

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1492
 Wednesday, February 1, 1984, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom	Connery	Compton	Linker, Legal Department
Draughon	Flick	Gardner	
Higgins	Inhofe	Lasker	
Hinkle, Secretary		Martin	
Kempe, Chairman		Matthews	
Rice		Wilmoth	
Woodard,			
C. Young, 1st Vice-Chairman			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall on Tuesday, January 31, 1984, at 11:27 a.m., as well as in the Reception Area of the INCOG offices.

Chairman Kempe called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the Minutes of January 18, 1984 (No. 1490).

REPORTS:

Chairman's Report - Election of Officers:

Chairman:

The Chair declared nominations open for Chairman. Commissioner Beckstrom nominated Carl Young, III for Chairman. There being no further nominations, the Chair declared the nominations closed.

On MOTION of BECKSTROM, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to elect Carl Young, III as Chairman of the TMAPC.

First Vice-Chairman:

The Chair declared nominations open for First Vice-Chairman. Commissioner Beckstrom nominated Cherry Kempe for First Vice-Chairman. There being no further nominations, the Chair declared the nominations closed.

First Vice-Chairman Nomination: (continued)

On MOTION of Beckstrom, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to elect Cherry Kempe as First Vice-Chairman of the TMAPC.

Second Vice-Chairman:

The Chair declared nominations open for Second Vice-Chairman. Commissioner Carl Young nominated Commissioner Beckstrom for Second Vice-Chairman. There being no further nominations, the Chair declared the nominations closed.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to elect Robert Beckstrom as Second Vice-Chairman of the TMAPC.

Secretary:

The Chair declared nominations open for Secretary. Commissioner C. Young nominated Marilyn Hinkle for Secretary. There being no further nominations, the Chair declared the nominations closed.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to elect Marilyn Hinkle as Secretary of the TMAPC.

Committee Reports:

Comprehensive Plan Committee:

Chairman Hinkle advised the Committee met earlier today for a briefing on the new Central Business District and how it relates to the Comprehensive Plan. Action will be taken at a later date.

Rules and Regulations Committee:

Chairman Higgins advised this Committee also met prior to the public hearing and discussed changes in the Zoning Code concerning the parking requirements in various use units. This matter is under advice of the Staff and Legal Department and will be discussed at a later date.

Director's Report:

Transmittal letter from the Owasso Planning Commission concerning Sooner Addition Subdivision Plat.

Chairman Kempe advised that this letter has been received and is placed on file.

PUBLIC HEARING:

PUBLIC HEARING TO CONSIDER CREATING A CENTRAL BUSINESS DISTRICT, PROVIDING A PROVISION FOR PARKING IN CH DISTRICT OUTSIDE OF THE CENTRAL BUSINESS DISTRICT, INCREASES IN THE FLOOR AREA RATIO IN OL FROM .25 to .30.

Mr. Gardner stated this public hearing involves many items but suggested that only a recommendation be made today on the floor area ratio in the OL District which is being requested to increase from .25 to .30. Over the past 13 years since the Ordinance was created, the Staff has determined that the .25 floor area ratio does not meet the needs of a one-story professional office building. That portion of the public hearing will receive a recommendation and will be forwarded to the City Commission for a decision.

The majority of the public hearing deals with the creation of a new Central Business District zoning classification and the requirement for off-street parking in a commercial high intensity district.

The portion of the Zoning Code which has been advertised was included in an exhibit (Exhibit "A-1"), and Mr. Gardner proceeded to explain the changes. In Section 200 it lists the specific zoning districts established by the Code, and the CBD was merely inserted. Section 700.5 states the purpose of the Central Business District. The purpose is so stated that it is intended for the City not to have multiple central business districts as there is still provision for high intensity commercial elsewhere in the community. Section 710 deals with the principal uses permitted in Commercial Districts. The table that shows the uses by right and the special exception for the CBD are the same as in the CH District. Section 730 - Bulk and Area Requirements--the CBD will have virtually no requirements as it does today under the CH. It is virtually unrestricted. The original idea of having a commercial category that was unrestricted was to accommodate the Central Business District, and a category is now being created for the CBD and all the existing CH zoning which would not qualify for CBD would then have some requirements specifically for off-street parking. Section 1200.4 deals with Off-Street Parking and Loading Requirements, and it was altered to read that there are no parking requirements in the CBD rather than the CH District as it presently states. Section 1730.3 deals with notice requirements. The CBD is merely being inserted where it presently states CH.

Mr. Gardner then submitted a memorandum from Alan Jackere, Assistant City Attorney, addressing the Zoning Code changes concerning the new CBD District (Exhibit "A-2"). The memorandum deals specifically with how to implement the parking requirements for uses that have become nonconforming concerning the parking requirements in a CH District. If there is a change in the use under the same use unit there would be no change in the required number of parking spaces, but if the change is from one use unit to another which requires greater parking requirements the owner must then provide the additional parking. It was suggested that there will be a need to create a specific unit for restaurants, bars, and taverns and those uses which require greater amounts of parking.

A third exhibit was submitted (Exhibit "A-3") which was a comparison of parking requirements for various uses in different cities which compared restaurants/clubs, trade schools and movie theatres. It was advised that Tulsa is lacking in the parking requirements in most of these areas, and a need for change in the Zoning Code was indicated.

Public Hearing to Create a Central Business District Zoning Category (continued)

The Chair then opened the public hearing to any individuals who wished to express their concerns with the concept of creating the new Central Business District zoning category and the parking requirements.

Mr. Greg McClain, One Williams Center, represented Williams Realty Corp., and stated his concern was the CH zoning outside the CBD District. Their concern is that an entire city-wide classification of zoning is being created to deal with the parking problem existent in the Brookside area. He stated that the reduction of the floor area ratio in the CH District and the parking requirements in CH both essentially present downzoning and possibly a taking of rights. Mr. McClain stated he supports the need for parking requirements in the CH District outside of the CBD. He felt there should be no capping of the floor area ratio even though the parking requirements are in place and will solve the problem in the Brookside area. He suggested that maybe the footprint of the building needs to be limited to the CH and provide parking in addition to the footprint. They agree that the parking requirement is an adequate response to the problem that exists and the cap on the floor area ratio will be handled by the parking requirement. They proposed that there be no cap on the floor area ratio even though parking requirements be in place which will in affect address the parking problem in the Brookside Area.

Mr. Young addressed his concerns with the possibility of taking of rights and he advised that the Commission is not going to be affecting the existing CH. Mr. McClain stated he was not prepared to discuss the taking issue and would need legal assistance in doing so, but they do believe that the parking requirement is a requirement that developers need to respond to. He felt that having a parking requirement in any zoning including CH outside the CBD is something that is needed. He felt that putting a floor area ratio on that puts a broad blanket rule to lots of situations that are not necessarily applicable and addresses more than the parking problem. He suggested that to cap the floor area ratio is restrictive and unnecessary but feels that the parking requirement is needed. Specifically they would like to address the floor area ratio in the CH District and would like to reserve the ability to speak on what the parking ratio should be in the new CH zoning; however, they feel the parking should be a requirement.

