

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1568
Wednesday, August 14, 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, Legal
Connery	Young	Gardner	Counsel
Draughon		Setters	
Higgins			
Kempe, Chairman			
Paddock, Secretary			
VanFossen			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 13, 1985 at 12:26 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, 1st Chairman Wilson called the meeting to order at 1:36 p.m.

MINUTES:

As there was no meeting on July 31, 1985, there were no minutes to approve.

REPORTS:

Committee Reports:

- a) A meeting was set of the **Comprehensive Plan Committee** for Wednesday, August 21, 1985 at 12:00, to discuss the 51st Street and the Memorial Study.
- b) Commission members were reminded of a **Rules and Regulation Committee** meeting set for Wednesday, August 28, 1985 at 11:45 to discuss the day care home item.
- c) As part of the **Director's Report**, Mr. Gardner advised the Commission that the budget has been approved and it does include a portion for the TMAPC which will cover education costs for seminars, etc. Discussion followed regarding the upcoming APA Conference in San Francisco the latter part of October.

ZONING PUBLIC HEARING:

First Chairman Wilson reviewed the agenda for cases requesting a continuance. Those being:

Application No. **Z-6068** Present Zoning: RM-2
Applicant: **Alexander** Proposed Zoning: OM
Location: 1300 Block of South Trenton
Date of Application: July 12, 1985
Date of Hearing: August 14, 1985
Requested Continuance Date: September 11, 1985

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Kempe, Harris, Young, "absent") to **CONTINUE Consideration of Z-6068 Alexander** until Wednesday, September 11, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Application No. **PUD-221-C** Present Zoning: RS-3
Applicant: **11th & Mingo Association** Proposed Zoning: Unchanged
Location: SE Corner of 129th East Avenue and 43rd Place South
Date of Application: July 12, 1985
Date of Hearing: August 14, 1985
Requested Continuance Date: August 28, 1985 (not timely)

Presentation to TMAPC BY: John Moody
Address: 4100 Bank of Oklahoma Tower, Tulsa, OK

Applicant's Comments:

Mr. Paddock asked to hear the Applicant's reasons for the requested continuance. Ms. Wilson and Mr. Moody asked if there were any interested parties in regard to this item. There were two interested parties present. Mr. Moody stated he requested a continuance in order to give an opportunity to meet with and better explain to the homeowners and interested parties in the area the circumstances of the zoning application and requested continuance. Mr. Moody added that he was prepared to present the case, if the Commission so desired. Mr. VanFossen then suggested asking the interested parties if they were agreeable to a continuance.

PUD-221-C continued

Interested Parties:

Mr. Bob Collier

Address: 13017 East 46th, Tulsa

Recommended that the case be heard this date, as he previously met with 35 of the homeowners and felt that the Applicant had the same chance to do so.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Kempe, Harris, Young, "absent") to **HEAR** PUD 221-C this date. (Continued in these minutes.)

Application No. **Z-6070**

Applicant: **Johnson**

Location: SE Corner of 71st and Peoria

Date of Application: July 3, 1985

Date of Hearing: August 14, 1985

Requested Continuance Date: September 4, 1985

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Kempe, Harris, Young, "absent") to **CONTINUE Consideration** of **Z-6070 Johnson** until Wednesday, September 4, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Application No. **Z-6067**

Applicant: **Blackburn**

Location: West of the SW corner of 51st & Peoria

Date of Application: July 12, 1985

Date of Hearing: August 14, 1985

Present Zoning: RM-2

Proposed Zoning: CS

Comments & Discussions:

There were no appearances by an Applicant or interested parties, although there was a letter from an interested party. The Commission first suggested continuing this case until August 21, 1985. A discussion, based on a question from Ms. Higgins, ensued as to whether the item should be heard. The point being, if an Applicant just doesn't show, does that automatically entitle the Applicant to a continuation. In light of the Applicants who do show and request a continuation, whether timely or not, it would not seem fair. Ms. Wilson asked for advice from Legal Counsel who advised for continuation.

Z-6067 Continued

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 6-2-1 (Connery, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; (Carnes, Higgins, "nay"; Draughon, "abstained"; Harris, Young, "absent") to **CONTINUE Consideration of Z-6067 Blackburn** until Wednesday, August 21, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Application No.: Z-6069 & PUD #179-K Present Zoning: OL
Applicant: **Wenrick** Proposed Zoning: CS
Location: South of East 71st & ½ mile East of Memorial
Date of Application: July 12, 1985
Date of Hearing: August 14, 1985
Size of Tract: 6.6 acres

Presentation to TMAPC by: John Moody
Address: 4100 Bank of Oklahoma Tower, Tulsa, OK

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.

