

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1564
Wednesday, July 17, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 16, 1985, at 12:15 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 1:36 p.m.

MINUTES:

Consider Approving the Minutes of June 26, 1985, Meeting No. 1561

On MOTION of CARNES, the Planning Commission voted 6-0-2 (Carnes, Connery, Higgins, Kempe, VanFossen, Woodard, "aye"; no "nays"; Paddock, Wilson, "abstaining"; Draughon, Harris, Young, "absent") to APPROVE the Minutes of June 26, 1985, Meeting No. 1561.

Consider Approving the Minutes of July 3, 1985, Meeting No. 1562:

On MOTION of CONNERY, the Planning Commission voted 6-0-2 (Carnes, Connery, Higgins, Kempe, VanFossen, Woodard, "aye"; no "nays"; Paddock, Wilson, "abstaining"; Draughon, Harris, Young, "absent") to APPROVE the Minutes of July 3, 1985, Meeting No. 1562.

REPORTS:

Report of Receipts and Deposits:

The Staff informed that the report was in order and recommended approval.

On MOTION of CARNES, the Planning Commission voted 7-0-1 (Carnes, Connery, Higgins, Kempe, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock,

Reports: (continued)

"abstaining"; Draughon, Harris, Young, "absent") to APPROVE the Report of Receipts and Deposits for the month ended June 30, 1985.

Chairman's Report:

Chairman Kempe informed that the TMAPC had been provided a schedule of the proposed dates for rescheduling of the proposed FD mapping by the Stormwater Management Dept: Red-Fork, Cherry Creek--continued to September 25, 1985; Cooley Creek--continued to October 2, 1985 and Vensel Creek--continued to October 9, 1985. Although these dates have been proposed for continuation, the item would be considered on the date originally scheduled and would then be formally acted upon to be continued to the date requested.

Chairman Kempe informed that a letter was sent to Mr. Carson Medearis permitting him to appear before the TMAPC in regard to PUD #352, which was heard by the Planning Commission on January 25, 1984. Mr. Medearis has contacted all pertinent City officials in regard to a water runoff problem on his property, but is not satisfied with the results of these discussions. Therefore, he will be permitted to address the TMAPC in this regard, although it is uncertain if any additional action could be taken.

Director's Report:

Mr. Wilmoth informed that he had information from the TAC in regard to some questions which were raised by the TMAPC on a plat waiver application at 17345 East Admiral Place. He reviewed the questions and answers which were included in the agenda packet with the TMAPC. Discussion of plat waiver on Z-4294, TMAPC Meeting of July 3, 1985:

On July 3, the Planning Commission approved a waiver of plat on the above application at 17345 East Admiral Place. Several questions were asked and the Commission directed the Staff to review them with the TAC at the next meeting. The questions and responses follow:

- (1) Did the TAC approve and recommend this waiver for a particular use only, such as a car auction?

Answer: No

- (2) Would requirements have been different if it was not a car auction?

Answer: No

- (3) Are plat waivers, in general, processed and reviewed for particular uses or was the language "car auction" in the TAC minutes for information only?

Answer: Waivers are not generally processed for a particular use since the zoning and building permit procedures control that. The use was included for information of the TAC and Planning Commission.

- (4) Would a particular use, such as the car auction, influence Stormwater Managements' recommendation and findings on requests for waivers of plat?

Answer: The particular use is not the criteria used by Storm-water Management. This is zoned industrial (IL) so the zoning is the underlying basis for their recommendation. Commercial, office or industrial zoning would allow the entire property to be paved or covered by offices, warehouses, or commercial buildings and/or parking lots. It is assumed that the entire tract would be covered and impervious so that storm water detention would be based on no water absorbing areas.

- (5) The Staff advised the TAC that TMAPC would like to have TAC's intent more clearly expressed or perhaps not expressed at all if it is of no consequence so far as uses of the land, etc. Specifically, if a conditional waiver is recommended for a particular use it will be clearly stated in the TAC minutes.

It should be further noted that when a waiver, plat, or lot split is approved subject to certain conditions, a number of control factors immediately go into effect. Usually the conditions may involve several departments and/or agencies. For example, if easements and/or rights-of-way are required, the Staff will prepare the necessary papers and forward them to the applicant for signature. If specific drainage easements or sanitary sewer easements are requested, then they may be prepared by the applicable agency. When a building permit is requested a record search will show the plat waiver as part of the record, including the conditions. The records and files are double checked by both the Staff and Building Inspection Department to see that the conditions on the waiver have been met. If easements have not been received or the grading plans not approved, or any other conditions exist, a release of the building permit application will not be given until all conditions of the waiver have been met. This is essentially the same as the sign-off on a plat, thereby assuring that the land can not be developed or a permit issued until the conditions of the waiver have been met.

PUBLIC HEARING TO CONSIDER AMENDING THE FIRE
PROTECTION PLAN FOR THE CITY OF TULSA

Staff Comments:

Ms. Matthews informed that the Staff was requested to prepare a report on the Fire Protection Plan for the City of Tulsa. The report was presented to the City on July 9, with the findings being that the conditions in the north side of the City had basically not changed since 1979 in a manner that would increase the risk of fires; therefore, the Plan is still valid. The Staff recommended to the City that Fire Station #24 be closed, personnel and fire engines be relocated to the fire station at 36th and Peoria and that the Staff review all Fire Protection Plans within the City. This item was then stricken from the agenda.

SUBDIVISIONS:

Preliminary Approval:

Crown Pointe (PUD #398) (2183) East 97th Street and South Knoxville Ave.
(RS-1)

Numerous proposals have been made on this tract beginning January 28, 1985, February 28, 1985, March 11, 1985, April 2, 1985 and finally this proposal May 20, 1985. This PUD and a review of the street ...

Crown Pointe (continued)

system was approved by the Planning Commission April 24, 1985 and by the City Commission May 21, 1985. The street layout with the three dedicated cul-de-sacs and all interior private streets was reviewed and approved by both Commissions. This sketch plat followed those approvals and was approved by TAC on June 13, 1985. A copy of those minutes were provided for reference.

The applicant was represented at the TAC by Ted Ponder and at the TMAPC by John Moody. Mr. Moody advised that several conditions had changed and noted the following changes for the TMAPC: An application has been made to vacate the west boundary (condition #1, there are no overhead lines on the property except the existing Public Service Company line (condition #3), Stormwater Management has visited the site and approved the drainage plans; therefore, no PFPI is required, subject to installation of an overland drainage system (condition #7) and in regard to the Covenants (condition #10), the applicant is reserving an easement on the lot for maintenance of the common fence around the boundary which will be maintained by the home owners. There will not be additional area included in this condition. Mr. Moody also advised that when the final plat is reviewed by the TMAPC, different easements would be shown.

