

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1554
Wednesday, May 8, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 8, 1985, at 11:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:37 p.m.

Minutes:

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Higgins, Young, "absent") to **APPROVE** the Minutes of April 24, 1985, Meeting No. 1552.

REPORTS:

Rules and Regulations Committee:

Mr. Paddock, Chairman of the Rules and Regulations Committee, advised that there would be a Rules and Regulations Committee meeting on May 15, 1985, in Room 1116, of Tulsa City Hall to discuss proposed amendments to the Tulsa County Zoning Code, proposed amendments to the Subdivision Regulations, review of the proposed FD mapping and housekeeping items pertaining to the outdoor advertising regulations and sign code.

Director's Report:

Ms. Dane Matthews informed that the Staff and Legal Counsel have reviewed the Resolution to adopt amendments to the District 10 Plan map text. Staff recommended approval of the Resolution.

On MOTION of WILSON, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Higgins, Young, "absent") to APPROVE the Resolution to adopt the District 10 Plan Map and Text.

RESOLUTION 1554:608

A RESOLUTION
AMENDING THE DISTRICT 10 PLAN
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission did by Resolution on the 29th day of June 1960 adopt a "Comprehensive Plan, Tulsa Metropolitan Area", which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa County, Oklahoma, all according to law; and

WHEREAS, The Tulsa Metropolitan Area Planning Commission is required to prepare, adopt and amend, as needed in whole or in part, an Official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, On the 31st day of March 1976, this Commission, by Resolution No. 1106:421 did adopt the District 10 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, This Commission did call a Public Hearing on the 27th day of March 1985 for the purpose of considering amendments to the District 10 Plan and Public Notice of such meeting was duly given as required by law; and

WHEREAS, A Public Hearing was held on the 17th day of April 1985 and after due study and deliberation this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863, to modify its previously adopted District 10 Plan Text as indicated on Exhibit A, attached and made a part hereof, and to modify its previously adopted District 10 Plan Map, as indicated on Exhibit B, also attached and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that the District 10 Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, be and the same is hereby amended as provided in Exhibits A and B attached hereto.

5.8.85:1554(2)

RESOLUTION 1554:608 (cont'd)

BE IT FURTHER RESOLVED THAT upon approval and adoption hereof by the Tulsa Metropolitan Area Planning Commission, this Resolution be certified to the Board of Commissioners of the City of Tulsa, Oklahoma, and to the Board of County Commissioners of Tulsa County, Oklahoma for approval and hereafter, that it be filed as public record in the Office of the County Clerk, Tulsa County, Oklahoma.

Exhibit A
District 10 Text Amendments

- 3.2.1 Add, "The development and redevelopment of this area should be in accord with the adopted INCOG Regional Industrial Plan, and should be consistent with policies contained elsewhere in the District 10 Plan".
- 3.2.2 Delete.
- 4.1.2.1 Change to, "Improvement of rehabilitation of substandard housing".
- 4.1.2.2 Change to, "More and better use of existing code enforcement programs is encouraged. These programs include zoning, subdivision, housing, building, health, animal control and traffic regulations.
- 4.1.2.5 Add, "Adequate utility service should be available where needed within the District".
- 4.1.3.6 Add, "Reuse of the former Tulsa Children's Home is encouraged, when feasible and appropriate. This could be by private or public means, or by a joint venture".
- 4.1.3.7 Add, "Redevelopment on the Children's Home property is encouraged to use the PUD process, to minimize possible negative impacts on adjacent properties".
- 4.1.3.8 Add, "Where potential for land use incompatibility exists adjacent to the Children's Home site and due to its possible reuse, the developer of the Children's Home site is encouraged to use buffering to protect adjacent single-family residences".

4.2 Intensities

Change to, "The allowed intensities will be as set forth on the Plan Map and explained in the Zoning Code, City of Tulsa".

RESOLUTION 1554:608 — Exhibit A (cont'd)

Table 10-2 Delete.