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

Staff Recommendation - Z-6069

Site Analysis: The subject tract has a net area of six acres and is located on the southside of East 71st Street, one-half mile east of Memorial Drive. It is non-wooded, flat, vacant and zoned OL and a part of PUD #179-D.

Surrounding Area Analysis: The tract is abutted to the east and south by an apartment complex zoned RM-1 and RS-3, on the west by a heavily treed site which was once a horticulture nursery zoned AG, and on the north side of East 71st Street by vacant land zoned P Parking and OL Office under PUD #235.

Zoning and BOA Historical Summary: Medium Intensity zoning has been limited to the major intersections of 71st and Memorial and 71st and Mingo. The northeast corner of 71st and Memorial contains a regional mall and is not typical of the Development Guildelines. This area is designated as a Special District under the Comprehensive Plan. Other

intervening land has been zoned for Low Intensity apartments or offices between Mingo and Memorial (basically east of the tract) on both the north and south sides of East 71st Street.

Conclusion: The subject tract is one of several tracts of land which are presently vacant along East 71st Street, between Memorial and Mingo. Although the net area of this tract is only six acres, the implications of rezoning this tract to CS could reasonably be expected to impact all other vacant tracts; total area of other adjacent vacant tracts, 81 acres. This figure was arrived at using a depth of 660 feet from the section line along East 71st and the balance of the 40 acre tract at the northwest corner of Mingo and East 71st. The zoning of these tracts varies from AG to RM-1 to OL. The area of the vacant tracts plus the subject tract would support more than 1.9 million square feet of additional commercial floor area. Separate exhibits have been prepared which illustrate this matter and will be presented at the Commission meeting. This area is planned for Low Intensity Residential - No Specific Land Use and Low Intensity Residential and Office uses are the only uses which are or could be found in accordance with the Comprehensive Plan. Further, the Development Guidelines offer no basis for increasing the intensity of this area from low to medium which would be required to support CS zoning. The general area to the east has begun to develop basically along the general concepts of the Guidelines, with Medium Intensity at the intersections and Low Intensity on surrounding areas, which is also in accordance with the Comprehensive Plan. It is not appropriate, now that development has started, to isolate those already existing low intensity uses and cause them to be islands of residential development in a Medium Intensity area.

Therefore, the Staff recommends DENIAL of CS zoning on the subject tract and, accordingly, we cannot support the companion PUD 179-K.

Staff Recommendation - PUD #179-K:

The Staff is not supportive of the Applicant's request for a change in zoning from OL to CS and is, therefore, not supportive of PUD #179-K. The subject tract was converted from residential zoning to office zoning under PUD #179-D and is now proposed to be changed from office to commercial zoning under PUD 179-K. The tract has a net area of six acres with 450 feet of frontage on East 71st and a depth of 580 feet. The proposed use of the development would be for all uses permitted by right in a CS District with a maximum floor area of 93,560 square feet. The buildings are to be a maximum of two stories in height and will be in a U-shaped configuration with the rear of the structures facing the existing residential uses to the south and east. Architectural controls for the rear of the buildings are offered in the PUD Text. A minimum five foot landscaped perimeter buffer is proposed with a six foot screening fence to the south and east, and 7% of the net land area would be devoted to landscaped open space. Signage controls included in the PUD

Z-6069 & PUD #179-K Continued

Text are in general compliance with Section 1130.2(b) of the PUD Chapter of the Zoning Code. Stormwater drainage from the site is generally from the northwest to the south and east.

Therefore, the Staff is not supportive of the underlying zoning requested from OL to CS per Z-6069 and recommends DENIAL of PUD 179-K.

Applicant's Comments:

Per a request by Mr. Draughon, Mr. Moody (representing Mr. Wenrick) pointed out the drainage on the aerial maps, and continued to explain that the plans met any criteria of the new Master Water Drainage Plan and currently complies with all present drainage plans and onsite detention (unless the new Master Drainage Plan is changed during adoption). Mr. Moody submitted that any change in the Master Drainage Plan requiring detention of more than the fully urbanized increase and run-off above natural conditions, would be unconstitutional. Mr. Draughon asked Mr. Moody what he met by "unconstitutional" as it related to Federal, State and/or City. Mr. Moody replied that he meant that he did not think the City had any authority to make you provide detention for someone else's development, without compensation. Further discussion between Mr. Moody and Mr. Draughon followed, with Mr. Draughon stating that the Master Drainage Plan for this area has not been initiated and a subdivision plat processed prior to the completion of that Plan will probably be required to provide onsite detention. Mr. Moody agreed. Mr. VanFossen verified that the original PUD up for sale was 320 acres, which would really be the half-mile section from 71st, except for the Cotner tract.

