

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1561
Wednesday, June 26, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 25, 1985, at 1:30 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 1:35 p.m.

MINUTES:

On **MOTION** of **CARNES**, the Planning Commission voted 6-0-2 (Carnes, Connery, Draughon, Kempe, Wilson, Woodard, "aye"; no "nays"; Paddock, VanFossen, "abstaining"; Harris, Higgins, Young, "absent") to **APPROVE** the **Minutes of June 12, 1985, meeting No. 1559.**

CONTINUED ZONING PUBLIC HEARING:

NOTICE TO THE PUBLIC OF A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO TITLE 42, TULSA REVISED ORDINANCES (TULSA ZONING CODE) AS RELATE TO THE REGULATION OF SIGNS IN THE CITY OF TULSA (EXCEPT OUTDOOR ADVERTISING SIGNS IN THE CITY OF TULSA).

Presentation by Ad Hoc Sign Committee Chairman:

George Kaiser, Chairman of the Ad Hoc Sign Committee, informed that many of the current signs obscure legitimate signs and recommended regulation and enforcement of the current ordinance with a few changes. The committee was composed of John Brock (owner/manager of an Independent Oil and Gas Company); Gordona Duca (realtor); Bob Jones (partner in the architectural firm of Murray, Jones & Murray); Gene Noble (owner of a wholesale/retail business operation); Wyatt Phillips (V.P., Marketing, Quik Trip Corp.); H.P. Prim (retired former owner of Claude Neon Sign Co.); Cathy Wilson (active in various Tulsa homeowner associations); Carl Young (executive with Helmerich and Payne) and Mr. Kaiser. He informed that input was provided by Bob Gardner, INCOG; Diane Noe, Tulsa Code

Proposed Revisions to the Ordinances for On-Premise Signs (cont'd)

Enforcement; Ray Green, City Inspector, Russell Linker and Alan Jackere, City Legal Department and Jim Adair of Claude Neon Federal and President of the Greater Tulsa Sign Association. Comments and suggestions were also solicited from other interested parties.

Mr. Kaiser informed that the proposed amendments contained only three or four significant modifications to the sign ordinances and about 20 small refinements, which in some cases would make sign regulation more stringent, but would liberalize the rules in other cases. He informed that less than 5% of the total provisions were proposed for modification, with 40% of the report having to do with enforcement of the ordinances. The proposal included 28 recommendations by the committee, including:

1. Ordinance Compliance;
2. Priority List for Phase-in Enforcement Strategy;
3. Enforcement Personnel Requirements;
4. Sign Location Plat to be Filed with Permit Application;
5. Education — Concise Signage Manual;
6. Education — Advisory Sheet;
7. Installer/Owner Identification;
8. Enforcement against Installer and Owner;
9. Reporting and Removal of Abandoned Signs;
10. Impounding of Signs in Right-of-Way;
11. Real Estate Signs;
12. Construction Signs;
13. Temporary Use, Occasional Commercial Signs;
14. Political Signs;
15. Bulletin Board Signs;
16. Identification Signs;
17. Roof Signs;
18. Wall/Canopy Sign Height Limitation;
19. Painted Signs on Glass Surfaces — Exemption from Surface Area Limitation;
20. Roof/Projecting/Ground Signs — Surface Area Limitations;
21. Projecting Sign Height Limitation;
22. Promotional Business Signs;
23. Satellite Dish "Signs";
24. Quantity Limitation on Roof, Projecting, Ground, Outdoor Advertising and Portable Signs;
25. Spacing Requirement for Roof, Projecting, Ground, Outdoor Advertising and Portable Signs;
26. Flashing Light Illumination;
27. Power Line Safety; and
28. Amortization Period.

The proposed revisions to the ordinances for on-premise signs is shown as Exhibit "A-1".

Proposed Revisions to the Ordinances for On-Premise Signs (cont'd)

Interested Parties:

James Adair

Larry Waid

Richard Craig

Address: 504 E. Archer, Suite 101

4657 S. 83rd E. Ave.

N/A

Mr. Adair informed he is president of the Greater Tulsa Sign Association (GTSA) and felt the existing sign code would be adequate if enforced. He noted that approximately 30% of the current signs are illegal and have been erected by contractors without licenses. He advised that many of these contractors operate outside the law and don't pay sign permit fees or charge sales tax. One of the major problems with enforcement is that there are currently only two sign inspectors for the City; he felt there should be at least four. He advised that the GTSA endorses the Ad Hoc Sign Committee's recommendation that sign installers and owners be liable for illegal signs, but there were portions of the recommendation which the sign contractors felt would be unenforceable and superfluous, as illustrated in Exhibit "A-2". He advised that the restrictions on flashing lights could result in businesses erecting additional, larger signs and the proposed restrictions on window signs, banners and searchlights was felt to be overly ambitious since it would require sign inspectors to spend a great deal of time on sign permits with a limited duration, while other violations could go unchecked. He advised that roof signs are a necessary part of the sign ordinance since most are located in the older parts of Tulsa and felt this was a question of aesthetic bias and not based on safety and enforceability concerns. Finally, he felt that the amortization schedule would be unfair and difficult to enforce.

Mr. Waid informed that he is president of Waid Associates, Inc., and advocated more regulation of on-premise signs. He advised that, in the past, the GTSA, in conjunction with the City of Tulsa, removed abandoned and hazardous signs in the Scrap Old Signs (S.O.S.) program. He recommended bringing back the S.O.S. program within Tulsa for removal of nonconforming signs, adding three new permanent sign inspectors, adding two temporary inspectors for a one-year term to enforce the code and remove clutter, permitting all on-premise signs, etc. as described in Exhibit "A-3".

Mr. Craig presented a speech he had prepared (Exhibit "A-4") and copies of documents in support of the position, including "Factors Influencing Choice of Eating Establishments" (Exhibit "A-5"); "Profitline", a booklet pertaining to "Affordable Advertising" (Exhibit "A-6") and a booklet from the U.S. Small Business Administration, "Signs and Your Business" (Exhibit "A-7"). Ms. Wilson asked if there was something in particular that Mr. Craig was objecting to and he noted there are particular problems with enforcement of the sign ordinances in the peak seasons. He advised that the Association would be willing to police sign installation by persons illegally installing signs and advised that he was concerned about the Ad Hoc Committee's recommendation on banners. He also advised that he felt a sign should be a height of 25' in an RS District and suggested that a pamphlet pertaining to sign ordinances be given to persons requesting building permits. Mr. Connery asked what percentage of signs in Tulsa are currently nonconforming and Mr. Craig informed that about 50% of the total signage is not legal.

Proposed Revisions to the Ordinances for On-Premise Signs (cont'd)

Comments from Legal Counsel:

Mr. Linker informed that Legal Counsel had problems with several of the recommendations of the Committee.

Item 14 -- He had advised that there are legal as well as practical problems with a bond being required in regard to political campaign signs. Among other things, it would be difficult to determine whether the bond was complied with and the amount of the refund, if any.

Item 18 -- He stated that this item needs to be further explained as to what the Committee intended. If possible, the wording should be simplified.

Item 19 -- It would be difficult to enforce this provision pertaining to signs painted on glass windows if no permit is required.

Item 22 -- In regard to banners, he advised that it would be unreasonable to permit banners for an unlimited period of time but require a new permit 36 times a year.

Item 23 -- The size limitation of this provision was called to the attention of the Planning Commission. A manufacturer's label of 4" x 4" would be too large and a violation of this provision if adopted.

Item 26 (c) -- He suggested that the wording "if visible from a residential district" be added at the end of the sentence.

Item 28 -- He informed the Commission that termination of legal nonconforming uses after a reasonable amortization period has been upheld in other jurisdictions but there is no authority in Oklahoma on this point. He also pointed out that this provision would require certain flashing signs to be shut down immediately without any amortization period and it was his opinion that such a provision calling for immediate termination of such signs would be invalid without a reasonable amortization period.

Other Comments and Discussion:

Mr. Paddock asked if the Legal Department had had a chance to review the recommendations in final form and if the concerns had been expressed to the Committee. Mr. Linker informed that Mr. Jackere had reviewed the recommendations, but additional questions had arisen since the final draft.

Other Interested Parties:

Steve Milan
Leroy Borden

Address: 13611 E. 26th Street
4611 E. Admiral

Mr. Milan informed he is the owner of Display Design, Inc. and owns search lights. He advised that he purchased the company about six years ago and didn't realize he was in a sign business until about three weeks

Proposed Revisions to the Ordinances for On-Premise Signs (cont'd)

ago. About 60-80% of the clients call on the spur of the moment and some use the lights for about four hours. It would be difficult to service clients if an advance permit is required.

Mr. Milam informed that some of the businesses have three or more locations and asked if a permit would be required for each location.

Mr. Borden informed that he was objecting on behalf of Borden's Cafeteria and the Bason Company which owns and manages a strip center with 91 occupied buildings. Of these 91 buildings, only eight have the required footage on the street to permit signage since signs would be limited to store fronts of 30' or greater frontage. He presented letters from Bordens (Exhibit "A-8") and Bason Company (Exhibit "A-9") which expressed concern that the limitations on the number of square feet per sign surface in the commercial areas would create hardships on small businesses and requested that the present sign code be updated, its wording clarified and the code be more effectively enforced.

Additional Comments and Discussion:

Mr. Kaiser informed Mr. Milam that each search light would be a new installation and three separate installations would require three sign permits. Ms. Kempe asked how long it takes to obtain a permit and Ken Bode, Protective Inspections, informed that it takes considerably longer than 48 hours and could take as long as two weeks per permit because of the shortage of personnel.

Mr. Kaiser informed that the Committee's suggestion in regard to election signs is that the funds be placed with the City which would be returned after a stated time if the signs were removed. In regard to the common visual roof sign, the intent of the Committee was to grant wall sign uses 3' above the visual roof line. A 2' fascia would permit a 1' height above the roof line. In regard to promotional business signs, Mr. Kaiser informed that the provisions are difficult to enforce since it is an arbitrary number of days, but the Committee was trying to provide a method by which flagrant abuse (taking a temporary promotional device and converting it into a permanent sign used for six or nine months, etc.) could be enforced. Some time period must be picked and it was felt the time periods were appropriate.

In regard to satellite dish labels, Mr. Kaiser informed he was not certain if he understood Mr. Linker's comment in regard to 1/10 of a square foot. He informed that this was a convenient number (14.4 square inches), which would be a 3" x 4" or 3-1/2" x 4" label.