- 4.3.2.2 Change to, "Encourage the construction of a variety of housing types in a range of prices within this District. Particular attention should be given to making affordable housing available".
- 4.3.3.4 Add, "Encourage the use of publicly-assisted residential improvement programs.
- 4.3.3.5 Add, "Historic areas within District 10, such as Owen Park and Irving neighborhoods, should be maintained and preserved".
- 4.5.3.3 Add, "Future industrial development in this District should be in accord with the adopted INCOG Regional Industrial Land Use Plan".
- 4.5.3.4 Add, "Reuse of the former C.E. Natco property is encouraged, and should be in accord with the adopted INCOG Regional Industrial Plan".
- 4.5.3.5 Add, "Use of the PUD, in the process of redevelopment, on the C.E. Natco property and other industrial properties is strongly encouraged to minimize possible negative impacts on surrounding areas".
- 5.2.2.2 Change to, "Obtaining of funds for the Gilcrease Expressway in District 10".
- 5.3.2 Change to, "Pedestrian and bikeways should be developed in District 10 in accord with the adopted Open Space and Regional Park and Recreation Plans".
- 6.2.2.2 Change to, "The feasibility of linking Newblock Park to the River Parks development should be investigated. This linkage could be through a pedestrian-bike trail, linear park development, or other open space development".
- 6.2.2.5 Change to, "Development and maintenance of parks and recreation areas within District 10 should be in accord with the adopted INCOG Regional Park and Recreation Plan".
- 6.2.2.6 Delete.
- 6.2.2.7 Delete.
- 6.2.2.8 Delete.
- 6.2.2.9 Delete.

RESOLUTION 1554:608 -- Exhibit A (cont'd)

- 6.2.2.10 Renumber to 6.2.2.6 and change to, "The beautification of the cliff area is encouraged along the north side of Charles Page Blvd. from west of Rosedale to Union Avenue".
- 6.2.2.11 Delete.
- 6.2.2.10 Renumber to 6.2.2.6 and change to, "The beautification of the cliff area is encouraged along the north side of Charles Page Blvd. from west of Rosedale to Union Avenue".
- 6.2.2.11 Delete.
- 6.2.2.12 Renumber to 6.2.2.7 and change to, "A street tree planting and maintenance program is encouraged for District 10".
- 6.3.2.1 Delete and renumber policies that follow accordingly.
- 6.4.2 Change to, "Fire stations should be located in accord with the adopted Fire Protection Plan".
- 6.5.2.4 Change to, "Full cooperation with all health care planning agencies in efforts to plan health care services and facilities for this District".
- 6.6.2.5 Add, "Clearing of all creek channels is strongly encouraged throughout the District, to facilitate stormwater drainage and prevent future flooding".
- 6.6.2.6 Add, "The early initiation of Master Drainage planning efforts is encouraged for this District".

Director Comments -- Resolution of the City of Tulsa Providing for Planning Districts within the City

Mr. Lasker informed that the City of Tulsa had recently passed a resolution setting up planning districts of the Greater Tulsa Council for the City of Tulsa. Although the Greater Tulsa Council has been disbanded, its planning functions are still alive. The City has decided to keep the 16 planning districts and make them an arm of the TMAPC with deliberation on capital improvement projects. The District Chairman would be a liaison to the TMAPC and would hold the office for a two-year period. The number of meetings and number of members of the planning district would be at the discretion of the District Chairman with the responsibilities being the same as those of the Greater Tulsa Council. The District Chairman would meet with the TMAPC once yearly in February to prioritize planning and zoning activities and special studies for the upcoming fiscal year.

RESOLUTION

A RESOLUTION PROVIDING THAT PLANNING DISTRICTS
DELINEATED IN THE COMPREHENSIVE PLAN PROVIDE
VOLUNTEER CITIZEN INPUT INTO ZONING, PLANNING
AND CAPITAL IMPROVEMENTS PROCESSES AND FURTHER
THAT THE INDIAN NATIONS COUNCIL OF GOVERNMENTS
AND THE TULSA METROPOLITAN AREA PLANNING
COMMISSION PROVIDE SUPPORT SERVICES TO THE
PLANNING DISTRICTS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tulsa is comprised of 16 planning districts whose boundaries are defined in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan is a living document updated with the assistance of citizen participation; and

WHEREAS, the need for focal points within each district exists to obtain information concerning land use planning and zoning; and

WHEREAS, citizen input remains an important element of the capital improvements ranking process; and

WHEREAS, to fulfill all of the above duties responsibly, participating citizens are required to be knowledgeable and informed in the zoning, planning and capital improvements processes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TULSA, OKLAHOMA:

Section 1. That the planning districts originally delineated in the Comprehensive Plan, as essential elements of that plan, shall operate as an extension of the Tulsa Metropolitan Area Planning Commission for the purpose of providing volunteer citizen input into zoning, planning and capital improvements.

Section 2. That the Tulsa Metropolitan Area Planning Commission and the Indian Nations Council of Governments shall provide the necessary support services to the planning districts.

Section 3. That an emergency exists for the preservation of the public peace, health and safety, by reason whereof this resolution shall take effect immediately upon its passage, approval and publication.

ADOPTED, and the emergency clause ruled upon separately and approved this 3rd day of May, 1985.