Mr. Moody continued his comments for the Commission by stating his client's efforts and intentions of submitting the application for a commercial PUD on this tract, even though it would be problem for the Staff as it was not in conformance with the previously adopted Comprehensive Plan. Stating that the tract was owned by Hallmark Development, Mr. Moody gave a description of the property location, zoning areas surrounding the tract, and a general overview of the 71st Street corridor between Memorial and Mingo, especially as it relates to commercial zoning. He further expressed views that the time has come to take a look at 71st Street and recognize what it is to see if there is a basis for identifying a change in the Comprehensive Plan and the Staff's recommendations in relation to this property. Mr. Moody stated that different physical facts have occurred and the Commission has the authority to make their decision, based on these facts, and not solely on the Comprehensive Plan, which may be outdated. While Mr. Moody disagreed the Staff's logic as to CS and RM-1 properties around Woodland Hills Mall, he did agree with the Staff's conclusions that this street is something other than low intensity, and he felt that this application, in fact, reflects that.

Comments & Discussion:

Mr. Paddock asked Mr. Moody if he would argue in favor of the proposition that RM-1, in fact, is medium intensity rather than low intensity, as it is on the Matrix. Mr. Moody then stated that he never agreed with the Matrix, as it is an oversimplification of lumping of classifications, and that we don't have a true Planned Unit Development ordinance as other cities do, where they get to evaluate land use based upon true urban planning. He feels we do our planning based on development nodes, which were designed, historically, to protect the major streets and did not consider urban planning.

Mr. Draughon stated a discrepancy in the acreage size quoted in the agenda packet (6.6 acres, more or less) and the Flood Plain Determination (less than 5 acres). Mr. Moody confirmed that the size of the tract is 6.6 acres. Five acres is the approximate drainage area of the tract.

Mr. VanFossen then asked Staff if the Commission formed a 71st Street Corridor Special Study group, what kind of a time frame and/or budget would be required. Mr. Gardner stated a study is not the key, as a study has been done; the key is not to change the plan. Mr. Gardner feels Mr. Moody is concluding there is no office market, but there is PUD in the INCOG offices for 1.8 million square feet, 90% of which is office. Mr. Gardner advised the Commission that if they were willing to support Mr. Moody's plan, they had better be prepared to go to Broken Arrow on 71st Street with commercial. Mr. VanFossen then added that he was not in disagreement, but feels that 71st Street is different today than it was ten years ago when the plan was basically originated. Mr. Gardner remarked that, according to statistics, 5% of the gross land will develop retail; 6% of the gross land is already handled in the nodes. Discussion followed between Mr. Gardner and Mr. VanFossen relating to the original plan and the changes of concept of the 71st Street corridor, and if now is the time to properly analyze or re-analyze the plan to assure that it is appropriate. Mr. Gardner reminded the Commission that that had been done when the guidelines and plan had been developed, including the traffic network from the 71st Street Bridge.

Mr. Paddock then asked Mr. Gardner if he felt the approval of the Woodland Hills Mall by the Commission, led to the drafting, drawing up and adoption of the Developmental Guidelines. Mr. Gardner stated it may have been an impetus to initiate it, but it was not the deciding factor, as this was done just before the guidelines were adopted. Chairman Kempe stated that the corner where Woodland Hills Mall is located was labeled a "regional shopping center" some years ago, simply to point out the fact that it is special district. Mr. Paddock added the text and plan map that was adopted after Woodland Hills took into account what had been agreed to and what was under development and he did not feel that there

had been significant changes from the plan to justify making an exception in this case. Mr. Gardner agreed that the plan took into account what was out there and any attempts to change the plan would be on the basis that they feel a change in the plan should occur, not on the basis of what is out there, as that has always been recognized.

Mr. Moody continued with his comments and disagreements relating to the designation of this area being labeled a "special district". He reminded the Commission that the sites that are not presently approved commercial are the minority in the corridor, and that his client has people ready to use this for commercial, not office space. In reply to a question by Mr. VanFossen, Mr. Gardner stated the subject property is allocated .4 FAR for two-story office. The OL zoning, which would equate to RM-1, would mean 25½ dwelling units per acre or .4 FAR, two-story office under the PUD. Mr. Moody gave a description of the Applicant's building plans and conditions for this site.

Ms. Wilson asked Mr. Moody if, based on his dialogue, he was not suggesting a change to the Commission in the method of planning for the City of Tulsa. Mr. Moody stated that, unfortunately, he had to address CS and then the PUD. Mr. Connery reminded Mr. Moody that, in view of his complaints, the situation is not the Commission's fault, as Mr. Moody is the one asking for a change in zoning and the PUD. Mr. Moody continued with his description of the building plans.

