appreciates the Staff's concern that the proposal may have precluded the true application of the corridor site plan process, but the real corridor is in the area that parallels the Expressway. A more appropriate approach would be to take the part south of 43rd Street and allow that entire area to be planned as a corridor with reference to the Expressway. This would be in accord with the concept of the corridor district. The only thing that does not meet is the technical statement in the development guidelines that the parallel arterial streets should not be more than 3,000 feet away. This is a logical location for a medium intensity, office-type development.

Mr. Gardner stated the one alternative discussed with Mr. Norman was corridor zoning parallel to the Expressway if access were available back to 129th for circulation through the development. The Staff could support using everything south of that access road and the creek being C0. The subject zoning would permit the potential of 10½ million square feet of building. He feels strongly that either it be zoned as recommended by the Staff or get some provision for the street going back to the AG. If that happens, the Staff could support C0 south of the creek.

T. Young could favor corridor because several hearings are required. Mr. Norman stated that the purposes of the site plan review are to assure proper accessibility, circulation and functional relationships to uses and compatibility.

Protestants: None.

On MOTION of T. YOUNG, the Planning Commission voted 5-0-1 (Eller, Freeman, Holliday, Petty, T. Young "aye"; no "nays"; C. Young "abstain"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO as submitted, EXCEPT that area zoned RM-1 in the northern portion and the square that is bounded by 118th E. Avenue on the west, the RM-1 on the north and the property not in the application on the south:

All of the West Half (W/2) of Section 29, Township 19 North, Range 14 East, lying North of the Broken Arrow Expressway Right-of Way, except: The North 330 feet of the East 660 feet thereof and Southpark Center, an Addition to the City of Tulsa, Oklahoma, according to the recorded plat thereof, and All of Southpark Center, an Addition to the City of Tulsa, Oklahoma, according to the recorded Plat thereof, except: Lot One (1), Block Three (3), Southpark Center and Lots Four (4), Five (5), Six (6), Seven (7) and Eight (8), Block One (1), Southpark Center.

Z-5638 Roy Johnsen (Inv. Dyn.) Se/c 81st & Okmulgee Beeline

Letter was presented from Mr. Johnsen requesting this application be withdrawn (Exhibit C-1).

The Chair, without objection, withdrew the application.

Z-5639 Richard Riddle (Gawey) SW/c of 81st & Sheridan

PUD 271 Richard Riddle (Gawey) Sw/c of 81st & Sheridan

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to continue this Zoning case and PUD to December 2, 1981, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD 206-A
Applicant: John Moody (Isbell, Inc.)
Location: 6121 E. 93rd Pl. South

Present Zoning: C0

Date of Application: September 25, 1981
Date of Hearing: November 18, 1981
Size of Tract: .18 acres, plus or minus

Presentation to TMAPC by: John Moody
Address: Bank of Oklahoma Tower

Phone: 588-2651

Staff Recommendation:

The subject tract contains an unoccupied, single-family residence under construction. The abutting properties to the north, east and west all contain single-family structures. The land to the south is open space, which is reserved for storm water detention.

The tract is zoned C0 and PUD and the applicant is asking for an amendment to the PUD to allow a knitting school and business use.

The PUD is designed for detached, single-family construction on small size lots. The homes are medium to large in size, leaving small front yards and minimal frontage on the streets. The house located on the subject tract is elevated 5 to 7 feet above the street, allowing for no more than two cars to park on the subject property. It would be difficult to park more than one car in the street in front of the tract and the Staff would consider even that to be unsafe because of the "switch-back type" curve in front of the house.

Therefore, the Staff recommends DENIAL of this amendment to PUD #206.

Applicant's Comments:

John Moody represented Beverly Clark, the applicant. The property was originally zoned corridor district which permits commercial uses by right within this project. After this, the owner filed an application for PUD 206 instead of the regular site plan submittal procedures for corridor district. This area was designated Area D for residential single family use under the corridor district. Originally, Mr. Moody had applied for a Home Occupation use through the Board of Adjustment to permit a knitting school. It is Mrs. Clark's intention to teach people original knitting designs and sell knitting kits. There will be no more than three cars on the property at any time, which would not be anymore than if she were giving a party. She is willing to limit the time from between 10:00 and 5:00 and would agree not to have more than one class of 3 or 4 people a day, but be permitted to have one person come at other times.

This now has to be an amendment to PUD 206 instead of a Board of Adjustment exception. Mr. Moody quoted the Planning Commission minutes of October 26, 1977, when PUD 206 was heard, which stated that "...permitted uses of single family together with customary accessory uses, including clubhouse, tennis courts, etc..." The zoning code includes customary home occupation in "customary accessory uses."

It is Mr. Moody's contention that this is already approved under the PUD. He requested an interpretation to see if it has been approved. There are protestants to the application because the advertising was the standard advertising for a planned unit development. This says it could be a variety of uses. The neighborhood now believes this will be a home business. Mrs. Clark does not want to do anything harmful to the neighborhood where she will be residing. The driveway will accomodate two cars and he proposes that no more than 3 cars be permitted. Any house could have the same situation. There will not be any advertising or employees.

Mr. Gardner stated the CO zoning is not an issue. The board can grant an exception of any use because it is under a PUD. The protestants do not need to worry about the zoning being changed.

