

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1543
 Wednesday, February 20, 1985, 1:30 p.m.
 City Commission Room, Plaza Level, Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|--------------------------------|----------------|---------------|----------------|
| Carnes | Harris | Compton | Linker, Legal |
| Connery | Kempe | Frank | Department |
| Draughon | VanFossen | Gardner | |
| Higgins, 2nd Vice- Chairman | Young | Holwell | |
| Paddock | | Matthews | |
| Wilson, 1st Vice- Chairman | | Wilmoth | |
| Woodard | | | |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 19, 1985, at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice-Chairman Marilyn Wilson called the meeting to order at 1:36 p.m.

Minutes:

On MOTION of PADDOCK, the Planning Commission voted 6-0-1 (Carnes, Connery, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; Higgins, "abstaining"; Harris, Kempe, VanFossen, Young, "absent") to approve the Minutes of February 6, 1985 (No. 1541).

Report of Receipts and Deposits:

Mr. Gardner was asked if the Report of Receipts and Deposits was in order and he informed it was.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to approve the Report of Receipts and Deposits for the month ended January 31, 1985.

Director's Report:

RESOLUTION TO AMEND THE DISTRICT 8 PLAN MAP AND TEXT BY ADDING THERETO THE CHANGES ENSUING FROM THE TURKEY MOUNTAIN SPECIAL DISTRICT STUDY.

Comments and Discussion:

Ms. Matthews informed the Commission members that changes to articles 3.3.3.5, 3.6.3 and 4.5.3.3 of the Plan had been incorporated and Staff was recommending approval.

Resolution to Amend the District 8 Plan (cont'd)

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to adopt the resolution amending the District 8 plan map and text by adding the changes ensuing from the Turkey Mountain Special District Study.

RESOLUTION TO AMEND THE MAJOR STREET AND HIGHWAY PLAN BY ADDING THERETO AN ALTERNATE CROSS-SECTION FOR A SECONDARY ARTERIAL.

Comments and Discussion:

Ms. Matthews informed the Commission members that they had been given copies of a resolution which was not listed on the agenda, instead of the appropriate resolution. She advised that the Commission should review the resolution given them and requested that this item be continued one week so that it could be properly listed on the agenda, along with the other resolution pertaining to amending the Major Street and Highway Plan.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to CONTINUE consideration of the Resolution to Amend the Major Street and Highway Plan by Adding Thereto an Alternate Cross-Section for a Secondary Arterial to February 27, 1985, City Commission Room, Tulsa Civic Center, Tulsa City Hall.

SPECIAL REQUEST:

Change Zoning of Livingston Park South from RM-1 to RS-1:

Staff Comments:

Mr. Gardner informed a letter from the president of the Livingston Park Homeowners' Association had been inserted in the agenda packet for consideration by the Commission. He noted that under the new section of the Zoning Code which allows the City of Tulsa to rezone properties to bring an area within the Comprehensive Plan, the homeowners of Livingston Park have requested this action be taken to restrict land uses to what is there. He further informed that if the Commission agreed that this change should be made, the Commission could make recommendation to the City that the area be rezoned. The City, in turn, would advise the Staff or Commission that it could be rezoned. He noted that the letter is considered the request, rather than going through the formal application process.

Special Request — Change of Zoning of Livingston Park South (cont'd)

Other Comments and Discussion:

Ms. Wilson asked how this question had arisen and Mr. Gardner informed that the homeowners recently found out the area is restricted to single family, but under the current RM-1 zoning, multifamily would be allowed.

Ms. Higgins advised that she did not think the City should pay for this and Mr. Gardner informed the policy of who pays the costs should be reviewed by the City.

Mr. Paddock asked if, except for form, the letter meets all the requirements of an application for rezoning and noted that it appeared the Commission could act on it and forward the request for approval to the City Commission. Mr. Gardner advised that the Commission could make a recommendation, but that the question of who pays would be decided by the City.

Mr. Linker advised that the Commission should not get into the issue of what the zoning should be at this time since the homeowners would have to be given notice of the proposed change.

Mr. Paddock asked if it would be in order to forward the letter to the Board of City Commissioners for its consideration and actions and a request that the City Commission make recommendation to the Planning Commission, including who should pay the fees.

Ms. Wilson requested that Staff forward the letter to the City for its consideration and action and discussion as to who should pay the fees. She also requested that the City Commission be asked to make recommendation to the Planning Commission on this question.

