

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1503
Wednesday, April 25, 1984, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery Draughon Flick Higgins Hinkle, Secretary Rice Woodard Young, Chairman	Beckstrom Kempe Inhofe	Compton Gardner Martin	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, April 24, 1984, at 12:00 p.m., as well as in the Reception Area of the INCOG offices.

Chairman Young called the meeting to order at 1:34 p.m.

MINUTES:

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to approve the Minutes of April 11, 1984 (No. 1501).

DIRECTOR'S REPORT:

Mr. Gardner advised that the zoning application at the northeast corner of 47th Street and Gary Avenue from RS-1 to RS-2 was approved by the City Commission yesterday. At the same time the City requested a zoning moratorium in that area until a special study is completed. The INCOG Staff will be involved in the study including an inventory of existing land use and existing physical conditions in the area. The City Hydrology and Engineering Department will be looking specifically at drainage problems in the area. The City Engineer and I will report back to the City Commission in one week for the purpose of delineation of the study area and the extent of the moratorium since the Commission was also considering not issuing building permits during this same time period.

ZONING PUBLIC HEARING:

Z-5940 Boyd (Gardner) North of the NE corner of South 61st Street and 99th
East Avenue RS-3 to IL

Chairman Young advised that the attorney representing the applicant wrote a letter requesting that this item be withdrawn (Exhibit "A-1").

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to withdraw Z-5940 from the agenda.

Application No. Z-5941 and PUD #359

Applicant: Bob Latch

Location: 77th Street and South Memorial Drive (East Side)

Present Zoning: AG

Proposed Zoning: CS, RM-2

Date of Application: March 12, 1984

Date of Hearing: April 25, 1984

Size of Tract: 11.36 acres

Presentation to TMAPC by: Bill Jones

Address: 201 West 5th Street -- 74103

Phone: 581-8200

Relationship to the Comprehensive Plan: Z-5941

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.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CS and RM-2 Districts are not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 11.36 acres in size and located on the east side of Memorial Drive at about 77th Street South. It is non-wooded, gently sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the northwest corner by a public service substation under construction zoned AG and a developed single-family neighborhood zoned RS-3, on the east by a nursing home under construction zoned AG, on the south by vacant land zoned RS-3, and on the west by developed single-family neighborhood zoned RS-3.

Zoning and BOA Historical Summary -- The BOA has allowed a nursing home in an AG area which appears to begin on the east portion of the subject tract and/or on the AG tract east of the subject tract.

Conclusion -- The Staff has stressed many times the adverse effects of stripping out major streets with commercial. Neither the Development Guidelines or the Comprehensive Plan will support such a proposal. The Development Guidelines have served the community well since they were adopted in 1974 and we do not see an error in the Comprehensive Plan. The request is a classic case of spot zoning and if approved it would lead to commercial stripping on the east side of Memorial Drive south to 81st Street to the detriment of the single-family homes to the north and on the west side of Memorial. The RM-2 zoning on the interior is also contrary to the Development Guidelines.

The TMAPC has already recommended denial of the CS request on the previous application which is pending City Commission action. Therefore, based on the Comprehensive Plan, the Development Guidelines, and existing zoning patterns in the area, the Staff recommends DENIAL of the CS request.

Since the tract was advertised for both CS and RM-2 the Commission can consider a less intense zoning district or a combination of zoning districts. The existing zoning patterns, surrounding land uses, and Development Guidelines will support a 300-foot strip of RM-0 along Memorial Drive and RS-3 on the remainder. Therefore, the Staff recommends APPROVAL of 300' of RM-0 on Memorial and RS-3 on the balance. Combined with the accompanying PUD,

Case No. Z-5941 (continued)

the ultimate type of land use and density could be given some flexibility based upon the recognition of the public service substation to the north and a nursing home to the east. However, the Staff is very concerned about the compatibility with the single-family homes to the north and would require special treatment along the north boundary.

Staff Recommendation: PUD #359

Since the Staff cannot support the requested underlying zoning pattern we cannot support the requested PUD. We would note that if the applicant wishes to revise his PUD to reflect the zoning pattern recommended by the Staff, we would support a continuance of the PUD application.

Applicant's Comments:

Mr. Bill Jones began his presentation by submitting the PUD Text (Exhibit "B-1") the concept plan (Exhibit "B-2") and a letter from the Woodland Homeowners Association, Inc., supporting the application (Exhibit "B-3"). He then reviewed some of the physical facts surrounding the subject property.

The subject property is divided into two areas with 3.09 acres proposed for CS zoning and 8.3 acres which the applicant is seeking RM-2 zoning. There is a 5.45 acre tract adjoining the subject property where a nursing home is under construction which the Board of Adjustment approved.