Under 26(c), Mr. Linker commented that the restriction on flashing light distance from residential districts should only govern in instances in which the flashing light is visible from the residential district. Mr. Kaiser informed that he didn't think the Committee's intent would be violated by the suggested change. The intent was to provide for the

Proposed Revisions to the Ordinances for On-Premise Signs (cont'd)

situation in which a sign could aggravate a residential homeowner. Mr. Kaiser informed he would have no problem with the suggested language. In regard to the flashing sign restriction and its effect on businesses, Mazzio's was specifically reviewed because extensive research was conducted to ascertain who might be affected by the prohibition of flashing lights. There is a Mazzio's at 21st and Lewis which would be affected. The hardship which would be placed on a business as a result of this provision, could be addressed to the Board of Adjustment for relief.

In regard to amortization, Mr. Kaiser informed that it was felt that there are numerous precedents on this question. It was felt that re-permitting every two years would be too stringent. He cited an article which stated that signs would change every seven to ten years because they would have outlived their usefulness, etc., thus it was felt that 10-1/2 years was an equitable time period for amortization.

In regard to the question of enforcement of promotional signs, Mr. Kaiser replied in regard to the inconvenience of submitting a sketch or plot plan, the reason for this restriction was that it would require the sign installer to go to the site, inspect the site and determine conformance in advance in order to apply for a permit. It is the feeling of the Committee that the installer should be obliged to go to the site and inspect the premises and sketch where the sign would be located so Code Enforcement could better determine whether or not it is in conformance.

In regard to the comment about the display surface area being an arbitrary definition, Mr. Kaiser informed that there is probably some truth to that. In general, the display surface area is that "area that is intended to attract attention". If the suggestion that only a square surrounding the lettering was defined, this would probably result in more of the "liquor store" type signs.

In regard to the limitation on bulletin board and identification signs, Mr. Kaiser informed that these numbers could be changed. Twenty (20) square feet was adopted because it was suggested that this figure would eliminate many variance applications that the BOA was now routinely processing. Mr. Kaiser informed that if it is determined that 32 square feet is more appropriate, Mr. Kaiser informed that he had no problem with that.

Mr. Paddock, Chairman of the Rules and Regulations Committee of the TMAPC, recommended that the proposed changes, clarifications and questions be considered by the Rules and Regulations Committee to be put in more specific form prior to making a recommendation to the City Commission. Ms. Kempe informed she also felt it might serve a useful purpose to permit the Rules and Regulations Committee to review the proposal and Mr. VanFossen recommended that this public hearing be continued to permit a review by the Rules and Regulations Committee.

Proposed Revisions to the Ordinances for On-Premise Signs (cont'd)

TMAPC Action: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 2-6-0 (Carnes, VanFossen, "aye"; Connery, Draughon, Kempe, Paddock, Wilson, Woodard, "nay"; no "abstentions"; Harris, Higgins, Young, "absent") to pass this item to the Rules and Regulations Committee and close the Public Hearing until July 10, 1985.

The motion failed, for lack of a majority in favor.

Additional Discussion:

Mr. Linker informed that if the public hearing was closed and substantial changes were made by the Rules and Regulations Committee, it could create a problem.

Mr. Paddock advised the public that the suggestion that the proposal be reviewed by the Rules and Regulations Committee was not a delaying tactic.

Carl Young expressed concern about timing and requested that the July 10, 1985, meeting not be reopened for public comment. Ms. Kempe informed that if anyone had new information to present, the Commission would be remiss not to hear it.

Instruments Submitted:

Ad Hoc Committee Proposal (Exhibit "A-1")
Speech from Jim Adair, Greater Tulsa Sign Assoc. (Exhibit "A-2")
Speech from Larry Waid, Greater Tulsa Sign Assoc. (Exhibit "A-3")
Speech from Richard Craig, Greater Tulsa Sign Assoc. (Exhibit "A-4")
"Factors Influencing Choice of Eating Establishments" (Exhibit "A-5")
Publication "Profitline" (Exhibit "A-6")
U.S. Small Business Administration Publication "Signs and Your Business"
(Exhibit "A-7")
Letter from Leroy Borden, Borden's Cafeteria (Exhibit "A-8")
Letter from W. D. Shunts, Bason Company (Exhibit "A-9")

TMAPC Action: 8 members present

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") to **CONTINUE CONSIDERATION** of the public hearing to consider amending the Zoning Code of the City of Tulsa (Title 42), as related to the regulation of signs in the City of Tulsa (except outdoor advertising signs until Wednesday, July 10, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

**NOTICE TO THE PUBLIC OF A HEARING TO CONSIDER AMENDING THE
ZONING CODE OF THE CITY OF TULSA TITLE 42, ZONING AND PROPERTY
RESTRICTIONS, BY ADDING THERETO PROVISIONS FOR REGULATING THE
PLACEMENT OF SATELLITE DISHES.**

Staff Comments:

Mr. Gardner informed that the Commission had been given two pages of suggested amendments (Exhibit "B-1") in regard to regulation of satellite dishes within Tulsa. He advised that the Legal Department is deliberating about which part of the ordinance should be amended, but that doesn't make any difference as far as recommendations by the Planning Commission. This proposal is to address concerns because of the increasing number of satellite dishes in Tulsa.

Other Comments and Discussion:

Mr. Paddock asked about satellite dishes in a PUD district and was informed that unless this issue was covered in the PUD, this proposal would cover satellite dishes in other instances.

Mr. VanFossen questioned if the proposal was for limiting the dishes to only one and Mr. Gardner informed that one dish is generally considered to be accessory and the easiest way would be to restrict the dishes to one, and require BOA approval for more than one.

Interested Parties:

Bud Lowers
David Cannon

Address: 5021 S. 79th E. Ave.
10301-A E. 51st

Mr. Lowers informed he was representing Farmer's Insurance Group which utilize satellite dishes as data links. He presented a drawing (Exhibit "B-2") illustrating the proposed height of the antenna for his data links and informed that he was in support of the amendment. He advised that many of the insurance offices are located in districts other than those addressed in the proposed amendment and these should be addressed differently to alleviate the necessity for a variance from the BOA at each location.

Mr. Cannon presented a pamphlet "Small Antenna Satellite Earth Station" (Exhibit "B-3") demonstrating his use of the satellite dish in an OL district as data links between offices in Tulsa and other cities. He advised that the size of his units is smaller than other units used for television coverage. He advised that 33% of his offices are located in OL districts and there is generally not sufficient space in the rear yards to place the dishes. He advised that some locations have several agents and only four terminals could be supported by one dish; thus, necessitating two dishes instead of one. He asked if a unit could be hidden by a parapet wall and noted that the largest dish would be about 4-1/2' in height.

Proposed Amendments to the Sign Code in Regard to Regulation of Satellite Dishes (cont'd)

Other Comments and Discussion:

Mr. Gardner suggested that the Commission continue this proposal until July 10, in order to allow review by the Rules and Regulations Committee, as was requested on the amendments to the sign ordinance. Chairman Kempe informed that she would favor a continuance on this proposal.

Instruments Submitted: Proposed Amendments (Exhibit "B-1")
Drawing of Data Links (Exhibit "B-2")
Pamphlet - "Small Antenna Satellite Earth Station"
(Exhibit "B-3")

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 **CONTINUE CONSIDERATION** of the public hearing to consider amending the Zoning Code of the City of Tulsa (Title 42), Zoning and Property Restrictions, by adding thereto provisions for regulating the placement of satellite dishes until Wednesday, July 10, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

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 26, 1985 (cont'd from June 19, 1985)

Presentation to TMAPC by: Steve Schuller
Address: 610 S. Main, Suite 300 Phone: 584-1600

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 Low Intensity -- Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RM-1 zoning is may be found in accordance with the Plan Map.

Staff Recommendation -- Z-6048

Site Analysis -- The subject tract has a net area of 2.56 acres and is located in the 8500 block of South Harvard Avenue. It is non-wooded, slopes downward to the south and zoned AG. The tract is the site of a church building.

Surrounding Area Analysis -- The tract is abutted on the north by a public utility facility zoned AG, on the west by single-family residences

Z-6048 & PUD #395 (cont'd)

zoned RS-2, on the south by single-family residences on large lots zoned RS-2 and AG, and on the east across Harvard by single-family development zoned PUD #168 and RS-2.

Zoning and BOA Historical Summary -- The basic character of adjacent zoning granted in this area is low intensity single-family residential, except for the public utility facility to the north of the subject tract which is built in an AG District.

Conclusion -- Although the requested RM-1 zoning is a "may be found" in accordance with the Comprehensive Plan, the existing land use and physical facts do not support the requested intensity. The basic residential character of surrounding areas is sustained by RS-2 zoning; however, it would be appropriate to consider more intensive uses, considering the subject tract's proximity to Harvard and the existing land use to the north.

Therefore, the Staff recommends DENIAL of RM-1 and APPROVAL of RS-3 in accordance with the suggested development standards associated with PUD #395.

Staff Recommendation -- PUD #395

The subject tract has a net area of approximately 2.56 acres and is located in the 8500 block of South Harvard Avenue. The tract is presently zoned AG Agricultural; however, RM-1 rezoning has been requested under Z-6048. The Staff is not supportive of the underlying zoning as requested; however, the Staff would be supportive of underlying zoning of RS-3 based on the suggested development standards presented below. The applicant is proposing 13 detached, single-family dwelling units developed on a zero lot line concept. The size of the units would vary from 1500 to 2200 square feet with attached or detached two-car garages or carports located in the front yards. The internal street system would be private and the cul-de-sac does not connect to East 84th Street. No street connection is shown between the private internal street and East 84th Street except for a point of pedestrian access. The private street system is Reserve Area "A". The TAC has recommended that East 84th Street be extended through to Harvard and that the PUD be redesigned accordingly. The tract slopes downward and to the south central area of the property and runoff water from the site should be carefully managed. A Reserve Area "B" is proposed at the south end of the project to be used for drainage purposes. Property to the west and southwest is presently developed for single-family residential purposes and is zoned RS-2. Part of the south boundary is zoned AG. The abutting property to the north has been developed for a public utility facility under AG zoning.