Signing of the Approved "Rules of Procedure and Code of Ethics" of the TMAPC

Mr. Gardner informed action was already taken on this item and that only signatures were needed.

SUBDIVISIONS:

PRELIMINARY PLAT:

Andy Flynn Subdivision (594) N/W corner 11th & S. 129th E. Ave. (CS)

The Staff presented the plat with the applicant represented at the TAC meeting by Burt Steinburg and had no objection to Staff's recommendations.

Since this property is zoned CS, a requirement of the zoning code is 150' of frontage. However, this is a non-conforming lot, and the width and shape was established by lot-split in 1951 by the City Planning Commission. (Ref: Ctg: #11, Blip #2587, Rcpt. #28075; 9/5/51) Therefore, no Board of Adjustment approval would be required for the lot width (Sect. 14 of current code).

Applicant was advised by City Engineer that 8' additional R/W will be needed on 129th Street for street intersection improvements, although the required dedication in accordance with the street plan is shown on the plat.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat, subject to the conditions.

On MOTION of PADDOCK, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to APPROVE the preliminary plat of Andy Flynn Subdivision (594), subject to the following conditions and amended language in (a) below:

1. Covenants:
 - (a) 2nd paragraph: Access limits should read as follows: "The owner hereby relinquishes rights of ingress and egress to the above described property within the bounds designated as "Limits of No Access" (LNA) except as may hereafter be released, altered or amended by the TMAPC, or its successors with concurring approval of the City Engineer of the City of Tulsa, or as otherwise provided by Statutes."
 - (b) 3rd paragraph: Include cable TV in line 4.
 - (c) Since there are no private deed restrictions, omit paragraphs 4,5,& 6.
 - (d) Include standard language for water and sewer facilities.

Andy Flynn Subdivision (594) (cont'd)

2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.
3. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (Required for development.)
4. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission. (On-site detention or fee.)
5. Limits of Access shall be shown on the plat as approved by City and/or Traffic Engineer. Include applicable language in covenants. (Locations OK.)
6. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
7. The key or location map shall be complete. Also identify adjacent land as "unplatted".
8. A Corporation Commission letter (or Certificate of Non-development) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
9. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6-5 of Sub. Reg's.)
10. All Subdivision Regulations shall be met prior to release of final plat.

Crescent Drive (PUD 306A) (2083) SW/c 93rd & S. Harvard Ave. (RS-2)

The Staff presented the plat and the applicant was present.

This plat has a sketch plat approval, subject to conditions. A copy of the minutes of 12/13/84 was provided to the TAC with Staff comments as applicable.

Crescent Drive (PUD 306A) (2083) (cont'd)

This plat is Area B-1 of PUD 306-A. An amendment was approved (12/12/84), but will not change the uses or requirements on this particular tract. Applicant was reminded that the PUD requires Detail Site Plan and Landscaping Plan approval by the TMAPC. This is a separate application that could be processed along with the preliminary plat. Several items such as building lines and private streets should be detailed in the official Site Plan Review.

Waivers on Street Plan requirements on Harvard were made on 4-6-82 as per Planning Commission minutes.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Crescent Drive, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to APPROVE the preliminary plat of Crescent Drive, subject to the following conditions:

1. The applicant is reminded that the PUD does not specify any building lines, ect., on this parcel, but states that development is to be RS-2 standards. Since the street is private, there may be some question about the 25' building line. (RS-2 requires 30'). This should be clarified in the applicant's Detail Site Plan review prior to release of final plat.
2. All conditions of PUD #306-A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (25' building line and utility easement)(P.S.O. needs easement on east side between building line and R/W) 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 final plat. (Include language for W/S facilities in covenants).
5. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner of the lot(s).

Crescent Drive (PUD 306A) (2083) (cont'd)

6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
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 City Commission. (On-site detention or 100 year to Vensel Creek.)
9. The covenants should be rearranged into three distinct sections:
I - Easements and utilities, storm drainage,
II - PUD conditions
III - Private restrictions.

Term, Amendment, and signatures should follow. (Check numbering sequence on #3, page 9.)
10. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6-5 of Sub. Reg's.)
11. All (other) Subdivison Regulations shall be met prior to release of final plat.