Mr. Jones then stated that this Commission needs to address the problem of spot zoning which the Staff suggested this zoning request is a classic example. He stated he conducted a survey by going from the Arkansas River Bridge in Bixby, Oklahoma to the airport and surveyed the entire area of U. S. Highway #64--Memorial Drive. Memorial Drive is unique from any other street in Tulsa and is a major U. S. Highway. He found that on the east side of Memorial from the Arkansas River Bridge to 101st Street is in the City of Bixby and the west side of Memorial to 111th is also in the City of Bixby. From 101st to 111th Streets in the City of Bixby along Memorial Drive is zoned CG or CS and a considerable bulk of it has been developed in that manner. From the bridge to 121st Street the property is primarily developed CG and CS. From 101st to 111th there is one subdivision, one block of which abuts on Memorial and all the rest of it is zoned CG or CS. In Tulsa from 91st to 101st on the east side it is zoned CO which is a high intensity development as a result of the Mingo Valley Expressway coming onto Memorial. From 91st to 81st the northeast corner is zoned CS with a small portion RM-1 and vacant land that has not been treated at all.

He stated that the bottom line is that from Memorial Drive from the Arkansas River Bridge to Admiral Place is 14 miles with 10 blocks on the east side devoted to residential, most of which is multifamily, and the rest is devoted to commercial, industrial and office development. On the west side 14 blocks are devoted to multifamily and single-family. The traffic count on Memorial shows that it is the only major divided highway other than expressways. In that entire area 90% is already committed for commercial utilization or high intensity use so the plan really does not mean much when you get down to what is presently in place.

He felt that the Commission should consider those facts by analyzing the situation and should come up with a Memorial plan because it is a major U. S. Highway and there will be continued applications which must have a plan. He suggested that the plan provide for adequate off-street parking for any zoning

Case No. 5941 and PUD #359 (continued)

Mr. Jones then showed the care center project for the elderly and indicated that there would only be one building constructed on the 8-acre tract which will be 3 stories with a maximum building height of 40'. The care center will be integrated with the nursing home and will provide walkways between the two facilities. The care center will contain 240 units with all of them being two bedroom units.

The applicant proposes to construct the project with 150' setback from the north property line, a 25' setback from the carpet sales establishment, a 75' setback from the south boundary line and 50' from the east boundary which is the nursing home. The care center would be approximately 360' from the single-family subdivision to the east which is Woodland Homeowners Association. The letter from the Woodland Homeowners Association which Mr. Jones submitted earlier suggests that the applicant delete any reference to this project being changed to a conventional or multifamily residential project. The developer has agreed that it is a proper deletion and there is no problem with that. The reason for the insertion is to provide contingent off-street parking in the landscaped area which will meet the minimum parking spaces for off-street parking should it be converted to a standard conventional development. Mr. Jones advised that there is a landscaped park area and a garden area on the north between the project and the single-family homes that will add therapeutic value and some aesthetic qualities to the proposal.

The carpet sales facilities came about by the necessity to provide some financial assistance to the care center and nursing home. The whole purpose of the carpet sales facility is to help finance the balance of the care center and nursing home. The applicant felt that a care center where the retired people live needed a low intensity use to buffer the subject property from Memorial Drive. There will be two entrances into the subject property both of which will be from Memorial Drive. The carpet sales facility will contain 52,600 sq. ft. and will be approximately 35' in height and will meet the off-street parking requirements. They also plan to maintain the minimum landscaped area of over 14,000 sq. ft. There will be no building permit issued until a detail site plan and landscape plan has been submitted on each area and approved by this Commission.

Chairman Young stated he agreed with the Staff that if commercial zoning is approved it would be a classic example of strip zoning. Mr. Gardner then showed the Commission a drawing of the area and advised that if the applicant's zoning request is granted the Commission would be committed to allow the commercial zoning as he had indicated on the map. Mr. Young was unclear on the reason that the applicant is requesting commercial zoning right up against the nursing home and care facility. The Staff explained that if the applicant can get commercial on the frontage it will pay for all the rest of the land within the proposal.

Commissioner Rice asked how the BOA determined the access to the nursing home. The Staff advised that at the time it went before the Board the neighborhood was not against the nursing home but did not want those streets opened up. They accepted that because there is no traffic going through their area.

Mr. Flick suggested that the Commission zone the property to allow the care facility with something other than the carpet sales on the front end. The Staff advised that within the Comprehensive Plan the Commission could consider RM 1 on all of the tract which would permit about 25 units per acre

Case No. Z-5941 and PUD #359 (continued)

and would not require that the Comprehensive Plan Map be changed.

Mr. Gardner suggested that regardless of what the Commission decides to do concerning the zoning matter that they should continue the PUD because there is only one street to serve the existing nursing home and proposed care facility.

Commissioner Connery stated his concern is the traffic flow in and out of the subject property and the Staff agreed if the Commission grants more intensity it would only compound the traffic situation because of the land use facts. He suggested that the Commission could go as high as granting RM-1 zoning on the entire tract for a potential of 280 dwelling units. Some of the units could be converted to office on the frontage and some converted to this 240 unit care facility under the PUD, but there would be no office zoning or commercial zoning which would allow this Commission some control over it.

