

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1552
Wednesday, April 24, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes Connery Draughon Higgins Paddock, Secretary VanFossen Wilson, 1st Vice- Chairman Woodard	Harris Kempe Young	Frank Gardner Holwell Lasker Malone	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 23, 1985, at 12:29 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, 1st Vice-Chairman Wilson called the meeting to order at 1:33 p.m.

Minutes:

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Paddock, Young, "absent") to **APPROVE** the Minutes of April 10, 1985 (No. 1550).

REPORTS:

Report of Receipts and Deposits:

Staff informed that the receipts and deposits were in order.

On **MOTION** of **WOODARD**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Paddock, Young, "absent") to **APPROVE** the Report of Receipts and Deposits for the Month ended March 30, 1985.

Director's Report:

Mr. Lasker informed that the City Zoning Code was approved by the City on April 23. It will be printed and ready for distribution and sale in about three weeks at a cost of \$25.00 per issue and will be available at INCOG. Mr. Lasker informed the last time he had appeared before the Commission there had been discussion regarding a housing study which would review the locational criteria for group

Director's Report (cont'd)

homes, half-way houses, etc. This study will begin in about two weeks. A letter will be sent out appointing a study committee, which will include an individual from the TMAPC. The study should be completed about the same time the Supreme Court gives its decision on zoning and allowance of group homes in single-family areas, and this study should include guidelines set down by that decision. There will be an updated fire study for the City of Tulsa and INCOG should have some recommendations for the Commission in June on what improvements need to be made on that plan. Lastly, he advised that all input in regard to items which should be included in next year's work program were reviewed and INCOG is in the process of meeting with the City and County and other member communities to get the work program approved.

Z-6036 & PUD #393 (cont'd)

south of its present termination at the Sycamore Hill development. Harvard is classified as a residential collector street south of East 91st Street. The developers propose to extend Harvard approximately 800 feet to the south to Crown Pointe from its present termination at Sycamore Hill. The underlying zoning for the PUD will be RS-1 with FD as needed in accordance with the companion zoning case.

The proposed subdivision will consist of 71 lots and two reserve areas to be used for a combination residential, private lake and stormwater detention facility. A system of private roads with private security/controlled access points at Harvard, Jamestown and Oswego Avenues will be installed. Cul-de-sacs will be constructed at the termination of the public streets with the Crown Pointe Addition. The pattern of the proposed development is consistent with that of the adjacent developments. The abutting area to the north is basically undeveloped, but utilized for cemetery purposes. A six-foot decorative screening and security fence will be installed on the project's boundaries. The screening fence will be constructed of a combination of wood and masonry materials.

The site is divided into two main sub-tributaries of the Vensel Creek Drainage Shed. The western portion drains southwesterly and runoff in the eastern portion will be directed to the existing pond that will be improved to provide increased detention and impoundment capabilities. The PUD Text addresses measures that will be taken to guard against erosion on the site during construction. The drainageways will be maintained in a combination public-private system, with the private system being maintained by the Homeowners' Association. Site elevations range from 650 feet to 710 feet with grades ranging from 1-3% on the ridges, to an excess of 10% on the westerly slopes. The majority of the site is covered with native trees.

The Staff has reviewed the development standards and finds these standards and the proposed layout to be in basic compliance with the RS-1 standards of the Zoning Code. The applicant is proposing that the front yard setback be reduced from the required 35 feet to 25 feet and the Staff is not supportive of this request without justification which is not presented in the PUD Text.

Based upon review of the proposed PUD, the Staff finds: (1) that it is consistent with the Comprehensive Plan; (2) that it is in harmony with the existing and expected development of the area; (3) that it is a unified treatment of the development possibilities of the site; and (4) that it is consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends **APPROVAL** of PUD #393 subject to the following conditions:

- (1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

Z-6036 & PUD #393 (cont'd)

(2) Development Standards:

Land Area: 60 Acres
 Existing Zoning: AG
 Proposed Zoning: RS-1
 Permitted Uses: Detached single-family residences and
 Accessory Uses.

	<u>Submitted</u>	<u>Recommended</u>
Maximum No. of Dwelling Units:	71	71
Minimum Lot Width:	Varies	100' average per lot/RS-1
Minimum Lot Area:	13,500 sq. ft./RS-1	13,500 sq. ft./RS-1
Minimum Land Area Per Dwelling Unit:	-	16,000 sq. ft./RS-1
Minimum Structure Height:	35 ft.	35 ft./RS-1
Minimum Livability Space Per Dwelling Unit:	8,000 sq. ft.	7,000 sq. ft./RS-1 Min.
Minimum Front Yard Setback:	25 ft.	35 ft./RS-1
Minimum Rear Yard Setback:	Not Specified.	25 ft./RS-1
Minimum Side Yard Setback:		
One Side	Not Specified.	10 ft./RS-1
Other Side	Not Specified.	5 ft./RS-1
Open Space/Recreational/ Detention Area:*		
Area "A"	3.7 acres	3.7 acres
Area "B"	.4 acres	.4 acres

* Maintenance of the private, recreational and detention facility shall be by a Homeowners' Association created for that purpose.