Mr. Draughon asked if onsite detention is planned and Mr. Moody informed there would not only be onsite detention, but also 100-year storm sewer capacity. Mr. Wilmoth informed that this was covered under condition #8.

Ms. Kempe asked if maintenance of onsite stormwater management would be made part of the restrictive covenants and was informed it would be.

Mr. Wilmoth suggested that condition #13 be stricken from the agenda because it was merely for information purposes and is not a condition for approval.

The Staff and TAC recommended approval of the preliminary plat of Crown Pointe, subject to conditions.

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-1 (Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; Carnes, "abstaining"; Harris, Young, "absent") to APPROVE the preliminary plat of Crown Pointe (PUD #393) (2193), subject to the following conditions:

1. Identify and show on plat the 24.75' statutory right-of-way along the section line. Utilities also want this identified as a "Utility Easement". (If this is vacated prior to filing a plat, it may be eliminated except for the easement.)
2. All conditions of PUD #393 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the Covenants.
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is

Crown Pointe (continued)

- planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines. (Indicate overhead lines on east, west and north sides.)
4. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language for water and sewer facilities in Covenants.)
 5. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner of the lot(s).
 6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat for those lots on the sewer system. (see #9 for those on septic)
 7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. Stormwater Management Department advised that PFPI will be required for development. On-site detention of 100-year storm sewer capacity to Arkansas River. Erosion in this area requires careful control. Outflow rates shall be restricted to historical levels. (These conditions included in #8.) Also, if capacity utilizes natural drainageway, then outlet velocities shall be reduced to natural runoff velocities. Provide maintenance standards for approval.
 8. Paving and/or drainage plans shall be approved by the City Engineer, (or Stormwater Management) including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
 9. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. (Perc tests required on each lot on septic system and OK'd by Health Department before preliminary approval by the Planning Commission.) (OK received)
 10. Covenants: Section 4.6, page 6 refer to fence "easement". Utilities should be allowed to cross this. Other plats have shown a "Fence Area" and the additional area is added to the total width of the utility easement. (EXAMPLE: The back of Block 3 would show a 22 1/2" easement, with the "south 5' reserved for fencing".)
 11. Covenants: Section 5.2, page 7. Language should be satisfactory to utilities.
 12. Since access is limited around parts of the culs, include applicable language in the Covenants.
 13. Not a condition for this plat, but since Harvard will not be opened, the west-half, south of 96th Street, would probably be closed so it can be maintained by adjacent owners, and not as a dedicated right-of-way maintained by the City. (For information only.)

Crown Pointe (continued)

14. A Corporation Commission letter (or Certificate of Non-development) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on the plat on any wells not officially plugged.)
15. The ordinances for Z-6036 and PUD #393 shall be published before final plat is released.
16. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
17. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Woodview Heights Amended (Resub. Blocks 4 and 5) (3492) West 57th Place
and South Vancouver Avenue (RD)

The Staff presented the plat to the TAC with the applicant represented by Adrian Smith.

There have already been several Board of Adjustment approvals on this area. The area within this re-subdivision is zoned for duplexes (RD), but is presently vacant. An approval to reduce the lot sizes in the entire subdivision covered this area also has been considered by the Board of Adjustment (Case #12358) but the approval was "as per plat submitted" so larger lots were shown. The present proposal is for detached single-family dwellings, on each lot thus actually reducing the density in the area. Since the lot sizes are compatible with those in the rest of the subdivision, the Staff recommends approval, subject to the Board of Adjustment approval. The Staff further recommends that the Board of Adjustment approval be for single-family units on each lot, in accordance with the re-subdivision that has been submitted. Although it is zoned for duplex use, the applicant is proposing only single-family units on each lot.

With reference to the plat submitted, ALL IMPROVEMENTS ARE IN PLACE, including street paving and utilities. (Some short sewer extensions may be necessary to cover the new lot lines.)

Mr. Paddock asked why the zoning is not changed to conform with the restrictions on the plat. Mr. Gardner informed that the density may be needed, but the Staff wanted to clarify that even though the area is zoned RD, single-family houses would be built. If the area was rezoned, the applicant might not be able to use the density he needed.

Mr. VanFossen asked if the applicant could use a zero lot line and Mr. Wilmoth informed he couldn't and advised that this is simply for a variance of the lot width.

Interested Party: Mrs. H. L. Woodring Address: 5602 S. Union

Mrs. Woodring expressed concern about water runoff and sediment which has occurred on her property as a result of this development. She stated that the previous owner received a letter notifying him that

Woodview Heights Amended (continued)

he was in violation of the drainage ordinance and given a certain number of days to come into compliance, but nothing happened. She expressed concern that she had not been given an opportunity to review the change in plans from duplex to single-family dwellings.

Ms. Kempe advised Mrs. Woodring of the detention plans which were included in the recommendation by the Staff and TAC. Mr. Wilmoth informed that this is the same plan as the original, but that the density has been cut by almost 50%. He also advised that the plan would have to be reviewed by the Board of Adjustment.

Ms. Woodring informed that she was opposed to any development on the property until an arrangement was made for proper disposal of water runoff. Mr. Wilmoth informed that the streets and utilities have been installed and the area has been graded and is ready for building and advised that the only change was the lot lines.

Mr. Gardner advised that it is unusual for Stormwater Management to require individual conditions of approval on each lot as has been required here, but was done in this case because of drainage problems in the area. He advised that Stormwater Management is aware of the problems and the problems have been addressed in the conditions of the plat.

Ms. Kempe informed that attempts were being made to provide some protection from drainage and erosion problems and the suggested conditions would help to alleviate these problems. Mr. Linker informed that the City tried to enter the foreclosure proceedings on this property, but was unable to do so. The property is now under the control of First National Bank of Jenks and he was not certain if foreclosure proceedings had been completed. He noted that there was a violation of the Erosion Control Ordinance, but an attempt is being made to obtain compliance.

The Staff and TAC recommended approval of Woodview Heights Amended, subject to conditions:

On MOTION of CARNES, the Planning Commission voted 8-0-1 (Carnes, Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Harris, Young, "absent") to APPROVE the preliminary plat of Woodview Heights Amended (Resub. Blocks 4 & 5) (3492), subject to the following conditions:

1. Final approval of plat shall not be granted until Board of Adjustment approves a variance.
2. Utility easements shall meet the approval of the utilities. (Show additional easements as needed.) Relocate service pedestals as needed. Provide standard easement widths of 11' or 17 1/2'.
3. Board of Adjustment approved a variance to allow a 20' rear or side building line along those lots on South Union Avenue. Show building lines as per BOA Case #11978. This will apply to Lots 7-11, Block 1 (which was Lots 13-15, Block 4 on the original plat) and Lot 4, Block 2 (which was Lot 42, Block 5 on the original plat.)