Interested Parties:

Mr. Kevin Redwine

Address: 2400 First National Tower

Representing the owners of Woodland Hills Mall, urged that the application be denied. The primary reason for this request is the traffic situation in this area. Mr. Redwine stated that if the application should be approved, they do request that any steps required for traffic controls be taken.

Additional Comments & Discussion:

Chairman Kempe had questions for Staff to obtain clarification of the zoning around the subject property. Mr. Paddock asked for a review of the zoning on the northern frontage of 71st Street and Woodland Hills Mall. To answer an additional question by Mr. Paddock, Mr. Gardner stated that under the PUD which is, in essence, a contract, the subject property and adjoining properties are limited to low intensity development consistent with the Comprehensive Plan. What Mr. Moody is asking you to do is go back and renegotiate the contract to make it medium intensity. A PUD can be amended, but you are still dealing with the Comprehensive Plan and what is appropriate.

Z-6069 & PUD 179-K Continued

Ms. Higgins agreed that a special study or review the plan should be done on the 71st Street issue and she feels it is not now low intensity. Mr. Gardner informed the Commission that Staff had done a review recently, considering the current factors. Mr. Carnes agreed that 71st may need to have another look, but also agreed with Mr. Gardner regarding a PUD renegotiation. Chairman Kempe stated that Mr. Moody did comment he believed the plan in this area is outmoded, and it is possible that a renegotiation request is premature. Mr. Connery added that he felt the situation has been thoroughly studied and supports the staff recommendation. Ms. Wilson agreed. Mr. VanFossen added he felt this PUD had been battered around enough, and would also be voting for denial. Chairman Kempe added her support for a denial vote.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the Planning Commission voted 8-0-1 (Carnes, Connery, Draughon, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; Higgins, "abstained"; Harris, Young, "absent") to **DENY** Z-6069 and PUD #179-K.

Application No. **PUD 221-C** Present Zoning: RS-3
Applicant: **11th & Mingo Association** Proposed Zoning: Unchanged
Location: SE Corner of 129th East Avenue and 43rd Place South
Date of Application: July 12, 1985
Date of Hearing: August 14, 1985
Requested Continuance Date: August 28, 1985 (not timely)

Presentation to TMAPC BY: John Moody
Address: 4100 Bank of Oklahoma Tower, Tulsa, OK

Staff Recommendation - PUD-221-C:

The subject tract is also known as Lot 11, Block 9, Quail Ridge Addition which has a net land area of 3.2 acres. The underlying zoning of the tract is RS-3 Single-Family Residential; however, it was originally approved under the PUD for 102,000 square feet of office floor area. The underlying zoning of PUD #221 would permit a maximum of 217,800 square feet of retail commercial area which was approved as follows: 108,900 square feet of commercial floor area; 102,000 square feet of office floor area; and 6,900 square feet of commercial floor area was unallocated. Subsequent amendments to the original PUD (#221 A and B) converted the 108,900 square feet of CS commercial floor area, which was approved at the southeast corner of 41st Street and South 129th East Avenue, and the 6,900 unallocated commercial floor area to multi-family residential units, which presently exist on the site. The purpose of the PUD #221-C Major Amendment is to allow 30,000 square feet of commercial uses in Development Area "B" as would be permitted by right in a CS District,

PUD #221-C Continued

subject to restrictions proposed in the PUD Text. Although the restrictions are numerous, they don't overcome the facts that the location of the subject tract is at approximately the mid-mile point between 41st and 51st, is not in accordance with the Comprehensive Plan, and is not supported by the Development Guidelines. The PUD is a tool to be used to provide flexibility, not a tool to circumvent the Comprehensive Plan and Development Guidelines. The arrangement of land uses in the various development areas was considered as a condition of approval and the requested rearrangement is inconsistent with the original PUD.

The proposed Outline Development Plan indicates two points of access on East 43rd Place which is a residential street serving the Quail Ridge Addition. No access is proposed on South 129th East Avenue (which has changed). The physical facts of this application are that the adjacent land use is either planned or developed for single-family or duplex residential purposes. The planned low-rise office use for Area "B" is the most appropriate nonresidential land use of the subject tract and should be retained. Retail commercial services now exist in this general area at the northwest corner of East 41st Street and South 129th East Avenue which are adequate to service the Quail Ridge Addition. The vacant land which exists within the PUD to the north, or similar vacant land to the south would be open to the precedent of strip zoning along the arterial if this application were approved. Duplex development exists on the east boundary of the subject tract, and single-family development exists on the south.

