

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1560
Wednesday, June 19, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 18, 1985, at 12:20 p.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 **CARNES**, the Planning Commission voted 6-0-1 (Carnes, Connery, Higgins, Kempe, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Draughon, Harris, VanFossen, Young, "absent") to **APPROVE** the **Minutes of June 5, 1985 (No. 1558)**.

REPORTS:

Director's Report:

Mr. Gardner informed that he had two items of information, pertaining to lot-splits. A letter had been received from Alan Jackere, City Legal Counsel, on a lot-split appeal to District Court which indicated that Mr. Jackere's recommendation was that the Commission do nothing on the appeal at this time, but have the applicant return, readvertise and rehear the case at a later date. Also, a suit had been brought against the City in regard to a lot-split in south Tulsa. He advised that his concern with this case was that the Court might decide to review the City's procedures for processing lot splits; i.e., prior approval and the current notice procedures. He noted that if the case was successful, lot-splits could not be processed expeditiously.

Director's Report (cont'd)

Ms. Higgins asked how the first suit had come about and Mr. Gardner informed it had resulted from the new policy not to give notice. He also informed that there were statements made in Court that the Commission had said the neighbors would get notice. Ms. Higgins asked if there were tapes or minutes to verify this and advised that she would like to know if there was such a promise. She requested that the tapes be reviewed to verify this and Mr. Gardner informed that they would be.

6.19.85:1560(2)

SUBDIVISIONS:

Preliminary Plat:

Family Worship Center (1094) N/side E. 21st St. at S. 152nd E. Ave. (AG)*

Staff informed that the applicant was not present at the Planning Commission meeting, but was aware of the recommendations and had been present at the TAC meeting.

This plat is submitted for sketch on the overall plan and preliminary on the first phase, which contains an existing building to be used for church offices prior to construction on Phase II. The conditions and/or comments all apply to the sketch plat, although some may not apply to the first phase.

There are two streets stubbed into this property at E. 15th Pl. and S. 151st E. Ave. Some extension and/or termination shall be provided. There may also be a half street dedication on 15th St. If so, the matching half must be dedicated and approved. There was some discussion at the TAC meeting on what must be done with the stubbed in streets, but at this time no firm decisions were made. Staff suggested that since the overall plan must address the stub and half streets, that that portion be "tabled" for further study and that the first phase lot only be granted "sketch plat" approval. That lot may need to be expanded to accommodate some storm water detention.

Mr. Paddock asked what affect it would have if this was continued or passed on Phase I only and Mr. Wilmoth informed he didn't think it would have any affect and the 30 days prior approval was required only on final approval.

On **MOTION** of **CARNES**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **TABLE** the sketch plat of Family Worship Center (1094).

The Village at Woodland Hills (PUD #379) (283) W/side of S. Memorial at
E. 68th St. (P, CS)

The Staff presented the plat to the TAC with the applicant represented by Wayne Alberty and Mike Taylor.

This PUD was reviewed by the TAC on 10/11/84 and certain comments made at that time relative to the PUD and the plat were to follow. A copy of TAC comments on that date was provided, including alternate recommendations on 68th Street, a stub street, as follows:

- (a) Construct a cul-de-sac for turn-arounds, or
- (b) Vacate street stub in adjacent plat, including removal of curb, or

The Village at Woodland Hills (PUD #379) (283) (cont'd)

- (c) Leave dedication "as is", and provide a crash gate or emergency access to the backs of the buildings.

Other comments previously made included:

- (1) ONG advised caution around its 18" gas main. If it is to be lowered or relocated, it will be at the developer's expense.
- (2) Low growing trees should be considered along the west side in the utility easement and landscape area. Provide 3' reserve for fence.
- (3) Check stormwater detention plans with City Engineer for coordination with plans already approved.
- (4) The usual requirements for utility extensions, storm water retention, access, etc., will be made in the platting process.

The current plat application concerned the Staff about the portion left out of the plat that is part of the PUD. Nothing in the PUD indicates any kind of phasing. Since this is completely surrounded by platting, it would seem the simplest thing to do would be to include it in the plat as another lot. If it is not included in the plat, the PUD conditions applying to this tract must be filed of record separately. In discussion, neither TAC nor Staff had objections to the "out parcel", provided PUD conditions are filed as recommended.

Further discussion revealed that the stub street on 68th Street has two houses that use it, so the development options should include only "(a)" or "(c)" above.