APPROVED, this 3rd day of May, 1985.

On **MOTION** of **PADDOCK**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Higgins, Young, "absent") that the duly executed Resolution of the Board of City Commissioners of the City of Tulsa be **Received** by the TMAPC and become part of the permanent file.

ZONING PUBLIC HEARING:

Application No. Z-6042
Applicant: Helm - City of Tulsa
Location: West of the SW/c of 61st and Yale

Present Zoning: RM-1
Proposed Zoning: RS-2

Date of Application: March 15, 1985
Date of Hearing: May 8, 1985

Size of Tract: 67.9 acres

Presentation to TMAPC by: Bob Gardner, INCOG
Address: 707 S. Houston

Phone: 584-7526

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District #2 -- Land activities will be limited to hospital-medical, office, commercial, residential and cultural.

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

Staff Recommendation:

Site Analysis -- The subject tract is 67.9 acres in size and located west of the southwest corner of 61st Street and Yale Avenue. It is non-wooded, rolling and contains approximately 139 single-family dwellings zoned RM-1.

Surrounding Area Analysis -- The tract is abutted on the north by a church and single-family subdivision zoned RS-3, on the east by a multi-story office complex and hotel zoned CH, on the south by various multifamily complexes zoned RM-1 and PUD, and on the west by both single-family attached and detached housing zoned RS-1 and RS-2.

Zoning and BOA Historical Summary -- When the new zoning classifications were adopted in 1970 the subject tract was zoned RM-1 in recognition of the previous U-2A zoning. There has been some multifamily development to the south and west of the subject tract, but all of the development on the subject tract is for detached single-family homes and accessory uses.

Conclusion -- Although the subject tract is zoned RM-1, the property has developed single-family. This rezoning case was initiated by the Homeowner's Association of the subdivision to more properly reflect the single-family character of the neighborhood.

Based on the above information, the Staff recommends **APPROVAL** of RS-2 zoning as requested.

Z-6042 (cont'd)

For the record, all lots within the subject tract meet RS-2 bulk and area requirements.

Comments and Discussion:

Mr. Gardner informed that INCOG (the City of Tulsa) was the applicant on this case and the zoning change had been requested by the homeowners to more accurately reflect the single-family character of the neighborhood. The rezoning had originally been requested in a letter from the Homeowner's Association to the TMAPC which had been forwarded to the City Commission. The City Commission approved the request to file an application on behalf of the property owners, with the application fees being waived. The notice fees and sign fees would be paid by the Association.

Other Comments and Discussion:

Mr. Paddock advised he felt the matter of the definition of Special District #2 should be reviewed by the Comprehensive Plan Committee to ascertain if it was still appropriate for the area.

Ms. Wilson requested that "downzoning" cases be listed as "downzoning" in statistical reports on the agenda and Ms. Kempe advised that any change in zoning is a zoning change, whether it be for increased or lesser zoning. Ms. Wilson suggested that this information could be utilized to determine how many times properties are downzoned in a one-year period. Mr. VanFossen requested that this question be directed to the Rules and Regulations Committee. Mr. Paddock informed the reason he had brought up the matter was because the TMAPC and City Commission had adopted a new policy on downzoning and he was interested in its effects.

Mr. Gardner informed that Mr. Paddock was referring to the question of rezoning a person's property without his consent and in the case in question, this would not be setting a precedent because the homeowners had asked that it be done.

Chairman Kempe advised that the question of "downzoning" would be referred to the Rules and Regulations Committee.

Chairman Kempe asked if there were interested parties present and there was one, but he did not wish to comment.

TMAPC Action: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Higgins, Young, "absent") to recommend to the Board of City Commissioners that the following described property be REZONED RS-2, as recommended by Staff:

Z-6042 (cont'd)

Legal Description:

LIVINGSTON PARK SOUTH, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof.