Therefore, the Staff recommends DENIAL of PUD #221-C, thereby retaining the present designation of the subject tract for 102,000 square feet of office uses only as approved under PUD #221 for the following reasons:

- 1) It is inconsistent with the Comprehensive Plan.
- 2) It is not in harmony with existing and expected development of the surrounding area.
- 3) It is not a unified treatment of the development possibilities of the site.
- 4) It is inconsistent with the stated proposed standards of the PUD Chapter of the Zoning Code.

Applicant's Comments:

Mr. John Moody, representing the 11th & Mingo Association, made his presentation to the Commission, giving a description of the intended uses of the property. A revised plan was presented which indicated the 30,000 square feet of floor area would be divided as follows: 18,000 square feet for commercial, and 12,000 square feet for office.

PUD #221-C Continued

Comments & Discussion:

Mr. Carnes asked Mr. Moody how many square feet would remain for office. Mr. Moody replied 12,000 square feet would remain for office. Mr. Gardner clarified for Mr. VanFossen the allowances and restrictions of the original PUD, and the changes since the original PUD, relating to office space.

Mr. Moody continued with his description of the proposed building and conditions for property use. He informed the Commission that his client had submitted letters explaining the development to homeowners in the area.

Mr. VanFossen had a questions regarding signs/sign pylons and Mr. Moody assured him that the sign would comply with the sign zoning code, which allows one ground sign. Ms. Wilson inquired how long the Applicant has owned this land. Mr. George Nowotny, owner, of PO Box 26, Tulsa, stated he bought the land in 1980, but has since decided to sell the property.

Mr. Moody further identified the zoning and proposed uses (commercial, office, etc.) in reply to a question from Mr. Paddock. Mr. Carnes inquired if the Applicant planned to build the office space and the commercial at the same time, under one phase. Mr. Moody stated he felt that would be appropriate if the Commission desired to make it a condition of the PUD. Mr. Connery asked if the sale of the property was contingent upon the approval of the PUD. Mr. Moody confirmed that it was. Mr. Connery further stated he had difficulty accepting the defense that because the other corners were filled with apartments, which indicated to him the developers chose to forfeit CS opportunity, that there was a need to shift the CS down to the middle of the section. Mr. Moody reminded the Commission that there was no intention to change the zoning or increase the amount of commercial.

Interested Parties:

Mr. Bob Collier	Address: 13017 East 46th, Tulsa
Mr. Homy Maerefat	13023 East 46th, Tulsa

Mr. Collier advised the Commission that he was representing 35 other homeowners in the area, who have indicated that they do not wish the changes suggested in the PUD. Mr. Collier personally collected approximately 40 signatures submitted on a petition supporting denial of the PUD. (Exhibit A)

Mr. VanFossen asked Mr. Collier if he would prefer to have a project twice the size of the subject project of ordinary offices than the project as proposed. Mr. Collier replied affirmative, and stated other homeowners agreed.

PUD #221-C Continued

Mr. Maerifat was curious as to how the PUD, as proposed, would help or improve the neighborhood, as stated in the presentation.

Additional Comments & Discussion:

Mr. Moody requested, after having heard the comments of the interested parties, this case be continued. He stated that a meeting at the Marriott, or similar location, could be arranged to invite the homeowners so as to totally inform the homeowners and answer their questions. Ms. Wilson responded to Mr. Moody's request for continuance, by stating the physical facts are not going to be changing and she felt enough had been said on the matter and moved for a denial to a continuance request. Mr. Paddock expressed views similar to those stated by Ms. Wilson. Mr. VanFossen stated he would like to see the case continued to give further consideration to the proposal. Chairman Kempe asked Staff if their recommendation would be changed in any way with a reduction from 30,000 to 18,000 square feet of commercial. Mr. Gardner indicated it would not be changed. Mr. Connery stated support for Staff recommendation, but in fairness to Mr. Moody, would support his request for a continuance because the protestant led him to believe that he contacted people who were in agreement with his views. At this point, Chairman Kempe asked Mr. Collier if he attempted to contact all of the homeowners in the area. Mr. Collier replied that he had gone door-to-door and his first question had nothing to do with his personal viewpoint. He had just asked them if they received the notice and, if so, were they for or against the changes.