Crowder

Z-6036 & PUD #393 (cont'd)

- (3) Subject to the review and conditions of the Technical Advisory Committee.
- (4) That the development be in general compliance with the RS-1 Zoning Code provisions unless modified by the PUD Text and approved by the TMAPC.
- (5) That the development be screened by a combination wood and/or masonry screening fence on its perimeter boundaries.
- (6) That a Homeowners' Association be created to provide for maintenance and operation of secured entrances at Harvard, Jamestown and Oswego, and other facilities such as drainageways, interior streets, parks and landscaped areas and related private improvements.
- (7) That a Detail Site Plan be submitted to and approved by the TMAPC prior to issuance of any Building Permits, including details of exterior screening and landscaping treatment of public and other areas.
- (8) That a Detail Landscape Plan and Sign Plan be submitted to and approved by the TMAPC prior to granting occupancy of any residential units in the development.
- (9) 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.

NOTE:

For the record, the Staff would note that the District 26 Plan Map that has been adopted by the TMAPC and approved by the City Commission reflects a realignment of the Creek Freeway (Riverside Extended) in the extreme western portion of the tract. The revised alignment actually traverses a portion of the subject tract. City Legal Counsel has previously advised that applicants could not be denied a reasonable use of their property based on a future planned use of the tract. Therefore, development of this subdivision should be designed in such a manner that a freeway, if and when constructed, will have the least possible impact upon this tract. The design of PUD #350, a similar situation, made provisions for the planned freeway. PUD #350 is located north of the freeway alignment approximately 1/4 mile east of Yale Avenue and south of East 91st Street.

Z-6036 & PUD #393 (cont'd)

Comments and Discussion:

Ms. Wilson asked how far the property is located from the expressway and was advised it is about 200' south.

Ms. Wilson asked about the public versus private drainage system and Mr. Moody advised that the portions of the system constructed in accordance with City drainage criteria (concrete boxes, etc.) would be maintained by the public; all overland drainage areas would be maintained by the homeowners.

Mr. Draughon asked how the proposed pond could be used as a recreation area and a detention pond and Mr. Moody advised that it is not a detention facility, but a retention facility. He advised that detention is not required because there is a 100-year urbanized drainage channel.

Applicant Presentation:

Mr. Moody advised that South Harvard Avenue terminates prior to the proposed site; however, it would be extended as a residential-commercial street in accordance with the policies and requirements of the City Engineer's office. The developer recognized that Harvard Avenue terminates where the Creek Expressway would ultimately be constructed if the alignment stays on the north and recognized that a private street system in this development would afford the best opportunities for minimizing disruption of the natural terrain. Public streets would not be required because the City (including City Commissioners and City Engineer) did not want a through street which would create traffic through residential neighborhoods. There would be only two entrances — South Harvard and South Oswego. At the request of the Silver Chase Homeowners' Association, access would not be permitted on South Jamestown. The streets are in conformance with the requests of the neighbors, Traffic Engineering Dept., INCOG Staff, etc.

Mr. Moody advised the only condition which he would like to have modified is the front setback. It was determined that there are four lots located on a cul-de-sac on Oswego, on the far southeast corner of the property, which are limited in size because of the pond and a pipeline which runs through the property. Therefore, a 25' setback is requested on Lots 37, 38 and 39 of Block 3. The lots on Block 1 are subject to a 100' easement for power lines which restricts development; thus he requested a 25' front setback on these lots. He requested a 30' setback be permitted on all other lots since all nearby property is zoned RS-2 except the cemetery, with the setback requirement for RS-2 of 30'. This would make the proposed addition compatible with others in the area. Mr. Moody advised that a letter would be forthcoming from the City Hydrologist which indicated that there would be no requirement for FD zoning on the subject tract. The Staff confirmed that although the letter had not been received, the Hydrologist had verbally communicated this same information to INCOG.

Other Comments and Discussion:

Discussion ensued regarding the question of the alignment of the Creek Expressway and Mr. Moody advised that the Major Street and Highway Plan does not show any requirement for any portion of this property to be

Z-6036 & PUD #393 (cont'd)

purchased for the expressway. The District 26 Plan suggested a new alignment traveling north of the cemetery and cutting south into this development; however, this has not been approved and discussions with Traffic Engineering, etc. suggest that it probably would not be approved.

Ms. Wilson asked if Staff had a problem with the requested setbacks. Mr. Gardner informed there had been some problems because Staff could see no justification for the request; however, the proposal has been modified and is now the same as RS-2 and the explanation for the 25' setback is considered reasonable.

Mr. VanFossen asked about the proposed screening materials and was advised masonry would be used.

Interested Parties:

Ron Richardson
Mike Murray

Address: 1256 E. 30th Street
N/A

Mr. Richardson informed that Mr. Moody was correct in his assumption of how long it takes an expressway to be built and opened to the public.

Mr. Murray informed he is a homeowner in the Sycamore Hills Addition and is president of the Creek Expressway Association. He advised that the proposed development is a classic example of why the proposed expressway should be moved south of 121st Street.

TMAPC Action: 8 members present — Z-6036

On **MOTION** of **PADDOCK**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned RS-1 as recommended by Staff, except strike "less and except FD."

Legal Description — Z-6036

Part of the Southwest Quarter (SW/4) of Section Twenty-One (21), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to wit:

BEGINNING at a Point on the East line of said SW/4 1653.1 feet North of the Southeast corner thereof; thence North along the said East line to the Northeast corner of said SW/4; thence West along the North line of said SW/4 to the Northwest corner thereof; thence South along the West line of said SW/4 to a point 1653.1 feet North of the Southwest corner of said SW/4; thence East parallel to the South line of said SW/4 to the Point of Beginning.