LOT SPLITS:

FOR RATIFICATION OF PRIOR APPROVAL:

| | |
|---------------------------------|--------------------------------|
| L-16367 (1492) Joe McGraw | L-16371 (2593) Bronzcraf/Keely |
| L-16368 (1993) Winston Watson | L-16372 (383) Waddell, Will, |
| L-16370 (2903) Glenda Ferenbach | Evergreen Trust |

Mr. Wilmoth informed the above lot splits are in order and Staff recommended approval.

On MOTION of PADDOCK, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to RATIFY the above lot-splits.

2.20.85:1543(7)

LOT SPLITS FOR WAIVER:

L-16359 William Christ (3003) East of the NW/c of Tecumseh St. & N.
Lewis Avenue (RM-2)

This is a request to split a 175.23' x 206.54' tract into three 58.41 x 206.54' lots. The applicant has agreed to dedicate the additional right of way on Tecumseh St. in order to bring the dedication up to standards (add. 5', total of 25' on north side). The proposed lot configuration would leave the lots with only 58.41' of lot width, while the zoning standards require 60' of lot width. This would require a variance from the Board of Adjustment to approve such action. Based on the other lots in the area, the Staff recommended approval of the proposed lot split subject to the approval of the City Board of Adjustment.

Engineering advised that on-site detention or fee will be required for development.

The applicant was not represented.

The Technical Advisory Committee and Staff recommended approval of L-16359, subject to one condition.

Discussion:

Mr. Wilmoth informed the only condition was "Board of Adjustment approval of lot width" and noted that no development would be allowed without the on-site detention of fee.

TMAPC Action: 7 members present

On MOTION of PADDOCK, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to APPROVE L-16359, subject to the following condition:

- (a) Board of Adjustment approval of lot width.

Other Discussion:

Ms. Wilson informed this was the first lot-split she had seen that required on-site detention or fee-in-lieu and Mr. Paddock asked how members of the Commission get information of how the determination is made regarding the on-site detention or the fee. Mr. Linker informed that the Commission could request a report from the City Engineer on this.

2.20.85:1543(8)

Request for Report on Water Detention from City Engineer

TMAPC Action: 7 members present

On MOTION of PADDOCK, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughton, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to request a report from the City Engineer's Office as to how the City Engineer determines whether fee-in-lieu of or on-site detention criteria is required for development.

Ms. Wilson requested that Mr. Wilmoth obtain a report from the City Engineer on the sewer question and he informed he would.

L-16360 James King (2114) SW/c E. 96th St. N. & N. 138th E. Ave. (AG)

Mr. Wilmoth informed that this is a request to split a 5.4 acre tract into three lots. Each lot is to contain approximately 1.8 acres and have access to 96th St. North by an existing 25' private access easement. The applicant has agreed to dedicate a roadway easement to the County to total 50'. (Staff notes that the alignment of the right-of-way on the subdivision to the south and the west line of the access easement should line up. Also, dedication of the roadway does not mean the County will automatically accept the area for maintenance. This will be subject to approval of the County Engineer. The Technical Advisory Committee and Staff recommended approval subject to conditions.

County Engineering also recommended that it would be desirable for this owner, and the owner to the east endeavor to dedicate and improve the road to County specifications so the County could maintain it. The tract to the east also has the potential for a lot-split similar to this one.

Dean Smith, attorney, 3010 S. 94th E. Avenue, represented the applicant who has moved to California.

Interested Party:

Jack Ojala Address: 13616 E. 96th St. North, Owasso

Mr. Ojala informed he lives east of the subject site and wanted clarification concerning the 25' private access easement which separates his property from Mr. King's property. He advised that the homes in the area are valued between \$150,000 and \$300,000 and he was concerned whether the private easement would give Mr. King the right to sell the lots and have someone drive on the dirt road and possibly put a mobile homes on the lots. He noted he did not think there were any Restrictive Covenants on the property.

Comments and Discussion:

Mr. Wilmoth informed the property is zoned AG and mobile homes would be permitted by right. Mr. Wilmoth also informed the only area in which mobile homes would not be allowed is within the subdivision plat to the west and south. He further noted the consideration was being given only to the division of the land, not the uses that it could be put to.

Mr. Ojala informed he would not like to see the private easement being made a trail for someone to build mobile homes and informed there are no Restrictive Covenants on the front 2 1/2 acres of land. He further informed he would like to have something written that would prohibit these uses since the other homes in the area are valued over \$150,000.