The TAC and Staff recommended approval of the preliminary plat of The Village at Woodland Hills, subject to conditions.

On **MOTION** of **HIGGINS**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **APPROVE** the preliminary plat of The Village at Woodland Hills (PUD #379) (283), subject to the following conditions:

- 1. Development options for the end of 68th Street may be either option "a" or "c" as previously discussed.
- 2. The additional 3' required for fencing should also be part of the utility easement. Staff suggests a total 14' easement, with the west 3' "reserved for fencing" (subject to utility approval).

The Village at Woodland Hills (PUD #379) (283) (cont'd)

3. All conditions of PUD #379 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Tulsa Zoning Code, in the covenants.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to, property and/or lot lines.
5. Water plans shall be approved by the Water and Sewer Department prior to release of final plat (include language for water/sewer facilities in covenants).
6. Pavement or landscape repair within restricted water line, sewer line or utility easements as a result of water or sewer line repairs due to breaks or failures, shall be borne by the owner of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer (onsite detention or fee).
9. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
10. Limits of Access shall be approved by City and/or Traffic Engineer. Include applicable language in covenants (paragraph left out). Narrow the main drive as per Traffic Engineer. (Also provide additional data for south access point.)
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase, and/or clearing of the project. Burning of solid waste is prohibited.
12. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat (including documents required under Section 3.6(5) of Subdivision Regulations).

The Village at Woodland Hills (POD #379) (283) (cont'd)

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

Hilton Addition (3503) NW/c E. Easton & N. Memorial (CS, OL)

Staff presented the plat to the TAC with the applicant represented by E. C. Summers.

This tract was processed as a sketch plat and received approval on 6/25/81 and as a preliminary plat on 10/21/81. No further action occurred and the plat expired on 10/21/83, after one extension. Since the previous plat expired, this application is treated as an entirely new subdivision.

The TAC and Staff recommended approval of the preliminary plat of Hilton Addition, subject to conditions.

On **MOTION** of **CARNES**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **APPROVE** the preliminary plat of Hilton Addition (3503), subject to the following conditions:

1. Covenants: 1st page, 1st paragraph after legal description: Reference made to "one lot", etc. There are two lots and a reserve. Change accordingly. Include cable TV in the utility grant.
Page 3, paragraph (d), line left out (see PSO).
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.
3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
4. Pavement or landscape repair within restricted water line, sewer line or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat (if required).
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (This has been done. PFPI #119). No additional requirements.

Hilton Addition (cont'd)

7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.
8. Limits of Access shall be shown on the plat as approved by City and/or Traffic Engineer. Coordinate with development across the street.
9. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
10. A Corporation Commission letter (or Certificate of Non-Development) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
11. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat (including documents required under Section 3.6-5 of Sub. Reg's.).

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

FINAL APPROVAL AND RELEASE:

Hunter's Glen (2283) SE/c 91st and Yale

(CS, OL)

Staff informed that all release letters have been received and final approval and release of plat were recommended.

On **MOTION** of **HIGGINS**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **APPROVE** the final plat of Hunter's Glen (2283) and release same as having met all conditions of approval.

REINSTATEMENT AND EXTENSION OF APPROVAL:

Darlington South (PUD #350) (2283) 93rd & S. Darlington Ave. (RS-3)

Staff informed that everything has proceeded according to plan, but the plat expired; therefore, Staff recommended reinstatement and one-year extension.

On **MOTION** of **PADDOCK**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays";

Darlington South (cont'd)

no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **REINSTATE** and **EXTEND** the plat of Darlington South (PUD #350) (2283) for one year.

WAIVER OF PLAT:

Z-6019 Laurenwood (PUD #385) (683) NW/c 71st and S. Utica (CS, OM)

This is a request to waive plat on Lot 1, Block 1 of the above plat. This is a recent plat that was processed and approved by the TMAPC, but a PUD and rezoning has occurred so it is again "subject to a plat". Applicant has submitted a multiple application for waiver of plat, Minor Amendment to the PUD, Detail Site Plan approval and approval of an amended set of restrictions that will provide the PUD conditions on the recorded plat. (Minor Amendment and Site Plan Review are separate items on this agenda).