Protestants: Jim Mowris

Address: 7523 South 77th Street

Protestant's Comments:

Mr. Mowris stated that his property is abutted by the subject property at the north. He addressed his concern with the drainage in the area if this project is approved. The City Hydrology Department has made a floodplain determination which says that an Earth Change Permit would be needed for the development but the earth change has already occurred. There is about 15' to 20' of landfill down the drainage swall. He felt that the basic earth work had been done on the site without the Earth Change Permit. He also felt that since the applicant applied for an elderly patient care facility that the use should not change from a retirement multifamily residential to a conventional or standard multifamily use. He also suggested that there be screening with the trees being approximately the height of the building to be placed along the east-west access road along the north side of the property.

Comments:

Mr. Linker, Assistant City Attorney, felt that this would be a situation where an Earth Change Permit would be required but it could be possible that the applicant received one. The Commission inquired if an Earth Change Permit had been secured for the work done on the subject property and the applicant stated he was not sure because of the change in ownership of the property.

Applicant's Rebuttal:

Mr. Jones addressed some of the concerns brought up by the protestant and the Commission. Mr. Latch and Mr. Carnes purchased the property from Mr. Hitt who will be the operator of the nursing home. P.S.O. has done a lot of grading work on the subject property and he was not sure if a permit was issued for the landfill work. He felt sure that if a permit had not been issued the work would have been stopped by the City.

He addressed the screening problem and advised that even an RM-1 District does not require screening. In the PUD it was stated that they saw no reason to build a fence between the CS zoning and the P.S.O. substation because there was already a fence in place. He then addressed the question of spot zoning. He asked a question that since 90% to 95% of all of Memorial is zoned in a category other than RS-3 or RM-0, which is the spot

Application No. Z-5841 and PUD #359 (continued)

zoning. He felt that we should recognize what Memorial Drive is going to become. There is not going to be single-family between 91st and 101st on the east side, but it will be a high intensity development. He stated he was disturbed with the fact that there has never been a major plan for Memorial Drive. He stated that the reason this project was filed as a PUD was to allow restrictions to be placed on the facility. He felt this problem needs to be addressed. The applicant is willing to work with Mr. Mowris and members of the Woodland Homeowners Association in solving the problems of drainage, screening, etc.

The Commission discussed the possibilities in rezoning this property. It was felt that the Staff Recommendation would not solve the problem and it was also felt that commercial zoning would not be appropriate in the area. Commissioner Rice felt that the Staff Recommendation would not be the solution because it does not do justice to the needs of the area. He stated he would be supportive of RM-1 and to allow the applicant to come back with a PUD to fit that zoning. The other Commission members were in agreement to that suggestion.

Mr. Jones requested that the PUD be continued for a period of 2 weeks.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, 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 N/2 NW/4 SW/4 of Section 12, Township 18 North, Range 13 East 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 South line of Said N/2 NW/4 SW/4, Said point lying 115.00 feet East of the Southwest corner thereof; thence North 89°-58'-37" East along the Said South line a distance of 842.68 feet to a point; thence North 00°-00'-48" East a distance of 660.28 feet to a point on the North line of Said N/2 NW/4 SW/4; thence South 89°-58'-54" West along the Said North line a distance of 546.05 feet to a point; thence South 00°-01'-11" East a distance of 207.00 feet to a point; thence South 89°-58'-54" West a distance of 297.00 feet to a point lying 115.00 feet East of the West line of Said N/2 NW/4 SW/4; thence South 00°-01'-11" East and parallel to Said West line a distance of 453.34 feet to the Point of Beginning, containing 11.3653 acres, more or less.

TMAPC Action: 6 members present.

On MOTION of FLICK, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Hinkle, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Kempe, Rice, Inhofe, "absent") to continue consideration of PUD #359 until Wednesday, May 9, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5942 Present Zoning: RS-1
Applicant: Hurst (ORU) Proposed Zoning: OM
Location: NE corner of 75th Street and South Lewis Avenue

Date of Application: March 14, 1984
Date of Hearing: April 25, 1984
Size of Tract: 1-acre

Presentation to TMAPC by: Freddie Hurst
Address: P. O. Box 2269, Tulsa, Ok. 74101 Phone: 584-3321

Relationship to the Comprehensive Plan: Z-5942

The District 18 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 OM District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1-acre in size and located at the northeast corner of 75th Street and South Lewis Avenue. It is partially wooded, gently sloping, vacant and zoned RS-1.

Surrounding Area Analysis -- The tract is abutted on the north by an existing fire station zoned RS-1, on the east by vacant property zoned RD and PUD, on the south by Oral Roberts University zoned RS-1, and on the west by vacant property zoned OM.

Zoning and BOA Historical Summary -- Past zoning actions in the area support OM medium intensity zoning on the subject tract. The City Commission approved OM zoning north of the fire station and approved amending the Comprehensive Plan for this area to medium intensity office.

Conclusion -- Based on the proposed change in the Comprehensive Plan and the existing zoning patterns in the area, the Staff recommends APPROVAL of the requested OM zoning and would also recommend that the Comprehensive Plan change include this tract.