Mr. Ken Cox, 4100 Bank of Oklahoma Tower, attorney representing the Williams Realty, advised the Commission that he wanted to reserve the right to speak to the Central Business District on the continued public hearing date as they are interested in the floor area ratio cap on CH and the parking requirement.

Mrs. Norma Turnbow, 1822 South Cheyenne Avenue, District 7 representative of the Greater Tulsa Council, expressed her tremendous concern with the CBD District and desired that the CBD be kept inside of the Inner Dispersal Loop to prevent that zoning from moving into the District 7 area which would cause parking problems for the residents in the neighborhood. She was concerned with the term "close proximity" in the definition of CBD.

Chairman Kempe advised that the District 7 Plan is going to be under reconsideration which will have some bearing on this matter and the members of the district can place their input into the consideration of the District 7 update.

Public Hearing to Create a Central Business District Zoning Category (continued)

Mr. Steve Cates represented Metropolitan Life and advised the Commission that the company is presently developing the tract at 61st Street and Yale Avenue known as Warren Place. The developers made a commitment to the project approximately 3 years ago and felt they had the assurance that the zoning which was there was not objectionable. The developer has provided parking on-site. Mr. Cates stated that the present 2.0 ratio factor would not necessarily impact their present plans, however, the company has agreed to a 100-year ground lease. He stated he was concerned with the Brookside problem, but it was felt there has been an overreaction to the problem which is adversely impacting property all over the City. He stated he was interested in Tulsa's future. This kind of action will send out signals that suburban users can be a negative impact. He suggested that there is some other way in limiting the CH use.

Mr. Carl Senger represented the William K. Warren Foundation and enumerated on the contribution which Mr. Warren has made for the City of Tulsa. He felt that placing a cap on the CH zoning is stating that Tulsa will not grow and cannot expand like other major cities like Houston, Dallas... By placing the cap on this proposal is like communicating to outside developers that they are not wanted or needed. He felt that the other zoning areas should not be penalized in order to solve this problem and limit the potential growth of Tulsa. He stated he felt the Planning Commission is asking the entire City community to provide for parking for downtown Tulsa if this cap is put on.

Mrs. Fran Pace, chairman of District #4 of the Greater Tulsa Council, stated she was interested in this matter as District 4 comes to the east edge of the Inner Dispersal Loop. She felt that the whole study needs to be reviewed as there seems to be a cry for quality housing in the downtown area. She felt that the Staff needs to stay firm with the CBD limitations because the parking is a big problem and it might drive out quality housing which is now surrounding the downtown area.

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Beckstrom; Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to continue consideration of this public hearing with the exception of increasing the floor area ratio in OL District, until Wednesday, March 7, 1984, at 1:30 p.m. in the Langenheim Auditorium, City Hall, Tulsa Civic Center.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") that the public hearing be closed.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the increase in the floor area ratio in the OL District from .25 to .30.

SUBDIVISIONS:

Preliminary Approval:

Yale Centre II (PUD #340) (2293) East side of South Yale Avenue at
East 35th Street (RM-1) (RD)

The Staff presented the plat with the applicant represented by Gary VanFossen.

The Technical Advisory Committee reviewed a plat waiver and lot-split on this previously. Waiver of Major Street Plan requirement was made at that time. The plat is being filed to satisfy PUD requirements.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Yale Centre II, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughton, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") that the Preliminary Plat of Yale Centre II be approved, subject to the following conditions:

1. All conditions of PUD #340 shall be met prior to release of the 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.
2. Utility easements shall meet the approval of the utilities. Coordinate with the 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. (Water and Sewer Department prefers an 11' easement on the east but would accept 7½' as shown.)
3. Relocate or kill existing 3/4" water line.
4. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (if required)
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer (for on-site detention).
6. 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.
7. A topo map shall be submitted for review by the T.A.C. (Subdivision Regulations) (Submit with drainage plans)
8. All adjacent streets and/or widths thereof should be shown on the final plat. (Show 39th Street.)
9. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by the City Engineer.

Yale Centre II (PUD #340) (continued)

10. Access points shall be approved by the City and/or Traffic Engineer. (Show access language in covenants. Future left-turn access may be restricted.)
11. 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.
12. The key or location map shall be complete.
13. Show building lines in accordance with the PUD. Show PUD number on face of the plat. Show acreage on the plat.
14. Rearrange covenants and deed of dedication to standard format. Include TMAPC approval date on PUD (September 28, 1983).
15. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
16. All (other) Subdivision Regulations shall be met prior to release of the final plat.

South Lewis Plaza (PUD #329) (883) 74th Street and South Lewis Ave. (OM)

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

This project was reviewed by the T.A.C. as a "PUD Review" on June 23, 1983. The opening of 74th Street was discussed, but since it was only a "paper dedication" and not physically in place, no right-of-way was to be required on the plat being reviewed today. A structure already exists in the area to the north of this plat that would be in any right-of-way.

Traffic Engineering Department requested the location of structures to the north in the right-of-way area be verified.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of South Lewis Plaza, subject to the conditions.

On MOTION of Higgins, the Planning Commission voted 8-0-0 (Beckstrom, Draughton, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") that the Preliminary Plat of South Lewis Plaza be approved, subject to the following conditions:

1. All conditions of PUD #329 shall be met prior to release of the 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. (Correct PUD number on face of the plat.)

South Lewis Plaza (PUD #329) (continued)

2. Utility easement 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.
3. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (Short extension at the SE corner.)
Note: This area is subject to "sewer backup" for applicant's information.)
4. A request for a Privately Financed Public Improvement PFPI shall be submitted to the City Engineer. (for storm water detention)
5. 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. (on-site detention -- Review sheet dated June 23, 1983)
6. All adjacent streets and/or widths thereof should be shown on the final plat.
7. Access points shall be approved by the City and/or Traffic Engineer. Include language in covenants. (Show on the plat)
8. 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.
9. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Minshall Park IV (PUD #190) (1083) East 77th Street and South Erie (RS-3)

The Staff presented the plat with the applicant represented by Scott Morgan.

This plat has a revised sketch approval, subject to conditions. A copy of the Minutes of August 25, 1983, was provided, with Staff comments as applicable.