Z-6036 & PUD #393 (cont'd)

TMAPC Action: 8 members present — PUD #393

On **MOTION** of **PADDOCK**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young, "absent") to **APPROVE PUD #393**, as recommended by Staff, except allowing a 25' setback on Lots 1 through 20 of Block 1, a 25' setback on Lots 37, 38 and 39 of Block 3 and a 30' setback on all of Block 2 and the remaining portions of Block 1.

Legal Description:

Part of the Southwest Quarter (SW/4) of Section Twenty-One (21), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to wit:

BEGINNING at a Point on the East line of said SW/4 1653.1 feet North of the Southeast corner thereof; thence North along the said East line to the Northeast corner of said SW/4; thence West along the North line of said SW/4 to the Northwest corner thereof; thence South along the West line of said SW/4 to a point 1653.1 feet North of the Southwest corner of said SW/4; thence East parallel to the South line of said SW/4 to the Point of Beginning.

ZONING PUBLIC HEARING:

Application No. Z-6037	Present Zoning: RS-3
Applicant: Richardson (Harwell)	Proposed Zoning: RM-T
<u>Location: Southwest Corner of 31st and Peoria</u>	

Date of Application: March 4, 1985
Date of Hearing: April 24, 1985

Size of Tract: .17 acres

Presentation to TMAPC by: Ronald Richardson
Address: 1256 E. 30th

Phone: 747-4227

Relationship to the Comprehensive Plan:

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

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

Z-6037 (cont'd)

Staff Recommendation:

Site Analysis — The subject tract is approximately .17 acres in size and located at the southwest corner of 31st Street and Peoria Avenue. It is non-wooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis — The tract is abutted on the north, south, east and west by single-family dwellings zoned RS-3.

Zoning and BOA Historial Summary — NONE.

Conclusion — Although the Comprehensive Plan designates RM-T as may be found in accordance with the Comprehensive Plan, there is no row housing or multifamily zoning in the area and the land use and physical facts do not support this application. The Staff considers this request inconsistent with the single-family character of the neighborhood and "spot zoning". Therefore, the Staff recommends **DENIAL** of RM-T zoning.

For the record, a duplex would be a possibility if the market will not support a single-family residence.

Applicant Comments:

Mr. Richardson informed he was representing his grandmother, Mrs. Harwell, who planned to build two townhouses on the lot; one townhouse would be approximately 1,482 square feet and the other 1,380 square feet, plus two garages of 280 square feet each. It was proposed that the buildings be located 60' off the center of 31st Street so they would align with the other houses in the area. He described the other buildings located at the intersection of 31st and Peoria and advised that the requested RM-T zoning requires no more square footage than RS-3. He suggested that the proposed development would remove the potential for future commercial zoning in the area and would establish a higher tax base.

Other Comments and Discussion:

Mr. VanFossen asked if this request could be met under RD zoning and Mr. Gardner informed it could. Mr. VanFossen advised he could find nothing against RD. Mr. Paddock noted that the amount of liveable space is greater under RD than RM-T. Mr. VanFossen suggested that any further comments be related to RD and RM-T.

Mr. Richardson informed that it didn't matter if it was RD or RM-T; he wanted whatever zoning that would permit building the two townhouses.

Mr. Draughton asked what the difference is between RD and RM-T and Mr. Gardner informed that the consideration is the setbacks on the north, south and east sides. Mr. Gardner asked the applicant what the setbacks are and he advised he didn't know. Mr. Jackere advised that it appears the proposal would not meet the setback requirements and Mr. Gardner informed that the applicant could probably not build anything on the site without a variance from the Board of Adjustment because of the setbacks.

Z-6037 (cont'd)

Mr. Connery asked Mr. Richardson if he understood the options available and he said he probably didn't. Mr. Connery suggested that Mr. Richardson review his options prior to having the application heard; however, Mr. Richardson informed he would like to have his application heard now and would amend his application to request RD.

Protestants:

Barry Beasley	Address: 3322 S. 118th E. Ave.
Bob Waterstradt	1254 E. 31st Court
Monty Tarvell	N/A
John Graves	3107 Woodward Blvd.
Alan Jackere	1247 E. 29th Street

Mr. Beasley informed he was representing a homeowner who lives at 31st and Peoria and advised that the plan for the area has a Restrictive Covenant requiring single-family homes and duplexes and the proposal would be inconsistent with the plan. Mr. Jackere informed these covenants are private agreements and have nothing to do with the Planning Commission.

Mr. Waterstradt informed that if something is built on the corner it would block the view of the intersection; there is no sight angle traveling south on Peoria and there is an elevated terrain which creates an obstruction of the view. Mr. Paddock asked if he would have an objection to duplex and he advised he objects to losing property in the area to multifamily.

Mr. Tarvell informed he was protesting because he felt the uses in the area should remain single-family. He advised that the lot in question is a small lot and there are many accidents at the intersection of 31st and Peoria. If the area was zoned for townhouse, the applicant could build three structures and he might get a variance to do so if he applied to the Board of Adjustment. Mr. Gardner informed that the applicant would have to have a variance to build anything because of the setbacks.

Mr. Graves presented petitions (Exhibit A-1) from persons who were protesting the application because they did not want the zoning changed to permit townhouses in the area.

Mr. Jackere advised that he was "taking off his City attorney's hat" and acting in the capacity of a private citizen. He informed that he lives four blocks to the north of the subject location and protested granting the application. The entire area is single-family; there are no multifamily dwellings within approximately 10 blocks. Many of the lots nearby are large lots and he advised that he had heard nothing that said a single-family home could not be built and marketed at this time. He advised that the Planning Commission and the Board of Adjustment could grant duplex use under certain conditions; however, there is nothing special about this application except it's located on a corner. He requested that the Commission deny the application for duplex and townhouse.