Since no access is being changed, rights-of-way are already dedicated as well as all the necessary utility easement, Staff has no objection to waiver of plat, as nothing would be gained by processing another plat. An amended set of covenants has also been submitted and is being reviewed by the Legal Department.

Staff recommends waiver of the plat and approval of the amended covenants, subject to final form review by the Legal Department.

On **MOTION** of **WILSON**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **waive plat** on Z-6019 Laurenwood (PUD #385) (683), as recommended by Staff.

Z-6038 Allen's Subdivision (PUD #398) (2793) SE/c E. 48th Pl. & S. Fulton (RM-1)

This request was reviewed by the TAC on 5/23/85, but had not been transmitted to the Commission until the PUD was approved. In reviewing the PUD application at the TAC, there were no objections to the PUD concept (subject to the changes recommended), nor would there be any objection to waiver of plat. The Staff and TAC recommended waiver of plat on Z-6038 and PUD #398, subject to conditions.

Mr. Paddock asked if one of the conditions of neighborhood support of this item was that there would be no access on 48th Place and Mr. Wilmoth informed it was.

On **MOTION** of **HIGGINS**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **waive plat** on Z-6038 Allen's Subdivision (PUD #398) (2793), subject to the following conditions:

Z-6038 Allen's Subdivision

- (a) Comply with provisions of Staff Recommendation on the PUD,
- (b) File an "Access Limitation" agreement with no access to 48th Pl. and limiting to one point on Fulton (also a PUD condition).
- (c) Grading and drainage plan approval subject to City Engineer. (PFPI required for development. Onsite detention required.)
- (d) Perimeter utility easement on east and south.
- (e) PUD conditions to be filed by separate instrument, approved by TMAPC and Legal Dept. and recorded with County Clerk.

BOA #13607 Rolling Hills 3rd (194) 18580 E. 3rd St. (RS-3)

This is a request to waive plat on Block 15 of the above subdivision, the Sandburg Elementary School. This is for a day care center in an existing school and nothing will be changed. Property is already platted and owned by School District. Staff recommended waiver of plat.

On **MOTION** of **WOODARD**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **waive plat on BOA #13607 Rolling Hills 3rd (194)**, as recommended by Staff.

BOA #13637 Valley View Acres 3rd (1202) SE/c E. 56th N. & N. Cincinnati (CS)

This Board application is for a temporary tent revival at the above location. Since it is a "Use Unit #2", it is "subject to a plat" under the Zoning Code. The use is only temporary and the property is already platted. Staff recommends waiver of the plat requirement. (Note: The Board is not scheduled to review this request until June 27, 1985, but due to the temporary nature of the application and the scheduled meeting dates, Staff sees no problem with approving this prior to the Board action. The Board will make any requirements necessary in its review.)

On **MOTION** of **CARNES**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **waive plat on BOA #13637 Valley View Acres 3rd (1202)**, as recommended by Staff.

LOT SPLITS:

Lot Splits for Waiver:

L-16441 Wilson (514) SW/c E. 122nd St. N. & N. 125th E. Ave. (AG)

This is a request to split two 2-1/2 acre lots into four tracts, one measuring 231' x 305', and three lots measuring 143' x 305'. All of the proposed lots are below the minimum lot sizes required by the AG zoning district. In order to permit this lot split, a variance will be required from the County Board of Adjustment. Staff and TAC recommended approval subject to three conditions, but Mr. Wilmoth informed that two of the conditions had been fulfilled: approval of the County Board of Adjustment for a variance of the bulk and area requirements and approval of the City-County Health Dept. for passing the perc test for the septic tank systems had been received.

On **MOTION** of **PADDOCK**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **APPROVE** lot split L-16441 (Wilson) (514), subject to approval from the Washington County Rural Water District for water service for the newly created lots for water service.

L-16452 Bruce (873) S. of SE/c of E. 131st St. and S. Lewis (AG)

Staff informed that this case had been withdrawn.

L-16457 Blankenship (2792) W/side S. 25th W. Ave. at W. 49th St. (RS-3)

This is a request to split a panhandled shaped tract into four lots that meet or exceed the minimum lot sizes of the RS-3 zoning district. However, there is a problem of the 30 foot minimum frontage on a dedicated street (Plan only calls for 7.5 feet per lot). This variance will require approval from the Board of Adjustment. This approval is subject to the following conditions:

- (1) Approval of the Board of Adjustment for the above-mentioned variance,
- (2) Approval from the Water and Sewer Dept. for extension of same, and
- (3) Any utility easements that may be needed in order to serve the proposed lots.