There was some discussion regarding location of utilities in the green-belt area. This would be worked out in a separate meeting. The area for pool, clubhouse, etc., should be separated so it will not be on an easement.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Minshall Park IV, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no

Minshall Park IV (PUD #190) (continued)

"nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") that the Preliminary Plat of Minshall Park IV be approved, subject to the following conditions:

1. The open spaces should also be designated as easements or on the larger open spaces, specific easements shown for utilities. If some of the open space is for drainage, designate as drainageway or as directed by the City Engineer. (Needs to be clarified on plat and in covenants.)
2. All conditions of PUD #190 shall be met prior to release of the 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 the 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. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Include language in covenants relating to water and sewer.)
5. Pavement repair within restricted water line easements as a result of waterline repairs due to breaks and failures shall be borne by the owner of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (Part is in Haikey Creek watershed. Include applicable language in covenants.)
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
8. 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. (Provide temporary turn-around at 78th Street and Canton Avenue if this is a temporary "dead-end".
9. Street names shall be approved by the City Engineer. Show on the plat as required.
10. Show building lines on the plat in accordance with PUD #190 or RS-3 standards, whichever is applicable. (RS-3 requires 25'.) (Make sure building lines agree with the PUD.)
11. Modify #8 in covenants to the satisfaction of utilities. Also, use standard P.S.O. Covenants.
12. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)

Minshall Park IV (PUD #190) (continued)

13. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Wolf Lake (3191) West 53rd Street and South 170th West Avenue (AG)

Chairman Kempe advised that this preliminary approval needs to be continued until March 7, 1984 because the percolation tests have not yet been received concerning this matter.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to continue consideration of the Preliminary Plat of Wolf Lake until Wednesday, March 7, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Final Approval and Release:

6200 Yorktown South Addition (683) 6200 Block of South Yorktown Ave.
(RMT)

6000 Garnett Park (3294) NE corner of 61st Street and South Garnett
Road (IL)

The Staff advised the Commission that all release letters have been received and recommended final approval and release.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the final plats of 6200 Yorktown South Addition and 6000 Garnett Park and release same as having met all conditions of approval.

Change of Access on Plat:

Sun Meadow V Addition (2283) NW corner of 101st East Avenue and
South Sheridan Road. (CS)

The purpose of this request is to move existing access point and decrease size due to differences in elevation of land on each side of the property lines. The Traffic Engineer and Staff have approved the request.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the requested change of access for Sun Meadow V Addition.

LOT-SPLITS:

For Ratification of Prior Approval:

L-16065 (483) Point South Homeowners
16092 (494) National Organization of New Apostolic Church
16093 (3004) Rego Enterprises, Inc.
16095 (2592) George Hanks
16096 (3383) Milton Perry
16097 (794) Murphy Properties
16100 (1993) Abron, Inc.
16101 (394) Pierre Labarge

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, C. Young, "absent") that the approved lot splits listed above be ratified.

Lot-Splits for Waiver:

L-16071 V. Ted Anderson (894) NW corner of 14th Street and 121st E. Ave.
(RS-2)

This is a request to split a 305' x 101.59' tract into four (4) lots. The applicant was advised that he might have to rezone to RS-3 instead of going through the Board of Adjustment for a variance of the bulk and area requirements. (The lots will vary in width from 87' to 70' and contain from approximately 8800 square feet to approximately 7100 square feet, which is too small for RS-2, but much larger than is required for RS-3.) The Staff would recommend approval of this split, subject to the Board of Adjustment waiver of lot width and area or on a plat waiver if it is rezoned. The following requirements should apply in either case:

- (a) Grading and drainage plans. Earth Change Permit required.
- (b) Utility easements as follows: The west 11' (12½' exists by plat on the north lot line.) The east and south 20' parallel to streets.
- (c) Utility extensions as required for service.
- (d) Board of Adjustment approval if not rezoned.
- (e) Drainage easements if needed under "a" above.

The applicant was NOT represented.

The Technical Advisory Committee and Staff recommended approval of L-16071, subject to the conditions.

Mr. Wilmoth stated that Condition "a" is usually stated as follows: "Grading and drainage plans through the permit process. Earth Change Permit required." He suggested that the phrase "through the permit process" be deleted which will give the City a little more leverage and authority behind the requirement. Mr. Wilmoth stated he had talked with Mr. Linker, Assistant City Attorney, concerning this matter, and he is in full agreement with that deletion.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays", no "abstentions"; Connery, Flick, Inhofe, "absent") to

L-16071 (continued)

approve the request to waive the lot split requirements for L-16071, subject to the above listed conditions and omitting the phrase "through the permit process" on Condition "a".

L-16072 Briarwood Prof. Center Partnership-I (1393) North side of East
31st Street, East of Memorial Drive (CS)

This is a request to split a portion of Lot 4, Block 1, Groveland Addition into two tracts. The westerly tract will have 121.36' of frontage and the easterly tract will have 38.43' of frontage. (CS zoning requires 150'.) A building already exists on the east tract. Both tracts will share an existing 40' access point, along with a "mutual access and parking agreement", so no new access will be required. Since the access point will be shared, the Staff sees no objection to the request, and the zoning will control the intensity of use at 50% lot coverage in the CS District. Easements were granted on previous splits. Grading plans will be required by the City Engineer in permit process.

An additional 11' easement was requested along the west line.

The applicant was represented by John Sublett.

For the record, the City Engineering Department noted this is in Mingo Creek Master Drainage Area.

The Technical Advisory Committee and Staff recommended approval of L-16072, subject to the conditions.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the request to waive the lot-split requirements for L-16072, subject to the following conditions:

- (a) Board of Adjustment approval of frontage; and
- (b) utility easement.

L-16077 Wiley Bryant (2094) North of the NW corner of 41st Street and
125th East Avenue (RS)

This is a request to split an existing duplex down the common wall to provide for separate ownership. This lot-split will not change the density of the area, nor will there be any noticeable physical change. Based on the two previous reasons, the Staff recommends approval of this request, subject to the approval of the Board of Adjustment and a common-wall maintenance agreement.

The applicant was represented by Wiley Bryant.

The Technical Advisory Committee and Staff recommends approval of L-16077, subject to the conditions as recommended by the Staff.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the request to waive the lot-split requirements for L-16077, subject

L-16077 (continued)

to the following conditions:

- (a) Board of Adjustment approval; and
- (b) common-wall maintenance agreement.

L-16084 and L-16088 Stephen Schuller (794) 17th Place and Garnett Road (RD)

This is a request to split nine (9) existing duplexes down the common wall in order to permit individual ownership. This request would also need Board of Adjustment approval. The Staff does recognize there are similar-sized lots in the area (Century 21 to the north), however, we would prefer a replat instead of individual lot-splits. Considering the different property owners, the fact that the density will not change, and the varied land uses in the immediate area, the Staff recommends approval, subject to the Board of Adjustment and a common-wall and utilities agreement. (There are four different owners. A detailed survey was furnished the Staff on each duplex.)

The applicant was represented by Stephen Schuller.

The Technical Advisory Committee and Staff recommended approval of L-16084 and L-16088, subject to the conditions as recommended by the Staff.

Mr. Wilmoth advised that the approval should be subject to Board of Adjustment approval but not subject to a common wall and utility agreement because the Staff has received a letter from the developer's attorney that the utilities are in place and separate services provided.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the request to waive the lot-split requirements for L-16084 and L-16088, subject to the following condition:

- (a) Board of Adjustment approval.

L-16079 Chad Stites (683) West of the SW corner of 66th Place and Rockford Avenue (RS-2)

Request to split a 100' x 200' lot into a 105' x 90' tract in front and a 95' x 100' lot with a 10' handle running north parallel to the east boundary of the subject tract. There are comparable lots in the area, however, a variance of the lot width will need to be obtained from the Board of Adjustment. (This is comparable in area but is the only "flag lot" requested. Many lots are much smaller.)

Utilities requested an 11' easement along the south side of the tract.

The applicant was NOT represented.

For the record, the Water and Sewer Department advised this area is subject to possible "sewer backup".