Mr. Gardner informed that the Board of Adjustment could place conditions on the use of the property if it was asked to do so. Mr. Carnes asked if it was possible that the Board of Adjustment add the language that any development be made compatible with what is there and Mr. Gardner informed that if the Commission agrees with Mr. Ojala, it could pass its recommendations onto the Board. He informed he was not sure the BOA could do that, but it is possible they could.

Mr. Paddock asked if this recommendation could be inserted with the condition of the Board of Adjustment approval for lot widths and Mr. Gardner informed that technically, the only things that are submitted to the Board of Adjustment are bulk and area requirements. Mr. Paddock asked if this could be done even if it was not submitted as a guideline and Mr. Gardner informed it could be and advised it would be used as an information tool by the County BOA.

TMAPC Action: 7 members present

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to APPROVE L-16360, subject to the conditions listed below and to provide a note to the Board of Adjustment expressing the Commission's concern that the land use be in conformance with that of the neighborhood:

- (a) Board of Adjustment approval of lot widths.
- (b) Water service availability and approval of Rural Water District #3 (Rogers Co.)
- (c) Align roadway dedication with plat to the south.

L-16360 (cont'd)

Other Comments and Discussion:

Mr. Ojala asked questions in regard to dedication of his portion of the road for possible future development and Mr. Gardner informed it would be beneficial that he and the other property owner get together and work out the question of dedication of the road and noted this dedication question could be resolved privately without involvement of the Board of Adjustment.

LOT SPLITS FOR DISCUSSION:

L-16178 Robert Pitcock (Mahoney) (3293) E. 57th Street between Atlanta
and Birmingham (RS-2)

Mr. Wilmoth informed that this case had been continued from the meeting of February 13 and advised that Staff has the information needed for the lot-split. He advised that Staff was recommending approval, but noted that the Board of Adjustment might impose some lot restrictions.

TMAPC Action: 7 members present

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to APPROVE L-16178, subject to Board of Adjustment approval of lot configuration.

2.20.85:1543(11)

Z-6027 & PUD #388 (cont'd)

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CS District is not in accordance with the Plan Map.

Staff Recommendation: Z-6027

Site Analysis — The subject tract is approximately 6.27 acres in size and is located at the northwest corner of Trenton Avenue and East 71st Street. It is non-wooded, flat, contains one single-family residence and is zoned OL on the north 100 feet and OM on the balance.

Surrounding Area Analysis — The tract is abutted on the north by single family residences zoned RS-3, on the east by Trenton Avenue and the Lift Apartments zoned RM-1, on the south by East 71st Street and PUD #128-A and C with RM-1 underlying zoning, on the southwest by a savings and loan building zoned CS and on the west by PUD #261-A with underlying zoning of OL, OM and CS.

Zoning and Board of Adjustment Historical Summary — Rezoning and BOA cases approved by the TMAPC and City Commission have supported Medium Intensity uses and CS zoning abutting and adjacent to the subject area.

Conclusion — Staff is supportive of the CS rezoning request for the south 361.5 feet of the subject tract (as measured from the centerline of East 71st Street) in conjunction with the recommended conditioned safeguards as discussed with PUD #388. A 100-foot buffer of OL zoning will remain on the north and the middle portion of the tract will remain in the OM District. Staff is also supportive of recommending approval of an amendment to the Comprehensive Plan as discussed with PUD #388.

Staff Recommendation: PUD #388

The proposed PUD is located at the northwest corner of East 71st Street and Trenton Avenue. The subject tract has approximately 263 feet of frontage on East 71st Street and 600 feet of frontage on Trenton Avenue. The applicant is requesting that the south 361.5 feet of that tract (as measured from the centerline of East 71st Street) be rezoned from OM to CS, and the balance of the tract would remain in the OM Zoning District except the north 100 feet which is to remain in the OL Zoning District. The proposed PUD is to provide 60,000 square feet of floor space: 52,000 square feet for retail/commercial and 8,000 square feet for office uses. The Staff is conditionally supportive of the requested CS rezoning recognizing similar zoning patterns on East 71st Street adjacent to this area and, in particular, to the west. It should be pointed out that this PUD is beyond the intersection node and abuts single-family areas and therefore, merits restrictive office/commercial treatment in the north portion under the PUD to minimize the impact on adjacent residential areas and provide the proper mix of office/commercial with buffers in this area. The site is relatively flat and storm drainage will be collected at central points in the north and south portions of the tract and piped to existing storm sewers on Trenton Avenue and East 71st Street. Access to the center is shown to be at three (3) points on