The applicant was not represented at the TAC.

Due to the numerous meters that would have to be set on 25th W. Avenue, the Water and Sewer Dept. recommended that instead of the "access handles" that the tract be served by a private street over the mutual access easement. The access easement should also be a utility easement. Otherwise there was no objection to the concept.

L-16457 Blankenship (cont'd)

The Staff and TAC recommended approval subject to conditions.

On **MOTION** of **CARNES**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **APPROVE** lot split L-16457 Blankenship (2792), subject to the following conditions:

- (a) Board of Adjustment approval of lot frontage,
- (b) Sewer main extension,
- (c) Easements as needed for utilities, and
- (d) Show private street instead of "access handles" and also include it as a utility easement.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-16465 White	(192)	L-16470 Keltner	(1483)
L-16466 Moore	(1292)	L-16478 Bartholic	(3113)
L-16468 Grant	(3294)	L-16480 Kirchner	(583)
L-16469 Heinzelman	(1583)	L-16483 Robertson	(2383)

Staff informed that these lots splits had been carefully scrutinized and ratification was recommended.

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

CONTINUED ZONING PUBLIC HEARING:

Application No. **Z-6048 & PUD #395** Present Zoning: AG
Applicant: Carter (Tastemakers) Proposed Zoning: RM-1
Location: 85th & Harvard Avenue

Date of Application: April 10, 1985
Date of Hearing: June 19, 1985 (cont'd from May 22, 1985) (cont'd to
June 26, 1985)

Chairman Kempe informed that a timely request had been received to continue this case to June 26, 1985.

TMAPC Action: 7 members present — Z-6048 and PUD #395

On **MOTION** of **HIGGINS**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **CONTINUE consideration of Z-6048 and PUD #395** until Wednesday, June 26, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

Application No. **Z-6050** Present Zoning: OM, CS
Applicant: Kester (Dunnahoo) Proposed Zoning: CG & OM
Location: 4444 S. Sheridan

Date of Application: April 11, 1985
Date of Hearing: June 19, 1985 (cont'd from May 22, 1985)

Presentation to TMAPC by: Mark Thomas (Architects Collective)
Address: 4960 S. Memorial Phone: 665-0130

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

Site Analysis — The subject tract is approximately .6 acres in size and located north of the northwest corner of Sheridan Road and 46th Street. It is non-wooded, flat, contains an automobile sales and service facility and is zoned a combination of CS and OM.

Surrounding Area Analysis — The tract is abutted on the north by a retail/commercial building under construction zoned CS, on the east by a large structure containing Use Units 12 and 17 zoned IL, on the south by

Z-6050 (cont'd)

two multi-story office buildings zoned OM, and on the west by vacant land zoned OM which appears to be overflow storage and parking for the auto agency.

Zoning and BOA Historical Summary -- A mixture of zoning classifications has been allowed in the area. The CS portion of the subject tract is currently being used for CG purposes. The Board of Adjustment permitted an automobile body shop on the subject tract. The OM zoning was established for transition purposes, next to the single-family zoning district.

Conclusion -- The requested CG District is for the purpose of expanding the existing auto body shop. Although there is commercial zoning on the west side of Sheridan Road in this area, it is limited to CS zoning. CS is also the present zoning classification of the east 43.033 feet of the tract upon which CG zoning is requested. CG zoning is not in accordance with the Plan Map, would set a precedent and would permit a wide range of uses, many of which would not be compatible with the adjacent residential uses.

Therefore, the Staff recommends DENIAL of the requested CG zoning. The Staff does not object to a tradeoff between CS and OM so long as the area of new CS equates to the area of CS to be rezoned OM, thereby not increasing the overall allowable intensity (F.A.R.).

For the record, the needed relief for a Use Unit 17 (auto body shop) in a CS District could be obtained from the Board of Adjustment if CS zoning is approved for the extension of same.

Applicant Comments:

Mr. Thomas informed he was representing Mike Dunnahoo, the applicant, and was in concurrence with Staff's recommendation and requested approval.