Woodview Heights Amended (continued)

4. A request for creation of a Sewer Improvement District shall be submitted to Water and Sewer Department prior to release of the final plat.
5. Show 25' or 30' corner radii as requested by the Traffic Engineering Department.
6. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
7. All Subdivision Regulations shall be met prior to release of the final plat.

Stormwater Management advised that this is an erosion sensitive area. Each lot will be required to provide grading and erosion control plans and revegetation plan. It was noted that detention has already been provided for this subdivision.

FINAL APPROVAL AND RELEASE:

Hilton Addition (3503) NW corner of East Easton Avenue and North Memorial Drive (CS, OL)

Bent Tree (PUD #353) (3194) SE corner of 51st Street and South Mingo Road (IL)

Huntington Place (1483) East 85th Place and South Sheridan Road (RS-3)

Woodland View Park South Amended (3693) 59th Street and South 87th East Avenue (RS-3)

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

On MOTION of PADDOCK, the Planning Commission voted 8-0-0 (Carnes, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Harris, Young, "absent") to APPROVE the final plat of Hilton Addition (3503), Bent Tree (PUD #353) (3194), Huntington Place (1483) and Woodland Park South Amended (3693) and release same as having met all conditions of approval.

REQUEST TO WAIVE PLAT:

BOA Case No. #13604 Anderson Addition (3693) 5800 Block South Mingo Road (RS-3)

Charles Sutherland was present, representing the applicant.

This request is made pursuant to the above Board case which permitted a use variance to allow office use in an "R" District. The property is in an area included in Zoning Application #Z-5783, which covers most of Anderson Addition. (This request covers only Lots 4 & 5.) The use variance in itself does NOT require a plat. However, under Z-5783 the property has approval for an IL classification. Due to the FD area along Mingo Creek, the ordinance has NOT been published

Request to Waive Plat: (continued)

as of this date since the entire FD has not yet been accurately established enough to publish the ordinance for the IL zoning. Therefore, the Board of Adjustment recognized that the property will eventually be classified IL and an office use would be allowable by right. The property contains an existing house that will be used for an office; no new structures are planned. Records indicate that a small area around the house is outside the FD. The Planning Commission indicated that NO PLAT WAIVERS would be granted on Z-5783. This current request for waiver is to use the property as is for an office and further, is a request for waiver of plat ONLY ON THE BOARD OF ADJUSTMENT CASE and does NOT include a request for waiver on Z-5783. Therefore, the Staff recommends approval, noting that the eventual redevelopment of the area is still "subject to a plat" under Z-5783.

The Staff and TAC recommended approval of the waiver of plat on Board of Adjustment Case #13604, subject to conditions.

On MOTION of CARNES, the Planning Commission voted 8-1-0 (Carnes, Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Harris, Young, "absent") to waive the plat on BOA Case #13604, Anderson Addition (3693), subject to the following conditions:

- (a) Access limits agreement limited to existing driveway. (Traffic Engineer)
- (b) Need a utility easement: South 15'; provided this does not conflict with existing house.
- (c) NOT a condition on waiver for BOA #13604, but Stormwater Management advised that on-site detention or fees will be required at the time NEW development takes place.

BOA Case No. 13644 (Marshall Elementary School) (3692) SW corner of 56th Street and South Peoria Avenue (RS-3)

BOA Case No. 13645 (Lindsey Elementary School) (1703) SE corner of East 41st Street North and North Columbia Avenue (RS-3)

BOA Case No. 13646 (Hoover Elementary School) (1593) SE corner of 23rd Street and South Darlington Avenue (RS-2)

BOA Case No. 13647 (Kerr Elementary School (594) 202 South 117th East Ave. (RS-3)

This is a request to waive the plat on the above school sites. The purpose is a Tulsa County "Head Start" program, approved by the Board of Adjustment in existing school buildings. No changes in the existing buildings and/or grounds are to be made.

Waiver of the plat is recommended by the Staff.

On MOTION of CARNES, the Planning Commission voted 9-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Young, "absent") to waive

Request to Waive Plan: (continued)

the plat on BOA Case No. 13644 (Marshall Elementary School (3692), BOA Case No. 13645 (Lindsey Elementary School) (1703), BOA Case No. 13646 (Hoover Elementary School) (1593) and BOA Case No. 13647 (Kerr Elementary School) (594), as recommended by the Staff.

LOT SPLITS:

Lot Splits for Ratification:

L-16501 (2993) Reppe Developers
L-16502 (3293) Cline
L-16503 (329) Hecht

The Staff informed that all of the above lot splits meet zoning and Subdivision Regulations and are not irregular in shape.

On MOTION of PADDOCK, the Planning Commission voted 9-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Young, "absent") to RATIFY the lot splits listed above.

LOT SPLITS FOR DISCUSSION:

L-16496 Meadowood Addition (193) SE corner of Admiral Place and 91st East Avenue (CS)

The applicant, Gary Howell, was present.

In the opinion of the Staff the lot split listed above meets the Subdivision and Zoning Regulations, but since the lot may be irregular in shape, notice has been sent to the abutting property owner(s) so that property owners may be aware of the application (Auth: PC Meeting #1505, page 1; May 9, 1984). The Staff recommended approval of L-16496.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Young, "absent") to APPROVE L-16496 Meadowood Addition (193), as recommended by the Staff.

LOT SPLITS FOR WAIVER:

L-16482 Christian (1262) West of the SW corner of 201st Street and South Peoria Avenue (AG)

Chairman Kempe informed that a request had been received to continue this case to August 7, 1985.

On MOTION of VANFOSSEN, the Planning Commission voted 9-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Young, "absent") to CONTINUE consideration of L-16482 Christian (1262) until Wednesday, August 7, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

Lot Splits for Waiver: (continued)

L-16469 Sertoma (293) West of the SW corner of 2nd Street and Memorial Drive (OL)

This is a request to split the south 60 feet from a 238' x 120' lot and attach it to the abutting lot to the south. This lot split will leave a 178' x 120' lot that contains a seven unit apartment complex. This lot will still exceed the bulk and area requirements in the RM-1 District. (When multifamily use is permitted in the OL District by a special exception to the Board of Adjustment, the RM-1 regulations apply) except for the rear yard setback which by the Code should be 20 feet. The proposed lot split will only leave approximately 7 feet from the rear of the apartment complex to the rear property line. This action will require a variance from the City Board of Adjustment. This approval is subject to the following conditions:

- (1) Approval from the Water and Sewer Department for extensions or relocation service lines included in b below.
- (2) The approval of the City Board of Adjustment for a variance of the rear yard setback from 20 feet to 7 feet, and
- (3) any utility easements that may be needed to service the subject tracts.

The applicant was not represented at the TMAPC or the TAC meeting. The Staff and TAC recommended approval of L-16469, subject to conditions.