Trenton Avenue. The curb cut to the north of the center would be a primary access point for heavy traffic entering this location for delivery and other purposes for the north row of buildings. Access is not recommended at this location and elimination of this curb cut is encouraged to be a condition of PUD approval with access to the center being limited to the remaining two points on Trenton Avenue. One curb cut is also indicated on East 71st Street which should be allowed only with approval of the City Traffic Engineer. Four (4) locations for "Typical Utility Courts" are proposed on the north side of the north building — it is assumed that these will also be rear delivery areas and such a design is not supported by the Staff. Uses along the north side of the center should be restricted to office uses not requiring heavy vehicle delivery access as would be characteristic of retail services and restricted to a maximum of one-story in height. A 20-foot landscape buffer is indicated on the north boundary of the development which abuts an existing single-family residential area. A row of vehicle parking is proposed against this landscape buffer, which includes locations for trash areas which will be screened. The 20-foot landscape buffer should be provided uninterrupted and the row of parking and trash areas should be relocated against the north building rather than against the landscape buffer. The Staff recommends the PUD be redesigned to:

- (1) achieve a layout of the proposed buildings to assure that all building elevations will be fronts;
- (2) service drives and points of access should be internalized and not abut single-family areas as proposed;
- (3) trash and utility areas should not be allowed abutting residential areas;
- (4) provide a 20-foot landscape and planting strip uninterrupted along the north boundary between the PUD and abutting residential areas;
- (5) only office and restricted commercial uses be allowed in the north 110 feet of this PUD;
- (6) that the far north drive on Trenton be eliminated; and
- (7) building height be limited in the north 110 feet of the PUD to one-story maximum.

Given the above review and modifications, the Staff could find the proposal to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Z-6027 & PUD #388 (cont'd)

If the TMAPC concurs with the Staff recommendation to rezone the south 361.5 feet of the subject tract to CS with OM and OL zoning on the balance in accordance with the recommended conditions, the Staff recommends APPROVAL as follows:

- (1) That the applicant's Outline Development Plan and Text be revised to meet the Staff concerns and be made a condition of approval.
- (2) Development Standards:

| | |
|--------------------|--------------|
| Land Area (Gross): | 7.0237 acres |
| (Net): | 6.2707 acres |

| | <u>Submitted</u> | <u>Recommended</u> |
|-----------------|---|--|
| Permitted Uses: | Uses permitted by right and special exception in an OL, OM and CS District. | Use Units 11, 12, 13 and 14, and only Use Unit 11 on the north 110 feet. |

Maximum Floor Area:

| | | |
|----------------------|----------------|----------------|
| Office: | 8,000 sq. ft. | 28,000 sq. ft. |
| Commercial Shopping: | 52,000 sq. ft. | 32,000 sq. ft. |

Minimum Building Setbacks:

| | | |
|-----------------------------------|----------|----------|
| From North Boundary | 75 feet | 75 feet |
| From Centerline of Trenton | 75 feet | 125 feet |
| From Centerline of E. 71st Street | 110 feet | 110 feet |
| From Adjacent CS on South | 10 feet | 10 feet |
| From West Boundary | 10 feet | 10 feet |

| | | |
|--------------------------|-----------|---|
| Maximum Building Height: | 2 stories | 1-story in North 110 feet and 2 stories on the balance. |
|--------------------------|-----------|---|

| | | |
|---------------------|---|--------------------------------------|
| Off-Street Parking: | 386 spaces and as required by the Zoning Ordinance. | As required by the Zoning Ordinance. |
|---------------------|---|--------------------------------------|

| | | |
|--------------------------------|-----------------|------------------|
| Minimum Landscaped Open Space: | 10% of net area | 15% of net area* |
|--------------------------------|-----------------|------------------|

Z-6027 & PUD #388 (cont'd)

- * Landscaped open space included interior landscaping buffer, landscaped yards and plazas, pedestrian areas and park areas, but excludes arterial and other street landscaped areas.

(3) Signs:

Submitted:

Signs accessory to the uses within the Development shall comply with the restrictions of the PUD Ordinance and the following additional restrictions.

Ground Signs

Ground signs (Type "A") shall be limited to two signs on Trenton identifying the project and/or tenants therein. No ground sign "A" shall exceed 12 feet in height nor exceed a display surface of 200 feet.