If the TMAPC is supportive of RS-3 zoning in accordance with Z-6048 as recommended by Staff, the following suggested development standards are recommended:

Z-6048 & POD #395 (cont'd)

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

(2) Development Standards:*

Land Area (Gross): 2.98 acres
 Land Area (Net): 2.56 acres

Uses Permitted: Use Unit 6, Single-Family Dwellings and Accessory Uses.

Reserve Area "A": Private Drive
 Reserve Area "B": Berm and Drainage Area

	<u>Submitted</u>	<u>Suggested</u>
Maximum No. of Dwelling Units:	13 units	10 units
Minimum Lot Width:	40 feet	45 feet
Minimum Lot Area:	5,800 sq. ft.	6,900 sq. ft.
Minimum Land Area Per Dwelling Unit:	9,985 sq. ft. average.	8,400 sq. ft. minimum average.
Maximum Building Height:	35 feet	35 feet
Minimum Livability Space Per Dwelling Unit:	Not Stated	4,000 sq. ft.
Minimum Yards and Setbacks:		
From Centerline of Harvard Avenue	75 feet	85 feet
From Private Street	20 feet	20 feet
From Centerline of East 84th Street	50 feet	50 feet
Rear Yards	10'/Lots 1-10	20 feet
Other Rear Yards	Not Stated	20 feet
Side Yards	5'/one side of Lots 5 and 10; 5'/two sides of Lot 4.	Same except minimum separation between buildings shall be 10 feet.
Other Side Yards	Not Stated	10'/one side

Z-6048 & PUD #395 (cont'd)

Minimum Separation Between Structures:	Not Specified	10 feet
Signs:	Not Specified	Signs shall be in accordance with Section 1130.2(b) of the Zoning Code.

- * Specific house plans which would not meet the suggested minimum requirements may be considered as minor amendments to the PUD.
- (3) Subject to the review and conditions regarding the TAC recommendations that East 84th Street be extended through to Harvard Avenue and that the PUD Outline Development Plan be redesigned accordingly.
- (4) Subject to no vehicular access to or from the subject tract from East 84th Street unless East 84th Street is extended through to Harvard Avenue.
- (5) That a screening fence shall be required along Harvard Avenue and East 84th Street with a heavily landscaped buffer between the proposed residential area and the arterial street, plus a screening fence to be installed along the north and west boundaries.
- (6) That a Homeowner's Association shall be created to provide for the maintenance and operation of private interior streets, park areas and other related facilities.
- (7) That a Detail Site Plan shall be submitted for review and approval by the TMAPC prior to issuance of any Building Permits.
- (8) That a Detail Landscape Plan and Sign Plan shall be submitted for review and approval by the TMAPC prior to granting Occupancy Permits for any residential units in the development.
- (9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the conditions of PUD approval, making the City of Tulsa beneficiary to said Covenants.

Staff Comments:

This case was reviewed by the TAC on May 9, 1985 and June 13, 1985, at which time it made recommendation that East 84th Street be extended

Z-6048 & PUD #395 (cont'd)

through to Harvard Avenue (condition #3 of Staff's Recommendation). Mr. Gardner informed that item #4 was not suggesting that the street be installed in a straight line, but suggests how it could be built to Harvard. This proposal would not permit a direct entrance into the subdivision, but would permit a second access point and provide for service by emergency vehicles.

Comments and Discussion:

Mr. Paddock asked if the area had been platted and was informed that it had not been. He asked if the surrounding area had been platted and if the City Engineer had passed on what streets should be through streets. Mr. Gardner informed that this was decided on what is already platted.

Applicant Comments:

Mr. Schuller informed that he is the attorney for the applicant and presented an architectural drawing of the proposed office use (Exhibit "C-1") and a map of the area which showed the access points and those proposed by the TAC (Exhibit "C-2"). He informed that he felt that the development is consistent with the Comprehensive Plan and provides an appropriate buffer between the telephone company building on the north and residential uses on the south. He advised that he had requested RM-1 zoning because it gives more flexibility of development. He also advised that the City Traffic Engineer had stated that he had no objection to the proposed access point and access was not provided to 84th Street and was not proposed to be extended because it would not be compatible with the proposed development and inconsistent with the wishes of the neighborhood. In regard to the setback from the centerline of Harvard Avenue, he requested that it be permitted as 75'.

Other Comments and Discussion:

Mr. Draughon asked if the City Engineer's plan for extending 84th Street to Harvard follows the same line as on the applicant's map and Mr. Gardner informed that the applicant doesn't show the street as going through his development and installation of the street would require that the proposed project be redesigned and the houses be located farther south.

Mr. Paddock asked Mr. Schuller about the possibility of the project not being built if the street was required to be extended through and Mr. Schuller informed that he was not certain that the project would be economically feasible since it would require elimination of some of the units. Mr. Gardner informed that the developer would be losing only about three units if the street was required to be extended.

Chairman Kempe informed that a number of letters had been received that opposed extending 84th Street.

Z-6048 & PUD #395 (cont'd)

Interested Parties:

Ms. Marsha Lybarger	Address: 3137 E. 84th
Dr. Ted Marshall	3118 E. 84th
Ms. Joyce Goljan	3125 E. 84th Pl.
Mr. Rex Watkinson	3131 E. 84th
Mr. David Center	2100 N. 26th St., B.A.

Ms. Lybarger informed that she was representing Walnut Creek V Homeowners' Association, presented a petition (Exhibit "C-3") in opposition to the extension of 84th Street and informed that the homeowners don't want an additional entry into the addition because there are many small children in the area and the proposed street extension would open the area to cut-through traffic and a possible hazard to the children. Although the homeowners were supportive of the proposed development because of the quality screening and landscaping presented by the developer, they were opposed to extending the street. She also advised that the developer had informed them that the street would not be extended. She informed that there had been an instance in which some homes in the addition had caught fire and there had been no problem with emergency vehicles being able to get through the area. She also informed that if the project was not be built, the homeowners did not want multifamily zoning in the area.

Dr. Marshall informed that he purchased his home about two years ago. He advised that there are numerous children in the area and was concerned about speeding and the possibility of children being hit by cars traveling through the area. He advised that if 84th Street was extended, it would cut back on the children's play area and he was opposed to the street being extended. He also expressed concern that the area could be developed commercial if it was not developed as proposed and requested that 84th Street not be extended in order to maintain the integrity of the neighborhood. Chairman Kempe informed that it was unlikely that the area would be developed commercial because there are no more nodes available.

Ms. Goljan informed that she didn't understand why another access was needed since she had no problem in entering or exiting the current access.

Mr. Watkinson informed that there are five entrances for the four neighborhoods on the east side of Harvard; whereas, there is only one neighborhood (Walnut Creek V) on the west side of Harvard, thus there was a need for only one access. He advised that he would prefer all single-family zoning and was in favor of 13 individual homes being built on the property.

Mr. Schuller informed that he thought there was some confusion in regard to the requested zoning and advised that RM-1 zoning was requested to permit flexibility in regard to side yards, living space, etc. He advised that he felt this was an appropriate buffer to the single-family housing to the south. If the proposed project was denied and someone else develops at this location, it was possible they might seek a higher intensity use; i.e. church, etc. He also advised that he was not sure

Z-6048 & PUD #395 (cont'd)

that RS-3 (recommended by Staff) would permit what is wanted and advised that Staff's recommendations are more restrictive; i.e., rear yard setbacks, etc.

Mr. Paddock asked if the question of 13 units requested as opposed to 10 units recommended by Staff was significant and Mr. Schuller informed that 13 units were necessary in order to build the project. Mr. Gardner informed that the applicant's proposal could be permitted under RS-3 and a PUD. Mr. Paddock asked Staff why only 10 units were recommended and Mr. Gardner informed that was because of the street and advised that the applicant could probably fit 13 units if the smaller lots were approved.

Mr. Paddock asked if the applicant had been in contact with the fire department to determine if there is a problem in not having street access to Harvard. Mr. Schuller informed that his client had contacted the fire department and this didn't appear to be a concern.

Mr. VanFossen asked about the possibility of installing a security gate and entrance. Mr. Gardner informed that the extension of the street is not for the benefit, nor is it needed by the applicant; the primary purpose of extending the street is for emergency vehicles.

Ms. Kempe noted that the extension of the street was recommended by the TAC in two different meetings and there was some reason for that. She suggested that emergency vehicles was part of the reason for the recommendation and also the question of streets to serve the area.

Mr. Center informed that he had contacted the fire department and there was no indication that there would be a problem with getting emergency vehicles into the area and informed that there was a 35' turning radius there as needed by these vehicles. He also informed that a crash gate had been shown on the original plans, but it was felt that there was no need for it.

Other Comments and Discussion:

Mr. Draughon informed that it was his understanding that the City's plan was to open the stub street to 84th Street.

Mr. VanFossen informed that he didn't like to go against the TAC's recommendations and noted that when people purchased property here they should have realized that the street was stubbed to Harvard. He advised that his concern was the small size of the area; he would have had less of a problem if the area was the normal one square mile.

Ms. Wilson informed she was not in favor of opening 84th Street; all accesses in the area go into different housing developments. Mr. Paddock informed that he was in agreement with Ms. Wilson in opposing the opening of the street and didn't feel that there was a need to dump traffic problems from Harvard into this area; therefore, he would vote against this condition.

Z-6048 & PUD #395 (cont'd)

Ms. Kempe informed that the TMAPC had received a letter from Mr. and Mrs. David Monroe (Exhibit "C-4"), Mr. Rex Watkinson (Exhibit "C-5"), Mr. Corwin Rose (Exhibit "C-6") and Mr. and Mrs. Marc Goldberg (Exhibit "C-5"7 supporting the proposed development, but opposing the extension of 84th Street.

Ms. Kempe informed that she was in support of Staff's recommendations because there is only one street off Harvard at this time.