On MOTION of VANFOSSSEN, the Planning Commission voted 9-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Young, "absent") to APPROVE L-16469 Sertoma (293), subject to the following conditions:

- (a) Approval of Board of Adjustment for reduced rear yard for apartments, and
- (b) relocation of utilities at owner's expense, including the necessary easements. (Includes, but not limited to Water and Sewer, PSO, SWB, and TV.)

L-16490 Garman (2692) South of the SE corner of 47th Street and Union Ave. (OL)

This is a request to split the south 10 feet of a 100' x 175' lot with this 10 feet to be attached to the abutting 50' x 175' lot to the south. These lots were zoned RS-3 when they were originally platted. Since that time they were rezoned OL which makes both lots subject to a plat before any building permit can be issued. Even though the lot split will be increasing the lot size to the lot on the south, it would still create a lot which is below the minimum lot frontage for the OL District and this request will require a variance from the City Board of Adjustment. The Health Department noted that an existing septic system was in use. However, sewer could be extended if needed, so they had no objections to the request.

The applicant was not represented at the TAC meeting. The Staff and TAC recommended approval of L-16490 subject to the conditions.

L-16490 (continued)

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Young, "absent") to APPROVE L-16490 Garman (2692), subject to the following conditions:

- (a) Approval of Board of Adjustment for lot width, and
- (b) an 11' utility easement on the east, and 5' each side of the new split line.

NOTE: This is NOT a request to waive plat nor is a building permit being sought.

Other Discussion:

Mr. VanFossen requested that the TAC minutes be made available to the Planning Commission prior to the meeting to allow time for review of the recommendations and Ms. Kempe requested that the Staff find a solution to this problem. Mr. Gardner informed that this would be done.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-6049 and PUD #397 Present Zoning: RS-3, RD, RM-1
Applicant: Moody (61MM Ltd.) Proposed Zoning: RD, RM-1
Location: South side of East 61st Street; 1/2 mile East of Memorial Drive

Date of Application: April 11, 1985
Date of Hearing: July 17, 1985 (continued from July 10, 1985) (continued PUD to August 21, 1985)

Presentation to TMAPC by: John Moody
Address: 4100 Bank of Oklahoma Tower Phone: 588-2651

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 -- No Specific Land Use and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RM-1 zoning may be found in accordance with the Plan Map. According to the application, FD zoning would be required on a portion of the subject tract.

Staff Recommendation - Z-6049

Site Analysis - The subject tract is approximately 38 acres in size and is located on the south side of East 61st Street, one-half mile east of Memorial Drive. It is generally non-wooded except along one drainageway in the north section of the tract, flat, vacant, and zoned RD and RS-3.

Surrounding Area Analysis - The tract is abutted on the north by RM-1 zoning along the south side of East 61st Street, on the east by

Z-6049 and PUD #397 (continued)

PUD #281 and RM-1 zoning with an existing 22-acre City of Tulsa Stormwater Detention Facility, on the south by RS-3 multifamily land in PUD #281 west of South 91st East Avenue and RS-3 single-family land west of 91st East Avenue and vacant land zoned RS-3 and RM-1 on the west.

Zoning and BOA History – Adjacent tracts have been zoned for a mixture of residential uses, both single-family and multifamily uses plus a recently approved office PUD. The tract to the south and west of the area of request, although initially approved for multifamily, has been amended for single-family use and is now being developed for single-family detached dwelling units. The Board of Adjustment has granted approval for the executive health club and spa adjacent to the northeast corner of the subject tract.

Conclusion – Although the requested RM-1 zoning may be found in accordance with the Comprehensive Plan, the Staff is not supportive of the submitted request based on adjacent development patterns and zoning. The Staff is supportive of RM-1 zoning on that portion of the RD property that aligns with the RM-1 zoning pattern to the west and RD zoning on the balance of the property east of 91st East Avenue, but we are not supportive of any higher intensity zoning west of 91st East Avenue than RS-3.

The Staff recommends that the related PUD #397 and the requested zoning pattern be revised to permit detached single-family residential development south of East 62nd Street and west of 91st East Avenue, with multifamily development east of 91st East Avenue and south of what would be the extended alignment of East 62nd Place.

Therefore, the Staff recommends DENIAL of RM-1 as requested and APPROVAL of RM-1 on that portion that aligns with RM-1 to the west, RD on all property east of 91st East Avenue and RS-3 on the balance of the request, less and except any FD zoning.

Staff Recommendation – PUD #397

The subject tract has an area of approximately 38 acres and is located on the south side of East 61st Street, one-half mile east of Memorial Drive. It is bounded on the east by a City of Tulsa 22-acre stormwater detention pond, on the southwest by a developing single-family subdivision located west of South 91st East Avenue, on the southeast by a vacant tract planned for multifamily development under PUD #281 east of South 91st East Avenue, and on the west by a single-family detached subdivision per PUD #281. The extreme north portion of the west boundary is presently used for an electrical substation. Land use to the north of the area of request (north of East 61st) is a church and day care center, townhouses and vacant land approved for additional townhouses, and a small planned PUD office development at the northeast corner of South 89th and East 61st Streets. The area adjacent to the northeast corner of the subject tract has been approved by the Board of Adjustment for an executive health club and spa.

The applicant is proposing to develop a mixed use PUD with offices along the East 61st Street frontage, multifamily development east of East 91st, and duplex development west of South 91st East Avenue.

91st East Avenue is classified as a residential collector street on the Major Street and Highway Plan. The Staff is supportive of the office and multifamily development areas as proposed, however, recommends that the proposed duplex area be changed to single-family detached dwelling units and developed comparable to the area south. The Staff also recommends that East 62nd Street be extended to the east and opened through the proposed PUD to intersect with South 91st East Avenue. The recommended zoning pattern would allow the applicant to develop 151,398 square feet of office (requested 240,000), 274 multifamily dwelling units (requested 360 units) and 83 single-family detached dwelling units (proposed 76 duplex units). The proposed use of the multifamily units is for housing designed principally for elderly tenants and duplexes to be built on individual lots. A creek, which presently crosses the northern portion of the subject tract, will be relocated along East 61st Street in a 43-foot wide easement. The channel will be improved with fabric form and concrete lining. The requested underlying zoning for the PUD would be RM-1, RS-3 and less and except any FD zoning. The recommended zoning pattern would be to rezone (per Z-6049) the north 170 feet RM-1, RS-3 on the south 160 feet of the north 330 feet of the west 330 feet (currently zoned RD) and RD on the balance of the property east of 91st East Avenue (east 690.82').

