

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1598
Wednesday, April 2, 1986, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Young	Gardner	Linker, Legal Counsel
Doherty, 2nd Vice- Chairman		Jones	
Draughon		Setters	
Kempe		Brierre	
Paddock, Secretary		Wilmoth	
Parmele, Chairman			
Selph			
VanFossen			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 1st, 1986 at 10:11 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:31 p.m.

MINUTES:

Approval of Minutes of March 19, 1986, Meeting #1596:

On **MOTION** of **CARNES**, the Planning Commission voted **5-0-3** (Carnes, Paddock, Parmele, VanFossen, Woodard, "aye"; no "nays"; Draughon, Kempe, Wilson, "abstaining"; (Doherty, Selph, Young, "absent") to **APPROVE** the **Minutes of March 19, 1986, Meeting No. 1596.**

REPORTS:

Director's Report:

PUBLIC HEARING TO CONSIDER A PROPOSED AMENDMENT TO TITLE 42, CITY OF TULSA ZONING CODE AND COUNTY OF TULSA ZONING CODE, AS RELATES TO OFFICE USE BEING PERMITTED BY SPECIAL EXCEPTION IN RESIDENTIAL MULTI-FAMILY DISTRICTS, EXCEPT RM-0 AND RM-T DISTRICTS.

Comments & Discussion:

Mr. Gardner explained this was a housekeeping item to clear an oversight to Table 1, Section 410 of the Ordinance, amending the Ordinance to restrict Offices and Studios to RM-1, RM-2 and RM-3 Districts only in the City Code, and to RM-1 and RM-2 in the County Code. Mr. Paddock advised the Rules and Regulations Committee recommended approval of the proposal.

TMAPC ACTION: 10 members present:

On **MOTION** of **PADDOCK**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Young, "absent") to **APPROVE** the Amendment to Title 42, City of Tulsa Zoning Code and County of Tulsa Zoning Code, as relates to office use being permitted by special exception in Residential Multi-Family Districts, except RM-0 and RM-T Districts.

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REVIEW AND ENDORSEMENT OF THE FINAL RECOMMENDATIONS, IN CODE FORM, BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION ON PROPOSED AMENDMENTS TO TITLE 42, CITY OF TULSA ZONING CODE AND COUNTY OF TULSA ZONING CODE AS RELATED TO REGULATION OF **SPECIAL HOUSING** USES AS PERMITTED BY RIGHT AND SPECIAL EXCEPTION IN RESIDENTIAL, OFFICE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS.

Comments & Discussion:

Mr. Brierre reviewed the revisions and changes, by page, based on the recommendations made at the March 5, 1986 TMAPC meeting. As suggested by Mr. Paddock and discussed by Staff and TMAPC, it was decided to use singular phrasing throughout the Code. Mr. Paddock inquired as to any possible violations to the Code by placing persons under house arrest in halfway houses. Mr. Brierre stated the Department of Corrections has a halfway house program, and if these

PUBLIC HEARING: Special Housing - Cont'd

halfway houses include alcohol or drug treatment, it would be a transitional living center, which is only allowed in a residential district by exception. Mr. Brierre further stated the term "halfway house" was eliminated from the Zoning Code, as the previous definition only included drug and alcohol treatment centers, and correctional halfway houses would be looked at as to how they fit within the adopted definitions.

Mr. Paddock made a motion for adoption and endorsement of the proposed Code format as reviewed, with the housekeeping and standardization changes, and that these be transmitted at an early date to the City Commission for their review. Ms. Wilson suggested including notification that the Planning Commission approves the proposed zoning code amendment and encourages the City and County Commissions to adopt the proposed amendments, as is, and make no major changes. Mr. Paddock stated agreement, and in an effort to avoid what happened with the day care homes issue, the feelings of the TMAPC should be directed to the City/County Commission, either through a motion or comment to the motion. Chairman Parmele asked Staff if this could be handled with a cover letter. Mr. Brierre stated a cover letter could be attached to the minutes indicating that the changes made represent a comprehensive and systematic effort to modify the special housing portions of the Zoning Code, and that care should be exercised in any adjustments to that. The letter could also convey that it represents an overall package that resulted from deliberations of the TMAPC over a number of months.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Draughton, "nay"; no "abstentions"; Young, "absent") to **ENDORSE** the final recommendations on the proposed amendments to Title 42, City of Tulsa Zoning Code and County of Tulsa Zoning Code, as relates to regulation of Special Housing Uses as permitted by right and special exception in residential, office, commercial and industrial zoning. The TMAPC also directed early transmittal of these minutes to the City Commission and County Commission.