Protestant: Mr. Bill Wall

Address: 9315 S. Lakewood

Protestant's Comments:

Bill Wall is president of the Homeowner's Association and they were aware this was a knitting school before this hearing. He took exception to the terminology of Mr. Moody. The customary uses listed by the attorney were community uses rather than home occupation. There are restrictive covenants limiting uses of the lots and houses to single-family uses only. There is heavy traffic in the area and the roads are narrow. The driveways are shallow. The Association does not wish to deny anyone the right to extra income. He suggest not more than three cars at one time, certainly no more than two or three students and maybe once a week classes. He would like restrictions if the Board does approve the application, but would request the Staff recommendation for denial be supported.

Applicant's Comments:

Mr. Moody offered to meet with the Homeowners Association to discuss the plan but was not asked to present his case before their Board. He was concerned about the recommendation for denial, since the Staff has not recommended denial on a home occupation to the Board of Adjustment. He would like an opportunity to address the problem of traffic at a later date.

Linker requested this be continued in order to review the issue, discuss the matter with Mr. Gardner and Mr. Moody and is not sure if this would take away the Board of Adjustment's jurisdiction.

Instruments Submitted:

Resolution from Sheridan South Homeowners Association in opposition
(Exhibit "E-1").

TMAPC Action: 6 members present:

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to continue this application to December 2, 1981, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center, and that the City Attorney provide a written opinion at that time.

Minor Amendment

PUD #206

Staff Recommendation:

The subject tract is located southwest of the intersection of South Norwood and East 94th Place South. The tract contains an occupied, single-family residence. The property to the east, which would be affected by any action, is vacant.

The applicant is requesting a minor amendment to PUD #206 to allow the construction of an attached storage shed to within two feet of the east property line.

The owner of the adjacent property does not object to this amendment. The Staff conducted an on-site inspection of that portion of the project already completed and find the construction architecturally compatible with the principal structure. Because of the shape of the lot and the location of the addition, there should be several feet actual separation between the subject property and any structure built to the east.

For these reasons, the Staff considers the encroachment of the side yard to be minor in nature and accordingly recommends APPROVAL per plot plan.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to approve this minor amendment to PUD 206.

Site Plan Approval

PUD #266

Staff Recommendation:

The Staff recommends APPROVAL of the detailed Site Plan, per conditions, for the following reasons:

The subject property is located approximately ¼ mile west of the intersection of 51st Street South and Harvard Avenue. It fronts onto 51st Street and is one lot east of Delaware Place. The PUD contains an office development, Area "A" and apartment development Area "B".

AREA "A"

<u>PUD Standards:</u>	<u>As Required</u>	<u>As Submitted</u>
Net Area	1.118 acres	1.118 acres
Permitted Uses:		
Principal & Accessory uses Permitted in an OM District		
Maximum Floor Area:	18,000 sq. ft.	18,000 sq. ft.
Maximum Building Height	26 feet	26 feet
Minimum Building Setback:		
From centerline of abutting public arterial street	100 feet	135 feet
From other property lines	10 feet	10 feet
Minimum number of parking spaces:	65	55*
Minimum internal landscaped open space:	11.0%	

*This number exceeds the 45 spaces required by Code.

AREA "B"

<u>PUD Standards:</u>	<u>As Required</u>	<u>As Submitted</u>
Net Area	7.709 acres	7.709 acres
Permitted Uses:		
Townhouses, clustered patio homes, or garden apartments with customary accessory uses such as clubhouses, pools, parking, tennis courts and recreational facilities.		
Maximum number of dwelling units:	212	212
Maximum building height:	26 feet	26 feet
Off-Street Parking: As required in RM-1	346	346
Minimum setbacks from perimeter boundary of PUD		
North	50 feet	65 feet
East	10 feet	10 feet
South	10 feet	10 feet
West	25 feet	25 feet

PUD #266 Site Plan Approval (Continued)

Privacy fence along west property line is submitted as required.

Based on our review of the detailed Site Plan, the Staff finds the plan consistent with the PUD conditions and therefore, recommend APPROVAL as submitted.

TMAPC Action: 6 members present.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Holliday, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Kempe, Parmele, Inhofe "absent") to approve the site plan, subject to the conditions set out in the Staff Recommendation.

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

Date Approved December 9, 1981



Chairman

ATTEST:



Secretary

TMAPC RECEIPTS
MONTH OF OCTOBER, 1981

ZONING

Zoning Fees	(17)	\$1,841.00	
Fee Waived	(0)		\$ 1,841.00

LAND DIVISION

Subdivision Preliminary Plats	(10)	\$ 500.00	
Subdivision Final Plats	(7)	425.00	
Lot-Splits	(23)	215.00	
Fee Waived	(1)		\$ 1,140.00

BOARD OF ADJUSTMENT

		\$ 2,335.00	
Fee Waived	(0)		\$ 2,335.00

\$ 5,316.00

DEPOSITORY TICKET

CITY RECEIPT

772	006065	\$ 1,591.00	
773	006867	1,060.00	
774	006865	1,550.00	
775	007548	1,165.00	
		\$ 5,366.00	
	*Less:	(50.00)	

\$ 5,316.00

CITY BOARD OF ADJUSTMENT

\$ 1,950.00

COUNTY BOARD OF ADJUSTMENT

\$ 385.00

CITY SHARE

\$ 1,490.50

COUNTY SHARE

\$ 1,490.50

*Less: City B.O.A. Application Fee - Richard Whitcomb - \$25.00 - Receipt #28783
 Deposit #004643
 City B.O.A. Application Fee - Leo & Michael C. Walter - \$25.00 - Receipt #2884
 Deposit #005256