L-16079 (continued)

The Technical Advisory Committee and Staff recommended approval of L-16079, subject to the conditions.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the request for waiver of lot-split requirements for L-16079, subject to the following conditions:

- (a) Board of Adjustment approval of lot width and frontage;
and
- (b) utility easement.

CONTINUED ZONING PUBLIC HEARING:

Z-5742-A INCOG East of the SE corner of 31st Street and Delaware Place
North of the NW corner of 38th Street and Delaware Avenue
NW corner of 36th Street and Lewis Place
SE corner of 34th Street and Gary Avenue (RS-2 to RS-1)

Chairman Kempe advised that this zoning application is being withdrawn.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to withdraw Z-5742-A as requested.

Application No. Z-5908 Present Zoning: RS-3
Applicant: Kouri (Adamson, Murphy) Proposed Zoning: CO
Location: SE corner of 62nd Street and Mingo Road

Date of Application: November 17, 1983
Date of Hearing: February 1, 1984
Size of Tract: 3.18 acres

Presentation to TMAPC by: Dwight Kouri
Address: 2200 Fourth National Bank Building Phone: 584-4136

Relationship to the Comprehensive Plan: Z-5908

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 and a potential for Corridor.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 3.18 acres in size and located just south of the SE corner of 61st Street and South Mingo Road. It is partially wooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by several single-family dwellings zoned RS-3, on the east by single-family lots with scattered dwellings zoned RS-3, on the south by one single-family structure and vacant land zoned RS-3 and CO and on the west by several scattered single-family dwellings zoned AG.

Zoning and BOA Historical Summary -- Past zoning actions have allowed Corridor zoning in this area where it was appropriate as a transition to higher intensity.

Conclusion -- The subject request for Corridor zoning presents two unique problems not heretofore experienced in this section. First, the Corridor zoning if approved would isolate one small tract containing a single-family home between two CO Districts. Secondly, several single-family homes on the north side of the tract front directly into the proposed zoning.

We believe these problems need to be resolved before the zoning is changed in order to assure compatible land use relationships. CO zoning is not conventional zoning; and therefore, does not permit uses as a matter of right. The Staff will be selective in recommendations for specific land use and will not support commercial striping which is contrary to good zoning practices. The completion of the freeway south to 71st Street is also needed to support higher intensity development in the area.

Based on these reasons, we believe the CO zoning to be premature and inappropriate at this time and accordingly we recommend DENIAL.

Application No. Z-5908 (continued)

Applicant's Comments:

Mr. Kouri addressed the Staff's concern that if Corridor were approved it would isolate one small tract containing a single-family home between two CO Districts by submitting a letter from Larry Totten, the owner of the small tract (Exhibit "C-1"). The letter stated Mr. Totten's consent and support of the rezoning application as he plans to apply for Corridor zoning in the near future.

Mr. Kouri then advised the Commission of the surrounding properties and their relationship to the subject tract. The area is in a period of transition to a higher intensity use. He recognized the concerns of the Staff and felt that the first concern had been alleviated by the submission of the letter from Mr. Totten.

The property which lies to the north of the subject property on 62nd Street has been reviewed, and it was found that the three houses on that property are owned by the Suncrest Baptist Church. These houses are occupied as rental houses. The house located to the west of the 3 houses owned by the church is rental property also. The property on the corner is abandoned and is owned by the entity that owns the corner lot zoned CS. It was felt that there is sufficient buffering on the north side to minimize any adverse impact to the houses on the north side of the street.

Commissioner Higgins inquired of the Staff if their concerns had been met and the Staff suggested that if the Commission feels the Staff's concerns have been satisfied that a favorable recommendation should be made.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO:

Lot 8, Block 4 and the Easterly portion of Lot 7, Block 4, Union Garden Addition, more particularly described as: Beginning at the Northeast corner of Lot 7; thence South along the East line 120.53'; thence Westerly a distance of 421.12'; thence Northerly a distance of 120.53'; thence East along the North line of Said Lot 7 a distance of 420.99' to the point of beginning, according to the plat of Union Gardens Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5910 and PUD #350

Present Zoning: AG, RS-1

Applicant: Norman (Hamilton)

Proposed Zoning: RS-3

Location: South and East of East 91st Street and South Darlington Avenue

Date of Application: December 1, 1983

Date of Hearing: February 1, 1984

Size of Tract: 51.05 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building

Phone 583-7571

Relationship to the Comprehensive Plan: Z-5910

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 and a potential for Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 51.05 acres in size and located 1/4 mile east of the southeast corner of 91st Street and South Yale Avenue. It is partially wooded, gently sloping, contains one single-family dwelling and several accessory buildings and zoned a combination of RS-1 and AG.

Surrounding Area Analysis -- The tract is abutted on the north and west by several large lot single-family dwellings zoned AG and RS, on the east by Hunter Park zoned AG, and on the south by a single-family neighborhood zoned RS-1. The south portion of the subject tract is the area designated for freeway use on the Major Street Plan.

Zoning and BOA Historical Summary -- Past zoning actions have established a variety of single-family zonings and densities throughout the subdistrict.

Conclusion -- Based upon the Comprehensive Plan, surrounding land uses and existing zoning patterns the Staff recommends APPROVAL of the requested RS-3 zoning. In addition, we would note that this action would be consistent with past zoning actions of granting no greater than RS-3 zoning for tracts of land that exist in the proposed pathway of any expressway.

Staff Recommendation: PUD #350

Planned Unit Development No. 350 is located 1/4 mile east of the southeast corner of 91st Street and South Yale Avenue. It is 51.05 acres in size, contains one single-family structure and is recommended for RS-3 underlying zoning. The applicant is requesting PUD supplemental zoning to develop a planned neighborhood that offers a choice between conventional detached single-family lots with traditional development standards and detached patio home lots featuring the zero-lot-line concept.

The Staff has reviewed the applicant's Outline Development Plan and can support the request except we would recommend: (1) a redesign of the street system in the southern portion of the proposal which would take into consideration the location of the proposed expressway and insure minimal disruption to the remainder of the development when the land is

PUD #350 (continued)

needed, (2) a stub street be added to provide future access from the northeast portion of the proposal to 91st Street, (3) redesign of the lots along the east side of Darlington Avenue to be more consistent with RS-3 bulk and area requirements, and (4) a boulevard entry into the major portion of the project from the intersection of 93rd Street and South Darlington Avenue.

Based upon the above review and recommended revisions to the Site Plan, the Staff finds the proposal to be: (a) consistent with the Comprehensive Plan; (b) in harmony with the existing and expected development of the area; (c) a unified treatment of the development possibilities of the site; and (d) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #350, subject to the following conditions:

(1) That the applicant's Outline Development Plan be made a condition of approval per amendments required.

(2) Development Standards:

Land Area:	51.05 acres
Permitted Uses:	Detached Single-Family Dwellings
Maximum Number of Units:	260 units
Maximum Building Height:	35 feet/2 stories
Minimum Off-Street Parking	2 spaces per unit
Minimum Livability Space:*	2,500 sq. ft.
Minimum Lot Width:*	45 feet
Minimum Lot Area:*	4,500 sq. ft.
Minimum Building Setback:*	
Front Yard:	20 feet
One Side Yard:	0 feet
Other Side Yard:	7 feet
Rear Yard:	20 feet
Building Separation:	10 feet

*Within the south 300 feet of the project lots shall have a minimum width of 60 feet, a minimum lot area of 6,910 square feet and shall provide yards as required in the RS-3 District. Lots located in the northern panhandle will approximate RS-3 minimum bulk and area requirements.