Ground signs (Type "B") shall be limited to three signs on East 71st Street and two signs on Trenton identifying the project and/or tenants therein. No ground sign "B" shall exceed 20 feet in height nor exceed a display surface of 200 square feet.

Wall or Canopy Signs

The aggregate display surface area of the wall or canopy signs shall be limited to 1 1/2 square feet per each lineal foot of the building wall to which the sign(s) are attached. Wall or canopy signs shall not exceed the height of the building.

Recommended:

Signs accessory to the uses within the development shall comply with the restrictions of the PUD Ordinance. All signs shall be internally lighted by constant light.

- (4) The north boundary shall be screened by a 6-foot privacy fence.
- (5) That the layout of buildings be such that all building faces will be fronts, and in particular, those buildings which face north into the adjacent single-family residential area.

Z-6027 & PUD #388 (cont'd)

- (6) That service drives be "internalized" so as not to cause the heaviest vehicular traffic to flow directly against residential areas to the north and that the row of parking along the north boundary be relocated to be against the north side of the north building.
- (7) Trash and utility areas shall be screened from public view and not be located adjacent to project boundaries, or in or against the required landscaped buffer and planting strip be provided uninterrupted along the north boundary.
- (8) That a Detail Landscape Plan shall be submitted to, and approved by, the TMAPC prior to granting an occupancy permit and that a minimum 20-foot landscape buffer and planting strip be provided uninterrupted along the north boundary.
- (9) That a Sign Plan be submitted to, and approved by, the TMAPC prior to granting of an occupancy permit.
- (10) That office uses and very restricted commercial uses only be allowed in the north 110 feet of the PUD.
- (11) That the "north" drive be eliminated from Trenton and ingress and egress be prohibited from Trenton within the north 120 feet of the subject tract. That curb cuts on Trenton be limited to a maximum of two locations.
- (12) That buildings be restricted to one-story maximum height within 110 feet of the north boundary.
- (13) That the proposed curb cut on East 71st Street be granted only with approval of the Traffic Engineer.
- (14) That all exterior lighting of the parking lot and buildings be constructed to direct light downward and away from adjacent residential areas.
- (15) That no ingress or egress be allowed from adjacent areas to the west and south of the subject tract to discourage through traffic from the development.
- (16) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Staff Comments:

Mr. Gardner informed that with all the Staff conditions, the proposal submitted would require a redesign. He noted that several restrictions have been listed which Staff feels that Mr. Moody's client or Mr. Moody are unable to agree with and, because of the need for redesign this restriction is included in the conditions. He further informed he felt the Commission should specifically address the concerns that the Staff has, and depending upon what the Commission decides, he recommended this case be continued for one week to allow Staff to redraft the conditions because he felt there was no way Staff and the applicant could come to an agreement at this time.

Mr. Gardner also informed that the drawing presented was a redesign of the original drawing but there are several aspects; however, the driveway on the north is still shown on the drawing, the garbage trucks would travel along the back of the property to pick up the trash and the plan is basically for all commercial usage. He advised that the Staff and the applicant were far enough apart that guidance was needed from the Commission as to whether the Commission and the neighborhood were supportive of the applicant's proposal. If the Commission is supportive of the proposal, Staff could be directed to develop conditions that would bind the applicant to that; however, Staff is not supportive of the conditions that bind the applicant to the current proposal.

Other Comments and Questions:

Ms. Wilson noted that there were seven conditions listed and that these had been revised February 18. She asked Mr. Moody if there had been any changes within the past two days that would eliminate or reduce the Staff Recommendations and Mr. Moody informed that some revisions had been made and incorporated in the proposal after discussions with the abutting property owners and further discussions with Staff. He advised, however, that there were several items on which a compromise could not be reached. Mr. Gardner informed that Staff could not get any closer to what the applicant wanted.

Ms. Higgins informed she was not in favor of hearing something and then continuing after it was heard. Mr. Moody informed he was not sure the continuance would be necessary after hearing the presentation. He advised that he felt the proposal was close enough that the Commission could make a decision.

Applicant Comments:

Mr. Moody informed he represents Mr. James Holliday and Mr. Barney Barnes, Jr. and noted that Mr. Barnes was present. He informed that there is CS zoning existing from Peoria along the north side of 71st Street up to, and abutting, the subject site to a depth of 361'. This property is presently occupied by the American Federal Savings and Loan.