If the TMAPC concurs with the Staff Recommendation on the PUD and rezoning patterns, the Staff finds the proposed PUD to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends DENIAL of PUD #397 as submitted, and APPROVAL of the revised recommended development standards and conditions as follows:

- (1) That the applicant's Outline Development Plan and Text be revised as modified herein.
- (2) Development Standards:

Development Area "A"--Office Uses

Gross Land Area:	13.15 acres	572,975 sq. ft.
Net Land Area:	11.97 acres	521,662 sq. ft.
Permitted Uses:	Use Units 1, 10, and 11 and accessory uses permitted in an OL District.	
Maximum Floor Area Ratio:	.4	
Maximum Floor Area:	151,398' - (229,190')*	
Minimum Building Setbacks:		
From Centerline of East 61st Street		100 feet
From Centerline of East 91st Street		55 feet
From Centerline of East 62nd Street		50 feet
From East Property Line		25 feet
From West Property Line		50 feet

PUD #397 (continued)

Maximum Building Height: 35 feet (2-story)
Minimum Off-Street Parking:
 General Office 1 space per 300 sq. ft.
 Medical Office 1 space per 250 sq. ft.
Minimum Landscaped Open Space: 5%

*Could increase to 229,190 sq. ft. if area B units reduced to 158.9.

Development Area B--Multifamily Residential

Gross Land Area: 14.13 acres 615,503 sq. ft.
Net Land Area: 13.54 acres 589,802 sq. ft.
Permitted Uses: Multifamily garden apartments and accessory
 uses permitted in an RM-1 District.
Maximum No. of Units: 274 (158.9)* Units
Minimum No. of Parking
 Spaces: As required per the Zoning Code.
Maximum Building Height: 35 feet
Minimum Livability Space: 1453 sq. ft. per unit or
 398,158 sq. ft.
Minimum Building Setbacks:
 From Centerline of East 91st 55 feet
 From South Boundary 25 feet
 From North Boundary 25 feet
 Front Yard 25 feet
 Rear Yard 20 feet
 Side Yard 10 feet

*Could reduce to 158.9 if office floor area increased to 229,190.

Development Area C--Detached Single-Family Residential*

Gross Land Area: 13.09 acres 570,200 sq. ft.
Net Land Area: 11.78 acres 513,137 sq. ft.
Permitted Uses: Detached single-family residential dwell-
 ing units and accessory uses.
Maximum No. of Units: 83 units
Minimum Lot Area: 5,000 sq. ft.
Minimum Land Area per
 Dwelling Unit: 6,870 sq. ft.
Maximum Structure Height: 35 ft.
Minimum Livability Space
 Per Dwelling Unit: 2,500 sq. ft. per unit
 or 207,500 sq. ft.

PUD #397 (continued)

Minimum Building Setbacks:

From Centerline of East 62nd Street	50 ft.
From Centerline of East 91st Street	55 ft.*
From Rear Yard	20 ft.
From Side Yards	5 ft.

*No dwelling unit shall be allowed to front onto East 91st Street. Rear yards shall be screened by a 6-foot solid privacy fence which abuts East 91st Street on the west side along with a generous landscape buffer.

- (3) Subject to the review and conditions of the Technical Advisory Committee.
- (4) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of Building Permits in the various development areas, and shall include the required screening fence and landscape buffer along the west side of East 91st Street.
- (5) That a homeowners association shall be created for maintenance and operation of private facilities, landscaped areas, and related private improvements.
- (6) That a Detail Landscape Plan and Sign Plan shall be submitted to and approved by the TMAPC prior to granting occupancy of any units on a development area basis. All signs shall be in accordance with Section 1130.2 (b) of the Zoning Code.
- (7) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

NOTE: The T.A.C. indicated that it had no objection to ending East 62nd Place at its present terminus.

Comments and Discussion:

Ms. Wilson asked why RS-3 zoning was needed. Mr. Gardner informed that the property to both the south of the applicant's property and west of 91st East Avenue was apartments, but the use has now changed to single-family housing.

Applicant's Presentation:

Mr. Moody informed that the application was an outgrowth of a number of meetings and plans discussed between the developer and the Burning Tree homeowners, which includes most property located south of 61st Street between Mingo Road and Memorial Drive. He advised that the development expenses on this property are high because the creek tributary which runs through the front of the subject property requires that a bridge be constructed and also requires realignment of the creek channel. He informed that 91st East Avenue is now being completed through the addition.

Mr. Moody advised that single-family housing would not be compatible with the area because of the office complexes, duplexes and multi-family housing located near, or adjacent to the tract. He advised that the F.A.R. is 36.8%, but the Staff recommends that it be reduced to 23.2%. This wouldn't work because of the costs, including: Land cost, interest charges, cost of building the road, storm sewer improvements and installation of the bridge. These costs would be too high to reduce the F.A.R. and keep the project economically viable. He advised that the applicant had entered into an agreement with the Burning Tree Homeowners' Association, which prefers that single-family homes be built adjacent to the area. He advised that an agreement has been signed with Mr. Never Fail, a nearby builder, for utilization of the detention pond in the area and fee-in-lieu of detention will also be paid by the developer.

Mr. Moody advised that office uses in the area have a 36% F.A.R. and he did not feel that a density of 26 dwelling units per acre would be too great for the area. He advised that it was felt there might be a better market for patio homes, thus the developer was willing to amend the PUD application to provide for single-family patio homes which would abut the Burning Tree Addition on the east boundary, with possibly a row of duplex homes to buffer the single-family residences from the offices and street. He suggested that this proposal could be a compromise considering the dwelling unit density approved under PUD #281. He again noted that the developer needed the density in order to permit the proposal to be a workable project. He proposed that the application be amended, RM-1 zoning be approved in the area currently zoned RD, rezoning the area which lies on the east side of South 91st East Avenue to RM-1 and retain the current RS-3 zoning on the rest of the tract with RS-3 to the corners. Mr. Moody requested that action be taken on the zoning question and that the hearing on the PUD be continued to allow the applicant to return with a revised site plan in regard to the density.

Comments and Discussion:

Mr. Draughon asked if the City stormwater detention area was designed to handle the increased quantity of water. Mr. Gardner informed that this is a regional detention facility and could handle the additional water.

Mr. VanFossen informed that he felt it would be appropriate to utilize the south boundary of the PSO site as the south boundary of the office

PUD #397 (continued)

development and Mr. Moody informed that this would be addressed in the redesign.

Mr. Paddock asked if the amended plan would leave the northern portion zoned as RM-1 for offices and Mr. Moody informed it would.

Ms. Kempe asked the Staff for a clarification of its Recommendation in regard to the PUD and zoning and Mr. Gardner informed that if anything is approved other than what the Staff has recommended, additional time would be needed to address these changes.

Mr. Gardner informed that full credit had been given for RD at 10 units per acre; a portion of the RM-1 area was subtracted from the office intensity and transferred to permit about 20 multifamily units per acre. In order to get another 90,000 square feet of office and more density would require substantially more intensity than is recommended by the Staff. RM-1 zoning would have to be approved back into the interior of the property and that is what the Staff is opposed to.