Interested Parties:

Mr. Tracy Orinovsky
Harold Barrett

Address: 4525 S. Lakewood
4537 S. Lakewood

Mr. Orinovsky informed that he was representing homeowners in his area and advised that he was aware that some degree of development would be made in the area, but didn't understand why the zoning area needed to be extended so far to the rear of the property. He noted that the neighborhood had substantial flooding problems and expressed concern about property values. He asked if the proposed buffer would be adequate to accommodate water runoff and advised that if the proposed rezoning was approved, he would like to see only OM.

Ms. Kempe asked how CS zoning would apply to Mr. Orinovsky's concerns and Mr. Gardner informed that CS zoning would not permit the expansion of the auto body shop as a matter of right, but it could be addressed at the BOA. In regard to the floor area, if the amount of CS remains the same

Z-6050 (cont'd)

as what was started with, but expansion is permitted to the west, the floor area ratio would remain the same.

Mr. Thomas informed that the reason the body shop was proposed on the rear area of the tract was due to the circulation pattern. If the building was built farther east on the site, it would cut off access to the storage area for cars and create a problem with people being able to see the cars. In regard to drainage, he informed that the applicant is under the City's scrutiny and drainage problems would have to be resolved prior to building or obtaining a structural permit. He informed that the setback to the back of the new building would be approximately 140' to 150' from the west property line, thus creating a type of buffer to the surrounding properties. He advised that since the proposal would be for a service facility, the applicant would probably be amenable to any lighting restrictions imposed by the neighborhood.

Mr. Orinovsky asked where wrecked cars would be located and Mr. Thomas informed that he couldn't answer that question. Mr. Gardner informed that the only thing that could be permitted in OM is an office or offstreet parking; it could not be used for storage or wrecked cars, etc.

Ms. Wilson asked how large a facility was planned and Mr. Thomas informed it would be approximately 9,500 square feet. Ms. Wilson asked what the square footage of the present building is and Mr. Thomas informed he was not certain. Ms. Wilson asked what use would be made of the building and was informed it is for expansion of the service area.

Mr. Orinovsky noted that the proposed building appeared to be more of an addition than an expansion.

Mr. Carnes informed he was opposed to putting a body shop in someone's back yard.

Mr. Barrett informed that he had driven around the complex and didn't feel this would be an appropriate addition to the residential properties. He also noted that the dealership already has a body shop in the front of the main building.

Other Comments and Discussion:

Ms. Wilson asked if the applicant needed all of the requested zoning to accommodate the proposed building and Mr. Gardner informed that technically, the only zoning that would be needed would be where the building is.

Ms. Wilson asked Mr. Thomas if he had posed the question of a PUD with the applicant and he informed that he hadn't. Ms. Kempe suggested that it appeared that with continued expansion and more intensive use, a PUD might be in order.

Mr. Gardner informed that the applicant could locate the new building next to the building line as a matter of right with zoning and BOA approval. Mr. Gardner informed that a PUD wasn't being considered. The

Z-6050 (cont'd)

applicant had a specific proposal in mind and requested CG, but Staff's Recommendation was for denial of the CG and approval of CS, with downzoning some CS to OM, which would be a tradeoff. He advised the Commission that they needed to decide if the tradeoff is significant.

Ms. Wilson informed that she was opposed to zoning that far into the tract and advised that she was opposed to the proposed tradeoff between CS and OM. Mr. Thomas reiterated that there would be a 140' buffer to the residences and that the applicant would be subject to BOA requirements, which could be similar to restrictions proposed under a PUD.

Mr. Paddock noted that the tradeoff concept had appeal, but it would result in locating an incompatible commercial use next to a residential area and he didn't feel that should be done. Mr. Paddock informed that he didn't feel any of the suggested zoning patterns or use of the PUD were appealing and suggested that the applicant redesign the application.

Ms. Higgins asked Mr. Thomas if he was talking about a landscaped 140' buffer and he informed that he was talking about a 140' area from the property line to the back of the building, some of which is now used for parking.

Ms. Kempe reiterated her earlier suggestion that a PUD might be appropriate for this case. Mr. Paddock informed that neither the zoning proposal nor a PUD appeared to solve land use problems.

TMAPC Action: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **DENY CG** and **OM** zoning on the following described tract, with no suggested alternative zoning:

Legal Description:

Beginning at a point at the Southwest corner of Lot 1, Block 1, of Naiman-Nassif Plaza, according to the recorded plat thereof; thence N 0°11'00" W, a distance of 165' to a point; thence N 89°59'45" E, a distance of 200' to a point of beginning; thence N 0°12'00" W, a distance of 150' to a point; thence N 89°59'45" E, a distance of 43.696' to a point; thence due South a distance of 190.17' to a point; hence due West a distance of 43.033' to a point; thence N 0°12'00" W a distance of 40.015' to the point of beginning.