Applicant's Comments:

Mr. Freddie Hurst was present and was in concurrence with the Staff Recommendation.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of FLICK, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Hinkle, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Kempe, Rice, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for OM and to recommend that the Comprehensive Plan change include this tract:

Part of the SW/4 of the NW/4 of Section 8, Township 18 North, Range 13 East of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, described

Application No. Z-5942 (continued)

as follows, to wit: Beginning at a point 30 feet East and 412.5 feet South of the Northwest corner of Said SW/4 of the NW/4; thence East 234 feet to a point; thence South 206 feet to a point; thence West 184 feet to a point of curve to the right with a radius of 50 feet to the point of intersection with East line of South Lewis Road and 30 feet East of the center thereof; thence North 156 feet to the point of beginning, which Said tract is also known and described as the South 20 feet of Lot 1 and all of Lot 2, Block 1, in Southern Hills Estates, a resubdivision of Blocks 1, 2 and 3, Lavelle Heights, a subdivision of Tulsa County, State of Oklahoma.

PUD #179-J Tim Smith (Sisemore-Sack-Sisemore) East 74th Street South and
East side of South Memorial Drive (CS, OL,
RM-T, PUD #179)

Chairman Young advised that the applicant has requested that this item be continued for one month and the request was timely filed.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to continue consideration of PUD #179-J until Wednesday, May 23, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD 360

Present Zoning: CS & RM-0

Applicant: Poe and Associates (Tri-Angle)

Location: NW corner of 91st Street and South Memorial Drive

Date of Application: March 15, 1984

Date of Hearing: April 25, 1984

Size of Tract: 20 acres

Presentation to TMAPC by: Randy Heckenkemper

Address: 10820 East 45th Street, Suite 101 - 74146 Phone: 665-8800

Staff Recommendation: PUD #360

The subject tract is approximately 20 acres in size, located at the northwest corner of 91st Street and South Memorial Drive. It has an underlying zoning pattern of 10 acres of CS at the intersection and a 300-foot wide "wrap-around" buffer of RM-0. The applicant is proposing PUD supplemental zoning for the purpose of spreading the maximum possible commercial usage over the entire 20-acre tract.

The Staff has reviewed the applicant's Outline Development Plan and find that as submitted it does not maintain an appropriate limitation on the character and intensity of use and assure compatibility with adjoining and proximate properties, which is identified as a purpose of the PUD ordinance. The spreading of 5-acre commercial nodes into 10-acre development sites was encouraged when the Development Guidelines were first approved because the 5-acre allocation of commercial zoning was so restrictive compared to commercial zoning allocations before the Guidelines. Traditionally 10 acres or more of commercial zoning were being approved at intersection corners. However, 10 acres of conventional development equaled to about 100,000 square feet of retail space. The applicant is asking, under the PUD, to expand the traditional 100,000 square feet that could be developed on the 10 acres to 229,332 square feet spread over a 20-acre tract. That is for more than a "bump" in intensity, that is over a 100% increase in intensity verses a conventional development. In addition the applicant is asking that only the leasable floor area be counted towards the intensity (Code requires gross floor area).

The subject tract is abutted on the north by a utility substation and vacant land zoned AG and farther north by a drainage detention area. These physical facts along with the fact that the CS and RM-1 zoning patterns east of the subject tract extend beyond the 660' as defined by the Development Guidelines support the extension of the commercial uses into the RM-0 buffer area to the north. However, the zoning and other physical facts are totally different west of the subject tract. The RM-0 area is platted into duplex lots backing to single-family lots. If commercial uses are allowed to extend into the low intensity RM-0 "wrap-around" buffer there will no longer be a buffer. This would place pressure on the vacant single-family platted land west of the subject tract to be rezoned to a higher intensity to serve as the new buffer or place a hardship on future owners who would not have the benefit of the buffer for their development. Neither of these alternatives is appropriate. We feel the developer of the subject tract has the responsibility of providing use buffer as a part of their proposal which would be compatible with the single-family platted subdivision to the west. A separate light office tract is the only acceptable nonresidential use of this property in our opinion.

Therefore, the Staff recommends DENIAL of the PUD as proposed or a continuance of this application for a redesign that would be consistent with the Staff's recommendation and the purposes of the PUD Chapter of the Tulsa

Application No. PUD 360 (continued)

Applicant's Comments:

Mr. Randy Heckenkemper represented Poe and Associates Planning, Inc., and advised that Jim Clark who is the owner and developer of the property is present. Mr. Heckenkemper began his presentation by showing the Commission various graphs showing the physical features of the subject property. He stated that there are no significant topographic problems restricting development to less than would be allowed and that is why they are having to translocate the density from the commercial zoning at the corner to the north or west. He showed a vegetation analysis, soil analysis and the surrounding land use. The applicant is not asking for more zoning than needed but is merely trying to meet what surrounds them and allocate the commercial onto the balance of their project.