The property all along 71st Street has been zoned CS away from the traditional nodes; thus, providing a different zoning pattern between South Peoria and South Lewis on E. 71st Street. As informed by Staff, CS zoning could be supported as requested by the applicant on the south 361' of the property, subject to the PUD. The property is presently zoned OM except for the north 100' of the property which is zoned OL. Under the existing zoning, a single-story office building would be permitted to be built within 10' of the existing single-family residences or within 30' or 40' with parking abutting the residences without any type of landscape or open space requirement. Under the current OM zoning, a multistory office building would be permitted which would permit a building of medium height (approximately 10 stories) which could be located within 100' of the single-family residences. Under the current zoning, the property would permit 146,000 square feet of office. The applicants have requested that the south 361' be rezoned to CS for retail/commercial uses due to current market conditions. The PUD text requested 52,000 square feet of floor area for commercial and 8,000 square feet of office which is more than a 50% reduction in the permitted floor area which could be built under present zoning. He informed that the economics would no longer be viable if the retail space was reduced as recommended by Staff.

Mr. Moody informed that the design had been presented to a meeting of the property owners and it was felt there was substantial agreement, although there were a couple of areas of disagreement. He advised that the property owners had requested extra sound insulation on the north side of the building which would be complied with. He also informed that one of the problems submitted by the neighborhood and also addressed by Staff, was the location of the trash receptacles on the north side of the north driveway. He noted that under the proposal there would be 75' setback from the single-family residences as opposed to only 10' required in OL zoning, plus a landscape buffer which would be used to screen the trash receptacles. Also that trash and utility areas would not abut the residential areas, as noted by Staff.

Mr. Moody advised that Staff's recommendation was for limited restrictive retail/office use located within 110' of the north property line which would run a line through the middle of the north building. He advised his client could be in agreement with this if it was reduced to 105' since this would require moving the access drive, landscaping buffer, etc.

He informed he was also in agreement with Staff's Recommendation to limit the height of the buildings in the north 110 feet to one-story.

He advised that it was originally not his client's desire to have fronts on the rear of the property since the backs would be of the same architectural materials as the fronts and noted that the fronts would create additional traffic in the "rear" of the buildings. He advised, however, that with some modifications, this change could possibly be adopted and he would again meet with the neighbors for their input.

Z-6027 & PUD #388 (cont'd)

In regard to the location of the north access point, Staff's Recommendation is to close this access point since it appears to be a service drive; however, there had been an agreement with the neighborhood that the far north parking would be limited to employees of the center. Since there must be a service area for the north building, he felt this access point would best fill the need since traffic could be restricted to the hours between 7:00 a.m. to 7:00 p.m.

Mr. Moody informed that at least 15% of the site would be landscaped or open space area under the PUD, but without the PUD, there was no open space requirement. He advised that the neighbors had requested, and he was in agreement, a planting schedule for materials to be used in the landscape plan and this would be a condition of approval under the PUD.

Mr. Moody summed up that the following restrictions would be acceptable to his client: building height restrictions as recommended by Staff, 105' setback from the north property line, instead of 110' as recommended by Staff and redesign of PUD if CS zoning approved.

Comments and Discussion:

In reiteration, Ms. Wilson informed it appeared Mr. Moody was not in agreement with the Staff Recommendation on the following items of the PUD: (1) north store fronts; (2) restriction of the drive on the north; (5) redesign on the north to relocate parking from the north to the south and (6) elimination of the far north drive on Trenton.

Mr. Gardner informed that the north half of offices and the south half of retail would not be store fronts, per se, they would be office fronts. He noted that Staff would like to see office as a buffer and advised that it was unclear whether the neighbors had been given the option of office buffer. He informed that Staff could see no need to have a driveway so close to the subdivision.

Mr. Carnes asked what type of business was planned and Mr. Moody informed there was no tenant in mind, but advised that these shops would include restaurants. Mr. Moody further informed that there was an agreement with the neighborhood that there would be no bar or similar-type activities on the rear and additional sound buffering would be added.