(3) That any sign shall meet the requirements of Section 1130.2 (b) of the Zoning Code.

(4) Lots having their rear or side lot lines abutting the planned open space shall not be permitted to fence such yard at the property line but must setback a minimum of 15 feet from said property boundary.

PUD #350 (continued)

- (5) That a Detail Site Plan incorporating all amendments be approved by the TMAPC prior to the issuance of a Building Permit. Final Plat will satisfy this requirement.
- (6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and submitted to and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Charles Norman was present and advised that the subject tract is unique in that it is completely isolated from its neighboring properties. The 80-acre Hunter Park tract which is undeveloped exists immediately to the east of the subject tract and because the proposed expressway has been indicated on our maps, none of the subdivisions to the south provide any stub streets to the north so there is no potential for a north-south collector street in this entire square mile. Most of the area is still rural in nature. There are two streets which provide access into the area, Braden to 93rd Street and Darlington Avenue which would be the principal entrance into the proposed residential development. The subject property is crossed by three major pipeline and utility easements. Mr. Norman pointed those out for the Commission to consider. The existence of these major easements, the development restrictions that apply to them and the existence of the Hunter Park tract is the basis upon which the site plan was developed. The property is eligible for C0 consideration although it is referenced as low intensity.

The PUD site plan as developed provides for approximately 5 units per acre which is below the maximum permitted in an RS-3 District and incorporated within it some design features. The most important of which is the use of the pipeline rights-of-way to create an internal circulation system and parkway to which almost all of the lots have a direct access. That access is directed toward the east to provide for access into Hunter Park when it is developed. The applicant prepared a street pattern which the Staff recommended that the southern portion be redesigned so that if the proposed expressway is constructed the 300' line would coincide with a back lot line of single-family lots. The applicant was agreeable to that recommendation and already asked the engineer to consider that change. It is intended that the lots within the 300' designation for expressway right-of-way be full width and full sized RS-3 lots. The remainder of the lots vary in size from 4,500 sq. ft. up to lots in excess of 6,500 sq. ft. There will be residences backing up to single-family on Darlington. The only real tract that is likely to develop in residential with an established street pattern in the future is the approximate 8-acre tract to the north and east.

The Staff has also recommended that the lots on Darlington which face outward from the project be redesigned so as to make them more compatible with RS-3 standards. The Staff had no objections although it would cause the loss of 6 to 8 lots according to the proposed plan.

Mr. Norman stated that he is in agreement with the Staff Recommendation and would request that the zoning and PUD be approved as per their recommendation.

Application No. Z-5910 and PUD #350 (continued)

Protestants: David Elliott
Ruth Cravens

Addresses: 5202 East 93rd Street
9110 South Darlington Ave.

Protestant's Comments:

Mr. David Elliott stated he lives approximately 250' from the subject tract. He submitted a letter signed by 7 property owners in the vicinity of 91st and Darlington who wished to have their concerns expressed at this hearing (Exhibit "D-1"). The property owners are not opposed to the development but desire that it be developed in such a way that it is compatible with surrounding land use and provide proper arrangement of streets in the area. Mr. Elliott suggested that the lots along Darlington from 91st to 93rd should be rezoned RS-1 to insure compatibility in the area and avoid the possible devaluation of the property values for surrounding RS-1 properties. It was also requested that development of the tract should not be allowed at any density greater than RS-1 until a second access route is available for use because merely providing a stub street would not be sufficient.

A letter was submitted from Phil Richmond, director of the Solid Waste Management Department suggesting that the project include more than one entrance and exit (Exhibit "D-2").

Mr. Elliott stated he had talked with representatives of the Fire Department, Traffic Engineering Department and Solid Waste Management Department concerning access into the property, and all were in agreement that a second access will be required. He stated his main concern was the traffic congestion caused by the development and the severe restriction of the single access. He suggested that the Commission restrict the development of the property until a second access is provided.

Mrs. Ruth Cravens stated she lives at the very entrance of 91st and Darlington and was concerned with the increase in traffic if the development is approved. She felt that additional access to the property is needed.

Applicant's Rebuttal:

Mr. Norman stated that with respect to the requested zoning pattern several parcels of RS-3 zoning on the north side of 91st Street have been established where water and sewer facilities are available. Presently there is no water or sewer facilities located on the entire quarter section, and in order to develop the tract, waterlines will have to be brought in and sanitary sewer lines installed off-site in order for the property to be developed at the requested densities. He felt that once water and sewer service becomes available in the quarter section, the rest of the parcels in the area will begin to develop at more comparable densities than presently exists. The size of the lots within the subject tract does not seem to be of great concern except some concern was expressed that there might be some devaluation of the property values. Mr. Norman felt that the proposed development would only increase property values in the area because of the availability of the utility services which will be paid for as a result of the development on the tract.

Mr. Norman stated he was agreeable to a second access for the subject tract but did not feel it to be consistent with the policies of this Commission in zoning and platting to require that the tract not be developed according to any other standards other than the ones that would be reasonable with more than one point of access to be delayed until someone else makes that decision. It was believed that this is the only property of sufficient

Application Nos. Z-5910 and PUD #350 (continued)

size to pay the off-site costs for water and sewer to make it possible for the other tracts to develop. Development only occurs on larger parcels which create more traffic and temporary problems until adjacent parcels begin to develop in accordance with the plan which is required in the plat. Mr. Norman stated he did not disagree with the various departments which were made reference concerning a second point of access because the second point of access will be required when the property is platted. It will then be up to the surrounding property owners to increase access points as time goes by. He felt that this application deserves the Commission's recommendation.

Commissioner Young asked if a second point of access will be required when the property is platted. Mr. Gardner advised when the plat goes through there will be a requirement for a second point of access. He felt that the requirement of a second point of access would be through a stub street rather than provide access all the way to 91st Street because that is not a normal requirement. The property will have two points of access but not immediately because it will have a stub street providing that second point of access as most subdivisions do but will not provide access immediately.

TMAPC Action: 8 members present.

On MOTION of BECKSTROM, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for RS-3:

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to the conditions set out in the Staff Recommendation:

Legal for Z-5910:

A certain tract beginning at a point 810 feet South of the NE corner of the NW/4 of Said Section 22; thence South 1,830 feet to the SE corner of the NW/4 of Said Section 22; thence West along the South line of Said NW/4, a distance of 1,144 feet to a point; thence North a distance of 1,830 feet; thence East on a line parallel to the North line of Said NW/4 of Said Section 22, Township 18 North, Range 13 East a distance of 1,144 feet to the point of beginning, and a tract of land in the E/2 of the NW/4 of Section 22, Township 18 North, Range 13 East, more particularly described as follows: Beginning at a point 1,453 feet East of the NW corner of Said Section 22; thence South 810 feet to a point; thence East 161 feet; thence North 810 feet; thence West 161 feet, to a point of beginning.