Z-6037 (cont'd)

Applicant Rebuttal:

Mr. Richardson showed a parking plan for the site and advised that it was planned to break through the curb on the south side of the lot and noted there is currently some parking on the north side. He advised that when he visited INCOG to discuss the proposal he requested two units. If the zoning was permitted, it would stop commercial zoning from coming into the area. He advised that if the zoning could be changed to RD, that would be alright.

Instruments Submitted: Petitions from Residents (Exhibit A-1)

TMAPC Action: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Paddock, Young, "absent") to **DENY RM-T and RD** zoning on the following described property as recommended by Staff:

Legal Description:

Lot Seven (7), Block One (1), WESTVIEW AMENDED to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application No. Z-6038	Present Zoning: RS-1
Applicant: McDaniel	Proposed Zoning: OL
<u>Location: Southeast Corner of 48th Place and Fulton Avenue</u>	

Date of Application: March 12, 1985
Date of Hearing: April 24, 1985

Size of Tract: .7 acres

Presentation to TMAPC by: Forrest McDaniel
Address: 4830 S. Fulton

Phone: 627-4265

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity — Residential.

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

4.24.85:1552(12)

Z-6038 (cont'd)

Staff Recommendation:

Site Analysis — The subject tract is approximately .7 acres in size and located at the southeast corner of Fulton Avenue and East 48th Place. It is partially wooded, flat, contains two single-family dwellings and is zoned RS-2.

Surrounding Area Analysis — The tract is abutted on the north and east by duplex dwellings zoned RD, on the south by a single-family dwelling converted to day care center use zoned RS-2, and on the west by the Thornton YMCA and vacant property zoned RM-3 and RS-3.

Zoning and BOA Historical Summary — OL zoning has been approved along 51st Street and extending some 600 feet north along the east side of Fulton Avenue.

Conclusion — Although there is a mixture of zoning districts in the area, including OL, the subject tract and abutting tracts are zoned residential. The present office zoning stops approximately 75 feet south of the subject tract. The Staff would not be in favor of extending OL zoning any further north than the present limits. Also, the Staff would not be in favor of "jumping" a residential property (even though this tract is approved by the Board of Adjustment for a day care center) with office zoning. Therefore, Staff recommends DENIAL of OL zoning because it is interior in location, is not in accordance with the Comprehensive Plan and inconsistent with the zoning patterns of the neighborhood.

Comments:

The Commission was advised that a letter had been received from the Fulton South Homeowners' Association (Exhibit B-1) which supported the proposal, providing that all ingress or egress onto 48th Place be eliminated.

Applicant Comments:

Mr. McDaniel advised that he felt the proposed office use would be a benefit to the area because it would be a small, well-designed office building with a minimum of traffic and includes a landscaping buffer. The current buildings are old and are deteriorating and he advised if the proposed zoning wasn't granted the area would continue to deteriorate. He advised that there are ample setbacks and again reiterated that the proposed use would be an asset to the nearby property owners.

Comments and Discussion:

Mr. VanFossen asked who was involved in the letter from the Fulton South Homeowners' Association and was informed it was the residents of the duplexes which wrap around the subject site.

Z-6038 (cont'd)

Mr. Paddock asked if the applicant would be against using the land for duplexes instead of light office. Mr. McDaniel informed he hadn't considered that option and advised he felt the plan submitted by the developer would be a good plan without defacing the neighborhood.

Interested Party:

Charles Snow

Address: 800 N. Lynn Lane

Mr. Snow informed that he was representing Drs. Hudson and Castle who were proposing to develop the property. He advised he had spoken with the attorneys for the Homeowners' Association and they were not in opposition to the proposal if the ingress and egress onto 48th Place were eliminated. He advised that the entrance would be on the south, parking would be located behind the building and there would be a screening fence on the north and south. There would be nothing located in front of the building which would detract from the area. The hours of operation would be from 8:00 a.m. to 5:00 p.m. The building area is proposed to be approximately 5,000 square feet and an addition to the building would be planned in the future. He advised he felt the development would be an asset to the community and requested that it be approved for OL zoning.

Other Comments and Discussion:

Mr. VanFossen informed he felt this type use would be appropriate on this site, but he recognized Staff's desire not to have spot zoning. He suggested that this application could better be considered for RM-1 with a PUD and noted that precedent had already been set since there is office use extending to 47th & Hudson. Mr. Gardner informed that the Commission had to decide that the Comprehensive Plan is no longer accurate and rezone "Office" in the area.

Mr. Paddock noted that this proposal was advertised for OL zoning and asked if that would permit consideration of RM-1. Mr. Gardner informed RM-1 could not be considered and advised if "Office" is considered appropriate, the Commission could approve OL. He further advised that Staff would not have discouraged RM-1 and a PUD. He suggested that the Commission could continue the case and allow the applicant to readvertise and advised that Staff could support RM-1 with a PUD.

Mr. Paddock advised that he was generally opposed to a PUD on .7 acre, unless there is something unique and advised he could not support a PUD.

Mr. VanFossen noted that a PUD would put a control on the area, and he would be in favor of OL. He asked if there was a better way to control zoning in the area and Mr. Gardner informed Staff did not support OL zoning and the applicant was not advertised to allow consideration of anything else. He noted that Staff's concern in regard to OL is that it would be setting a precedent.