Application No. Z-6014-SP-1

Applicant: Stringer

Location: East of the SE/c of S. Mingo Road -- 10020 E. 91st Street

Date of Application: September 26, 1984

Date of Hearing: May 8, 1985

Size of Tract: .6 acres

Presentation to TMAPC by: P. M. Stringer

Address: 7203 E. 41st Street

Phone: 628-0296

Staff Recommendation -- Corridor Site Plan for Stringer's Horticultural Nursery

The subject CO tract has a frontage of 130 feet on East 91st Street and depth of 200 feet. It is generally described as the northwest portion of a larger 5.28 acre tract, the balance of which is zoned AG. Property to the south, east and west of the subject tract is zoned AG, and all adjacent area north of East 91st Street, a secondary arterial street, is zoned CO. The proposed alignment of the Mingo Valley Expressway is approximately 600 feet south and east of the subject tract. The applicant is proposing to construct a horticulture nursery with retail sales. He is converting an existing residence on the tract for office and sales purposes. A large greenhouse is proposed to be constructed south in the AG District as a part of the business. The applicant is proposing to provide ten (10) parking spaces served by a private loop drive which has two (2) curb cuts on East 91st Street. The Staff and Technical Advisory Committee are recommending that the points of access be limited to one on the CO tract and that the driveway configuration be tied to an existing driveway to the east for ingress and egress to 91st Street. The Corridor Site Plan indicates that 50% of the CO tract will be devoted to landscape purposes. Drainage from that site will be in a southwesterly direction to Haikey Creek.

The Staff has reviewed the proposed Corridor Site Plan, and with the modification of the driveway, finds that the proposed Corridor development: (1) is consistent with the Comprehensive Plan; (2) is in harmony with the existing and expected development of the surrounding areas; (3) is a unified treatment of the development possibilities of the site; (4) that proper provision has been made for accessibility, circulation and functional relationships of uses; and (5) is consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Ordinance.

Therefore, the Staff recommends **APPROVAL** of the proposed Corridor Site Plan subject to the following conditions:

5.8.85:1554(9)

Z-6014-SP-1 (cont'd)

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

(2) Development Standards*

Land Area: 26,000 sq. ft. .6 acres

Permitted Uses: Horticulture nursery with retail sales to the public.

Maximum Building

Floor Area: Conversion of an existing two-story single-family residence (1,998 sq. ft.) for retail sales and horticultural purposes.**

Floor Area Ratio: .08

Maximum Building Height: Existing/Two-Story

Minimum Building Setbacks:

From Centerline of E. 91st St.	Existing/119 feet
From East Boundary	Existing/19 feet
From West Boundary	Existing/57 feet
From South Boundary	Existing/35 feet

Minimum Landscaped Open Space: 50%

Minimum Off-Street Parking: 10 spaces

Signs:

Ground Signs:

One ground sign shall be permitted with a maximum height of four (4) feet and a maximum display area of 80 square feet.

Wall or Canopy Signs:

Wall or canopy signs shall be permitted not to exceed a display surface area of .5 sq. ft. per lineal foot of building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

Off-premise or Portable Signs:

Off-premise advertising signs or portable signs shall not be permitted.

Z-6014-SP-1 (cont'd)

- * All new development shall conform to the provisions of the Corridor Chapter of the Zoning Ordinance.
- ** A greenhouse building will be constructed on the abutting AG tract to the south.
- (3) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval prior to issuance of an occupancy permit.
- (4) 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 and Corridor conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments and Discussion:

Ms. Wilson advised that 10 parking spaces didn't seem to be enough and Mr. Gardner informed that the proposal was primarily a nursery and noted that there is plenty of room to add additional parking.

The applicant was present, but did not wish to comment.

TMAPC Action: 8 members present

On **MOTION** of **WILSON**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Higgins, Young, "absent") to recommend to the Board of City Commissioners that the Corridor Site Plan for Z-6014-SP Stringer, be **APPROVED**, as recommended by Staff.

Legal Description:

A tract of land containing .5969 acres that is part of Lot One (1), Section 19 - T18N - R14E, Tulsa County, State of Oklahoma, said tract of land being described as follows, to wit: Starting at the northwest corner of Lot 1 of said Section: thence S 89°52'18" E along the northerly line of said Lot 1 for 915.86' to the Point of Beginning of said tract of land; thence S 89°52'18" E along the northerly line of said Lot 1 for 130.00'; thence S 00°11'54" E for 200.00'; thence N 89°52'18" W and parallel to the northerly line of Lot 1 for 130.00'; thence N 00°11'54" W for 200.00' to the Point of Beginning of said tract of land.

Application No. Z-6044

Present Zoning: RS-3

Applicant: Totten

Proposed Zoning: CO

Location: S. of the SE/c of Mingo Road and 62nd Street South

Date of Application: March 19, 1985

Date of Hearing: May 8, 1985

Z-6044 (cont'd)

Size of Tract: .6 acres

Presentation to TMAPC by: Larry Totten
Address: 5459 S. Sheridan

Phone: 664-7420

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 -- Corridor.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately .6 acres in size and located south of the southeast corner of 62nd Street and Mingo Road. It is non-wooded, flat, contains a single-family dwelling and detached accessory building and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north and east by vacant property zoned CO, on the south by an indoor soccer facility zoned CO, and on the west by single-family dwellings on large lots zoned AG.