Legal for PUD #350:

A certain tract beginning at a point 810 feet South of the NE corner of the NW/4 of Said Section 22; thence South 1,830 feet to the SE corner of the NW/4 of Said Section 22; thence West along the South line of said NW/4 a distance of 1,144 feet to a point; thence North, a distance of 1,830 feet; thence East on a line parallel to the North line of Said NW/4 of Said Section 22; Township 18 North, Range 13

Application Nos. PUD #350 and Z-5910 (continued)

East, a distance of 1,144 feet to the point of beginning, and
a tract of land in the E/2 of the NW/4 of Section 22, Township
18 North, Range 13 East, more particularly described as follows:
Beginning at a point 1,453 feet East of the NW corner of Said Section
22; thence South 810 feet to a point; thence East 161 feet; thence
North 810 feet; thence West 161 feet, to a point of beginning.

Application No. Z-5923 Present Zoning: RS-1
Applicant: Norman (Kuhn) Proposed Zoning: RS-2 & FD
Location: NE corner of 47th Street and South Gary Avenue

Date of Application: December 15, 1983
Date of Hearing: February 1, 1984
Size of Tract: .85 acre

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

Relationship to the Comprehensive Plan: Z-5923

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-2 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately .85 acre in size and located at the northeast corner of 47th Street and South Gary Avenue. It is partially wooded, gently sloping, contains one single-family dwelling and accessory building and zoned RS-1.

Surrounding Area Analysis -- The tract is abutted on the north, south and west by a single-family neighborhood zoned RS-1, and on the east by several townhouses zoned RM-T.

Zoning and BOA Historical Summary -- Past zoning actions have allowed RM-T, RD and RS-3 as transition zoning patterns between the uses along Harvard Avenue and the interior of the single-family neighborhood.

Conclusion -- The proposed zoning would allow the subject tract to be divided into three lots. These lots will exceed the requirements of RS-2, but would not quite reach the requirements of the existing RS-1 zoning. There are several lots in the immediate area that have less than 100 feet of frontage, and the subject tract does abut RM-T zoning on the east boundary.

Based upon the Comprehensive Plan designation, surrounding land uses, and existing zoning patterns, the Staff recommends APPROVAL of RS-2 zoning.

Applicant's Comments:

Mr. Charles Norman was present and was in concurrence with the Staff Recommendation. An aerial photograph (Exhibit "E-1"), four (4) photographs (Exhibit "E-2") and a sketch plat indicating the dimensions of the tract and how it can be divided under RS-2 standards which was requested (Exhibit "E-3"). Presently located on the subject property is a residence approximately 50 years old and a garage apartment or detached apartment to the adjacent northeast corner of the property.

The applicant proposes to remove the older house and divide the land into three lots. The present dimension of the parcel is 166' east and west and 210' north and south. Each of the proposed three lots will be substantially larger than required under RS-2 standards. The proposal permits

Application No. Z-5923 (continued)

two of the lots to be 83' x 130' with each containing 10,790 sq. ft. and the third lot to be 80' x 166' containing 13,280 sq. ft. Mr. Norman stated that he had talked with many of the neighbors and assured them that the property will not be developed for duplexes or townhouses but an application for creating 3 lots in an RS-2 District.

<u>Protestants:</u> Martin Clayman	Addresses: 4625 South Florence Place
Carolyn Walters	4627 South Florence Place
O. C. Strozier	4723 South Gary Avenue
Kay Campbell	4615 South Gary Avenue

Protestants' Comments:

Mr. Martin Clayman stated he was opposed to the zoning application because this area is an old established neighborhood with many quality homes contained therein. He felt if the zoning were approved it would decrease property values. There was some concern expressed that the property is located within the floodway. Mr. Clayman was also troubled that if the zoning is approved it will set a precedent.

Mrs. Walters stated that last summer after the townhouses were constructed, which are in close proximity to her property, a large rain came which flooded her property. She expressed a real concern and objection to the zoning as the development would cause severe flooding problems to her property.

Mr. Strozier stated he was in agreement with Mr. Clayman's statements and felt that there was no justification in the change in zoning other than for a personal gain for the developer.

Mr. Kay Campbell expressed a concern that the notification for the rezoning was incorrect, but the Staff advised that the description was adequate. He expressed an interest in the floodplain designation on the property. Mr. Campbell stated he bought his property with the understanding that he would be protected by the zoning classification and he expects some protection from this Commission.

Mr. Gardner stated that the Hydrology Report which was received concerning this property indicated that it is not in the floodway and added that on-site detention would be required for the development.

Applicant's Rebuttal:

Mr. Norman did not feel that the RS-2 lots as proposed would have an adverse affect on the RS-1 zoning in the immediate area as was expressed by many of the protestants. He felt that the proposed houses will be quality houses on quality lots which will be compatible with the existing houses in the area.

Discussion ensued concerning the drainage of the property and the possibility that it would adversely affect the adjoining properties. Commissioner Draughon asked several questions dealing with the increased flooding in the area and requested that the City Engineer be present for the Planning Commission meetings or address some of their concerns and questions.

Mr. Gardner explained some of the terminology used by the Hydrology Department and stated that a representative from the Department could meet

Application No. Z-5923 (continued)

with the Planning Commission members for the purpose of addressing these questions if so desired.

Mr. Linker, Assistant City Attorney, stated he was familiar with the requirements and could answer many of Mr. Draughon's questions. The Hydrology Department is not to approve any contribution to the regional detention facility where there might be some damage from this development through its drainage. On-site detention is required if there will be any damage caused by the runoff. He suggested that the one lady who had serious flooding problems talk with the owner of that property and the engineer to determine if there really is a problem.

Commissioner C. Young was concerned that the zoning would set a precedent for further development to the north.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 5-3-0 (Beckstrom, Higgins, Hinkle, Kempe, Rice, "aye"; Draughon, Woodard, Young, "nay"; no "abstentions"; Connery, Flick, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-2 with a notation that there have been reports on the drainage problems in the area and the Commission requested that the Hydrology Department check the matter very carefully:

The South 215 feet of the West 171.4 feet of Lot 8, Claypool Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof.

OTHER BUSINESS:

PUD #292-3 (Lot Split -- Lots 15 and 16, Block 1, Guier Woods IV East Amended)

Staff Recommendation -- Minor Amendment:

The subject lots are located at the NE corner of Gary Place and South Harvard Avenue. They are a part of a sixteen lot private single-family PUD, and the applicant is requesting a minor amendment to lot-split a portion of Lot 15 which would then be attached to Lot 16 in order to allow the existing structure on Lot 16 to meet all zoning and building code requirements.

The Staff has reviewed the PUD requirements and the Plat of Survey submitted and find the request to be minor in nature and recommend APPROVAL of the requested lot-split, subject to the Plat of Survey submitted.

Mr. Compton advised that this request is one of two that were previously continued so they could be readvertised and to send out notice to property owners within 300' of the property since this is a lot-split and a minor amendment to handle a structure which was already constructed.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Flick, Inhofe, "absent") to approve the minor amendment for a Lot-Split on PUD #292-3, subject to the Plat of Survey.