TMAPC ACTION: 10 members present

On **MOTION** of **WILSON**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughton, "abstaining"; Young, "absent") to **DIRECT** Staff to prepare a cover letter to the transmittal of these minutes indicating the TMAPC has strong feelings regarding the entire package of the Zoning Code proposal for Special Housing and care should be taken to make no major amendments, without referring this back to the TMAPC for review.

Mr. Doherty asked Staff to notify the TMAPC members of the date of the City Commission hearing on this item, once scheduled.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Woodland Valley (PUD 397) 61st & South 91st East Avenue (RM-1, RD-, RS-3)
Victory Christian Center West side South Lewis, 7700 BIK South (AG)
Hunters Hills (PUD 358) East 121st & South Canton Avenue (RS-1)

On **MOTION** of **WILSON**, the Planning Commission voted **8-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Selph, Young, "absent") to **CONTINUE** Consideration of **Woodland Valley, Victory Christian Center** and **Hunters Hills** until Wednesday, **April 16, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

FINAL PLAT APPROVAL & RELEASE:

Riverside Chevrolet NE/c West 51st & South Indian Avenue (IL, P)
Spruce Pointe (PUD 409) 75th & South Birmingham Avenue (RS-2)

On **MOTION** of **KEMPE**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Young, "absent") to **APPROVE** the **Final Plat and Release for Riverside Chevrolet and Spruce Pointe**, as recommended by Staff.

EXTENSION OF APPROVAL:

Cariari (PUD 373) South of the SE/c East 51st & South Lewis Avenue
Sunwest Highlands SW/c 61st & South Union
Church of the Holy Cross-Episcopal S of SE/c 96th St N & 129th E Ave

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Selph, Young, "absent") to **APPROVE** the **Extension of Plat Approval for Cariari, Sunwest Highlands and Church of the Holy Cross-Episcopal**, as recommended by Staff.

REQUEST FOR WAIVER:

BOA 13931 (Unplatted (3403)) 1313 North Canton Avenue (RS-3, 1L)

This is a request to satisfy Section 260 of the Zoning Code requiring a plat or replat on certain Board of Adjustment cases. The proposal is for a City/County Library facility in Maxwell Park, adjacent to existing facilities, including the park and community center. Since this is already a park and owned by a public agency, Staff sees no reason to require a plat. Therefore, it is recommended that the request be approved as having met the requirement of the Code.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Selph, Young, "absent") to **APPROVE** the **Waiver Request for BOA 13931 (Unplatted)**, as recommended by Staff.

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BOA 13978 (Unplatted) 3600 Blk, South 103rd East Avenue (AG)

This application covers a tract of ground known as "The Bishop Tract", which is owned by the City of Tulsa and contains a stormwater detention pond and drainage channels. The Board of Adjustment has approved recreational use, and as a Use Unit 5, it falls within the plat requirements of Section 260. As the property is owned by the City, any requirements that a plat might contain could be met through the permit processes of the various agencies and departments. Staff recommends **APPROVAL**, noting that the provisions of Section 260 can be met through the permit processes.

On **MOTION** of **DOHERTY**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Selph, Young, "absent") to **APPROVE** the **Waiver Request for BOA 13978 (Unplatted)**, as recommended by Staff.

CHANGE OF ACCESS:

Patrick Henry Village 4815 South Harvard Avenue (CS)

The purpose of this request is to delete 2-1/2 access points and replace same with two access points where they are actually located and in use.

Patrick Henry Village - Cont'd

On **MOTION** of **WILSON**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Selph, Young, "absent") to **APPROVE** the **Change of Access for Patrick Henry Village**, as recommended by Staff.