Mr. Connery stated his position remained the same, but if a continuance was granted, and the case was reheard, it be picked up where it was left off, and not go into all the background again. Mr. Paddock commented he believed this was the first time he has seen a Staff recommendation worded so strongly with respect to the criteria of the code, and supports their recommendation. However, he would be in favor of a continuance as suggested by Mr. Connery. Chairman Kempe asked the interested parties if they would be opposed, at this stage, to a continuance. Mr. Collier stated that if he felt the neighborhood would be willing to listen to this amendment, he might be in favor of a continuance, but the homeowners were strongly against the retail completely. The amount of office space was immaterial and, based on this, he felt a continuance would be a waste of time for all concerned. Chairman Kempe then asked for a vote on denial of the motion to continue.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the Planning Commission voted 6-3-0 (Carnes, Connery, Draughon, Kempe, Paddock, Wilson, "aye"; Higgins, Woodard, VanFossen, "nay"; no "abstentions"; Harris, Young, "absent") to again **DENY** the **Continuance** of PUD #221-C.

PUD #221-C Continued

Ms. Wilson stated she felt this was a case where a new developer coming in wanted to buy land, but did not want to follow the restrictions on the land. Ms. Wilson further added that if the intended use was something that would be appropriate in the area and deemed good planning, then she would be in favor, but she did move for denial of the major amendment based on the Staff's recommendation.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the Planning Commission voted 6-2-1 (Carnes, Connery, Draughon, Kempe, Paddock, Wilson, "aye"; Higgins, Woodard, "nay"; VanFossen, "abstaining"; Harris, Young, "absent") to **DENY** PUD #221-C.

Application No.: **Z-6071**
Applicant: **King**
Location: 13th & Denver

Present Zoning: **RM-2**
Proposed Zoning: **OM**

Date of Application: July 12, 1985
Date of Hearing: August 14, 1985
Size of Tract: .3 acres, more or less

Relationship to the Comprehensive Plan: Z-6071

The District 7 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Activity Center.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .3 acres in size and located on the southwest corner of 13th Street and Denver Avenue. It is non-wooded, flat, contains a two-story single-family dwelling and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north by the south leg of the Inner Dispersal Loop zoned RS-3, on the east by an unoccupied single-family dwelling zoned RM-2, on the south and west by apartment buildings zoned RM-2.

Zoning and BOA Historical Summary: Several rezoning cases in the area have been approved for both OL and OM.

Z-6071 Continued

Conclusion: It can be noted from the case map and case report that the area south of the Inner Dispersal Loop is in transition from medium intensity residential to medium intensity office. Denver Avenue appears to be the center of the transition area, probably due to the direct link with downtown via the bridge across the Inner Dispersal Loop; therefore, the Staff finds the requested OM zoning to be consistent with the current zoning patterns and the Comprehensive Plan, and recommends APPROVAL of OM zoning as requested.

Applicant's Comments:

Mr. Kenneth King, 10153 East 24th Place, Tulsa, informed the Commission that he has received very favorable comments from citizens in the area regarding this case.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted 8-0-1 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; Draughon, "abstaining"; Harris, Young, "absent") to **APPROVE** the OM on Z-6071.

Legal Description:

Lot One (1), LESS beginning the NE corner of said lot, THEN West 22.50', SE 14.14' S 40.05', E 10.40', N .50' to POB, Block Three (3), TTT ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application No.: Z-6072

Present Zoning: RS-3

Applicant: Hall

Proposed Zoning: CS

Location: North of the NW corner of 48th Street South and Union

Date of Application: July 12, 1985

Date of Hearing: August 14, 1985

Size of Tract: .3 acres, more or less

Relationship to the Comprehensive Plan: Z-6072

The District 9 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use.

Z-6072 Continued

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .3 acres in size and located north of the northwest corner of 48th Street and Union Avenue. It is non-wooded, flat, contains what appears to be a duplex dwelling and is zoned RS-3.

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

Zoning and BOA Historical Summary: Commercial zoning has been approved along Union Avenue from 51st Street North to approximately 250' north of 48th Street. An OL zoning buffer has been established for the CS District one lot removed and south of the subject tract.

Conclusion: Review of the case map shows the existing zoning pattern to have commercial zoning north of 48th Street, some 250' and office zoning to act as a cap or buffer for the abutting residential district. The Staff cannot support "jumping" the existing OL zoning and continuing with commercial strip zoning in violation of the Comprehensive Plan and Development Guidelines. If approved, this precedent would encourage commercial strip zoning north of Union Avenue tracts.

Based on the Comprehensive Plan and existing zoning patterns, the Staff recommends DENIAL of the requested CS zoning and APPROVAL of OL zoning.

Applicant's Comments:

Mr. Dennis Hall of 4989 South Union Avenue, Tulsa, gave a brief review of the retail zoning in the subject area, and made his request to the Commission to rezone the property commercial.