PUD #271-A

Staff Recommendation -- Detail Site Plan Review:

Planned Unit Development #271-A is located south and west of the SW corner of 81st Street and South Sheridan Road. It is approximately 20 acres in size and approved for a multifamily development. The applicant has a major amendment in process that increases the density from 202 to 240 dwelling units. This amendment was recommended for approval by both the Staff and the TMAPC; it is yet to be heard by the City Commission. As PUD #271, Phase I, VII and X received Detail Site Plan approval and 34 units have since been constructed leaving (with the major amendment approval) 206 units to be constructed. The applicant is now requesting Detail Site Plan Review of the remainder of the proposal.

The Staff has reviewed the approved Outline Development Plans for PUD #271 and PUD #271-A and compared them to the submitted Site Plan and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Land Area (Net):	20.02 acres	20.02 acres
Maximum Dwelling Units:	240 units	240 units*
Maximum Building Height:	26 feet**	26 feet
Permitted Uses:	Multifamily residential and accessory uses	Same
Minimum Off-Street Parking:	Per Code	Per Code (484)

PUD #271-A (continued)

Minimum Building Setbacks:

From perimeter boundaries:	20 feet	20 feet
Between Buildings:	20 feet	Exceeds
Minimum Livability Space:	1,755 sq. ft. per unit average	2,116 sq. ft. per unit average

*34 of these units have been previously approved under PUD #271.
 **The building height is 26 feet to the top of the top plate as approved not per the Zoning Code changes that have occurred since the PUD approval.

Based upon the above review, the Staff recommends APPROVAL of the Detail Site Plan for PUD #271-A, subject to the plans submitted and City Commission approval of the major amendment.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Flick, Inhofe, "absent") to approve the Detail Site Plan for PUD #271-A, subject to the plans submitted and City Commission approval of the major amendment.

PUD #111-B Sullivan East 31st Street at 132nd East Avenue

Minor Amendment to permit required rear yard of 20' to 16' Detail Site Plan and Landscape Plan Review.

The Chair, without objection, struck this item from the agenda.

PUD #281-4 (Development Area "E")

Staff Recommendation -- Minor Amendment:

Planned Unit Development No. 281 is located south and west of the SW corner of 61st Street and South Mingo Road. Development Area "E" is more specifically located at the NE corner of 89th East Avenue and 65th Street South. It is approximately 13.24 acres (Gross) in size and approved for multifamily and duplex uses. The applicant is now requesting to amend his proposal to restrict the use within the development area to single-family detached dwelling units on smaller lots and to reduce the maximum number of dwelling units to 70 units.

Since the request is for a reduction in approved units and the use is the same as the abutting existing use, the Staff can support the request as being minor in nature. Therefore, we recommend APPROVAL, subject to meeting all other PUD conditions and the following Development Standards:

Permitted Uses:	Detached single-family dwelling units
Maximum No. of Dwelling Units:	70 units
Minimum Lot Width at Building Setback Line:	45 feet
Minimum Lot Size:	4,200 sq. ft.

PUD #281-4 (continued)

Maximum Building Height:	2 stories, except that any dwelling in the west 50 feet of Block 5 shall not exceed 1-story.
Yards:	
Front:	18 feet
Rear:	12.5 feet*
Side:	5 feet**
Streets:	Private with a minimum paving width of 24 feet.
Livability Space Per Dwelling Unit:	2,000 feet
Minimum Off-Street Parking:	2 spaces per dwelling unit with at least one enclosed space.

*The rear yard of lots along the west boundaries of Block 5 shall not be less than 25 feet.

**A side yard may be allowed to a minimum of 3 feet if a 10-foot separation between buildings is maintained.

The Staff would note that both the City Commission and the Planning Commission approved a specific circulation requirement that had to be completed prior to development in these areas. These conditions are as follows:

1. East 65th Street shall not be opened to South 89th East Avenue until August 1, 1983, or until the first dwelling unit in Development Areas "A" or "B" is occupied, whichever event occurs later; provided, however, if the right-of-way for the proposed collector street to East 61st Street from the north boundary of Development Area "F" is dedicated to the public thirty (30) days or more prior to the opening of East 65th Street, then East 65th Street shall not be opened for public travel until the collector street to East 61st Street is opened for public travel; provided further, that at whatever time the collector street to East 61st Street is opened to public travel, then East 65th Street may be opened at the same time to South 89th East Avenue.
2. Subject to the approval of the City of Tulsa, South 93rd East Avenue shall not be opened for public travel until such time as East 65th Street South is opened to South 89th East Avenue as provided in paragraph (1) above.
3. No dwelling unit shall be constructed within Development Areas "D", "E", and "F" until the collector street from Development Area "F" to East 61st Street is opened to public travel.

Chairman Kempe read a letter from the president of the Burning Tree Master Association, Inc., Frank Spiegelberg, which stated that the Board of Directors of the Association voted unanimously to support the building of single-family homes in Block 5 of Gleneagles Development (Exhibit "F-1").

The Staff informed that they just noticed that Development Area "E" is nonconforming to Block 5 as platted and it was reviewed based upon

PUD #281-4 (continued)

Development Area "E" in Block 5, which also contains a portion of Development Area "F".

Mr. Norman advised when Blocks 4, 5 and 6 were platted the introduction of the north-south collector changed slightly and dwelling units were allocated into Block 5 or Development Area "F" which has been recognized in the platting.

The Staff advised they have reviewed the minor amendment and had no problem, but they need a number to subtract off of Development Area "F" so that the density would reflect the fact that a part of it is Block 5.

Mr. Norman advised that Development Area "E" originally permitted 108 units and Development Area "F" 224 units. Block 5, as platted, was approved for 150 units. This was a proportional allocation and if you take 42 units off of the 224 the remainder is what you would have left in Development Area "F". The reduction in Block 4 is straight.

Mr. Compton stated that a condition of approval would be that the maximum number of dwelling units within Development Area "F" be reduced to 182 dwelling units.

Mr. Norman addressed the minor amendment and advised that originally there was no proposed collector street to the north from this area. As a result of a law suit being filed and compromises being made with the Burning Tree Associations to the west and to the south the project was replanned, and the collector street was platted and is being constructed at this time. All of the conditions on access have been satisfied except that the right-of-way has not become available across the property which is owned by Mr. Bill Crews to East 61st Street, therefore, the requirement has been and is still is that there be no development west of the major channel until the collector street is opened to 61st Street.

Mr. Norman asked that the Commission approve the minor amendment, subject to the conditions imposed. The applicant will still maintain the setback from the seven single-family houses on the boundary that was included in the restrictive covenant agreement that was used to settle a law suit and was approved by this Commission. He requested an amendment to the PUD restriction that prohibits any development on the west side of the creek until the street in question is opened.

The net affect of this amendment today is to reduce the density of Development Area "E" from 150 dwelling units to 70. Mr. Norman, therefore, asked that the Commission modify that restriction on the development west of the channel with respect to this block only on the basis that the density has been reduced from 150 to 70 dwelling units. Mr. Norman suggested that the Commission act upon the use question as recommended by the Staff and continue the collector street matter until sufficient time in which to give notice to the people and to the Association that he is also requesting a modification of that restriction with respect to Block 5 only. Continuing the matter to March 7, 1984 would allow sufficient time in which to give notice to property owners within 300' of Blocks 4, 5 and 6.