Instrument Submitted: Architectural Drawing of the Area (Exhibit "C-1")
Map Showing Accesses into the Area (Exhibit "C-2")
Petition from Walnut Creek V Homeowners (Exhibit "C-3")
Letter from Mr. and Mrs. Monroe (Exhibit "C-4")
Letter from Mr. Watkinson (Exhibit "C-5")
Letter from Mr. Rose (Exhibit "C-6")
Letter from Mr. and Mrs. Goldberg (Exhibit "C-7")

TMAPC Action: 7 members present — Z-6048

On **MOTION** of **DRAUGHON**, the Planning Commission voted 6-1-0 (Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; Connery, "nay"; no "abstentions"; Carnes, Harris, Higgins, Young, "absent") to **DENY** RM-1, but to recommend to the Board of City Commissioners that RS-3 zoning be approved on the following described property, as recommended by Staff:

Legal Description:

A tract of land in the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Seventeen (17), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to wit: Beginning at the Northeast corner of the SE/4 of the NE/4; thence South along the East line of said SE/4 of the NE/4 a distance of 210 feet to a point; thence South 0°12'21" E a distance of 105 feet to a point; thence South 0°12'21" W a distance of 54.24 feet to a point; thence North 88°55'33" W a distance of 210.02 feet to a point; thence N 0°12'21" E a distance of 50.30 feet to a point; thence North 0°12'21" E a distance of 53.5 feet to a point; thence due West a distance of 210 feet to a point; thence N 0°12'21" E a distance of 104 feet to a point; thence N 0°12'21" E a distance of 105 feet to a point; thence North 0°12'21" E a distance of 52.5 feet to a point; thence due East a distance of 210 feet to a point; thence due East a distance of 210 feet to the point of beginning.

Additional Comments and Discussion — PUD #395

Mr. VanFossen informed that, in regard to rear yard setbacks, he would like to permit as much as possible without ruining easements. Mr. Gardner informed he was not sure what the easements on the east side of Harvard would be and informed that the question was in regard to the amount of easement necessary for widening Harvard. He also informed that the Staff's recommendation in this regard was to set the houses

Z-6048 & PUD #395 (cont'd)

further back from the other neighbors, but if they don't care, he had no problem with a lesser setback.

Mr. VanFossen questioned if Staff's reasoning to cut back the number of dwelling units to 10 was because of the street and Mr. Gardner informed that if the area would permit 13 units, he was not sure Staff's recommendation was significant.

Mr. Paddock suggested that the PUD application could be approved as submitted by the applicant, with the exception of the rear yard setbacks. Mr. VanFossen suggested that the PUD could be approved as submitted by the applicant, but that the setback from the centerline of Harvard remain at 85' as recommended by Staff.

Mr. Schuller informed that he did not feel the 75' setback would be a burden on Harvard and advised that 4,000 square feet of livability space would not be consistent with the proposed development as it was designed.

TMAPC Action: 7 members present — PUD #395

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 7-0-0 (Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Higgins, Young, "absent") to **APPROVE PUD #395** as follows: Condition (3) of Staff shall be deleted, but all other conditions shall be as recommended by Staff, with Development Standards as listed below.

Maximum No. of Dwelling Units:	13 units
Minimum Lot Width:	40 feet
Minimum Lot Area:	5,800 sq. ft.
Minimum Land Area Per Dwelling Unit:	9,985 sq. ft. ave.
Maximum Building Height:	35 feet
Minimum Livability Space per Dwelling Unit:	2,500 sq. ft.
Minimum Yards and Setbacks:	
From Centerline of Harvard Avenue	85 feet
From Private Street	20 feet
From Centerline of E. 84th Street	25 feet
Rear Yards	10'/Lots 1-10
Other Rear Yards	20 feet
Side Yards	5'/one side of Lots 5 and 10; 5'/two sides

Z-6048 & PUD #395 (cont'd)

of Lot 4; minimum separation between buildings shall be 10 feet.

Other Side Yards

10' one side/0' other side

Signs:

Signs shall be in accordance with Section 1130.2(b) of the Zoning Code.

Legal Description:

A tract of land in the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Seventeen (17), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to wit: Beginning at the Northeast corner of the SE/4 of the NE/4; thence South along the East line of said SE/4 of the NE/4 a distance of 210 feet to a point; thence South 0°12'21" E a distance of 105 feet to a point; thence South 0°12'21" W a distance of 54.24 feet to a point; thence North 88°55'33" W a distance of 210.02 feet to a point; thence N 0°12'21" E a distance of 50.30 feet to a point; thence North 0°12'21" E a distance of 53.5 feet to a point; thence due West a distance of 210 feet to a point; thence N 0°12'21" E a distance of 104 feet to a point; thence N 0°12'21" E a distance of 105 feet to a point; thence North 0°12'21" E a distance of 52.5 feet to a point; thence due East a distance of 210 feet to a point; thence due East a distance of 210 feet to the point of beginning.

Application No. **Z-6049 and PUD #397**

Present Zoning: RS-3, RD, RM-1

Applicant: Moody (61MM Ltd.)

Proposed Zoning: RD, RM-1

Location: S. side of E. 61st Street; 1/2 mile E. of Memorial

Date of Application: April 11, 1985

Date of Hearing: June 26, 1985 (cont'd from June 5, 1985 -- cont'd to July 10, 1985)

Chairman Kempe informed that a timely request had been received to continue this case to July 10, 1985.

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 **CONTINUE** consideration of **Z-6049** and **PUD #397** until Wednesday, July 10, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

Application No. Z-6058

Applicant: Little

Location: East 22nd Street and South Harvard

Present Zoning: RS-3

Proposed Zoning: OL

Date of Application: May 17, 1985

Date of Hearing: June 26, 1985

Presentation to TMAPC by: H. I. Aston

Address: 3242 E. 30th Place

Phone: 749-8523

Relationship to the Comprehensive Plan:

The District 4 Plan Map, 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 .3 acres in size and located at the northeast corner of Harvard Avenue and 22nd Street. It is partially wooded, flat, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a commercial center with various retail uses zoned CS, on the east and south by similar single-family dwellings zoned RS-3, and on the west by a restaurant zoned CH.

Zoning and BOA Historical Summary -- OL zoning was approved on the west side of Harvard Avenue, south of the subject tract.

Conclusion -- Although OL zoning was approved further south of the subject tract and west of Harvard, the physical characteristics and existing land use patterns east of Harvard are not the same and do not support a change in zoning. The Staff would not support office zoning on the subject tract due to the location of the other dwellings in the area. The subject tract backs to the commercial zoning, sides to Harvard Avenue and fronts other single-family homes. It is an integral part of the residential neighborhood and any change in zoning would represent encroachment. If office zoning was approved on the subject tract, nonresidential traffic would be encouraged to enter the residential area and other similar applications would follow.

Based on the above facts, the Comprehensive Plan and existing zoning patterns and land use in the area, the Staff recommends DENIAL of the requested OL zoning.

Applicant Comments:

Mr. Aston informed he is an attorney representing the applicant, Joe Little. He advised that Mr. Little purchased the property to use as a residence and tree trimming service, but the commercial use was denied by the BOA. OL zoning was requested because of the commercial use located behind the subject property. There is no screening across the alley for commercial high density zoning; therefore, it was felt that OL would be

Z-6058 (cont'd)

an appropriate buffer and provide an aesthetic improvement to the neighborhood. Mr. Aston informed that Mr. Little wants to sell the property and there is little chance of the house selling as a residence and if rented, it would probably not be as well maintained as would a small office project.

Interested Parties:

Ms. Victoria Conwell
Mr. Laird McDonald

Address: 2114 S. Jamestown
3504 E. 22nd Place

Ms. Conwell presented a petition (Exhibit "D-1") signed by 250 homeowners in the neighborhood in opposition to the proposed rezoning and advised that commercial development could have an adverse affect on the neighborhood. She advised that the street width had been taken from the plat and was shown as 60', but is only 28' wide and expressed concern about problems with turning onto the street. The side of the property, adjacent to Harvard, is the side on which the drive is located, thus creating traffic problems. She also expressed concern about traffic problems in regard to children and elderly people traveling to neighborhood facilities.

Mr. Laird informed that Doctor's Hospital is located just south of the subject site and 22nd and 23rd Streets are the only means of ingress and egress onto Harvard. He also informed that OL zoning would require offstreet parking considerations.

Applicant Rebuttal:

Mr. Aston informed that the subject site is a small lot and would be a single-office type use. He did not feel OL use would create traffic or parking problems.

Other Comments and Discussion:

Ms. Wilson informed that she didn't think it would be good planning to rezone such a small piece of property.

TMAPC Action: 6 members present

On **MOTION** of **WILSON**, the Planning Commission voted 6-0-0 (Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to **DENY OL** zoning on the following described property:

Legal Description:

Lot Ten (10), Block Three (3), JEFFERSON HILLS ADDITION to the City of Tulsa, State of Oklahoma, according to the recorded plat thereof.

Application No. Z-6059
Applicant: Puckett (Crowley)
Location: West of the SW/c of 61st and Union

Present Zoning: RS-3, AG
Proposed Zoning: RM-1, FD

Date of Application: May 8, 1985
Date of Hearing: June 26, 1985

Presentation to TMAPC by: Applicant Not Present

Relationship to the Comprehensive Plan:

The District 8 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RM-1 and FD Districts may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 34.08 acres in size and located west of the southwest corner of Union Avenue and 61st Street. It is wooded, rolling, vacant and zoned AG and RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned AG, RS-3 and RM-1, on the east by developed and undeveloped single-family subdivisions zoned RS-3, on the south by vacant property zoned AG (future golf course) and on the west by townhouse zoning and a developing single-family subdivision zoned RS-3 and PUD.

Zoning and BOA Historical Summary -- Several different zoning classifications and patterns have been approved abutting the subject tract, most of which are controlled through the constraints of a PUD.

Conclusion -- Even though RM-1 zoning abuts the subject tract to the north, it is controlled through an accompanying PUD. The Staff cannot support such density so far removed from the intersection node, but could consider higher densities under RS-3 zoning if accompanied by a PUD. Some additional RM-T might also be merited. However, the requested RM-1 spot zoning is inappropriate because it does abut single-family dwellings and vacant platted lots on both the east and west. The RM-1 zoning located 600 feet east of the subject tract is developed as detached single-family residential units on smaller size lots. Single-family lots backing to the golf course is very feasible development for the subject tract. Any radical deviation from the norm could adversely effect this sensitive area and the efforts by the City to balance growth within the Metropolitan Area.

Therefore, the Staff recommends DENIAL of the requested RM-1 zoning and APPROVAL of RS-3 and FD.

Z-6059 (cont'd)

Staff Comments:

Mr. Gardner informed that the Hydrology Report stated that there is potential FD on this site and requires onsite detention and PFPI; it is located in Mooser Creek Drainage Basin.

Applicant was not present.

Protestants:

Ms. Sally Seaman	Address: 6312 S. Xenophon
Ms. Deborah Sampson	2915 W. 61st Place
Mr. Mark Nagle	1978 W. 68th
Ms. Marilyn Rains	6430 S. 30th W. Ave.