Interested Parties:

William (B. J.) Hastings
Thomas Zampino

Address: 1540 E. 68th Place
1524 E. 68th Place

2.20.85:1543(20)

Z-6027 & PUD #388 (cont'd)

Mr. Hastings informed his property backs up to the north boundary of the PUD on the northeast corner and informed he and his other neighbors had met with the applicants. He advised that he felt the trash should be located in front of the buildings because there it would be seen and taken care of. He further advised he had not seen the design being presented by the applicant at this meeting, but that a design had been presented on February 13. He informed he was concerned that only a one-story building would abut his property and noted that the setback had originally been proposed for 75', but was now proposed for only 26'. He also informed he was not sure what type of plant materials would be used for the landscaping buffer. He advised that a traffic light at 71st and Trenton would help alleviate traffic problems and he had been in contact with the City Traffic Engineer. He noted that the plans are changing so quickly he could not tell what the design is and noted that it appeared the developer and the Commission were not together yet on what each party wanted.

Mr. Zampino informed that when he and his neighbors met with the developer, it was the consensus of the neighborhood that office would be preferred over commercial in the rear of the buildings because of the turnover and if the development was sold, the homeowners would have no recourse. He further informed that with office uses, there would be little traffic after 5:00 or 6:00 p.m. He advised that he felt the north street entrance into the property would allow the trash trucks to get in and out more quickly. He further advised that the neighborhood would prefer that the trash receptacles be placed in the front of the buildings and noted that he felt if the building was two stories, the trash truck would not be heard as much and further noted that the plant material would buffer the noise some. He also advised that he preferred a midpoint entrance onto the site from Trenton rather than the entrance suggested by the applicant. Mr. Moody advised that the trash receptacle would be located on the north side of the building in a totally enclosed structure which would be architecturally compatible with the buildings. Mr. Zampino advised that the plant material was discussed at the neighborhood meeting but there was no discussion as to what materials would be planted along the fence and advised that an evergreen buffer was needed in order to buffer year-round.

Additional Applicant Comments:

Mr. Moody informed he and his clients would sit down with the homeowners determine priorities prior to the City Commission meeting, or prior to the next meeting of the TMAPC, if the case was continued. He reiterated what a PUD does and informed that 52,000 square feet of commercial space was the bare minimum for this site.

Other Comments and Discussion:

Mr. Paddock informed he did not feel the Commission was sure what it was voting on. He advised he had difficulty with the additional access point on the north and noted that there appeared to be three cuts on the plan and he was against approving one on the northernmost access to Trenton

Avenue. He advised he felt there was room for compromise on item (5) of the Staff Recommendation. He noted, however, that the applicant felt he could not compromise on item (6). He further advised he felt there should be some redesign of the PUD and advised he supported the Staff Recommendation for redesign.

Ms. Higgins noted there seemed to be big problems with office use on the north side and advised she would prefer to see commercial uses on the north and suggested that the rear of the buildings have the appearance of fronts.

Mr. Paddock asked Mr. Gardner for clarification of Staff's Recommendations on the driveway cut and Mr. Gardner informed Staff was recommending that there be no access point on the north boundary.

Mr. Paddock noted the issue of square footage had not been emphasized and asked why there was such a great difference between Staff's Recommendation and applicant's proposal. Mr. Gardner informed that the problem is not the square footage, but the plan design.

Mr. Paddock recommended this item be continued with instructions to the applicant that a redesign be submitted. Mr. Woodard and Mr. Carnes informed they concur with Mr. Paddock's recommendation.

Ms. Higgins reiterated her statement at the beginning of the hearing, that she did not feel this item should be heard because the applicant and Staff were not together on terms. Mr. Gardner informed that the applicant and Staff both felt they had compromised as far as they could and were asking for guidance from the Commission. He noted the applicant would either return with a design that would be a basically commercial shopping center or that it would be commercial, with some office on back as a buffer.

Mr. Connery informed that, prior to hearing this item again, he would like to have communication between the applicant and the neighborhood so the Commission would know they are in accord with the proposal. He further informed that every effort should be made to resolve any differences prior to the date set for rehearing.

On MOTION of PADDOCK, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Harris, Kempe, VanFossen, Young, "absent") to CONTINUE consideration of Z-6027 and PUD #388 until Wednesday, March 6, 1985, 1:30 p.m., City Commission Room, City Hall, Tulsa Civic Center, to permit redesign of the project, allowing for a conference between Staff and applicant and input from the neighbors, and that this item be heard early on the agenda, prior to the Public Hearing on signs.

There being no further business, First Vice-Chairman Wilson declared the meeting adjourned at 4:34 p.m.

Date Approved March 6, 1985

Cherry Kempe
Chairman

ATTEST:

RBPaddock
Secretary