Zoning and BOA Historical Summary -- CO zoning has been approved in the area and, more particularly, abutting the subject tract on three sides.

Conclusion -- The subject tract is presently an island of RS-3 zoning surrounded on three sides by CO zoning. Based on the Comprehensive Plan and existing zoning patterns, the Staff recommends **APPROVAL** of CO zoning as requested.

Comments and Discussion:

Chairman Kempe asked if there were interested parties and there were none. The applicant was present, but did not wish to speak.

TMAPC Action: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 7-0-1 (Carnes, Connery, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughton, "abstaining"; Harris, Higgins, Young, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO as recommended by Staff:

Z-6044 (cont'd)

Legal Description:

The West One-hundred and Fifty-five (155) feet of Lot Seven (7), Block (4), UNION GARDENS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application No. Z-6045

Present Zoning: RD

Applicant: Norman (Cambridge)

Proposed Zoning: OL

Location: S & E of the SE/c of 36th St. & Yale

Date of Application: March 28, 1985

Date of Hearing: May 8, 1985

Size of Tract: 5.8 acres

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Bldg.

Phone: 583-7571

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 OL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis — The subject tract is approximately 5.8 acres in size and located south and east of the southeast corner of 36th Street and Yale Avenue. It is non-wooded, sloping, vacant and is zoned RD.

Surrounding Area Analysis — The tract is abutted on the north by a church zoned RS-2, on the east and south by single-family dwellings zoned RS-2 and on the west by single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary — The City Commission recently approved RD Duplex zoning on the subject tract. The Tulsa Board of Adjustment approved a use variance to allow a branch office of a savings and loan company on the northwest corner of 36th Street and Yale Avenue.

Conclusion — Based on the Comprehensive Plan and existing zoning patterns in the area, the Staff cannot support OL zoning on the subject tract. Although there is office use at the northwest corner of 36th Street and Yale Avenue, it was approved by the Board of Adjustment after the showing of a hardship. It is the opinion of the Staff that the use variance case does not have a bearing on this case due to the uniqueness of the savings and loan property. OL zoning, if approved, would allow over 75,000 square feet of office floor area which would not be consistent with adjacent and existing land use in the area, the predominant character of which is residential.

Z-6045 (cont'd)

The Staff recommends DENIAL of the requested OL zoning as it is not in accordance with the Comprehensive Plan and not supported by the existing land use of adjacent areas.

NOTE: The applicant has presented a letter dated March 18, 1985, from the Yorkshire Estates Homeowner's Association in support of this application.

Comments:

Mr. Paddock advised that the letter cited by the Staff appeared to be from the 36th and Yale Homeowner's Association rather than from the Yorkshire Estates Homeowner's Association.

Applicant Presentation:

Mr. Norman informed that the owners of this tract had recently requested zoning approval for 76 dwelling units. It was recommended for 72 units by the TMAPC, but the City Commission approved only 66 units and the PUD, which was submitted at the time, was returned to the TMAPC by the City Commission but has not been further pursued. The owner of the property met with the neighborhood and requested recommendations on uses for the property. In these meetings, the neighborhood and the owner agreed that the best use would be OL.

Mr. Norman advised that Case #13587 would be heard by the Board of Adjustment, subject to approval of the zoning application, and advised that the neighborhood and the owner of the property had prepared a Restrictive Covenant Agreement which would be enforceable by any of eight adjacent property owners. He submitted a copy of the application pending before the Board of Adjustment for a .35 floor area ratio (Exhibit "A-1") and copy of the Site Plan, which were the basis for the letter from the homeowners and the basis for the Restrictive Covenant Agreement.

Mr. Norman advised that the concept would require that the proposed buildings be placed at least 70' away from buildings on the south and east and with a limitation against any structures being placed on the "panhandle" of the property. The major entrance would be from Yale Avenue, which would include a restriction on the height of the building and signs. He informed that there had been earlier concerns about drainage, but noted that the driveway would be curvilinear with speed reduction stops on the driveway which would assist in slowing water runoff from the property.

Mr. Norman advised that the same conditions did not apply on this property as on the site of the savings and loan, but noted that it is isolated by a church and park. Mr. Norman noted that since this site was approved for church use, it could be expected that the church would expand, thus essentially creating light office use on that site.

Other Comments and Discussion:

Mr. Paddock asked what had happened with the PUD on this site and Mr. Norman advised that the application was vigorously opposed by the neighborhood and the City had returned it to the Planning Commission, with no further action having been taken.