Comments & Discussion:

Mr. Hall confirmed for Ms. Wilson that he did own other property north of the subject tract. Chairman Kempe explained that the property surrounding Mr. Hall's property was zoned OL to act as a buffer for the existing residential on Union. Mr. Hall said he understood, but reiterated that this area of Tulsa was very short on commercial land for development, and stated the commercial vacancy rate was almost nil. Mr. Paddock then asked Mr. Hall if he agreed with Staff's opinion that, if his application was approved, it would set a precedent which would encourage commercial strip zoning north of Union Avenue. Mr. Hall

replied that possibly it might on a piece-by-piece basis, but that it may not be bad for Union Avenue. Chairman Kempe asked Mr. Hall what kind of commercial he was proposing for his particular site. Mr. Hall stated it was presently improved with a single-family residence with an attached garage apartment and a detached apartment in the rear. Mr. Hall had no plan for the property other than to sell it, but has had difficulty with a sale or rental of the property.

Mr. Connery asked Mr. Hall how he felt about Staff recommending OL instead of CS, as requested. Mr. Hall, again, stated his desires for commercial zoning, and that OL would be unsatisfactory. Mr. Connery then commented that since the Applicant has not requested OL zoning and the Staff has recommended denial of CS, that the Commission support the Staff recommendation. Chairman Kempe asked Mr. Gardner to explain this occurrence. Mr. Gardner stated that, in this particular instance, Staff is suggesting that light office would be appropriate. The record should be clear that, if commercial was denied, that the Commission might be supportive of office, but the Applicant is not, as the court might interpret that to mean it should be single-family residential.

Interested Parties:

Mr. Gerald Snow

Address: 800 North Lynn Lane, Tulsa

Mr. Snow informed the Commission of the property he owns in the area and the success he has had leasing his commercial/retail space.

Additional Comments & Discussion:

Mr. Connery inquired, in view of the stated need for commercial zoning on the west side, would Union Avenue be the best location for projected commercial growth? Mr. Gardner replied that Union Avenue is unique in that some of the properties that have remained residential are actually zoned commercial (some properties appear to be in probate) and may develop at a future date. Chairman Kempe stated that two problems she had with this situation was the fact that the request jumps an established OL buffer, and that the Applicant did not intend to develop the property himself, as it was for sale. Mr. Hall stated it is for sale as it is developed. Mr. Carnes asked Mr. Hall if the residence directly south of his property was presently occupied. Mr. Hall advised the property was zoned OL and was being used as a real estate office. Mr. Paddock suggested following the Staff recommendation, but only to the point that denies the requested rezoning, and add that alternative OL zoning is not being recommended because it is not desired by the Applicant. After further consultation with Mr. Gardner, a final motion by Mr. Paddock, was made to recommend denial of CS zoning and approval of OL zoning.

Z-6072 Continued

TMAPC ACTION: 8 members present

On MOTION of PADDOCK, the Planning Commission voted 7-0-1 (Connery, Draughon, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; Carnes, "abstaining"; Harris, VanFossen, Young, "absent") to DENY CS zoning and APPROVE OL zoning on Z-6072, as recommended by Staff.

Legal Description:

The North 86' of the South 146' of Lot Four (4) of Block One (1), GREENFIELD ACRES SUBDIVISION, now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, According to the Recorded Plat thereof.

OTHER BUSINESS:

PUD #187-12

7323 East 65th Street
Lot 6, Block 11 Shadow Mountain

Staff Recommendation - Minor Amendment to Setback

The requested minor amendment is for the purpose of permitting an existing swimming pool which, according to the Applicant, has been in place several years. The amendment requests that the setback from the centerline of South 74th East Avenue be amended from 50' to 38'. Abutting property owners have been notified of this request. The subject tract is a corner lot with 25' building lines on both streets. The shape of the lot does indicate that the building site is somewhat unique, especially when it is considered that a 12.5' utility easement exists on one side. The relationship of the house on the subject tract to the house on the north is also side to side. Recognizing that the condition is existing and the uniqueness of the tract, grounds can be found to vary the normal requirements, based on the change being relatively minor.

Therefore, Staff recommends APPROVAL of PUD 187-12 to revise the setback from the centerline of South 74th East Avenue from 50' to 38'.

Comments & Discussion:

Mr. Frank informed that the City records indicated that there had been no permit issued. However, Ms. Phyllis Zimmerman, 423 South Boulder, representing the Applicant produced a copy of a permit, issued by the City, that did allow the pool to be built in its present position. Comments by Staff and Applicant show the permit was not dated. Mr. Paddock indicated he was in favor of the Staff's recommendation, but was against approving after the fact, as it is clear a mistake had been made by a City agency. Discussion followed among Commission members, and it was decided to direct this situation to the staff at Building Permits for their review.