Ms. Wilson noted Mr. Moody's comment at the hearing of July 10 in which he said the cases would be ready to be heard today and advised that it appeared that only the zoning case was ready to be heard. Mr. Moody advised that the continuances were unavoidable since the applicant was not able to reach agreement with the area as quickly as he would have liked. Mr. Moody requested that PUD #397 be continued for 30 days to permit a review of how the density could be utilized. He also requested that the proposed zoning be approved at this time.

Interested Party: Frank Spiegelberg Address: 9032 East 67th Street

Mr. Spiegelberg informed that he is an attorney representing the Burning Tree Homeowners' Association. He advised that the Association includes approximately 320 single-family residential homes. The Association has made an agreement with the developer not to oppose the plan, but that the homeowners would prefer that 62nd Street not be extended. He also advised that the homeowners would prefer single-family homes abutting the area rather than duplexes.

Other Comments and Discussion:

Mr. VanFossen asked Mr. Spiegelberg if patio homes would be considered as appropriate and was informed they would be.

Mr. Carnes asked for the Staff's comments in regard to patio homes and Mr. Gardner informed that patio homes seemed to be appropriate.

Mr. Gardner advised that the Staff needed an expression from the Commission as to how much intensity would be appropriate for the project and that the Staff had recommended the maximum it felt should be recommended. Mr. Vanfossen informed that he felt an office intensity of up to .38 is reasonable, but if the proposal would include two-story, that should be reviewed and analyzed by the Staff. He also informed that he felt that up to 26 units per acre of apartments was reasonable.

Mr. VanFossen suggested a motion that the office intensity in the PUD be permitted up to .38 F.A.R. on office, up to 26 units of multifamily

PUD #397 (continued)

east of 91st East Avenue, with the remainder of the property west of 91st East Avenue to be patio homes of density equal to the area south of the project. In regard to zoning, it was recommended that the maximum zoning be RM-1 north of the PSO line and east of 91st East Avenue. He advised that he felt this proposal would place the apartments in one area together, which was appropriate.

Mr. Gardner informed that if the suggested motion is approved, the Staff could work with the densities to see that these densities would not exceed the zoning for that area. Mr. VanFossen informed that he didn't want to permit the densities to be greater than proposed and Mr. Gardner informed that he didn't think they would be.

TMAPC Action: 9 members present - Z-6049

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; none "abstaining"; Harris, Young, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned as follows: The area east of the suggested 91st Street Plan and north of the south border of PSO be rezoned RM-1, with the remaining area to be RS-3 and revised legals would be supplied by the applicant as needed:

Legal Description:

RM-1: The South 991.62 feet of the East 990.86 feet of the NW/4 of the NE/4 of Section one (1), Township Eighteen (18) North, Range Thirteen (13) East, Tulsa County, State of Oklahoma (22.556 Acres), less and except any area east of the alignment of South 91st East Avenue and any area south of the present boundary of PSO which shall remain RS-3 or be rezoned from RD to RS-3 as needed.

TMAPC Action: 9 members present - PUD #397

On MOTION of PADDOCK, the Planning Commission voted 9-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; none "abstaining"; Harris, Young, "absent") to CONTINUE consideration of PUD #397 until Wednesday, August 21, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

Staff Recommendation — PUD #402

The subject tract has a gross area of 6.36 acres and is located adjacent to the southeast corner of East 36th Street and South Yale Avenue, with a frontage of approximately 376 feet on South Yale and 105 feet on East 36th Street. South Yale is classified as a Primary Arterial and East 36th Street as a Residential Collector at this location. The tract has been advertised in the alternative for OL or RM-1 for the purpose of accommodating an 88,000 square-foot office complex. The land located at the intersection of South Yale and East 36th Street is the site of an existing church. The applicant is proposing access to both Yale Avenue and 36th Street. The location of the access point on Yale Avenue appears too close to the crest of the hill and therefore should be approved as to location by the Traffic Engineer. No right-turn on 36th Street may also be desirable. The building setback along the east and south boundaries which abut existing single-family residential uses is 70 feet from the property line. The Text further indicates that buildings will be restricted to one-story in height for the east 150 feet and that in accordance with this proposal, no building shall exceed 752 feet mean sea level in elevation. This restriction would indicate that the maximum building height would be about 28 feet based on the topography of the land. Off-Street parking will be arranged along the periphery of the development on all sides and a 5-foot landscape buffer is proposed with a 6-foot tall privacy fence on the south and east boundaries. If a 5-foot cut in grade is required along these boundaries, a retaining wall be constructed to preserve the landscape requirement. Total interior landscaping of the net site is 30%. No exterior lighting will be located within 30 feet of the south and east boundaries. Light poles will not exceed 8 feet and direct light downward and away from adjacent residences. Drainage will be to the north and west and managed by an on-site detention pond adjacent to the northwest corner of the tract. The PUD Text indicates that the drainage plan concept has been approved by the City's Stormwater Management Department. The PUD file also includes a soil analysis.

The Staff is not supportive of the underlying zoning requested per Z-6045 for either OL or RM-1 in the alternative, and is therefore not supportive of the proposed PUD and recommends DENIAL. However, if the Commission is supportive of the requested zoning, the Staff would indicate a preference for RM-1 zoning in order to preserve the integrity of the Comprehensive Plan and suggests the following development standards:

(1) That the applicant's Outline Development Plan and Text be approved, except as modified herein.

(2) Development Standards:

Land Area (Gross):	277,387 sq. ft.	6.36 acres
(Net):	251,693 sq. ft.	5.78 acres

Submitted

Suggested

Permitted Uses:	Principal and accessory uses permitted in Use Unit 10, Off-Street Parking Areas, and Use Unit 11, Office and Studios.	Same except excluding funeral homes and drive-in banking facilities.
-----------------	---	--

Z-6045 and PUD #402 (continued)

	<u>Submitted</u>	<u>Suggested</u>
Maximum Building Floor Area:	88,000 sq. ft.	88,000 sq. ft.
Maximum Floor Area Ratio:	.32	.32
Maximum Building Height:		
Within East 150 feet	1-story	1-story
Within Remainder	2-story*	2-story*
Minimum Building Setbacks:		
From North & South Boundaries	70 ft.	70 ft.
From East Property Line	70 ft.	70 ft.
From West Property Line	70 ft.	70 ft.
From Centerline of East 36th Street	350 ft.	350 ft.
Minimum Off-Street Parking:	As required per the Zoning Ordinance	Same
Minimum Internal Landscape Open Space (Net):	30%	30%

*No roof line shall exceed 752.0 feet above mean sea level.

(3) Signs:

Submitted--Two (2) ground identification signs (one on South Yale and one on East 36th) which shall not exceed 6 feet in height or 32 square feet of display surface area. Signage for property shall be of a monument-type with constant upward-directed ground lighting.