Mr. Heckenkemper then presented the site plan for Memorial Square Center as proposed which has a gross lease area of over 200,000 sq. ft. The developer is presently planning an atrium effect so the sidewalks would be enclosed to protect the shoppers from the elements with a climate controlled environment. They have come up with a minimum of 10' for landscaping in addition to the 50' setback to soften the transition between commercial and residential along the west property line. In the Development Standards they have called out the rear setback that will be beyond the minimum required. He stated that the developer is willing to submit the landscape plan prior to site plan approval or at the same time the site plan is acted upon. They feel the application is fair and therefore, requested approval of the PUD.

Chairman Young advised that traditionally backs of shopping centers are unsightly and he questioned if the applicant could assure that that situation would not occur in this PUD. Mr. Heckenkemper advised that the private fence required by the City would not be a solid wood fence but would have masonry columns within a reasonable distance of each other. There will be trees added to soften the appearance. There is a proposed entry in the back into the atrium area that can be used by surrounding neighbors. There would be a walkway leading to the rear entrance which would be landscaped and have berms. He stated that he wants the back of the shopping center to carry on similar architectural features as on the front as far as color and treatment is concerned. They also plan to keep to a minimum conduit, meters and trash receptacle in the rear.

The Staff advised if the Commission approves this request they will be allowing the applicant to get the maximum density by letting them spread that density over the large tract and the Commission is not obligated to do that. Mr. Gardner advised that what the Commission does with the 30-acre tract on the southeast corner zoned CO will have some effect on the northeast corner which is zoned CS and RM-1 and what you do with the subject property will have some effect on those other corners. He felt that the spreading to the north is no problem because of the surrounding land uses, but the Staff was concerned about the double row of duplex lots to the west. The Staff feels that any nonresidential use of the tract should be office or something of similar nature.

Mr. Flick stated he would be inclined to continue the PUD to allow the Staff and Poe and Associates to meet and work something out on the redesign of the project so it will be more compatible with the Comprehensive Plan. He suggested that the applicant go farther to the north but not to the west. Commissioner Rice was in agreement with that suggestion.

Application No. PUD 360 (continued)

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of FLICK, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to continue consideration of PUD #360 until Wednesday, May 16, 1984, at 1:30 p.m., in the Langenheim Auditorium, City Hall, Tulsa Civic Center and to direct the Staff to help the applicant with an alternative design of the PUD.

Application No. Z-5943

Applicant: Johnsen (Barnes)

Location: SW corner of 71st Street and Mingo Road

Present Zoning: OL, PUD #342

Proposed Zoning: CS, PUD #342

Date of Application: March 15, 1984

Date of Hearing: April 25, 1984

Size of Tract: .75 acre

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall - 74103

Phone: 581-8200

Relationship to the Comprehensive Plan: Z-5943

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately .75 acre in size and located south of the southwest corner of 71st Street and Mingo Road. It is non-wooded, flat, vacant, and zoned OL and PUD #342.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned CS and PUD #342, on the east by property presently under construction zoned CO, on the south by vacant property zoned OL and PUD #342, on the west by vacant property and an apartment complex zoned CS and RM-1/PUD #179.

Zoning and BOA Historical Summary -- A number of rezoning cases and Planned Unit Developments have been approved in the immediate area including the subject property.

Conclusion -- The Development Guidelines recognizes the intersection of 71st Street and Mingo Road as a type two node with ten acres per corner (660' x 660') allocated for medium intensity use. The applicant desires the full complement of CS zoning on his tract of land. Based on the Development Guidelines and the Comprehensive Plan, the Staff can support this "clean up" request. We would note that the subject tract is a part of an existing PUD and any request to use the additional floor area would require a public hearing and major amendment to that PUD.

Therefore, the Staff recommends APPROVAL of the requested CS zoning.

Applicant's Comments:

Mr. Roy Johnsen was present and was in concurrence with the Staff Recommendation.

Protestants: None.

TMAPC Action: 8 members present.

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

Application No. Z-5943 (continued)

South 100' of the E/2 NE/4 NE/4 NE/4 of Section 12, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

SUBDIVISIONS:

FINAL APPROVAL and RELEASE:

Wimbley Station (PUD #342) SW corner of 71st Street and Mingo Road
(CS, OL)

Kings Ridge Estates (PUD #281-4) (183) NW corner of 64th Street and
South 91st East Avenue (RS-3)

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

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to approve the final plat of Wimbley Station and Kings Ridge Estates, and release same as having met all conditions of approval.

Nordam East Amended (3104) SW corner of Pine Street and 111th East Ave.
(IL)

Chairman Young advised that consideration of this item needs to be withdrawn.

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

OTHER BUSINESS:

PUD #352

Staff Recommendation -- Detail Site Plan Review

The subject tract is located just north of the northeast corner of 64th Street and South Peoria Avenue. It is 3.23 acres (net) in size, zoned CS and RM-2, and approved for an Office/Display/Storage Complex.