AND

Beginning at a point at the Southwest corner of Lot 1, Block 1, of Naiman-Nassif Plaza, according to the recorded plat thereof; thence N 89°59'45" E a distance of 242.6444' to a point; thence due South a distance of 42.537' to a point of beginning; thence due South a distance of 39.962' to a point; thence S 89°59'45" W a distance of 42.308' to a point; thence N 0°12'00" W a distance of 39.986' to a point; thence due East a distance of 42.448' to the point of beginning.

AND

Z-6050 (cont'd)

Beginning at a point at the Southwest corner of Lot 1, Block 1, of Naiman-Nassif Plaza, according to the recorded plat thereof; thence N 89°59'45" E a distance of 138.948' to a point of beginning; thence due North a distance of 124.989' to a point; thence due East a distance of 103.696' to a point; thence due South a distance of 167.499' to a point; thence due West a distance of 103.696' to a point; thence due North a distance of 42.510' to the point of beginning.

OTHER BUSINESS:

PUD #385-1 NW/c of E. 71st St. South and S. Utica Avenue

Staff Recommendation -- Minor Amendment

The applicant is requesting a minor amendment from the west setback line requirement from 21 feet to 14 feet, and from the north setback line requirement from 25 feet to 24 feet. The minor amendment further requests that lighting be allowed to be placed on the west side of the building at a height greater than the 6-foot screening fence.

The companion Detail Site Plan submission with this minor amendment indicates that the west drive for the building will be a service drive only, as approved in the PUD, and be restricted to one-way (north to south) traffic. This restriction should provide that the service access will be adequately met in the proposed 14-foot width and the Staff is supportive of this change. The property to the north of the area of request is presently owned by the applicant and is zoned OM. The Staff is also supportive of a reduction in the setback from 25 feet to 24 feet, considering it minor in nature. The lighting, as proposed on the west side of the building above the fence, will be located under awnings as shown on the Detail Site Plan. These awnings will shield the light and direct it downward and into the commercial service drive. Therefore, the Staff recommends APPROVAL of these requests for minor amendments in accordance with the submitted Detail Site Plan as follows:

- (1) Reduction of the west setback line from 21 feet to 14 feet and restriction of said drive to services only and one-way.
- (2) Reduction of the north setback line from 25 feet to 24 feet.
- (3) Permitting lighting to be located on the west elevation of the building at a height greater than the 6-foot screening fence provided it is shielded by awnings as shown on the Detail Site Plan.

Tom Creekmore, attorney, was present to represent the applicant.

PUD #385-1 (Minor Amendment cont'd)

Mr. Paddock noted that the height of the lighting didn't set a maximum and Mr. Frank informed that no maximum height was set, as long as the lighting is located under the awning.

TMAPC Action: 7 members present

On **MOTION** of **HIGGINS**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **APPROVE** the minor amendment to PUD #385-1, as recommended by Staff.

Staff Recommendation — Detail Site Plan Review — PUD #385-1

The subject tract is approximately 1.7 acres in size and is located at the northwest corner of East 71st Street and South Utica Avenue. The tract has a frontage on East 71st Street of about 150 feet and about 503 feet on Utica Avenue. No access is permitted to this tract from East 71st. Two points of ingress and egress are shown on South Utica Avenue. The Joe Creek Channel abuts this area along its western boundary. The tract has underlying zoning of OL and CS. The proposed building will be a single-story, retail/commercial building with 111 off-street parking spaces. The Staff is supportive of the companion minor amendment to this PUD and the Development Standards are drafted to reflect these changes, subject to TMAPC approval. A 6-foot screening fence is proposed on the west side and trash and utility areas are indicated to be screened; however, the trash area should also be screened on the east side. The TMAPC amendment to condition #7 inferred a screening fence was also to be built on the north boundary, but no screening on this boundary was recommended by Staff and none is proposed on the Detail Site Plan. A service drive is proposed on the north and west sides of the building. The applicant has submitted elevation drawings which indicate that the north and west facades are compatibly constructed with the south and east facades as required in the PUD.