Mr. Carnes noted that it appeared it could be of benefit to continue the case and have the applicant return for RM-1 and BOA exception and Mr. VanFossen informed he would favor that since it would not set a precedent of zoning further back in the area.

Z-6038 (cont'd)

Other Interested Parties:

Dr. Richard Hudson

Address: 4931 S. Lakewood

Dr. Hudson informed he lives about five blocks east of the proposed site and was planning to develop the site as a dental office. He advised he was unfamiliar with zoning procedures.

Additional Comments and Discussion:

Mr. VanFossen explained that under RM-1 zoning, the applicant could go to the BOA for special exception or could apply for a PUD and designate it for office use. Mr. Connery noted that the issue is whether or not to put OL on the map. Ms. Higgins advised that if this was approved for rezoning as requested, large office buildings could be erected.

Mr. Paddock asked if a use variance could be granted by the BOA and Mr. Gardner informed he was unsure if a use variance could be approved.

Mr. Snow advised that the applicant would be in favor of a continuance to consider RM-1 zoning and a PUD or RM-1 zoning and Board of Adjustment approval.

Instrument Submitted: Letter from Fulton South Homeowners' Assn.
(Exhibit B-1)

TMAPC Action: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Wilson, Young, "absent") to **CONTINUE** consideration of Z-6038 until Wednesday, May 22, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center to allow applicant to apply for RM-1 zoning and PUD or BOA exception for office use.

Application No. PUD #108-A

(RD)

Applicant: Norman (Adelman)

Location: South of East 32nd St. & East of South 73rd East Ave.

Date of Application: March 13, 1985

Date of Hearing: April 24, 1985

Size of Tract: 1.5 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kenndy Bldg.

Phone: 583-7571

Staff Recommendation: Major Amendment

The subject PUD was originally approved for 64 duplex dwelling units and designed to preserve the natural terrain and native trees on the site. The Restrictive Covenants in effect limit the use of this tract to single-family residences; therefore, endorsement of the proposed major amendment to use the site for a church parking lot will be required from

PUD #108-A (cont'd)

all of the property owners within the PUD. The PUD includes a small lake which functions for both aesthetic and drainage purposes. The street system in the PUD connects to the internal street system of the neighborhood which includes single-family residences to the east and west, and the Woodlake Assembly of God Church on the north. The neighborhood's northern boundary is East 31st Street and all neighborhood streets exit or enter from East 31st Street. The tract which is under consideration for PUD #108-A consists of nine (9) vacant building lots on the east boundary of the PUD located east of South 73rd East Avenue, north of East 33rd Street and south of a cul-de-sac designated East 32nd Street. The requested major amendment is for the purpose of constructing a 137-space church parking lot. The Church is located at the southwest corner of South 73rd East Avenue and East 31st Street, and the Church site is approximately 265 feet north across the street from the proposed site. The Church previously requested a variance from the Board of Adjustment to allow a structured parking garage to be built on the south side of the Church over the small lake which exists between the PUD and Church property. This proposal was strongly opposed by the neighborhood and ultimately withdrawn by the Church. The parking structure would have required extensive changes in grade for construction and towered over adjacent duplexes to the south. Properties immediately east of the Church and across the street are currently built upon for existing duplex dwelling units. A necessary condition for Staff support would be that it receive total support from those property owners residing within the PUD and their support would be required to amend the Restrictive Covenants as discussed above. The nine (9) building lots have an area of approximately 1.5 acres.

The site slopes generally from the south, southwest and east, downward and to the north. All storm water from the site will flow to the adjacent streets to the north and west and should be controlled to limit runoff to a level not to exceed the rate prior to improvement of the site to a virtually impervious condition. The PUD document for the major amendment adequately addresses this condition.

The applicant is proposing two non-directional entrances from South 73rd and a minimum 3-foot tall landscaped berm with 3-foot tall shrubbery and trees on the top along the north, south and west boundaries of the parking lot. The Staff recommends that a condition of approval be that the proposed driveways be required to be directional to the north and require all traffic to enter or exit the parking lot to or from East 31st and South 73rd Street.

The elevation of the site is generally lower than that of the abutting single-family residences to the east. This will virtually eliminate the impact of the parking lot on these properties although no landscape buffer is proposed along this area. The applicant is proposing to repair an existing wooden screening fence and a condition of approval of the major amendment should be that upkeep and maintenance of the fence be borne by the applicant once the parking lot is completed. Lighting of the parking lot is proposed along the east boundary to match existing lighting within the PUD. The proposed light locations also coincide with

PUD #108-A (cont'd)

lights which illuminate property to the east. Two new lighting locations are also proposed along South 73rd East Avenue. The present proposal will benefit the neighborhood by attractively developing lots which have been vacant in the area for several years, while providing the Church a parking area which will be used only a few times a week during off-peak neighborhood traffic periods. The Staff would not be supportive of this major amendment if the PUD conditions were not in place and modified as noted above. The interior location of the proposed parking lot, its distance from the Church, and the likelihood of traffic dispersing through the neighborhood from this lot could cause this to be a less than ideal solution to meeting the parking needs of the Church. However, considering the alternative of structured parking, filling a portion of the lake and other less desirable solutions, the proposal alternative is less objectionable than other alternatives presented to date and appears to have neighborhood support. A major safeguard will also be the requirement that total neighborhood support will be required to amend the Covenants to permit the Church parking lot. Given the above review and recommended conditions, the Staff could find the proposed major amendment 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.