The Staff has reviewed the approved PUD conditions and compared them to the submitted Detail Site Plan and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Land Area (Net):	3.23 acres	3.23 acres
Permitted Uses:	Uses permitted in Use Units 11 and 15, Mini-Storage, and Caretakers Quarters. Use Unit 14 uses may be allowed by Minor Amendment if use is appropriate and if parking requirements can be met.	*Uses permitted in Use Units 11 and 15, Mini-Storage, and Caretakers Quarters.
Maximum Floor Area:	58,445 sq. ft.	**56,390 sq. ft.
Office/Display/Storage:	42,570 sq. ft.	39,250 sq. ft.
Mini-Storage:	14,375 sq. ft.	14,375 sq. ft.

PUD #352 (continued)

Caretaker's Quarters/Office	1,500 sq. ft.	1,380 sq. ft.
Maximum Building Height:	1 story/20 feet	1 story/15' & 10"
Minimum Building Setback:		
From North Boundary:	2.5 feet	3 feet
From South Boundary:		
West 341.58 feet:	2.5 feet	3 feet
East 277.10 feet:	20 feet	21 feet
From West Boundary:		
From Peoria Centerline:	100 feet	100 feet
South 157.20 feet:	20 feet	21 feet
From East Boundary:	10 feet	11 feet
Minimum Off-Street Parking:	119 spaces	**122 spaces
Use Unit 11:	1/300 sq. ft.	Meets
Use Unit 14:	1/225 sq. ft.	NA
Use Unit 15:	1/400 sq. ft.	Meets
Mini-Storage:	3 spaces	Meets
Caretaker's Quarters:	2 spaces	Exceeds
Minimum Open Space:	7,600 sq. ft.	7,605 sq. ft.

*The plan does not identify any area to be used for Use Unit 14 uses. If a Use Unit 14 use is desired in the future, it will require approval by the TMAPC as a minor amendment.

**The maximum floor area and minimum off-street parking requirements are based on the following additional information.

<u>Maximum Floor Area</u>	<u>Permitted Uses</u>
Building A.....11,925 sq. ft.	Office/Display/Storage
Building B..... 7,980 sq. ft.	Office/Display/Storage
Building C..... 7,590 sq. ft.	Office/Display/Storage
Building D..... 9,120 sq. ft.	Mini-Office/Display/Storage
Building E..... 5,400 sq. ft.	Mini-Office/Display/Storage
Building F.....14,375 sq. ft.	Mini-Storage
<u>Total.....56,390 sq. ft.</u>	

<u>Permitted Use</u>	<u>Maximum Floor Area</u>	<u>Req. Parking</u>	<u>Submitted</u>
Display/Storage.....	26,325 sq. ft.....	70 spaces.....	70 spaces
Office.....	12,925 sq. ft.....	44 spaces.....	44 spaces
Mini-Storage.....	14,375 sq. ft.....	3 spaces.....	3 spaces
Caretakers Quarters..	1,380 sq. ft.....	2 spaces.....	5 spaces
<u>Total.....</u>	<u>56,390 sq. ft.....</u>	<u>119 spaces.....</u>	<u>122 spaces</u>

We also found that a small area of dead space exists at the northeast corner of the proposal. Because it is located outside of the project fence, it could become a maintenance problem for adjacent properties. The Staff recommends that this area be included within the project fence.

Based upon the above review and modifications, the Staff recommends APPROVAL of the Detail Site Plan, subject to the plans submitted.

PUD #352 (continued)

We would note that the applicant is still required to provide for TMAPC approval the design of the sign, Detail Landscape Plan and design of the fence.

Mr. John Moody was present and stated that his client is in agreement with the Staff Recommendation. Mr. Bob Biolchini, attorney representing the property owner to the north, was present and Mr. Moody wanted to briefly inform the Commission of his concerns.

Mr. Moody stated Mr. Biolchini's client is concerned about the landscaping along the north side of the building. The tract is small and there are no storm sewer systems in the area because this area was developed under old subdivision requirements and there are no storm sewers out there. The applicant is required to provide on-site detention on the subject property. This has been done and has been submitted and approved by the City Engineers Office, and the detention facilities are built into the system. However, as a result, they have been required by the City of Tulsa that they must put in a small 3' concrete swell along the entire north side of the property in order to convey the water to their detention area. The property owner to the north would like to see some landscape placed on the north side of the property. Mr. Moody's client has agreed that they can install it on the south line, but it would have to be installed in the concrete swell if it is placed on his property which will not be permitted by the City Engineer. He suggested that they receive permission to place it on the property to the north and they would meet with him about the type and quantity of landscaping. The north property owner would have the opportunity to insure it was in place when the detail landscape plan is submitted which will be required before any tenant will be permitted to occupy the building. He also addressed some drainage concerns expressed by the north property owner.