The Staff has reviewed the proposed Detail Site Plan and, subject to the approval of the minor amendment, finds it 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 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

PUD #385-1 — Detail Site Plan Review (cont'd)

Land Area (Gross):	2.228 acres	97,054 sq. ft.
(Net):	1.733 acres	75,473 sq. ft.

Permitted Uses: As permitted by right in a CS District excluding tavern, dancehall, motion picture theater, nightclub, sexually oriented business (as presently defined in Section 750 of the Zoning Code), liquor store, bar, (except bar or cocktail lounge used in conjunction with a restaurant), cafeteria, garden supply store, pawn shop, building materials store, coin-operated self-service laundromat, gasoline service stations, nor any Use Unit 19 uses as presently set forth in the Tulsa Zoning Code.

	<u>Approved/PUD</u>	<u>Submitted</u>
Maximum Building Floor Area:	25,049 sq. ft.	24,882 sq. ft.
Maximum Building Height:	24 feet	20 feet
Minimum Off-Street Parking:	Per the Zoning Code.	111 spaces—Exceeds the Zoning Code Requirement of 1-space/225 sq. ft.

Minimum Building Setbacks:

From Centerline of East 71st Street	110 feet	134 feet
From Centerline of South Utica Avenue	50 feet	72 feet
From West Property Line	14 feet*	14 feet, 6 inches*
From North Property Line	24 feet*	24 feet, 6 inches*
Minimum Landscaped Area:	10%	10% minimum required

Signs**	Signs shall be in accordance with the PUD Chapter of the Zoning Code.	**
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* Subject to approval of minor amendment requested and recommended by the Staff. Service drive shall be restricted to one-way direction.

PUD #385-1 — Detail Site Plan Review (cont'd)

- ** Signage: Submitted — Signage on the east and south sides of the building (Bas Relief-Sculptured Stucco) will consist of the words "Decorative Center" (4-foot tall) as shown on the elevation drawings. Tenant signage will be sewn or silkscreened onto a 12" vertical band along the bottom of the awnings on the west elevation. Signage on the west and south sides of the building will be substantially similar to that on the east and south sides.

Approved/Recommended Condition — Signage shall be in accordance with Section 1130.2(b) of the Zoning Code. No lettering shall be in allowed to exceed two (2) feet in height.

- (3) Trash and utility areas shall be screened and completely enclosed so as not to be visible from ground level of adjacent residential areas and abutting development and a 6-foot screening fence shall be installed along the west boundary.
- (4) That architectural treatment and construction materials and design of the west and north building walls shall be generally compatible to that of the east and south walls in accordance with the submitted elevation drawings.
- (5) That a Detail Landscape Plan and Sign Plan shall be submitted for review and approval by the TMAPC prior to occupancy.
- (6) That no lighting shall exceed the height of the screening fence unless shielded by an awning and directed downward, subject to approval of the minor amendment.
- (7) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied (unless specifically waived) and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments and Discussion:

Mr. Frank informed that Staff felt the 4' signage was inappropriate and recommended that it be no larger than 2'. Mr. Creekmore informed that the letters would be the same material as the building and would not stand out. Rick Stuber, architect for the project, informed the letters would be the same as the building

PUD #385-1 -- Detail Site Plan Review (cont'd)

(tone-on-tone) so they could be easily seen from the street, but wouldn't be illuminated at night to create a distraction.

Mr. Carnes informed that he was in agreement with Staff in regard to the height of the letters. Ms. Wilson noted that 20% of the building height for a sign is a significant amount. Mr. Paddock asked what the Ad Hoc Committee was proposing for signage and Mr. Gardner informed it was recommending a maximum 3' sign, so long as it doesn't extend beyond the top of the roof.

Mr. Carnes asked the applicant if 3' would be acceptable and was informed it would be.

TMAPC Action: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Harris, VanFossen, Young, "absent") to **APPROVE** the **Detail Site Plan** of **PUD #385-1**, as recommended by Staff, but changing the signage condition to state that "No letter shall be allowed to exceed 3 feet in height."

PUD #355-1 Northwest corner of Yale and 91st Street

Staff Recommendation -- Minor Amendment to Permit a Two-Car Garage

The subject tract is approximately 10 acres in size and is located on the northwest corner of 91st Street and Yale Avenue. It has been approved for an office complex use with some accessory uses (interior commercial), located within the office building. The TMAPC gave Detail Site Plan Plan approval for Phase I, consisting of a 50,000 square foot building four stories in height on May 23, 1984. The applicant is now requesting a minor amendment to allow a two-car garage on East 89th Street South to provide for secured parking.