Therefore, the Staff recommends APPROVAL of PUD #108-A subject to the conditions as revised above and recommended conditions as follows:

(1) That the applicant's Outline Development Plan be made a condition of approval, unless modified herein.

(2) Development Standards:

Land Area: 1.5 acres

Permitted Uses: Church parking lot with no overnight storage of Church vehicles (buses in particular) of any type.

Minimum Landscaped Open Space: Three (3) foot tall landscaped berm on the south, north and west boundaries with 3-foot tall shrubbery and trees on the top of the berm.

Minimum Screening: East boundary — six (6) foot tall solid screening fence repaired and maintained upon completion of the parking lot by the parking lot owner.

Drainage: All storm water shall be managed on the site at a level not to exceed the runoff from said area prior to it being paved and improved.

PUD #108-A (cont'd)

- (3) That a Detailed Landscaped Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit.
- (4) That the two (2) drives on South 73rd East Avenue shall be directional drives and allow traffic to enter or exit only from, or to the north. (See "NOTE".)
- (5) 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.

NOTE: The City of Tulsa Traffic Engineer has reviewed the Outline Development Plan and recommends the following requirements:

- (1) That the landscape berm which is to be constructed on the City right-of-way, be built in such a manner as to provide adequate sight distance at the intersection of the private parking lot driveways and South 73rd East Avenue.
- (2) That the landscape berm which is to be located on the City right-of-way provide for pedestrian use of the grassed area behind the curb on the east side of South 73rd East Avenue.

The above requirements are included in the recommended Staff conditions for approval and would be enforced at the time of approval of the Detail Site Plan and Detail Landscape Plan if approved by the TMAPC and City Commission.

Applicant Comments:

Mr. Norman advised that the current parking for the Church is totally inadequate. He presented pictures of the proposed site (Exhibit C-1) and advised there would be extensive screening on the north and south. He advised that Mr. Swanson, architect for the Church, has added several features for the Detail Plan, including planting of trees on South 73rd East Avenue and installation of storm water retention strips within the parking area which would retain water and storm sewer to the creek to satisfy the drainage requirements. He informed that he felt this application had the support of the neighborhood.

Other Comments and Discussion:

Mr. Paddock asked if the applicant was requiring onsite detention and Mr. Norman informed he was, since he felt this would be a requirement by the City, due to a flooding problem in the neighborhood.

Mr. VanFossen asked if the directional entrance would pose a problem and Mr. Norman advised he had no objection, but was uncertain what the benefit would be.

PUD #108-A (cont'd)

Mr. Draughon noted that the engineering documentation stated that onsite detention or fee-in-lieu of would be required and Mr. Norman advised he felt it was not a choice because of the previous flooding problems and his client was in agreement to provide detention.

Interested Parties:

James Adelman	Address: 7307 E. 76th Street
Betty Griffin	7016 E. 33rd Street
John Schmidt	7025 E. 33rd Street
Dwayne Biggin	3150 S. 74th E. Ave.

Mr. Adelman informed that the Church poses traffic problems on Sundays and Wednesdays and the Woodlake homeowners feel this is the best solution to the problem. Mr. VanFossen asked if he understood that 75% homeowner approval is required and Mr. Adelman informed he did. He advised that there is currently a suit against one homeowner for refusing to sign the amendment and after it is decided, there is still a question if 75% homeowner approval would be necessary.

Ms. Griffin informed she was representing the Woodlake Village Homeowners' Association and advised that after numerous questions regarding traffic, it was decided that the Board of Directors could support the plan. She advised that John Schmidt, President of the Association, had written a letter to the minister of the Church (Exhibit C-2) confirming the discussion presented at a meeting. The letter reiterated what was discussed and requested that the minister contact Mr. Schmidt if any of the understandings stated in the letter were incorrect. There has been no further word from the minister, thus she was appearing before the Commission to endorse the plan on behalf of the Association. She advised that she was concerned about the number of homeowners required to change the Restrictive Covenants. She also advised that she would like to have "No Parking" signs installed along South 73rd Street and would like to have both detention and also have runoff water drain further downstream. Mr. Norman advised that the City Traffic Engineer could not be compelled to install the requested signs and, in regard to drainage, he was unsure if the catch basin is large enough to handle the additional runoff. He noted that would be part of the hydrology solution and he had no objection.

Mr. Schmidt informed that he was representing the Woodlake Homeowners' Association. He advised that there are a number of legal reasons that the lots proposed for parking are unable to be developed and their presence keeps the homeowners from obtaining loans through FEMA and FNMA, thus it would be of benefit to the Association to have these lots utilized. He noted that the Church voluntarily presented the drainage plan and the Association feels comfortable it would be fulfilled.

Mr. Biggin advised he would like to have the plan approved as the area is currently an eye sore and he felt this would enhance it. He asked about the privacy fence on the east and Mr. Gardner advised that the Church would be required to have a privacy fence since the parking lot must be screened from the properties to the east.

Z-6041 (cont'd)

1st Vice Chairman Wilson informed that a request for continuance of this case until May 1, 1985, had been received and noted that it was a timely request.

TMAPC Action: 7 members present

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Paddock, Young, "absent") to CONTINUE consideration of Z-6041 until Wednesday, May 1, 1985, 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

LOT SPLIT:

Lot Split for Discussion:

L-16419 C. Thornton (1893) E. of the SE/c of 26th St. & Yorktown Ave.
(RS-2)

In the opinion of the Staff, the lot split above meets the subdivision and zoning regulations, but since the lot(s) may be irregular in shape, notice has been given to the abutting owner(s) so that property owners in the area may be aware of the application. (Auth: PC Meeting #1505, page 1; 5/9/84). Staff advised that this lot meets or exceeds requirements and recommended APPROVAL.