LOT SPLITS:

LOT SPLITS FOR WAIVER:

L-16632 Lavery (2993)

4617 South Columbia Place

(RS-1)

On **MOTION** of **KEMPE**, the Planning Commission voted **8-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Selph, Young, "absent") to **CONTINUE Consideration of L-16632 Lavery** until Wednesday, **April 16, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

LOT SPLITS FOR RATIFICATION:

L-16635 (3591) Morris/Douglas
L-16638 (2993) Holcombe

L-16636 (3214) Burns

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Selph, Young, "absent") to **APPROVE** the **Ratification of the Above Listed Lot Splits**, as recommended by Staff.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **Z-6103 & PUD 413** Present Zoning: RM-1, RS-3
Applicant: **Johnsen (Isaacs)** Proposed Zoning: CS, OL, RM-1
Location: NE/c of 25th West Avenue & Keystone Expressway
Size of Tract: 6 acres, more or less

Date of Hearing: April 2, 1986
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Relationship to the Comprehensive Plan: Z-6103 (Related Item PUD 413)

The District 10 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested **RM-1 District** is a **may be found** in accordance with the Plan Map; the **alternate OL District** is **not** in accordance with the Plan Map; and the requested **CS District** is **not** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 10.6 (gross) acres in size and is located at the northeast corner of Gilcrease Museum Road and the Keystone Freeway. It is partially wooded, steeply sloping on the east and contains one large residential type structure (the former Tulsa Children's Home), two small residential buildings, and is zoned RM-0 and RS-3.

Surrounding Area Analysis: The tract is abutted on the west across the Gilcrease Museum Road and on the north and east by an established single-family residential neighborhood zoned RS-3, and on the south by the Keystone Freeway, also zoned RS-3.

Zoning and BOA Historical Summary: The zoning pattern of the abutting areas is low intensity residential RS-3.

Conclusion: The Comprehensive Plan for the subject tract is for Low Intensity - Residential Uses. The requested CS zoning is not in accordance with the Comprehensive Plan. Although this intersection is not designated under the Plan for Medium Intensity Uses, it would appear to qualify as a medium intensity node under the Development Guidelines (being the intersection of an freeway and secondary arterial), except for the fact that the area is developed primarily as single-family residential. The character of the existing adjacent areas is that of an established and stable residential neighborhood, predominantly detached single-family residential.

The topographic character of the subject tract and natural features, which make up approximately one-third of the eastern portion of this tract, make it deserving of special treatment if redeveloped. Staff also does not consider OL zoning on this tract to be appropriate, as it is not in accordance with the Comprehensive Plan. Further, if commercial uses are permitted on the tract, they should be developed only in accordance with the strictest development standards under a PUD, and then only as accessory commercial uses confined to principal buildings, or located on the interior of the tract buffered by office uses permitted as exceptions in an RM-1 District and buffered on all sides (except the freeway) by office and residential type uses.

Therefore, Staff recommends DENIAL of the application as submitted for RM-1/OL and CS.

NOTE: Staff previously supported RM-1 (Z-5016) on a portion of the subject tract (the west 500' of the South 400'); however, the RM-1 area requested under the present application is the west 580' of the south 579.91', with a portion of the overall RM-1 rectangle to be zoned CS.

STAFF RECOMMENDATION: PUD 413 (Related Item Z-6103)

The subject tract has a gross area of 10.6 acres and is located at the northeast corner of Gilcrease Museum Road and the Keystone Freeway. The proposed PUD is for a mixed use development, including commercial, office, residential and conference/convention facilities and related accessory uses. Staff is not supportive of the underlying zoning (Z-6103) and is, therefore, not supportive of PUD 413. It is noted that the District 10 Plan has been amended to provide for redevelopment of the Tulsa Children's Home, with buffering for adjacent residential uses under the PUD process.

The proposed PUD is divided into five developments areas (see attached map): **Area 1** - freestanding restaurant abutting Gilcrease Museum Road; **Area 2** - conference center, being the former Tulsa Children's Home and a health club; **Area 3** - shopping area having frontage on Gilcrease Museum Road; **Area 4** - office area at the southeast corner of West Easton and Gilcrease Museum Road; and **Area 5** - retirement residence (elderly or conventional multi-family with 110 dwelling units maximum) permitted to be developed with or without kitchen facilities and 60' tall on the south side of West Easton.

The Staff is not supportive of the freestanding restaurant site, which is proposed for Area 1 and is also indicated to be the first phase of the proposed development. It is Staff's recommendation that, if the TMAPC supports Z-6103, PUD 413 should be redesigned to eliminate any freestanding commercial uses in Area 1, and change this area to office uses only. Further, it should be required that all permitted office areas be built as the needed buffers on the west and north of the site prior to any commercial development being permitted. Staff does not find the interior location of the shopping in Area 3 to be objectionable, if

buffered by offices, nor would Staff object to construction of Areas 2 and 5 as early phases of the project. However, Staff is concerned that the proposed 60' height (five stories) in Area 5 might be considered excessive. It should also be noted that, to eliminate a requirement for kitchen facilities in the dwelling units would relegate the building to a motel-type facility, which would be deserving of very different treatment for zoning considerations than would be given a conventional apartment or elderly residential complex. Congregate housing for the elderly includes the option for the tenant to prepare meals in the dwelling unit and congregate dining facilities in the building.