Ms. Seaman informed that she was pleased with the Staff Recommendation. She questioned whether 63rd Street would be put through this area and advised that the neighborhood didn't want additional traffic through here. Mr. Gardner informed that the street is stubbed to go through and if the land use is compatible, there shouldn't be a problem with it.

Ms. Sampson informed that there are enough multifamily dwellings in the area and the people are opposed to more being added since they increase drainage problems, traffic problems, etc.

Mr. Nagle informed that he was opposed to multifamily zoning adjacent to West Highlands Addition because of the negative impact of property values in the neighborhood and advised that drainage problems in the area need to be addressed.

Ms. Rains presented petitions (Exhibit "E-1") with signatures of homeowners in the neighborhood in opposition to the proposed rezoning.

Other Comments and Discussion:

Mr. VanFossen informed that the applicant hasn't requested RS-3 zoning and was he was not sure it was appropriate to rezone something without a request by the applicant and Mr. Paddock informed that the applicant should be aware of the Staff's recommendation.

Instrument Submitted: Petition from Neighborhood (Exhibit "E-1")

TMAPC Action: 6 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 2-4-0 (VanFossen, Wilson, "aye"; Draughon, Kempe, Paddock, Woodard, "nay"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to **DENY RM-1** zoning on the following described property, and provide no alternate zoning.

The motion failed for lack of majority of affirmative votes.

TMAPC Action: 6 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 6-0-0 (Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no

Z-6059 (cont'd)

"abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to ~~DENY RM-1~~ zoning, but to recommend to the Board of City Commissioners that the following described property be rezoned RS-3 and FD, as recommended by Staff:

Legal Description:

Approximately 1/2 the distance between South Union Avenue and 33rd West Avenue. Part of Government Lots 2 and 3 Beginning at the Northeast corner of Government Lot 2, thence 1315.85' NW 853'; NE 182', NW 279', SW 344', SW 456', NW 514', NW 133', NW 771.58', NE 230' NE 123.37', NE 84.03', N 50', East to the Point of Beginning, Section 3, T-18-N, R-12-E, Tulsa County, State of Oklahoma containing 34.08 acres more or less; and less and except that portion zoned FD.

Application No. CZ-136

Present Zoning: AG

Applicant: Furr

Proposed Zoning: RMH

Location: Coyote Trail at 209th West Avenue

Date of Application: May 15, 1985

Date of Hearing: June 26, 1985

Presentation to TMAPC by: Alan Ringle (Breisch Engineering)

Address: 2 South Main, Sand Springs

Phone: 245-9533

Relationship to the Comprehensive Plan:

The District 23 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract; however the Development Guidelines are applicable.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 51.8 acres in size and located east of the northeast corner of Coyote Trail and 209th West Avenue. It is wooded, steeply sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned AG, on the east by Discoveryland USA zoned AG, and on the south and west by scattered single-family dwellings (mostly mobile homes) zoned AG and AG-R.

Zoning and BOA Historical Summary -- A combination of RMH and RE zoning has been approved south of the subject tract. Also, the Board of Adjustment has allowed mobile home use in the area.

Conclusion -- Similar to CZ-55, the Staff feels mobile home use is compatible and appropriate for the area. From a density standpoint, however, RMH zoning would support 414 dwelling units or approximately 8 units per acre, which would not be consistent with surrounding land uses. Utilities to service the property provide the key to any development in this area. Based on the surrounding densities and land uses, the Staff recommends DENIAL of RMH zoning and APPROVAL of RE zoning which would accommodate 85 dwellings.

CZ-136 (cont'd)

For the record, the Staff is not opposed to mobile home use and suggests the applicant apply to the Board of Adjustment for mobile home use in an RE District.

Applicant Presentation:

Mr. Ringle informed that he was representing the applicant, Lester Furr, and that Mr. Furr wanted to develop a mobile home subdivision, not a mobile home park. When this site was platted through the Sand Springs Planning Commission, the applicant was advised that the lots would have to be approved by the Tulsa County Health Department which would require lots of at least one acre. By requesting RMH zoning and restrictions of the BOA, it would permit the applicant to achieve the development he wanted without having to go to the Board of Adjustment on each application. The individual lots would be sold in lots of one acre or more. RE zoning includes lots over 1/2 acre, but the minimum permitted by the Health Department is one acre. Although there are no sewer facilities nearby, there are water facilities and major improvements are being continually made in the area in regard to the water situation.

Comments and Discussion:

Mr. VanFossen informed that RE zoning would permit the desired use since the applicant could go to the BOA. Mr. Ringle informed that returning to the BOA would cause considerable delays in the project. Mr. VanFossen informed that it could all be done at one time.

Protestants:

Kenneth East, Attorney	Address: 11740 E. 21st Street
Ms. Karen Barnes	2202 W. 47th Place
W. T. Jeffers	Box 593, Jenks

Mr. East informed that there is not a water district in the area; water is sometimes furnished by the City of Sand Springs, but sometimes is not. He presented a petition (Exhibit "F-1") with signatures of area residents in opposition to the proposed rezoning and advised that the residents felt there are enough mobile home parks in the area. He also advised that there is little police or fire protection in the area and requested that the area remain zoned as it is.

Ms. Barnes informed that she owns a home in the area and advised that the area already has a great deal of traffic since it abuts Discoveryland. She expressed concern about lack of sewage facilities since the area won't perc and advised that the gas company which services the area is having problems in delivering gas. She reiterated Mr. East's statement in regard to the police and fire protection in opposition to the proposed rezoning.

Mr. Jeffers informed he is the producer and Chairman of the Board of Discoveryland. He advised that Discoveryland has a large investment in

CZ-136 (cont'd)

the area, expressed concern that he didn't receive notification of the proposed zoning change and advised that he was opposed to a mobile home park. He also advised that there is little possibility of the land percolating.

Applicant Rebuttal:

Mr. Ringle informed that 41st Street is one of the best arterial streets in the county. In regard to the water situation, the applicant had contacted the City of Sand Springs and had been informed that nothing could be installed without the approval of Sand Springs and the Health Department.

Other Comments and Discussion:

Mr. VanFossen informed that there are some less than desirable conditions in this area which he hoped would be resolved at some time in the future, but he didn't feel that the TMAPC could base its decision on the fact that facilities are not available.

Mr. Paddock informed that he did not feel the conditions in the area would support an increase in density and he would vote against the motion for rezoning. Ms. Wilson informed that she was also opposed to the zoning because she felt it would be spot zoning since most of the area is AG.

Ms. Kempe informed that she felt the Staff Recommendation to be appropriate and would vote in favor of it.

Instruments Submitted: Petition from Residents (Exhibit "F-1")

TMAPC Action: 6 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 4-2-0 (Draughon, Kempe, VanFossen, Woodard, "aye"; Paddock, Wilson, "nay"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to **DENY RMH** zoning, but to **APPROVE RE zoning** on the following described property, as recommended by Staff:

Legal Description:

A tract of land in the NW/4 of Section 26-T19N-R10E, of the Indian Base and Meridian, Tulsa County, Oklahoma; more particularly described as follows, to-wit:

Commencing at the Northwest corner of the NW/4 of Section 26-T19N-R10E. Thence South along the West line of the NW/4 a distance of 330 feet. Thence East and parallel with the North line of the NW/4 a distance of 427 feet to the true Point of Beginning. Thence continuing East to a point on the East line of the NW/4 that is 330 feet South of the Northeast corner thereof. Thence South along said East line of the NW/4 a distance of 717.5 feet. Thence West 330 feet to a point. Thence South to the North right-of-way line of a County Highway, known as Coyote

CZ-136 (cont'd)

Trail. Thence in a Southwesterly direction along said North right-of-way line to a point being 330 feet South and 375 feet East of the Southwest corner of the NE/4 of the NW/4. Thence North 594.3 feet to a point. Thence West 375 feet to a point on the West line of the E/2 NW/4. Thence South 650 feet, more or less, to a point on the North right-of-way line of the County Highway. Thence in a Westerly direction along said North right-of-way line to a point being 367 feet West and 451 feet South of the Southeast corner of the NW/4 NW/4. Thence North 451 feet to a point. Thence West 165 feet to a point. Thence South to the North right-of-way line of the County Highway. Thence in a Northwesterly direction along said North right-of-way line to a point being 506 feet East and 1145 feet, more or less, South of the Northwest corner of the NW/4. Thence North 561 feet, more or less, to a point 584 feet South of the North line of the NW/4. Thence West 79 feet to a point. Thence North 254 feet to the Point of Beginning, containing 51.8 acres, more or less.

Said property subject to any easements or right-of-ways that may be of record or pertain to the property.

Application No. CZ-137

Present Zoning: AG

Applicant: Furr

Proposed Zoning: CS

Location: Coyote Trail at 209th West Avenue

Date of Application: May 15, 1985

Date of Hearing: June 26, 1985

Presentation to TMAPC by: Alan Ringle (Breisch Engineering)

Address: 2 South Main, Sand Springs

Phone: 245-9533

Relationship to the Comprehensive Plan:

The District 23 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract; however the Development Guidelines are applicable.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 3 acres in size and located at the northeast corner of Coyote Trail and 209th West Avenue. It is partially wooded, gently sloping, contains two single-family dwellings and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling zoned AG, on the east by vacant property zoned AG, and on the south and west by scattered single-family dwellings (mostly mobile homes) zoned AG and AG-R.

Zoning and BOA Historical Summary -- RMH and RE Residential Zoning has been approved in the area. Also, the Board of Adjustment has approved mobile home use in the area.

Conclusion -- Although not covered by the Comprehensive Plan Map, the tract is located at the intersection of two secondary arterials and does

CZ-137 (cont'd)

fall within the typical nodal pattern as set forth by the Development Guidelines. Commercial development is probably needed to support the residences in the area; however, it is important that these commercial areas develop in an orderly fashion and with as little negative impact as possible to the existing residential area. The intersection corners already contain residences which may preempt commercial development under the Development Guidelines at this location. The Staff could support commercial zoning at this location if the intersection was undeveloped, or if all owners of corner properties also wanted commercial zoning. The presence of the residential homes within the node are reasons to deny CS zoning. Therefore, the Staff recommends DENIAL of CS zoning.