TMAPC Action: 7 members present

On MOTION of VANFOSSEN, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Wilson, Young, "absent") to APPROVE L-16418 C. Thornton (1893) as recommended by Staff.

OTHER BUSINESS:

PUD #294-5:

Staff Recommendation — Minor Amendment to Allow a 19.5' Setback from South Maplewood Drive on Part of Lot 6, Block 4, Mill Creek Bridge

PUD #294, Mill Creek Bridge, is a 17.5 acre development located on the west side of Sheridan Road at East 95th Street South. It has been approved for single-family dwellings and is presently developing. The subject lot is a portion of a platted lot which has been split into four separate lots through Minor Amendment #294-4. The applicant is now requesting a minor amendment to the required 20' front setback to 19.5' to allow for a newly constructed dwelling. Since the dwelling is existing, the application was processed as a major amendment with full notice requirements.

PUD #294-5 (cont'd)

After review of the applicant's submitted survey, Staff finds the request to be minor in nature and consistent with the original PUD. Staff recommends **APPROVAL** per survey submitted.

TMAPC Action: 7 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Wilson, Young, "absent") to **APPROVE PUD #294-5 Mill Creek Bridge** minor amendment allowing a 19.5' setback, as recommended by Staff.

PUD #215-4:

Staff Recommendation — Minor Amendment to Allow a 2.2 Foot Side Yard on Lot 24, Block 16, Chimney Hills South

PUD #215 is a 400-acre plus development located south of 71st Street between Yale and Sheridan Avenues. The majority of the land, 1,360 acres, was approved for residential use. The applicant is requesting an amendment of the 5' minimum side yard requirement to 2.2 feet. The structure is virtually completed; therefore, the Staff required the full 20-day public notice and hearing procedure, the same as for major amendments. Only one corner of the structure actually encroaches the setback and to complicate matters, the structure also encroaches a utility easement and will require additional approval and possibly vacation.

The primary purpose of the minimum side yard requirement is to assure a safe (fire) distance between structures. The subject area requires 10' between structures. The lot to the south is vacant; therefore, the opportunity to maintain the 10' minimum separation between structures is possible.

Four possibilities exist in this matter:

1. Approve the request with no conditions.
2. Approve as constructed with some provision for assuring the 10' requirement between the subject home and home to be built to the south be maintained.
3. Denial requiring the corner of the structure to be modified to meet the 5' minimum requirement.
4. Require the applicant to purchase part of the lot to the south to meet its setback.

After considering all possibilities, the Staff recommends **APPROVAL** of the request, subject to the applicant providing assurance of 10' between structures (item 2).

PUD #215-4 (cont'd)

Adrian Smith represented the builder and Staff informed they had the assurance of the 10' requirement (item 2).

Mr. Paddock informed he would abstain from voting since he has been a legal advisor to the builder.

TMAPC Action: 7 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 6-0-1 (Carnes, Connery, Draughon, Higgins, VanFossen, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Harris, Kempe, Wilson, Young, "absent") to **APPROVE PUD #215-4 Chimney Hills South**, Blocks 8-17, Lot 24, Block 16, allowing a 2.2' sideyard, as recommended by Staff (item 2) and notation that the applicant provided assurance of the 10' requirement.

PUD #190 (Griffith) Southwest corner of 71st Street and Sheridan Road

Staff Recommendation — Minor Amendment to Reduce 35' Landscape Area to +/- 15' along 71st Street

The subject tract is approximately 17.2 acres (gross) and is located at the southwest corner of 71st Street and Sheridan Road. It is part of a 405-acre PUD approved in October 1976 which allowed residential, office and commercial uses. The applicant is now requesting a minor amendment of condition "D" of the original approval which required a minimum 35' wide landscaped area on the 71st Street frontage.

At the time the original PUD was approved, the plans assumed a 50' dedication on 71st Street. The Major Street and Highway Plan designated 71st Street as a 120' primary arterial, 60' either side of the centerline. After review of the applicant's submitted plans, it can be seen that the applicant has proposed a +/- 15' landscaped area along 71st Street.

Due to the 60' dedication on 71st Street, Staff finds the request to be minor in nature and recommends **APPROVAL** of the request, subject to the applicant's submitted landscape plan and subject to the applicant maintaining the required 15% landscaped open area within the project. This constitutes approximately 91,489 square feet of internal landscaped open area.

Comments and Discussion:

Mr. VanFossen informed he was unsure the site could be built on because of the slope and he needed some understanding of the plan prior to a vote.

Mr. Pat Griffith, representing the developer, Aronov Realty, advised that the site has been engineered for the grades and presented perspective drawings of the proposed development.

PUD #190 — Minor Amendment (cont'd)

TMAPC Action: 7 members present

On MOTION of DRADGHON, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Wilson, Young, "absent") to APPROVE PUD #190 Minor Amendment to allow a +/- 15' landscape area along 71st Street.