Although a garage is not considered a typical accessory use to an office complex, the applicant has volunteered restrictions to make the use more compatible with the principal use of the lot. The proposed restrictions include:

1. Walls: Brick veneer and dark bronze metal panels to match the brick and metal used on the office building.
2. Roof: Dark bronze metal panels to match the metal used on the office building.
3. Doors: Dark bronze metal panel-type overhead doors to match the metal used on the office building.

PUD #355-1 (cont'd)

Upon review of the applicant's submitted plans, the Staff finds the following:

1. Because a garage is not a typical accessory use, the request is not minor in nature;
2. The proposed location violates the required building setback line from the centerline of East 89th Street;
3. Although the location of the structure is in a planned open landscaped area, it is likely that the amount of landscaping would continue to meet the 30% minimum;
4. Location of the structure should be more on the interior of the lot and away from adjacent residences; and
5. Such an approval could set an undesirable precedent with other office complexes.

Based on the above information, the Staff recommends DENIAL of the request. The Staff would suggest if the applicant wishes to proceed with the application, that he file a Major Amendment to PUD #355.

Comments and Discussion:

The applicant, Arthur Richey, informed that he was representing Sunwestern Properties and advised that the minor amendment was to address a specific tenant's request to have a secure area to park his vehicles.

Chairman Kempe asked why the parking garage was proposed in the requested location and Mr. Richey informed that the Phase I parking area stops in this area and advised that he didn't feel it would be desirable to locate the garage in front of the office building since they wanted people to see the entry into the office building.

Mr. Richey informed that he didn't feel the proposed material would be in poor character with the other part of the development.

Mr. Frank informed that the nearby property owners had been advised of the proposal, but no comments had been received.

Mr. Paddock informed that he was in agreement with Staff's Recommendation and felt this would be a Major Amendment. Ms. Higgins advised that she was not opposed to parking, but to the location. Mr. Frank informed that Staff would not be in opposition to parking adjacent to the building.

TMAPC Action: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Harris, VanFossen, Young, "absent") to **DENY** the Minor Amendment to PUD #355-1, as recommended by Staff.

PUD #365-1 Between 18th and 19th Streets on Riverside Drive

Staff Recommendation -- Minor Amendment to Building Setbacks

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 approval of a minor amendment on a portion of the 65 foot building line along Riverside Drive and the 60 foot building line on Denver. The extent of the encroachment is 3'7" and 1'8" on Riverside, and 1'7" and 1'9" on Denver. Staff has reviewed these requests for encroachments and finds them to be minor in nature. Therefore, Staff recommends APPROVAL of the requested minor amendments as discussed above and in accordance with the submitted Site Plan of this date.

Comments and Discussion:

Mr. Frank informed that the applicant is not proposing to move any buildings on the lot, but the purpose is to accommodate encroachments as a result of a request by the City for increased right-of-way on Denver and Riverside.

Bill Jones, attorney for the applicant, informed that when the City asked to widen the streets, they requested an easement instead of dedication. He informed that the encroachment would be 12' off the ground and the building would still sit farther back on the property line than other properties nearby.

Mr. Paddock, Commission secretary, read a letter received from Mr. John Bringenburg in opposition to the minor amendment (Exhibit "A-1").

Interested Party:

Joe Snell

Address: 1811 S. Carson

Mr. Snell informed he was in agreement with the letter and advised that a member of the City Commission had said there would be no changes in the PUD. Mr. Snell informed that he would like to see the developer start and finish the project, as there appeared to have been several changes and delays.

Other Comments and Discussion:

Ms. Kempe informed that intensities on a PUD don't change, but details of a project may be changed by minor or major amendments.

Instrument Submitted: Letter from Mr. Bringenburg (Exhibit "A-1")

TMAPC Action: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted 7-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, VanFossen, Young, "absent") to **APPROVE** the Minor Amendment to PUD #365-1, as recommended by Staff.

There being no further business, Chairman Kempe declared the meeting adjourned at 4:02 p.m.

Date Approved July 3, 1985

Cherry Kempe
Chairman

ATTEST:

AB Padlock
Secretary