Applicant Comments:

Mr. Ringle informed that this area is located within the planning area of the Sand Springs Planning Commission and under its Comprehensive Plan, is designated an activity center. There are no services to the east up to the Sand Springs City limits and no services to the west for about two miles; therefore, the applicant has requested the CS zoning in order to locate a convenience store in the area.

Other Comments and Discussion:

Mr. Gardner informed that if the land use was available for the requested use, it would have been recommended by Staff, but residences are located on the nodes in this area. Mr. VanFossen asked if there was another location within this area that would be more appropriate and Mr. Gardner informed that the applicant was not properly advertised for another location.

Protestants:

Kenneth East	Address: 11740 E. 21st Street
Pat Horner	Rt. 3, Box 259, Sand Springs
Curtis Bradbury	Rt. 3, Box 263, Sand Springs
Karen Barnes	2202 W. 47th Place

Mr. East reiterated his statements made in regard to CZ-136 in which he opposed development in this area, advised that the roads in the area are not adequate for additional vehicles and requested that the rezoning be denied, as recommended by Staff.

Mr. Horner informed that he owns three acres adjacent to the proposed location and requested denial of the application.

Mr. Bradbury reiterated Mr. East's statements that the road is in poor condition and advised that there is a problem with vandalism in the area, water problems and no refuse pickup.

Ms. Barnes presented a petition (Exhibit "G-1") from residents in the area in opposition to the convenience store.

CZ-137 (cont'd)

Instrument Submitted: Petition from Area Residents (Exhibit "G-1")

TMAPC Action: 6 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 5-1-0 (Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; VanFossen, "nay"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to **DENY CS** zoning on the following described property, as recommended by Staff:

Legal Description:

A tract of land in the NW/4 of Section 26, T-19-N, R-10-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point on the West line of the NW/4 of Section 26, T-19-N, R-10-E, that is 330 feet South of the Northwest corner thereof. Thence East and parallel with the North line of the NW/4 a distance of 427 feet. Thence South and parallel with the said West line a distance of 254 feet. Thence West and parallel with the said North line a distance of 217 feet. Thence South and parallel with the said West line a distance of 216 feet, more or less, to a point on the North right-of-way line of the County Highway, known as Coyote Trail. Thence in a Northwesterly direction along the said North right-of-way line to a point on the West line being 250 feet South of the Point of Beginning. Thence North along the West line of the NW/4 for a distance of 250 feet to the Point of Beginning, containing three (3) acres, more or less.

Said property subject to any easements or right-of-ways that may be of record or pertain to the property.

Application No. Z-6061 & PUD #400	Present Zoning: RS-2
Applicant: Nichols (Hausam)	Proposed Zoning: RM-1, FD
<u>Location: S. of the SW/corner of 53rd and Sheridan</u>	

Date of Application: May 16, 1985
Date of Hearing: June 26, 1985

Presentation to TMAPC by: Robert Nichols
Address: 111 W. 5th

Phone: 582-3222

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 Low Intensity -- Residential, Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RM-1 District may be found in accordance with the Plan Map.

Z-6061 & PUD #400 (cont'd)

Staff Recommendation: Z-6061

Site Analysis -- The subject tract has an area of 1.27 acres and is located south of the southwest corner of East 53rd Street South and South Sheridan Road. The tract is partially wooded and slopes north to a creek which is unimproved. The creek bisects the north portion of the property and the southern portion contains one single-family dwelling and an accessory building.

Surrounding Area Analysis -- The subject tract is zoned RS-2 and is abutted on the north and west by single-family residences zoned RS-2, on the south by vacant property zoned RM-T, and on the east across Sheridan by single-family residences zoned RS-3.

Zoning and BOA Historical Summary -- RM-T Townhouse zoning has been granted south and abutting the area of request and OL zoning has been granted northeast of this area on the east side of Sheridan Road.

However, the predominant character of abutting land use is RS-2 and RS-3 low intensity, single-family.

Conclusion -- Although the requested RM-1 zoning is a "may be found" in accordance with the Comprehensive Plan, the existing land use and physical facts do not support the requested zoning. Office zoning on the subject tract has been denied on numerous occasions in the past and the OL buffer zoning located east across Sheridan north of this area, should not be considered as a precedent for granting this application. This case is submitted with a companion PUD which proposes to spread the office uses across the entire tract which has an east/west depth of approximately 234 feet. This tract has access from the residential area to the west and offers the owners the option of developing a cul-de-sac on the east end of East 54th or extending East 54th through to Sheridan; neither of these options requires upgrading the existing zoning to RM-1. Numerous examples of single-family homes on cul-de-sac streets backing to Sheridan Road exist in this particular mile between 51st and 61st Streets. In addition, if approved, the Commission would be setting a precedent for similar uses on all of the frontage lots located north and south of the subject lots.

Therefore, the Staff recommends DENIAL of RM-1 and expresses nonsupport for the companion PUD #400 for which this underlying zoning was requested.

Note: If the TMAPC recommends approval of zoning, this recommendation should be less and except any FD zoning.

Staff Recommendation -- PUD #400:

The subject tract has a gross area of approximately 2.6 acres and is located south of the southwest corner of East 53rd Street South and South Sheridan Road. The Staff is not supportive of the PUD as proposed. The owner/developer of this tract has the option of constructing a cul-de-sac on the east end of East 54th and developing this tract for uses consistent with that of existing development to the west and north -- this option is recommended. A further consideration is the need to extend East 54th

Z-6061 & PUD #400 (cont'd)

Street through to Sheridan -- East 54th is proposed to be a dead-end at the west boundary of the PUD. The PUD is requested for an office development with underlying zoning of RM-1 on the east 140 feet of the subject tract. The concept of the development is to construct the office buildings in such a manner that they will have a residential appearance with landscaped yards to reduce the impact upon adjacent residential uses. Although the design concept is said to be residential, Building A is approximately 130 feet long and abuts the residential uses to the west. A total of 18,550 square feet of floor area is proposed in four (4) buildings. The Outline Development Plan indicates that parking areas will be constructed in front of, and north and south of, the two buildings on Sheridan. Two (2) other buildings will back into the adjacent single-family residential area. The rear building setback is 20 feet. The applicant is proposing a high-pitched gable roof for the buildings, with approval of office areas on the second floor - no windows are to be permitted on the rear or west side of the building roofs that abut the residential area. The Plan indicates that three (3) points of access are proposed on Sheridan -- two (2) of these points will be shared access with possible developments to the north and south. Property to the south of this area is zoned RM-T and to the north is zoned RS-2. The Plan shows parking to be located north of the creek which runs across this tract; however, the applicant has indicated that he would prefer to keep this area in open space -- even if it means limiting the development to general office uses which have a lower parking requirement. This would reduce the proposed parking from 85 spaces to 65 spaces and increase the parking ratio from 1-space per 218 square feet to 1-space per 285 square feet; the revised parking ratio would be adequate for general office uses only.

In summary, the Staff is not supportive of the requested RM-1 zoning per Z-6061 and is therefore, not supportive of the proposed PUD. Therefore, the Staff recommends DENIAL of PUD #400. If the TMAPC is supportive of the requested RM-1 zoning and associated PUD, the following development standards are suggested:

- (1) That the applicant's Outline Development Plan be made a condition of approval, as revised herein.
- (2) Development Standards:

Land Area (Gross):	111,486 sq. ft.	2.56 acres
(Net):	91,686 sq. ft.	2.10 acres

	<u>Proposed</u>	<u>Suggested</u>
Permitted Uses:	Use Unit 11--Abstract Company, Advertising Agency, Artist's Studio, Computing Service, Broadcasting or Computing Service, Data Processing Ser-	Restricted to general office uses only within Use Unit 11 requiring 1 parking space per each 300 sq. ft. of gross floor area, excluding funeral homes

Z-6061 & PUD #400 (cont'd)

<u>Proposed</u>	<u>Suggested</u>
vice, Drafting Service, Dental Offices, Clinics and Laboratories, Employ- ment Agency, Financial Institution, (other than pawn shop), General Busi- ness Offices (excluding on premise sale of merchandise), Interior Design Consultant (no retail sales), Medical Offices, Clinics and Labora- tories, Studio or School for teaching ballet, dance, drama, fine arts, music, language, business or modeling, Trans- portation Ticket Office, Travel Agency.	and drive-in bank facilities.

Maximum Building Floor Area: 18,550 sq. ft. 18,550 sq. ft.

Maximum Building Height: 26 ft.* 26 ft.; no office
space shall be per-
mitted above the 1st
floor level.

Minimum Landscape Area: 35% 35%**

Minimum Off-Street Parking: 65 spaces 1-space per each
300 sq. ft. of gross
floor area.

Minimum Building Setbacks:

From Centerline of Sheridan	85 ft.	85 ft.
From North Boundary	100 ft.	100 ft.
From South Boundary	20 ft.	20 ft.
From West Boundary	20 ft.	20 ft.

Signs: As permitted by Section 1130.2(b) of the Zoning Ordinance. Same

* Maximum height shall be limited to 1-1/2 stories (roof line beginning at top plate of first story, and total building height to ridge shall not exceed 27 ft.); provided that the second level be fully contained within the roof line, except for windows facing Sheridan Avenue and that no second level windows be permitted on the west side.

Z-6061 & PUD #400 (cont'd)

NOTE: It is further suggested that no windows be permitted on the north or south elevations.

** A heavily landscaped buffer with trees and a screening fence shall be required where this development abuts an "R" District.

(3) Trash and utility areas shall be screened from public view.

(4) That all parking lot lighting shall be directed downward and away from adjacent residential areas.

(5) That a Detail Landscape Plan and Sign Plan shall be submitted to the TMAPC for review and approval prior to issuance of any occupancy permits. Further, that screening fences shall be installed on the north, south and west boundaries with a minimum landscape buffer of 15 feet along the west and south boundaries as discussed above.

(6) That a Detail Site Plan shall be submitted to the TMAPC for review and approval prior to issuance of a Building Permit.

(7) Number of access openings on Sheridan Road shall meet the approval of the City Traffic Engineering Department.

(8) Drainage is critical; therefore, Stormwater Management shall approve drainage plans prior to any Earth Change or Building Permits.