PUD #190: Detail Site Plan Review - Summit Square - Located at the Southwest Corner of 71st Street and Sheridan Road

Staff Recommendation — Detail Site Plan Review:

The application is submitted for Detail Site Plan review and approval, subject to approval of the accompanying minor amendment which requests relief from the 35' landscaped area along 71st Street. The subject tract is 17.2 (gross) acres in size and is located at the southwest corner of 71st Street and Sheridan Road. The tract has an underlying zoning of CS and will be developed for uses permitted by right in a commercial shopping district. Upon field investigation and information obtained from the applicant, a temporary easement has been granted to the City of Tulsa to allow for a traffic detour while the intersection of 71st Street and Sheridan Road is being improved. The subject tract is part of a 405-acre PUD approved for residential, office and commercial use in 1976. At the time of original approval, no plot plans were submitted so the development was approved in concept only. The only conditions of approval are those listed in the minutes under Development Area 5 (commercial shopping). The project has a total of nine access points: three off 71st Street, one off Sheridan Road and five off South Lakewood Avenue. Internal access layout is more than adequate to serve the development. A total of 736 parking spaces is proposed which equals an overall parking ratio of 1 parking space per 205 square feet, exceeding the 1 per 225 requirement.

Given the above review, the Staff finds the proposed Detail Site Plan to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (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 Ordinance.

Therefore, the Staff recommends APPROVAL (subject to approval of the minor amendment) of the Detail Site Plan, subject to the following conditions:

- (1) That the applicant's Detail Site Plan be made a condition of approval, unless modified herein.

PUD #190 -- Detail Site Plan Review (cont'd)

(2) Development Standards:

Land Area (Gross) 17.2 Acres
 Land Area (Net) +/- 14.0 Acres

Permitted Uses: Uses Permitted by right in the CS District.

	<u>Submitted</u>	<u>Recommended*</u>
Maximum Building Floor Area:	151,120 sq. ft.**	176,000 sq. ft.
Maximum Building Height:	Not Specified.	45' - 2 Stories
Minimum Building Setbacks:		
From 71st Street	50 ft.	54 ft.
From Sheridan Road	50 ft.	260 ft.
From Lakewood Avenue	25 ft.	28 ft.
Minimum Off-Street Parking:	Overall ratio of 1 space per 205 sq. ft. or 736 spaces.	1 space per 225 sq. ft.
Minimum Landscaped Open Area:	15%	Exceeds.

* Recommended data corresponds to original conditions of approval of PUD #190.

** Applicant's submitted information is leasable area and corresponds to gross area which shall not exceed 176,000 sq. ft.

- (3) That the ground signs shall be in accordance with Section 1130.2(b) Signs of the Tulsa Zoning Code and shall require the submittal of a Detailed Sign Plan depicting the display surface area, height and location prior to granting an occupancy permit.
- (4) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to the time of occupancy.
- (5) That the conditions of approval of the accompanying minor amendment to PUD #190 apply to the Detail Site Plan.
- (6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Ordinance have been satisfied and submitted to and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

PUD #190 -- Detail Site Plan Review (cont'd)

- (7) That this approval does not cover the future building south of South Lakewood Avenue. The applicant must return for Detail Site Plan approval for that portion of the tract.
- (8) That utility areas shall be screened from public view.
- (9) That parking lot lighting shall be constructed in such a manner that all lighting is directed downward and/or away from adjacent residential areas.
- (10) That points of ingress and egress shall be approved subject to approval of the City of Tulsa Traffic Engineer.
- (11) That the rear and side elevations of the buildings shall be constructed and designed in such a manner as to be generally compatible with the front elevations.

Comments and Discussion:

Mr. VanFossen asked when the Commission would see the designs of the buildings. The applicant informed he had a site plan available and advised that the backs of the buildings would be basically the same masonry construction as the fronts.

Mr. Paddock asked if Section 1130.2(b) of the PUD had been revised as a result of the recent Sign Ordinance and Mr. Gardner informed it had not.

PUD #190 -- Detail Landscape Plan Review - Summit Square - located at the Southwest Corner of 71st Street and Sheridan Road

Staff Recommendation -- Detail Landscape Plan Review:

The subject tract is located on the southwest corner of 71st Street and Sheridan Road. It is approximately 17.2 acres gross and has been approved for uses permitted in the CS District. The requirements of the PUD related to the Detail Landscape Plan are as follows:

- (1) That a minimum of 15% of the net development area be reserved for landscaped open areas.
- (2) That a minimum 35'-wide landscaped area on 71st Street and a 20' landscaped area on the Sheridan Road frontage be maintained except the access points. The 35' figure is proposed to be reduced by the accompanying minor amendment.

PUD #190 -- Detail Landscape Plan Review (cont'd)

The subject tract is unique in that it is bordered on all sides by streets. Property uses to the south and west of the subject tract are residential, both single-family and multifamily. Also, the tract is located higher than surrounding tracts. Detail Landscape Plans have been submitted showing the required detail of landscape materials and locations, and the accompanying Detail Site Plan indicates the required landscape buffers have been provided for.

Each sheet of the Detail Landscape Plan includes a schedule of plant material, numbers and sizes.

Therefore, Staff recommends **APPROVAL** of the Detail Landscape Plan, subject to the submitted plans and **APPROVAL OF PUD 190-1**, PUD conditions and approved Detail Site Plan for PUD #190.

On **MOTION of WOODARD**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Wilson, Young, "absent") to **APPROVE PUD #190 Detail Site Plan Review and Detail Landscape Review** as recommended, subject to the conditions of Staff.

There being no further business, 2nd Vice-Chairman Higgins declared the meeting adjourned at 5:15 p.m.

Date Approved May 8, 1985

Cherry Kempe
Chairman

ATTEST:

RBP Paddock
Secretary