Mr. VanFossen asked about the other homeowners, other than the eight listed on the Restrictive Covenant Agreement and Mr. Norman informed that it was felt that eight homeowners would give a representative number of people to enforce the Covenant and its provisions in case something should change, with five signatures required for the change. Mr. VanFossen asked why the control wasn't given to the City with a PUD rather than to the neighbors, and Mr. Norman informed that the neighbors would give control to the City.

Mr. VanFossen advised that there would be nothing to tie into in regard to what could be developed on the site; however, with a PUD there is a requirement for a Detail Site Plan.

Interested Parties:

Ron Glass	Address: 3612 S. Braden Place
Sam VanMeter	5145 E. 36th Street
Richard Vail	3533 S. Darlington
Reverend Dan Rabovsky	5321 E. 30th Pl.

Mr. Glass informed he was a representative of the 36th and Yale Homeowner's Association and was representing himself and his wife, who is secretary of the Association. He advised he was in support of the proposal because Mr. Jones (the applicant) held meetings with the neighborhood for input. He felt OL usage with Restrictive Covenants would be an appropriate buffer to residential and he felt the Restrictive Covenants clearly addressed the concerns of the neighborhood for any development of the property.

Ms. Wilson asked Mr. Glass if he was aware that a lawsuit would be required to enforce the Restrictive Covenant and he informed he was.

Ms. Kempe asked if he was speaking as a representative of the Homeowners Association and he informed he was. She also asked him why he felt a 75,000 square foot building was more appropriate than 66 dwelling units and he informed that OL zoning would stagger the hours of use.

Mr. Paddock commented that there had been no discussion as to whether general or medical office uses would be permitted and Mr. VanFossen informed the parking ratio submitted would only permit general office.

Mr. VanFossen inquired about what groups of people were involved in the 36th and Yale Homeowners' Association and Mr. Glass informed there are approximately 120 contributing members from a variety of nearby areas. Mr. VanFossen asked if there was any input from people who backed up to

Z-6045 (cont'd)

the area and Mr. Glass informed that information was mailed to the 120 contributors, with a committee of about 20 people working with the applicant. Of approximately 15 people who attended a general meeting, all were in support of the proposal.

Mr. VanMeter informed he lives on the north side of 36th Street in Yorkshire Estates and he was a member of the planning committee on the project from its beginning. He advised that it was the feeling of the committee that the homeowners would prefer OL rather than multifamily residential (tenant-type property), which it was felt would be the only other economically feasible alternative. It was thus decided to work with the developer to propose Restrictive Covenants to support a development which would be compatible with the surrounding neighbors. He felt that, due to the numerous meetings that had been held with the neighborhood, a large majority of people living in the area had been involved in the decision. He informed that he had visited with Mr. Richard Vail, 3533 S. Darlington, President of the Highland Park Homeowner's Association to the north of the proposed area, and he was in full support of the proposal and was to have sent a letter to that effect. (Chairman Kempe informed that the letter had not yet been received.)

Mr. Paddock advised that he was concerned because the proposed development was in the heart of a residential area and questioned Mr. VanMeter's statement that there didn't seem to be any other alternative except multifamily and asked who was saying this area could not be developed as single-family residential. Mr. VanMeter advised that the area had not been developed up to this time and it was felt this type development would be required for an adequate return on investment. Mr. Paddock advised that OL zoning would permit a building in excess of one-story and asked if Mr. VanMeter was aware of this. Mr. VanMeter informed he was and advised that the height would be limited to two-story which should take care of the needs.

Rev. Rabovsky informed he is pastor of Saint Andrews Church, which abuts the subject property and advised that the church was in favor of the development and felt it would be a good addition to the neighborhood. Ms. Kempe asked if the church had been in favor of the previous proposals and he advised it had been. Rev. Rabovsky also advised that there is an office park located a short distance to the north on Yale and he felt the proposed area was isolated from the residential neighborhood.

Protestant:

Mrs. Janet Bradley

Address: 3355 S. Braden

Mrs. Bradley informed she lives on the north side of Highland Park and was representing the Highland Park Homeowner's Association. She presented a petition protesting the rezoning (Exhibit "A-2"), which contained 203 names of homeowners in the area, and advised that Mr. VanMeter did not represent the members of this Homeowner's Association. She informed that she was in opposition to the application because it was

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not in accordance with the Comprehensive Plan, was considered to be spot zoning and would create traffic problems due to increased traffic through the residential neighborhood. She advised that the previous proposal had been objected to because of the density proposed. She noted that the Restrictive Covenants have nothing to do with the City; it is only an agreement between a select group of homeowners and the developer. She also noted that the office park cited previously was zoned RM-1 and RD with an underlying PUD. She, therefore, requested the OL zoning be denied.