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, VanFossen, Young, "absent") to **APPROVE** the PUD #187-12 Minor Amendment, but directed the additional information on the building permit be investigated.

PUD #398-1 SE corner of 48th Place and Fulton
Minor Amendment to the Setback
and

PUD #398 Detail Site Plan Review & Deed of Declaration

Staff Recommendation - Minor Amendment to the Setback

The subject tract has a net area of .8 acres and is located at the southeast corner of South Fulton and East 48th Place. The permitted uses of the proposed office building is medical/dental, although the PUD was approved for Use Unit 11 — Offices and Studios, except drive-in bank facilities.

The Applicants are requesting that the building setback from the east boundary be amended from 90 feet to 85 feet. The 10 foot landscape buffer is being preserved and the proposed parking lot design provides adequate aisle widths for backing and turning movements. Staff considers this request minor and recommends **APPROVAL** of changing the setback from 90 feet to 85 feet.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, VanFossen, Young, "absent") to **APPROVE** PUD #398-1, Minor Amendment to the rear setback from 90 feet to 85 feet, as recommended by Staff.

Staff Recommendation - Detail Site Plan

The proposed building is a U-shaped design with a courtyard in the rear. Only one point of access is proposed on Fulton as provided in the PUD, and parking will be located along the screened south boundary and in a screened area to the east/rear of the proposed building. A screening fence will be provided along the parking lot on the south side of East 48th Place with a 10 foot landscape buffer which will extend along the

PUD 398-1 & PUD 398 Continued

north side of the building. The proposed number of parking spaces exceeds the PUD requirements. The applicant has submitted the elevation drawings as required by the PUD. The exterior of the building will be brick with a residential style gable roof.

Therefore, Staff has reviewed the Detail Site Plan and recommends **APPROVAL**, subject to approval of PUD 398-1, and subject to the following conditions:

- (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):	1.058 acres	46,086 sq. ft.
(Net):	0.826 acres	36,000 sq. ft.

Permitted Uses: Use Unit 11, Offices and Studios, except drive-in bank facilities.

	<u>Approval/PUD</u>	<u>Submitted</u>
Maximum Floor Area:	10,000 sq. ft.	9,250 sq. ft.
Maximum Floor Area Ratio:	.22	.20
Minimum Building Setbacks:		
From Centerline of E. 48th Pl.	35 ft.	35 ft.
From Centerline of S. Fulton	50 ft.	50 ft.
From South Boundary	10 ft.	50 ft.
From East Boundary	85 ft.*	85 ft.*
Maximum Building Height:	1-story	1-story
Minimum Off-Street Parking:	40 spaces or 1 space per each 250 sq. ft. of floor area	Exceeds
Minimum Landscaped Open Space:	15%**	Exceeds**
Signage:	As required in 1130.2.(b) of the Zoning Code	-

*Amended from 90' subject to approval of PUD 398-1 as recommended by Staff.

**A 10-foot landscape buffer and screening fence shall be required along the south, north, and east boundaries. The landscape buffer on the north shall be placed along the north side of the 6-foot solid screening fence which shall be required along the north parking lot perimeter. This buffer shall also be extended along the north face of the building.

PUD 398-1 & PUD 398 Continued

- (3) That parking lot and exterior lighting shall be directed downward and away from adjacent residential areas.
- (4) That all trash and utility areas shall be screened from public view.
- (5) That a Detail Landscape Plan and Sign Plan shall be submitted to and approved by the TMAPC and installed prior to granting of an Occupancy Permit.
- (6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code (unless waived) have been satisfied and approved by the TMAPC and filed of record with the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Staff Recommendation - Deed of Declaration

The subject Declarations have been filed and reviewed by Staff. Staff recommends **APPROVAL** subject to punctuation being added in the paragraph addressing the need for a 10-foot landscape buffer on the south, east, and north boundary.

Comments & Discussion:

Mr. Draughon inquired as to why the request was being made. Mr. Frank stated it was for purposes of recording the PUD conditions. Mr. Draughon also inquired as to the waiver of plat. Mr. Frank advised that a plat would not be required as the developer and Applicant are submitting Deeds of Declaration.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, VanFossen, Young, "absent") to **APPROVE** PUD #398 Detail Site Plan Review and Deed of Declaration.

Before adjourning, Chairman Kempe reminded the Commission members of the upcoming APA Zoning Institute Conference in San Francisco, and advised those who have not attended such a function to think about going.

There being no further business, the Chairman declared the meeting adjourned at 4:55 p.m.

Date Approved August 28, 1985
Cherry Kempe
Chairman

ATTEST:

AB Paddock
Secretary