Mr. Bob Biolchini, Atlas Life Building, stated that Mr. Moody basically summarized his concerns but wanted to highlight some points. He stated that the 2 bedroom townhouses that set along the north line have only about a 4' space between the property line and the porches in the back and this is a great concern. The proposed wall will have an effect on the property to the north. He stated he would reserve judgement on any solution because he needs to speak to his client on how it aesthetically satisfied him, but he felt that the two parties were in agreement that some sort of greenbelt is needed and his client would be in agreement to place that on his property line. He also expressed a concern with the drainage on the subject property and particularly on the northeast corner because the north property is lower at that location. Mr. Biolchini stated he had talked with the engineer, Mr. Hardt, who felt that would be no problem in correcting. He stated he would not be opposed to the proceedings today provided they can reach accord on the greenbelt along his client's south property line.

Chairman Young stated that the only problem that he could foresee is that we do not know what the wall will be if it is approved today and asked how we could accommodate everyone at this time. Mr. Gardner advised that the text which Mr. Moody filed calls for an aggregate wall, and the Staff recommended approval of that. That issue could be readdressed when the applicant brings the matter back for detail site plan review as to whether it will remain aggregate or if something else would be permitted. Mr. Moody advised that the applicant will come back before this Commission for approval of the detail landscape plan, and that would give him the opportunity for Mr. Biolchini to be present. Mr. Biolchini requested that he be notified when

PUD #352 (continued)

this PUD comes back to the Planning Commission for approval of the landscape plans.

TMAPC Action: 8 members present.

On MOTION of RICE, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to approve the Detail Site Plan, subject to the plans submitted.

PUD #179 - Lot 4, Block 1, El Paseo - Site A

Staff Recommendation - Detail Site Plan Review

The subject lot is located at the SW corner of 71st Street and South 85th East Avenue. PUD #179-A allocated to this lot a maximum building floor area for general office and retail commercial uses of 125,000 sq. ft., required that a minimum of 618 parking spaces be provided, and there be a minimum of 45,840 sq. ft. of open space on the net lot. The applicant wishes to develop the lot in phases and proposes four sites.

<u>Item</u>	<u>Total</u>	<u>Site A</u>	<u>Site B</u>	<u>Site C</u>	<u>Site D</u>
Land Area:	445,967 sq. ft.	147,250 sq. ft.	54,120 sq. ft.	62,730 sq. ft.	181,867 sq. ft.
Permitted Uses:	Gen. Office and Retail Comm.	Same	Same	Same	Same
Maximum Building Area:	125,000 sq. ft.	39,200 sq. ft.	11,000 sq. ft.	13,000 sq. ft.	61,800 sq. ft.
Minimum Off-Street Parking:	618 spaces	194 spaces	54 spaces	64 spaces	306 spaces
Minimum Open Space Area:	45,840 sq. ft.	14,376 sq. ft.	4,034 sq. ft.	4,767 sq. ft.	22,663 sq. ft.

After the above allocations the Staff reviewed the submitted Site Plan and have one area of concern. The Site Plan shows two areas in the parking lot designated for compact car parking. We feel that it would be extremely difficult to control large cars from parking in these spaces causing problems and not actually providing any more parking spaces. Since the applicant is providing 258 parking spaces and changing these spaces to standard spaces it would result in a reduction of only 13 spaces to 245 and the PUD conditions requires only 194 spaces we recommend not providing compact car parking spaces.

The review also identified the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Land Area:	147,250 sq. ft.	147,250 sq. ft.
Permitted Uses:	General Office & Retail Comm.	Same
Maximum Building Area:	39,200 sq. ft.	39,200 sq. ft.

PUD #179 (continued)

Minimum Off-Street Parking:	194 spaces	245 spaces
Minimum Open Space Area:	14,375 sq. ft.	± 18,500 sq. ft.

In addition the PUD required that the building on this lot not have a height greater than 2 stories. Our review has identified that the proposed structures will not exceed this requirement.

Given the above review and modifications the Staff recommends APPROVAL of the Detail Site Plan for Site A of Lot 4, Block 1, El Paseo--PUD #179-A.

Mr. John Moody was present and stated he was in agreement with the Staff Recommendation. His client does wish to provide more parking than is required by the Zoning Code. He does not want to be prohibited from putting in compact spacing which is permitted under the Tulsa Zoning Code presently. They intend to meet the minimum requirement of regular spaces and they do intend to provide some compact spaces.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to approve the Detail Site Plan for Site A of Lot 4, Block 1, El Paseo--PUD #179-A, subject to the relocation of the compact parking spaces.

PUD #340-1

Staff Recommendation - Detail Site Plan Review - Minor Amendment

Planned Unit Development No. 340 is located just north of the northeast corner of Allegheny Avenue and South Yale Avenue. It is .93 acre in size, zoned RM-1 and has been approved for a one-story office building of 12,500 sq. ft.

The applicant is requesting a modification of the approved 60' setback from Yale Avenue to 50'. The change is a result of the applicant's final building design which encroaches 10 feet into the approved setback. Since other structures both north and south of the subject tract are located closer to Yale than the request, the Staff can support the 10-foot encroachment as being minor.

Also, the revised plan has more open space than the previously approved conceptual plan and revised access location which the Staff considers to be improvements.