Suggested--Same except allow only one sign on South Yale and permit no signage on East 36th Street except directional signs.

- (4) That no right turns be allowed from the development onto East 36th Street in an eastbound direction by design and/or signage except as specified in item 8.
- (5) That parking lot lighting be restricted to a maximum of 8 feet in height, that it be directed downward and away from the adjacent residential areas, and not be permitted within the east and south 30 feet of the subject tract.
- (6) That a 5-foot landscape buffer be required along the east and south boundaries plus a 6-foot screening fence; further, that if a grade cut is required along these boundaries it will not exceed 5 feet and the buffer be preserved by construction of a retaining wall of comparable height to the cut.
- (7) That all trash and utility areas be screened from public view and from the ground level view of persons in adjacent residential areas, which shall include a screening requirement for roof mounted mechanical equipment.

Z-6045 and PUD #402 (continued)

- (8) Subject to review and conditions of the Technical Advisory Committee including the approval of all access points by the Traffic Engineer.
- (9) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of Building Permits.
- (10) That a Detail Landscape and Sign Plan shall be submitted to and approved by the TMAPC prior to the granting of any Occupancy Permits.
- (11) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

NOTE: The TMAPC previously received petitions in support of and in opposition to the proposed rezoning to OL.

Applicant's Presentation:

Mr. Norman informed that he was representing Ralph Jones, and reiterated his comments in the TMAPC hearing of May 8, 1985. He advised that there would still be a Restrictive Covenant Agreement between Mr. Jones and the neighbors abutting the subject property. When OL zoning was denied by the TMAPC on May 8, an appeal requesting OL zoning was submitted to the City Commission to keep the case alive, but the applicant requested it be referred back to the TMAPC for a PUD; it was not heard by the City. He presented copies of the proposed plan to the TMAPC to show how two-story buildings would relate to the height of the existing church building and residential buildings to the south and noted that the height of the buildings would not exceed 752' above sea level. He informed that the plan incorporates agreements made with the neighborhood and advised that he was in agreement with the Staff's recommendation for a 70' setback from existing structures and the church which abuts the property. He advised that there is a provision that only one-story buildings would be permitted in the east 150' of the property. No buildings would be located in the pan-handle and two-story buildings would be located as the land falls to the north and west. He advised that he was in agreement with the Staff's Recommendation that the access point on 36th Street be restricted to left turns only and noted that the project has received the approval of the abutting property owners and many of the other residents in the area.

He cited the RM-1 zoning located about 1/4 mile north of the subject property and north of the Highland Park Subdivision as an example in which a precedent had been set for office zoning on that property which has two lots which face Yale. He also advised that the church uses on the abutting lot are similar to those types of uses in an office development. He noted that multifamily residential uses would be more easily justified on the site, but the area residents were opposed to this type use.

Z-6045 and PUD #402 (continued)

Mr. Norman advised that Mr. Jones has had numerous conferences with the neighborhood association and it was suggested by the Highland Park Homeowners' Association that they could support the application if access to 36th Street could be eliminated. Mr. Jones met with the Traffic Engineer and was told that the signal light at 36th and Yale operates well and most of the traffic moves on one signal. The Traffic Engineer was concerned about the sight-line off Yale and feels the traffic should be permitted to use 36th Street to make left-hand turns, thus the applicant was unable to come to an agreement with the Highland Park Homeowners' Association in regard to elimination of this access. The applicant has included a provision that speed bumps, etc. be installed to eliminate potential traffic problems on the site. The Staff has recommended that the driveway be designed in such a manner as to eliminate right-hand turns onto 36th Street and discourage or eliminate any traffic going to Hudson, and north to 31st, or south to 41st; the applicant is in agreement with this recommendation.

Mr. Norman informed that he felt the application could be accommodated by this neighborhood and this general area and requested approval of the RM-1/PUD application.

Comments and Discussion:

Mr. VanFossen asked what materials would be used in construction. Mr. Norman informed that he did not have that information available and noted this question would be addressed in the Detail Site Plan.

Ms. Kempe noted that the Commission was in receipt of a letter from the Highland Park Homeowners' Association (Exhibit "A-1") stating that they are opposed to the proposal.

Interested Parties:

Mrs. Barbara Glass	Address: 3612 South Braden Place
Mr. Sam VanMeter	5145 East 36th Street
Mr. Richard Vale	3553 South Darlington Avenue
Mr. Steve Vogt	3336 South Allegheny Avenue

Mrs. Glass informed that she was a representative of the 36th and Yale Homeowners' Association and lives in a residence abutting the property in question. She advised that she participated in discussions with the developer as to what should be developed on the property. She also advised that the homeowners near the site supported the proposed development. She informed that attempts had been made to contact the Highland Park Homeowners' Association by phone, but that they had been unable to get any input. Attempts were then made to contact them by mail and 43 residents responded and indicated their support of the project (Exhibit "A-2"). She presented a petition with 160 signatures from residents of the 36th and Yale Homeowners' Association (Exhibit "A-3") in support of the proposed development and advised that the area residents felt this would be an aesthetically pleasing addition to the neighborhood. She advised that the residents are opposed to multifamily housing and requested approval of the proposal.

Z-6045 and PUD #402 (continued)

Ms. Wilson asked how many homes are included in the 36th and Yale Homeowners' Association and Mrs. Glass advised that there are approximately 103 homes behind the land in question and approximately 240 homes south of the property. Approximately 70% of the signatures were from the 103 homes nearest the site. Ms. Wilson asked Mrs. Glass how many homes are included in the Highland Park Subdivision and Mrs. Glass advised that she didn't know.

Mrs. Glass read a letter from Carol Tollett, 3503 South Darlington (Exhibit A-4), who lives in Highland Park and is in favor of the proposal.

Mr. VanMeter informed that he lives approximately 150' north of the panhandle area and expressed his support for the application and the development.

Mr. Vale informed that he lives in Highland Park and supports the application. He advised that he has seen Mr. Jones' work at other locations and felt this would be a good land use. He read a letter from Mr. Don Longbotham (Exhibit A-5) of Highland Park who supported the application.

Mr. Vogt informed he is a member of the Highland Park Steering Committee and had earlier signed a petition opposing the OL zoning, but advised that he was in support of the RM-1 zoning. He informed that he preferred no access on 36th Street, but felt the proposed plan was acceptable and requested approval of the proposal.