PUD #281-4 (continued)

The Staff was in agreement to the continuance. Mr. Gardner advised the Commission that the applicant did not realize that particular problem until the amendment was already filed. Mr. Gardner suggested that the two following conditions be added to the Staff Recommendation: (1) that a Homeowner's Association should be formed to maintain private streets and common open spaces, (2) the reduction of Development Area "F" by 42 units is the recommendation subject to the Staff completing their research to verify the numbers.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Draughton, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the Staff Recommendation as amended by adding the homeowners clause and the reduction of 42 units to be verified by the Staff and to continue the remaining portion of the case to allow an application to be filed to seek an additional amendment to remove a restriction that is in the covenants now, to the March 7, 1984 hearing at 1:30 p.m. in the Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD #190-CL-2, Phase II

Staff Recommendation -- Detail Site Plan Review:

Planned Unit Development No. 190 is located south and west of 71st Street and Sheridan Road. Area "CL-2" is located between 76th and 77th Streets, east of Joplin Avenue. The area is 15.9 acres in size, vacant, and approved for 90 dwelling units. The applicant has received Detail Site Plan approval for Phase I of his development which consisted of only one unit and is now requesting Phase II Detail Site Plan approval for the remaining 89 units.

The Staff has reviewed the PUD conditions and the submitted Site Plan and find that the fifteen-foot separation between buildings is based upon a townhouse development and not practical for small lot single-family detached. As we have in other projects of this kind, we would recommend a requirement of a 5-foot side yard with the exception to allow the side yard to be 3 feet if a 10-foot minimum separation is maintained between buildings.

Given the above amendment, the Staff's review find the following:

<u>Item</u>	<u>Approved</u>	<u>Previously Approved</u>	<u>Approved Remaining</u>	<u>Submitted</u>
Area:	14.9 acres	1.7 acre	13.2 acres	13.2 acres
Permitted Uses: Single-Family, Duplex, Triplex, Fourplex and accessory uses		Single-Family	Single-Family	Single-Family
Maximum No. of Dwellings:	90 units	1 unit	89 units	89 units
Minimum Livability Space:	4,000 sq. ft. per unit	Exceeds	Exceeds	4,015 sq. ft.

PUD #190-CL-2, Phase II (continued)

Maximum Height:	35' ¹ / ₂ stories	Below	Same	Same
Off-Street Parking:	2 spaces	2 spaces	2 spaces	2 spaces
Building Setbacks:				
Yard Abutting St.:	20 feet	20 feet	20 feet	20 feet
Rear Yard:	15 feet	15 feet	15 feet	15 feet
Between Buildings:	15 feet	NA	15 feet	per minor amendment

Based on the above review, the Staff recommends APPROVAL of the Detail Site Plan for Phase II and PUD #190 Area "CL-2", subject to the Plan submitted and the following exceptions:

- (1) That Lots 1, 4 and 5 of Block 2 be allowed to encroach into the street setback as shown on the Site Plan.
- (2) That no units be constructed on Lots 15, 16 and 17 of Block 1 until the underlying storm and sanitary sewer easement is vacated.
- (3) That the rear corner of the structure on Lot 10, Block 4, be allowed to encroach into the 3-foot side yard minimum to 1-foot, if the eave of the structure does not cross the lot line and that the structure on Lot 11, Block 4, be allowed a 14-foot rear yard, as shown on the Site Plan.
- (4) That any structure built on Lot 16, Block 4, will require Detail Site Plan approval.
- (5) That the structures on Lots 45 and 46, Block 3, be allowed to encroach into the 20-foot rear yard requirement as shown on the Detail Site Plan.

The Staff would note that the conversion of the one single-family dwelling approved as Phase I into a clubhouse will require TMAPC approval and the establishment of a Homeowner's Association to maintain this facility.

On MOTION of RICE, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Flick, C. Young, Inhofe, "absent") to approve the Detail Site Plan, subject to the above stated conditions.

PUD #128-A (Lot 21, Block 3, Kensington II)

Staff Recommendation -- Minor Amendment:

The Planning Commission on February 18, 1981, approved a Minor Amendment to permit 15-foot side yards on a series of lots. Lot 21, Block 3, Kensington II Addition was inadvertently left off of the list of approved lots.

The Staff has reviewed the list of lots in the applicant's letter and also the lots listed in the minutes and find only 29 lots are listed and 30 lots were supposed to be approved. Lot 21, Block 3, Kensington II Addition Amended is a corner lot and deserving of the relief given the other lots.

PUD #128-A (continued)

The Staff, therefore, recommends that the Planning Commission approve a minor amendment to PUD #128-A to permit 15-foot side yards on this corner lot.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Flick, C. Young, Inhofe, "absent") to approve the Minor Amendment to PUD #128-A to permit 15-foot side yards on this corner lot.

City of Tulsa Capital Improvements Projects - Review for Relationship to the Comprehensive Plan.

Mr. Pat Connelly of the Department of City Development was present and discussed the Tulsa Capital Improvement Projects. Each year the Planning Commission reviews all capital requests submitted to the Department of City Development and the Budget Department by the various other departments of the City to assure their conformance with the Comprehensive Plan.

The list of requests for 1984 contains approximately 36 new requests totaling approximately \$149,000,000 for capital improvements in the City of Tulsa. The requests are all in conformance with the Comprehensive Plan. Mr. Connelly then proceeded to explain and describe the various proposed projects.

Mrs. Dane Matthews of the INCOG Staff reiterated Mr. Connelly's statement that the Staff did review the project and find them to be in compliance with the Comprehensive Plan. Two comments came up in Staff review. The first came from the Transportation Division which had some concern about the area along South Sheridan Road, between 61st and 71st Streets. The area between 41st and 51st on Sheridan has been recently improved and in the CIP there is a provision for improvement in the areas between 51st and 61st Streets on South Sheridan. There was some concern that the gap between 61st and 71st on Sheridan from an improved area leading into the unimproved area might be a problem; therefore, the Staff recommended that the City consider upgrading that area at some point.

The second recommendation came from the Criminal Justice Department who felt they could consolidate in some of their improvements in that if the City were to purchase or lease land for the secure vehicle storage area, it might be used as the indoor firing range to save some money.

Mrs. Matthews submitted a letter which she prepared for the Comprehensive Plan Committee which states that the projects are in accord with the Comprehensive Plan (Exhibit "G-1").

Commissioner Hinkle advised that the Comprehensive Plan Committee did review the proposals last week and find them to be in accord with the Comprehensive Plan.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Connery, Flick, Inhofe, "absent") to approve the Capital Improvement Project requests as they are in accordance with the Comprehensive Plan and to include the suggestions by the Staff in regard to the suggestions concerning street improvement between 61st and 71st on South Sheridan and the suggestion for the Police Department.

There being no further business, the Chair adjourned the meeting at 4:37 p.m.

Date Approved February 15, 1984

Cherry Kempe
Chairman

ATTEST:

Abul A. Qeetah
Secretary