Given the above modification, the Staff reviewed the Site Plan and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Land Area:	.93 acre	.93 acre
Permitted Uses:	Use Unit 11, except Broadcasting, Studio, Funeral Home, Prescription Pharmacy and Drive-In Banking	Medical Office
Maximum Floor Area:	12,500 sq. ft.	6,500 sq. ft.

PUD #340-1 (continued)

Maximum Building Height:	1 Story/14' eave height	1 Story/9' eave height
Minimum Open Space:	7,000 sq. ft.	*7,000 sq. ft.
Minimum Building Setbacks:		
South & East Boundary Lines:	10 feet	100 feet/10 feet
North Boundary Line:	6 feet	70 feet
West Boundary Line:	50 feet	50 feet
Between Buildings:	10 feet	NA
Minimum Off-Street Parking:	24 spaces or 1 space- 270 sq. ft. of floor area	*39 spaces

*In order to meet the open space requirements, 3 parking spaces need to be removed from the submitted site plan. Parking will still be in excess after the removal of spaces.

The PUD required that this building and the building adjacent to the north be architecturally compatible. The Staff's review of the elevations indicate that this requirement has been met. Also, the applicant has identified that he is proposing only one non-lighted sign 4' x 5'. The Staff finds that this will meet the requirements of the PUD.

Therefore, the Staff recommends APPROVAL of the Minor Amendment and the Detail Site Plan, subject to the modifications recommended, the plans submitted, and traffic engineering approving the access change.

TMAPC Action: 8 members present.

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to approve the Minor Amendment and Detail Site Plan, subject to the modifications recommended, the plans submitted, and traffic engineering approving the access change, per the revised site plan.

PUD #215 - Development Area C (Lots 2 & 3, Block 1, Creekwood Addition)

Staff Recommendation - Detail Landscape Plan Review

The subject tracts are south and west of the intersection of 81st Street and South Memorial Drive. As a part of the approval process, the applicant is required to provide the TMAPC, for their approval, a Detail Landscape Plan prior to occupancy of any buildings. The Staff previously required in the PUD a density reduction to 5 units per acre along the west property line adjacent to the single-family lots; however, that requirement was later deleted by the City Commission. This deletion allowed high density multifamily to be placed directly abutting low density single-family without an intermediate buffer or greater building setbacks. Because of this the landscaping along the west property line was considered by the Staff to be critical.

The applicant initially submitted a landscape plan that the Staff could support as being adequate as far as addressing the areas adjacent to

PUD #215 (continued)

each building, but it did not address the buffering problems along the west property line. We requested a second submission that specifically called for the plant materials in that area, at the time of planting, to exceed the height of the screening fence. Since the fence is 6 feet in height, we noted that an 8' - 10' plant height would be appropriate. In addition, we stated that some of these plants should provide year around screening which requires that some be evergreen. Finally, it was required that these be placed to provide a pleasing visual appearance and at the same time maximize the privacy in the rear yards of the adjacent single-family.

The Staff reviewed the second set of plans and find that there are three main plant materials used to provide the buffering; Green Ash, Slash Pine and Bradford Pear. All three are hardy in Tulsa, Oklahoma climate and as shown on the plans at a size equal to or in excess of that required by the Staff. The Slash Pine will provide year around evergreen screening, in addition, the branching structure of both the Bradford Pear and the Green Ash will provide some winter screening. The Bradford Pear blooms in the Spring (these are the trees down 15th Street north of the Fairgrounds) and when mixed with the evergreen Slash Pines and Green Ash as a shade tree we feel will be a very pleasing arrangement. Finally, we feel that the combination of the screening plant materials and those initially proposed adjacent to the buildings will maximize the privacy in the adjacent single-family yards to the extent any landscaping could.

Therefore, the Staff recommends APPROVAL of the Detail Landscape Plan, subject to the plans submitted and the owner(s) or future owner(s) replacing any dead plant and replacing it with what is shown on the approved plans.

We would note additional height or size requirements might be placed upon the applicant if a more immediate effect is desired, however, what was requested by the Staff and submitted by the applicant is far more than normally required by a PUD.

The applicant was not present.

There was limited discussion concerning the landscaping which should be provided on the subject property. Mr. and Mrs. George Marchetti, 8211 South 76th East Avenue, were present as interested parties and stated their concern is that this complex is right up against the property line with second story windows looking right into their yard. They were hopeful that the Commission might require sizeable Pine trees the height or higher than the fence for screening purposes. Mr. Marchetti stated he would even be willing to place the trees on his property to provide some screening between his property and the subject property. It was suggested that this matter be continued for a period of two weeks to allow the Staff time to talk with the landscape architect and let him get back with the Marchettis.

TMAPC Action: 8 members present.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Kempe, Inhofe, "absent") to continue consideration of PUD #215 until Wednesday, May 9, 1984, at

PUD #215 (continued)

1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

There being no further business, the Chair adjourned the meeting at 4:10 p.m.

Date Approved May 9, 1984

Cherry Kempe
Chairman

ATTEST:

Marilyn Hendle
Secretary