(9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Applicant Presentation:

Mr. Nichols informed that he was representing John Hausam who owns the subject site. He presented photos of the proposed site (Exhibit "H-1") and nearby area and advised that a single-family dwelling currently occupies the site. He also advised that RM-T abuts the property on the south and that Staff supports a higher intensity use than residential in the area. He advised that the area is appropriate for medium intensity use, noted that there are some physical problems since a portion of the property is in a floodplain and advised that Mr. Hausam didn't want to locate multifamily housing on the tract because of the residences nearby. He stated that no objectionable uses would be permitted and advised that this would not be setting a precedent for OL in the area since controls

Z-6061 & PUD #400 (cont'd)

would be placed on the development through the PUD. He advised that the application is in compliance with the Comprehensive Plan and would include no industrial uses. All parking would be internalized and traffic would be of the same character as residential traffic (no trucks or large vehicles). He advised that the amount of traffic would not be increased, there would be no noise in off-hours and the fence would have the appearance of a residential area. Notice was sent to homeowners suggesting a meeting (Exhibit "H-2"), with no comments presented in opposition at the meeting. He advised that the primary concerns expressed by the homeowners was the drainage; under the platting process, this project would not be permitted to be built if the drainage plan was not approved.

Mr. Nichols informed that the applicant was only proposing to rezone the east 140' as RM-1 and had notified the neighborhood of this; the rest of the site (about 141') would remain RS-2. He advised that the creek channel would be improved and noted that the tract to the north would probably be undevelopable because it floods.

Other Comments and Discussion:

Mr. Gardner informed that if the property had been advertised as rezoning the east 140' and Staff had advertised the floodway area. It is possible that the applicant would be unable to develop his project because he could not include the FD area for floor area purposes.

Ms. Kempe asked if the application was based on RM-1 on the whole tract. Mr. Gardner informed it was not and that Staff was not supportive of any RM-1 at this location.

Mr. Nichols informed that the PUD conditions are acceptable to the applicant and Mr. Hausam was proposing to use the property for his corporate headquarters.

Protestants:

Carolyn Moore	6090 E. 56th Street
Jim Elder	6042 E. 65th Place
Glen Soloman	6410 E. 53rd Street
Charles Small	5908 S. 68th E. Avenue
Patti Smith	5278 S. Joplin Place
Norman Morrissey	6818 E. 55th Street
Mrs. Rex Brooks	6148 E. 53rd Street
Marvin Reiser	5917 E. 54th Street
Jim Lamb	5435 S. Oxford
Norman Franz	5331 S. Joplin

Ms. Moore informed that she resides about five doors from the proposed zoning change. She presented a petition (Exhibit "H-2") and informed that the residents of the neighborhood held a meeting recently and had voted to request denial of the PUD and zoning application.

Z-6061 & PUD #400 (cont'd)

Mr. Elder presented a petition signed by residents in the area (Exhibit "H-3") and informed that he attended one of the neighborhood meetings held by the applicant and there was total opposition since it was felt that the application was not compatible with the neighborhood. It was a business that would be surrounded by residences. He noted that there are drainage problems with the unimproved channel and the proposed development would increase traffic problems on Sheridan. He advised that he was opposed to the 20' setback line and was concerned about a dumpster being placed on the property which would add increased noise to the neighborhood. He expressed concern about additional traffic problems involving children travelling to and from school. Mr. Paddock asked what use Mr. Elder would recommend be made of this property and he advised that he felt it should be residential use.

Mr. Soloman informed that traffic is already too heavy on Sheridan. Additional traffic would place more of a burden on a two-lane street and requested that the proposals be denied.

Mr. Small informed he has had experience with traffic and was concerned about left-hand turns since this creates more of a traffic problem.

Ms. Smith expressed concern about the creek and informed that water backs up and her property floods on the front. She advised that the creek is unable to handle water flow because the channel is not large enough and requested denial of the applications because additional water would increase the flooding problem.

Mr. Morrissey and Mrs. Brook reiterated the problems with drainage in the area and also advised that the channel is not large enough to handle the water flow.

Mr. Lamb advised that a precedent would be set if the proposals were approved.

Mr. Franz reiterated the flooding problems in the area.

Applicant Rebuttal:

Mr. Nichols informed that he felt there were no significant facts presented in opposition to the proposals. He noted that the drainage would be reviewed in the platting process. In regard to the problem of traffic, he advised that Staff was recommending a general office limitation on the use of the units. He advised that there would be no offices located on the second floor of the building and under the PUD. The necessary aesthetic controls would be put in place as a buffer from the residential neighborhood. He advised that the Staff recommendation for a cul-de-sac is not appropriate and noted that the height of the building would be no higher than neighboring residences.

Instruments Submitted: Photos of the Area (Exhibit "H-1")
Presentation by Mr. Nichols (Exhibit "H-2")
Petition from Neighborhood (Exhibit "H-3")
Petition from Neighborhood (Exhibit "H-4")

Z-6061 & PUD #400 (cont'd)

TMAPC Action: 6 members present — Z-6061 & PUD #400

On **MOTION** of **DRAUGHON**, the Planning Commission voted 6-0-0 (Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to **DENY RM-1** zoning on the following described property and to **DENY** approval of **PUD #400**, as recommended by Staff:

Legal Description — Z-6061

The Eastern 140' of a tract of land described as:

Beginning at a point 759 feet North of the SE corner of the NE/4 of Section 34, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence North 396 feet to a point, 165 feet South of the Southeast Corner of the NE/4 of the NE/4; thence West 281.53 feet; thence South 396 feet; thence East 281.53 feet to the Point of Beginning, all in Section 34, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 2.57 acres, more or less, less and except a portion of the tract designated FD; the street address of which is 5346 South Sheridan Avenue, Tulsa, Oklahoma.

Legal Description — PUD #400

Beginning at a point 759 feet North of the SE corner of the NE/4 of Section 34, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence North 396 feet to a point, 165 feet South of the Southeast Corner of the NE/4 of the NE/4; thence West 281.53 feet; thence South 396 feet; thence East 281.53 feet to the Point of Beginning, all in Section 34, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 2.57 acres, more or less, less and except a portion of the tract designated FD; the street address of which is 5346 South Sheridan Avenue, Tulsa, Oklahoma.

Application No. **Z-6062 & PUD #109-A** Present Zoning: RM-1, RS-3, OM
Applicant: Norman (Southbank) Proposed Zoning: IL or CG & RM-1
Location: N. of W. 51st Street & E. of S. Jackson Avenue

Date of Application: May 16, 1985
Date of Hearing: June 26, 1985

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building Phone: 583-7571

Relationship to the Comprehensive Plan:

The District 9 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity — Residential and Medium Intensity — Office.

Z-6062 & PUD #109-A (cont'd)

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

Staff Recommendation — Z-6062

Site Analysis — The subject tract has an area of approximately 43 acres (gross) and is located at the northeast corner of West 51st Street and Jackson Avenue, north of I-44 (Skelly Bypass). The tract is partially wooded and contains 228 dwelling units on the north portion and is vacant on the southern portion. The majority of the tract is located within PUD #109.

Surrounding Area Analysis — The tract is abutted on the north by IM industrial zoning, on the west by single-family residences which back into the west side of Jackson zoned RS-3, on the east by land which is zoned IM industrial and on the south by I-44 and land zoned IL industrial.

Zoning and BOA Historical Summary — Various types of Medium and High Intensity land uses have been zoned and developed north, east and south of the area of request.

Conclusion — The applicant is requesting RM-1 zoning on a portion of the northern property in order to accommodate the 228 existing apartment units, to remain under the controls of PUD #109-A. On the balance of the property, he is requesting either IL or CG zoning to accommodate initially a new car automobile agency east of Indian Street. The Comprehensive Plan Map designates medium intensity on only the southeast portion zoned OM. CS or IL zoning could be found in accordance with the Comprehensive Plan Map on that portion zoned OM, except for the specific office designation. CG zoning is not in accordance with the Plan Map. The balance of the property is designated Low Intensity and therefore, CS, CG and IL are all zoning classifications which are not in accordance with the Plan Map.

Finding the appropriate land use for the subject tract has been a problem over the years because of the location of the freeway, the difference in topography, access to the area and the location of the existing single-family homes to the west. The former nonconforming drive-in theatre was not compatible with the residences to the west. The underlying apartment zoning and high-rise office zoning have had no market. The access to the tract is desirable for some uses and very undesirable for other uses. Commercial zoning is one of those undesirable categories because of the access and proximity of the homes in the area. A substantial increase in interior traffic on 49th Street through the single-family area would occur if zoned and developed for retail commercial, nightclub or outdoor recreational use. The proposed automobile agency appears to be one use which could be developed in a

Z-6062 & PUD #109-A (cont'd)

compatible manner with the neighboring uses and at the same time, not create undue traffic problems for the area. Such a use would require IL zoning by right and CS zoning with a special exception or PUD. We believe the existing OM zoned tract is far enough removed from the neighborhood to support the proposed use without the need of a PUD or Board of Adjustment special exception. However, we could not support any more commercial or industrial zoning on the balance of the tract without the benefit of a PUD and the necessary development controls.

Therefore, after considering numerous zoning and development alternatives under the existing Comprehensive Plan Map and existing developed land use, the Staff recommends the following:

1. Approval of enough RM-1 zoning within the boundaries of PUD #109-A to accommodate the 228 dwelling units (to be located at the SE corner of the development farthest from the single-family homes to the west).
2. Approval of IL zoning on that portion presently zoned OM (IL zoning in many respects is more restrictive and desirable than CS zoning).
3. Denial of CG or IL zoning on the balance of the request.
4. Approval of OL zoning on that portion zoned RM-1 east of Jackson Avenue and not located within the boundaries of PUD #109-A.
5. Would entertain the spreading of commercial land uses and intensities outside the portion recommended for IL, or in the future, if accompanied by a PUD even if the automobile agency is already constructed or under construction if such is approved.

Staff Recommendation -- PUD #109-A

The applicant is requesting amendment and removal of all of the RM-1 portion of PUD #109, plus a small part of the RS-3 area and requests that a determination be made that the 228 units of multifamily residential apartments remaining under the PUD be approved as to intensity. The area of the subject tract which is being amended from the PUD is approximately 40% of the total land area. The land area remaining under the provisions of PUD #109 would require a small amount of RM-1 zoning on the southeastern boundary to accommodate the existing 228 dwelling units if the balance of the RS-3 area were given duplex densities at 8.7 units per acre. The remaining area and existing densities are modest and substantial amounts of open space will remain undisturbed. The Staff supports the removal of the undeveloped portions of the PUD as proposed.