Mr. VanFossen noted that the first office park to the north of the proposed site had been developed with Board of Adjustment approval and the second project was developed with a PUD.

Applicant Rebuttal:

Mr. Norman advised that Mr. Jones, the applicant, had identified the property owners who were considered to be most opposed to the previous application and the eight property owners who were listed on the Restrictive Covenants Agreement were selected by the neighborhood. The people with whom Mr. Jones spoke in regard to the rezoning were those who he felt to be most closely involved in regard to this tract of land. Mr. Norman noted that Mrs. Bradley did not say she was opposed to OL zoning on the site and noted that OL zoning is often used as a buffer for a single-family area. It was felt that OL zoning could be justified because of the office park to the north of the proposed site. He advised that the people in the neighborhood said they were not in favor of any type multifamily residential in the area and if the Plan map was amended to Low Intensity -- No Specific Land Use, the request would be in compliance with the Comprehensive Plan.

Other Comments and Discussion:

Ms. Kempe asked if the zoning was approved, but the applicant was unable to pursue the proposed development, would the Restrictive Covenants remain. Mr. Norman advised that the Covenants last 25 years and are binding on future owners and offered to add the City of Tulsa as a party to the Covenants.

Mr. VanFossen asked for a clarification of Restrictive Covenants as opposed to a PUD. Mr. Linker advised that this was considered to be conditional or "contract" zoning and has been avoided by the City except under a PUD. He suggested, therefore, that the zoning determination be made without relying on the Covenants.

Mr. Norman noted that none of the area north of 36th Street was developed in accordance with the development guidelines.

Mr. VanFossen informed he felt that Highland Park is a related area and those homeowners should be contacted in regard to the proposal. He advised he was not opposed to the concept of the proposal, but would probably vote against the rezoning because it did not have an

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accompanying PUD which gives controls over the development and he also felt a two-story building would be inappropriate in the area.

Chairman Kempe informed she was in agreement with Mr. VanFossen and was in favor of some type residential development on the property. Ms. Wilson also advised she was in agreement with the recommendation for denial because the tract is totally surrounded by residential and 36th Street is a 26' collector street and is inappropriate for OL zoning.

Instrument Submitted: Copy of application to BOA (Exhibit "A-1")
Petition from Highland Park Homeowners (Exhibit "A-2")

TMAPC Action: 8 members present

On **MOTION** of **WILSON**, the Planning Commission voted 5-3-0 (Connery, Kempe, Paddock, VanFossen, Wilson, "aye"; Carnes, Draughon, Woodard, "nay"; no "abstentions"; Harris, Higgins, Young, "absent") to **DENY OL** zoning on the following described tract, as recommended by Staff:

Legal Description:

A tract of land containing 5.8403 acres in the NW/4 of the NW/4 of the SW/4 of Section 22, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows, to wit:

Beginning at a point at the Southeast Corner of said NW/4 of the NW/4 of the SW/4; thence N 89°57'56" W along the southerly line of said NW/4 of the NW/4 of the SW/4 for 608.74'; thence due north along a line parallel to and 50.00' easterly of the westerly line of said NW/4 of the NW/4 of the SW/4 for 375.73'; thence S 89°57'56" E for 503.84'; thence N 00°00'55" E for 244.39'; thence S 89°57'58" E along a line parallel to and 40.00' southerly of the northerly line of said NW/4 of the NW/4 of the SW/4 for 105.00'; thence S 00°00'55" W along the easterly line thereof for 620.12' to the POINT OF BEGINNING.

OTHER BUSINESS:

PUD #365 Between 18th & 19th Streets on Riverside Drive

Staff Recommendation — Detail Site Plan Review

The subject tract has an area of 1.85 acres and is bounded on the east by Carson Avenue, north by 18th Street, south by 19th Street, west by Denver Avenue and southwest by Riverside Drive. The applicant is requesting Detail Site Plan Review for the approved 104-unit multifamily development which will consist of 78 one-bedroom units and 26 two-bedroom units. A total of 180 parking spaces is proposed which will be located under the plaza level of the main buildings and the parking areas will have one entrance and exit from both South Carson and 18th Street. All parking will be screened from public view of adjacent properties by screening walls