Protestants:	Mrs. Janet Bradley	Address:	3355 South Braden Avenue
	Ms. Susan Little		3360 South Allegheny Ave.
	Mr. John Bradley		3355 South Braden Avenue

Mrs. Bradley informed that she was representing the Highland Park Homeowners' Association and protested the application. She presented a petition which included 198 signatures of Highland Park homeowners (Exhibit A-6) in opposition to the proposal. She advised that some people had been confused about the postcards mailed by the 36th and Yale Homeowners' Association and signed the petition in opposition as well as the postcards in favor of the proposal. She suggested that it was inappropriate to approve RM-1 zoning because RM-0 zoning was not approved in the past. She advised that the property to the north which had previously been cited as an example of the good zoning, was less than 1-1/2 acres; whereas, this site is over 6 acres. She expressed concern about the ramifications of higher density in regard to parking spaces needed and additional traffic generated. She advised that this application would be spot zoning and the area is designated as low intensity residential, but this application would be for office which is a higher zoning classification. This would also place the office use next to a residential area. She further advised that the proposal in regard to eliminating access on 36th Street was a compromise, but this did not mean that the Association was in favor of the proposal. Finally, she advised that she could see no reason to change the Comprehensive Plan in this area and requested denial of the application.

Ms. Little expressed concern about additional traffic and advised she felt there were other viable possibilities for development on this property, including duplexes, as 36th is a residential collector street.

Z-6045 and PUD #402 (continued)

Mr. Bradley advised that the proposed development is an intrusion into the neighborhood and that this would be a major change in the neighborhood and the zoning. He also advised that this zoning pattern and land use does not support RM-1 or OL zoning or the PUD, and requested that the application be denied.

Applicant Rebuttal:

Mr. Norman informed that this could be a "may be found" in regard to the Plan Map and RM-1 and OL uses are considered to be interchangeable under the PUD. He advised that the buildings are closer to the back lot lines on the proposed PUD than those of the OL uses to the north. He noted that there were no protestants from Highland Park to oppose the 35% F.A.R. of the OL use; whereas, the F.A.R. of this area would be 32%. He advised that this use would be consistent with what has taken place along Yale Avenue and traffic traveling east along 36th Street from the project would be eliminated. He also advised that the neighborhood had been in opposition to multifamily uses and noted that activities would be limited to daytime hours from Monday thru Friday, with no activities on the weekend. He advised that none of the residents who live in residences abutting the subject property spoke in opposition to the project and 86% of the people who signed the previous petition lived north of 35th Street. Finally, he advised that this proposal could be a "may be found" in the Comprehensive Plan and is, therefore, consistent with the Plan. He also noted that the proposal is a neighborhood project designed by the residents of the area.

Other Comments and Discussion:

Mr. Paddock advised that the zoning north of the subject property which was cited by Mr. Norman was approved for RM-1 zoning, but CS zoning and a PUD were denied by the City Commission. The applicant then made application to the Board of Adjustment as the application was approved for a special exception to build an office.

Mr. Carnes informed that he was in favor of a project such as this.

The applicant, Mr. Ralph Jones, 2705 East 44th Place, informed that the 36th and Yale Homeowners' Association requested the proposed office development. He advised that he visited the City Engineer and Traffic Engineer in order to obtain approval for closing 36th Street in order to obtain the support of the Highland Park Homeowners' Association; however, he was informed that there isn't a major traffic problem since most of the traffic flows through one light.

Mr. VanFossen informed that he owns one of the buildings to the north which was cited by Mr. Norman and advised that this was a unique location because it doesn't tie into neighborhood streets. He advised that even though the proposed zoning would be in violation of the principles of zoning, he felt the uniqueness of the area gives it the possibility for the requested zoning. He also advised that he didn't feel this would be setting a precedent. He informed that he was in favor of the proposal, but requested that an item pertaining to the type of materials to be used in construction be added to the PUD conditions.

Z-6045 and PUD #402 (continued)

Ms. Wilson informed that she was in agreement with the Staff for denial because the proposal would not be in compliance with the Plan and would be spot zoning. She also advised that she was opposed to the high intensity of the project.

Ms. Higgins informed that she didn't feel this would be setting a precedent and was in support of the proposal.

Mr. Paddock asked if the proposal was a viable alternative to the Staff's Recommendation for denial and Mr. Gardner informed that the Staff's concern is with the intensity and that the proposed intensity is about 40%-50% greater than the Staff recommended.

Ms. Kempe informed that this is a unique piece of property and that several other uses for the property have been proposed and rejected. She advised, therefore, that she was in support of the application since it seemed to be a viable proposal for the area and was supported by the neighborhood.

Mr. Paddock informed that the proposed zoning doesn't meet the requirements of Chapter 11 of the Zoning Code as far as the PUD being consistent with the Comprehensive Plan.

Instruments Submitted:

Letter from Highland Park Homeowners' Association (Exhibit A-1).

Postcards in Support of Applications (Exhibit A-2).

Petition from 36th and Yale Homeowners' Association in favor of applications (Exhibit A-3).

Letter from Carol Tollett (Exhibit "A-4).

Letter from Don Longbotham (Exhibit "A-5).

Petition Opposing Application by Highland Park Homeowners' Association (Exhibit A-6).

TMAPC Actions: 9 members present — Z-6045 and PUD #402

On MOTION of CARNES, the Planning Commission voted 6-3-0 (Carnes, Draughon, Higgins, Kempe, VanFossen, Woodard, "aye"; Connery, Paddock, Wilson, "nay"; no "abstentions"; Harris, Young, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-1 and PUD #397 be APPROVED per the Staff's conditions, but adding a condition that exterior construction materials be consistent with those of the existing residential neighborhood.

Legal Description: Z-6045 and PUD #402

A tract of land containing 5.8403 acres in the NW/4 of the NW/4 of the SW/4 of Section 22, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows, to wit:

Z-6045 and PUD #402 (continued)

Beginning at a point at the Southeast corner of said NW/4 of the NW/4 of the SW/4; thence North 89°-57'-56" West along the Southerly line of said NW/4 of the NW/4 of the SW/4 for 608.74'; thence due North along a line parallel to and 50.00' Easterly of the Westerly line of said NW/4 of the NW/4 of the SW/4 for 375.73'; thence South 89°-57'-56" East for 503.84'; thence North 00°-00'-55" East for 244.39'; thence South 89°-57'-58" East along a line parallel to and 40.00' Southerly of the Northerly line of said NW/4 of the NW/4 of the SW/4 for 105.00'; thence South 00°-00'-55" West along the Easterly line thereof for 620.12' to the POINT of BEGINNING.

OTHER BUSINESS:

PUD #128-A-11 Lot 45, Block 7, Kensington II, 1543 East 77th Street

Staff Recommendation — Minor Amendment to Allow a Lot Split and Change the Rear Yard Setback

The Staff informed that this item had been requested to be continued to the meeting of August 7, 1985.

On MOTION of VANFOSSEN, the Planning Commission voted 9-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Young, "absent") to CONTINUE PUD #128-A-11, minor amendment until Wednesday, August 7, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

There being no further business, the Chairman declared the meeting adjourned at 6:45 p.m.

Date Approved

August 7, 1985

Cheryl Kempe
Chairman

ATTEST:

ABPaddock
Secretary