Therefore, the Staff recommends that the requested portion of PUD #109 be removed from the controls of the PUD and that the maximum number of dwelling units be established at 228 multifamily residential units, based

Z-6062 & PUD #109-A (cont'd)

on RS-3 duplex densities (1 unit per 5,000 sq. ft.) and enough RM-1 zoning (at 1 unit per 1,700 sq. ft.) to accommodate the existing development. Staff calculations of the necessary RM-1 areas indicate that 1.6 acres would be required. The applicant should provide the necessary legal description of the RM-1 area if approved.

For the record, additional notice is required to accomplish the requested amendment since a portion of the PUD to be removed was not advertised.

Applicant Comments:

Mr. Norman informed that he was representing the property owners and prospective owners and requested that PUD #109-A be continued for four weeks to permit readvertisement. He informed that letters had been sent to 72 nearby property owners requesting any comments or questions, but had only three responses. The people who responded advised that they were opposed to construction of more apartments, but not to the proposed automobile dealership. The traffic generated by the dealership wouldn't need to use the neighborhood streets because the expressway system and 49th street provide ready access to the property. He suggested zoning the west 50' of the property as Parking district, which would move the buildings farther to the east and suggested installing landscaping berms instead of a screening fence on the south side of the property. He advised that he felt IL uses would be better than CG or CS and requested IL zoning on all of the subject property, with the exception of an area on the west which would be zoned Parking and presented photos (Exhibit "J-1") of the proposed location and an aerial photo of the proposed area of PUD #109-A.

Other Comments and Discussion:

Mr. VanFossen informed that he understood Mr. Norman's points on IL zoning, but questioned why he was opposed to a PUD. Mr. Norman informed that the buyer objects to the imposition of PUD controls when there is no present or specific use or site plan for the property since those same approaches and concerns would be addressed by the application submitted. He also informed that he did not feel a PUD was necessary in this case and didn't feel that the physical facts show a need for one.

Mr. Paddock asked about the proposed parking to be located on the west portion of the tract and Mr. Norman informed that the buildings would be moved back about 70' from the right-of-way and this area would be used for parking, which would create a specific separation from the lot line.

Mr. Norman informed that he concurred with item 1. of the Staff Recommendation in regard to retaining enough RM-1 zoning for the 228 dwelling units at the southeast corner of PUD #109.

Mr. VanFossen informed that he was in favor of an automobile dealership on both lots as proposed, but was concerned about IL zoning without a PUD and would vote for Staff's Recommendation since something other than the automobile dealership could be built here, should the applicant decide not to develop here.

Z-6062 & PUD #109-A (cont'd)

Mr. VanFossen asked Mr. Norman what his second zoning choice would be and Mr. Norman informed that the buyer would not submit himself to the PUD process since it was felt to be unnecessary in this case. Mr. VanFossen suggested that it might be better to leave the zoning as is on the second (west) piece of property.

Interested Party:

Phil Frazier, Attorney

Address: N/A

Mr. Frazier informed that he was representing Paul Hudiburg and assured the Commission that it was Mr. Hudiburg's intent to build a dealership in this location. He advised that Mr. Hudiburg generally built an automobile agency on one lot and another automobile agency was built on an adjacent lot, as was planned in this instance. He further advised that the people in the area want this use on this site.

Ms. Wilson informed that she saw no problem with zoning a 70' Parking district and zoning the rest of the property IL. She also informed that even if the buyer did not build an automobile dealership, she felt that IL would still be an appropriate land use at this location.

Mr. Paddock informed that he was in agreement with Ms. Wilson's statements in this regard.

Instruments Submitted: Photos of the Area (Exhibit "J-1")
Aerial Photo of PUD #109-A (Exhibit "J-2")

TMAPC Action: 6 members present — Z-6062

On **MOTION** of **PADDOCK**, the Planning Commission voted 5-1-0 (Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; VanFossen, "nay"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to recommend to the Board of City Commissioners that enough RM-1 zoning be approved to accommodate the existing 228 dwelling units of PUD #109-A as recommended by Staff, that IL zoning be approved on both the OM and RM-1 tracts (except as noted) and that the west 70' of the property be zoned as Parking District.

Legal Description — Z-6062

IL

Tract 1

Lot Two (2), Block Two (2) and the South 518.32 feet of Lot One (1), Block Two (2) of Royal Manor South, an addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof containing 9.50 acres more or less.

AND

Z-6062 & PUD #109-A (cont'd)

Part of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section 26, Township 19 North, Range 12 East of the Indian Base and Meridian in the City of Tulsa, Tulsa County, Oklahoma and part of Lot Two (2), Block One (1) of Royal Manor South, an addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof, more particularly described as follows:

Commencing at the Southwest corner of said Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section 26; thence North 150.00 feet to the Point of Beginning, said point lying on the East line of South Indian Street; thence North $00^{\circ}00'19''$ East along said East line a distance of 588.26 feet to the Southwest corner of said Lot Two (2), Block One (1) of Royal Manor South; thence along the West line of said Lot Two (2) as follows; thence North $03^{\circ}48'33''$ West a distance of 150.33 feet to a point; thence North $00^{\circ}00'19''$ East a distance of 82.36 feet to a point of curve; thence along said curve to the left, said curve having a radius of 180 feet, a central angle of $12^{\circ}39'45''$, a distance of 39.78 feet to a point; thence North $46^{\circ}28'37''$ East a distance of 100.40 feet to a point; thence North $65^{\circ}01'07''$ East a distance of 269.38 feet to a point on the East line of said Lot Two (2); thence South $20^{\circ}21'56''$ East along said East line a distance of 237.80 feet to a point; thence South $31^{\circ}20'51''$ East along said East line a distance of 271.30 feet to the Southeast corner of said Lot Two (2); thence due East a distance of 76.8 feet to a point on the East line of Midland Valley Railroad Company right-of-way; thence along said East line and along a curve to the left, said curve having a radius of 2914.79 feet, a central angle of $6^{\circ}48'05''$, a distance of 346.01 feet to a point; thence South $67^{\circ}52'22''$ West a distance of 658.58 feet to a point; thence due West a distance of 57 feet to the point of Beginning, containing 10.75 acres more or less.

Tract 2

RM-1

The following tract shall remain RS-3, less and except enough RM-1 zoning to support 228 existing dwelling units:

A part of Lot Two (2), Block One (1), Royal Manor South Addition described as Beginning on the North Right-of-Way line of West 49th Street South at the mutual lot corners of Lot One (1) and Lot Two (2), Block One (1), Royal Manor South, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence North $27^{\circ}58'46''$ East along the mutual lot line of Lot One (1) and Lot Two (2), a distance of 531.95 feet to the most Northerly corner of Lot Two (2); thence South $37^{\circ}14'56''$ East along the East line of Lot Two (2), a distance of 470.46 feet; thence South $35^{\circ}45'36''$ East, continuing along the East line of Lot Two (2), a distance of 184.49 feet; thence South $63^{\circ}55'47''$ West a distance of 269.38 feet; thence South $45^{\circ}23'17''$ West a distance of 100.40 feet to the Easterly Right-of-Way line of South Indian Avenue; thence North $13^{\circ}32'40''$ West a distance of 0.00 feet along said Right-of-Way line; thence along a curve to the left, with a central angle of $48^{\circ}28'34''$ and a radius of 180.00 feet a distance of 152.29 feet;

Z-6062 & PUD #109-A (cont'd)

thence North 62°01'14" West along the North Right-of-Way line of West 49th Street South a distance of 269.66 feet to the Point of Beginning, containing 213,868.81 square feet or 4.910 acres, more or less.

A part of Lot One (1), Block Two (2), Royal Manor South Addition described as commencing on the West Right-of-Way line of South Indian Avenue at the mutual lot corners of Lot One (1) and Lot Two (2), Block Two (2), Royal Manor South, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence North 0°52'56" West a distance of 368.27 feet; thence North 2°55'53" East a distance of 150.33 feet to the Point of Beginning; thence South 89°07'04" West a distance of 505.51 feet to a point on the East Right-of-Way line of South Jackson Avenue; thence North 0°46'14" West along the East Right-of-Way line of South Jackson Avenue a distance of 228.69 feet; thence along a curve to the right with a central angle of 118°45'00" and a radius of 120.00 feet a distance of 248.71 feet; thence South 62°01'14" East along the South Right-of-Way line of West 49th Street South a distance of 302.66 feet; thence along a curve to the right with a central angle of 61°08'18" and a radius of 120.00 feet a distance of 128.05 feet; thence South 0°52'56" East along the West Right-of-Way line of South Indian Avenue a distance of 82.36 feet to the Point of Beginning containing 137,480.089 square feet or 3.156 acres more or less.

NOTE: Staff calculations indicate the RM-1 area should be 1.6 acres with the legal description to be supplied by the applicant.

TMAPC Action: 6 members present

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to CONTINUE CONSIDERATION of PUD #109-A Norman (Southbank) until Wednesday, July 24, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Final Approval and Release:

Quail Point (2883) E. 111th & S. Urbana Avenue

RS-1

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

TMAPC Action: 6 members present

On MOTION of WILSON, the Planning Commission voted 6-0-0 (Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to APPROVE the Final Plat of Quail Point (2883) and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #342 Wembley Station Southwest corner of 71st and Mingo

Staff Recommendation -- Detail Landscape Plan Review

PUD #342 is 7.51 (gross) acres in size and is located at the southwest corner of 71st Street and Mingo Road. A 200' x 200' tract located on the corner is not part of the PUD. The subject tract has been approved for commercial use, except the south 250' which is restricted to Use Unit 11 and accessory uses.

The applicant is now requesting Detail Landscape Plan review for that portion of the subject tract approved for commercial use.

After review of the applicant's submitted plans, the Staff finds the landscaping plan to be consistent with the original PUD. The plan includes a detailed schedule of tree and shrub types as well as sizes. The 10% minimum open space has been met and areas abutting the buildings and main entrances have been generously landscaped. The Staff review of the Detail Landscape Plan indicates that this Plan satisfies the PUD requirements; therefore, the Staff recommends APPROVAL of the Plan as submitted.

TMAPC Action: 6 members present

On MOTION of WILSON, the Planning Commission voted 6-0-0 (Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Connery, Harris, Higgins, Young, "absent") to APPROVE the Detail Landscape Plan on PUD #342 Wembley Station, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 10:29 p.m.

Date Approved

July 17, 1985

Cherry Kempe
Chairman

ATTEST:

AB Paddock
Secretary

6.26.85:1561(42)