PUD #365 (cont'd)

or by the natural topography of this sloping site. Traffic which is traveling south on Denver will be unable to enter the parking area at 18th Street due to the raised center median which extends to Riverside Drive. Street level entry for pedestrians is indicated to be at two locations on Carson Avenue. The proposed buildings are three (3) stories tall plus the lower level for parking and vary in height above the existing grade from 26 feet at Carson and 18th Street to 48 feet along Riverside Drive and 19th Street. The applicant has furnished detailed elevations for all frontages of the site. The exterior walls of the buildings are indicated to be largely masonry, per a letter which is part of the Detail Site Plan. The underlying zoning for the subject tract is RM-2. The average height of the structures above existing grade measured at curb level along Carson and 18th Street is approximately 35 feet, which is consistent with the RM-2 standards. The frontages along 19th, Carson, 18th and Denver have extensive landscaping and a screening wall will be built along the Riverside elevation. Landscaped areas will also be placed on the plaza level along with covered walkways between the units. All minimum building setbacks have been met or exceeded by the proposed plan. The plan also exceeds the requirement for livability space which was included in the original PUD by almost 15%.

The Staff has reviewed the proposed Detail Site Plan and finds it to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the 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** of the Detail Site Plan, subject to the following conditions:

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

(2) Development Standards:

Land Area (Gross): 125,428 sq. ft. 2.879 acres
(Net): 80,455 sq. ft. 1.847 acres

Permitted Uses: Multifamily dwellings and accessory uses.

	<u>Approved</u>	<u>Submitted</u>
Maximum No. of Dwelling Units:	104	104
One Bedroom	-	78
Two Bedroom	-	26

PUD #365 (con'td)

Maximum Building Height:	3 stories/ 48 ft.*	3 stories/ 48 ft.*
Minimum Livability Space:	20,800 sq. ft.	23,906 sq. ft.
Minimum Off-Street Parking:	1.5 spaces per one bedroom and two spaces per two bed- rooms or more.	Exceeds require- ment — 180 spaces.

Minimum Building Setbacks:**

From Right-of-Way of Riverside Drive	20 ft.**	20 ft. (65 ft. from centerline)**
From Centerline of West 18th Street	48 ft.	48 ft. (25 ft. from property line)
From Centerline of West 19th Street	55 ft.	55 ft. (25 ft. from property line)
From Right-of-Way of South Denver Avenue	35 ft.***	35 ft. (60 ft. centerline***)
From Centerline of South Carson Avenue	55 ft.	55 ft. (25 ft. from property line)

* Maximum building height varies from a low point above grade of 26 feet to a maximum height of 48 feet.

** These setbacks reference only those portions of the building above grade.

*** These setbacks are consistent with the setbacks of PUD #330 to the west.

(3) Signs for the project shall meet residential sign standards of the PUD Ordinances.

(4) That a Detail Landscape Plan shall be approved by the TMAPC and installed prior to occupancy, including all landscaping as shown and discussed in the approved Outline Development Plan and Detail Site Plan.

(5) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and submitted to and approved by the TMAPC and filed of record in the County Clerk's office,

PUD #365 (cont'd)

incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments and Discussion:

Mr. Bill Jones, attorney for the applicant, informed that his client had tried to conform to the conditions set forth under the PUD. He also advised that a preliminary plat has been filed and noted that the developer and architect were present to answer any questions. Staff advised that notice had been sent to people in the area who had previously appeared on this case.

Interested Party:

John Brandenburg

Address: 1803 S. Carson

Mr. Brandenburg advised that he lives in the area of the development and was seeing the proposed drawings for the first time. He asked about the air conditioning units and was advised they would be individual units and would not be visible. He asked about the masonry on the project and was informed that it was 80% brick. He asked about access to Riverside Drive and was informed there would be no access on Riverside Drive. He asked why the building was being permitted to be built 15' closer to Riverside Drive than the minimum 65' setback and was informed that under a PUD appropriate setbacks can be approved and that Staff allowed the same setback as what was allowed on the west side of Denver. He requested that a pedestrian walkway across Riverside Drive be erected and was informed by Mr. Holmes, a representative of the developer, that it was being discussed with the Parks Department. Finally, he suggested that it would be appropriate to involve concerned neighbors in making recommendations on proposed developments at the initial point of discussions between the developer and Staff.

TMAPC Action: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Higgins, Woodard, Young, "absent") to **APPROVE** the Detail Site Plan on PUD #365, as recommended by Staff, subject to the conditions above.

OTHER DISCUSSION:

Mr. VanFossen informed he would like to have the Rules and Regulations Committee consider zoning categories and PUDs.

There being no further business, the Chairman declared the meeting adjourned at 4:40 p.m.

Date Approved May 22, 1985

Cherry Kempe
Chairman

ATTEST:

Marilyn A. Wilson
Secretary
1st vice chm.

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