The text of PUD 413 proposes very restrictive sign requirements which will adequately address questions of compatibility with abutting residential uses. It also requires that Detail Site Plan submissions include the Detail Landscape Plan at the time of submission, which is commendable. This language could be expanded to require maintenance of said landscape materials and also should be conditioned upon minimum landscape planting strips along Easton.

Staff would also consider it appropriate to carefully screen permitted uses, as requested in the underlying zoning district during a PUD redesign, if supported by the TMAPC, to eliminate such objectional uses as bars, taverns, dance halls, etc. from Area 3.

Therefore, Staff recommends DENIAL of PUD 413 as submitted and redesign to address those concerns noted above, if the TMAPC is supportive of the underlying zoning per Z-6103. Staff cannot support PUD 413, as we are not supportive of the requested underlying zoning and not supportive of a freestanding restaurant at the southwest corner across from single-family homes.

Applicant's Comments:

Mr. Johnsen, representing Mr. Jerry Isaacs, presented brochures showing the comprehensive study done on this application, and reviewed the location as to the unique features of the tract. Mr. Johnsen pointed out the requested zoning could be found in accordance with the concept and objectives of the District 10 Plan, except the CS portion, which is addressed in the PUD. Mr. Johnsen also pointed out that, over the three years since purchasing this tract, Mr. Isaacs has kept in contact with the neighborhood as to potential development, stressing the existing physical features are to be preserved.

As to the amendment filed with Staff, Mr. Johnsen advised this came about as a result of negotiations with the surrounding property owners and identifies the area proposed for retirement housing, and will be limited to this type housing, with the provision for congregate kitchen facilities. The amendment also restricts the permitted uses in the CS portion. Mr. Johnsen reviewed the Illustrative Site Plan as to the details of the development areas.

Mr. Johnsen submitted petitions of support from various neighbors, property owners, the Chairman and Vice-Chairman of the Citizen Planning Team for District 10, and the West O'Main Improvement Association. The consensus of these petitions stated the need for this type of development, particularly a quality restaurant.

Ms. Wilson inquired as to the number of people the conference center would be able to accommodate for overnight stay. Mr. Johnsen replied that, due to the extensive remodeling anticipated for the existing facility, it could not be determined at this time. Mr. Doherty asked, in reference to the retirement center, how the applicant could insure it would, in fact, be restricted to a retirement center. Mr. Johnsen commented a key element is the common facilities, as well as the age limitation and parking restrictions. In response to Mr. Doherty, Mr. Johnsen stated the Detail Site Plan, requiring TMAPC approval, will address the issues of building heights, retail area, dumpster areas, tennis court lighting, etc.

Ms. Kempe asked Staff, in light of their recommendation for denial, as to the absolute minimum that could support this type of PUD, or if it could be something less than requested. Mr. Gardner stated, if the Comprehensive Plan was disregarded and you just looked at the proposed PUD, the basic problem Staff had was the restaurant on the southwest corner. If this were an office building, then the single-family houses on the west side of 25th West Avenue and Gilcrease Museum Road would be buffered from any commercial by offices and commercial would be restricted to the interior. Commissioner Selph expressed concerns as to the access on West Easton as it is an extremely narrow street. Mr. Johnsen stated this was a collector street, and retirement centers are not usually heavy traffic generators, as compared to typical apartments, and the main access is on Gilcrease Museum road.

In regard to the proposed restaurant, Ms. Wilson inquired as to the type of quality - a fast food or sit-down restaurant. Mr. Johnsen stated the applicant had a sit-down type restaurant in mind, such as Shoney's, and the allowed 6,000 square feet in order to get a good quality restaurant, with a 3,200 square foot minimum to discourage fast food service. Mr. Paddock asked if it was absolutely essential the restaurant be placed as shown on the Illustrative Plan. Mr. Johnsen remarked he felt that it was, as the project was difficult to develop and the studies done indicate this location to be the best placement for the restaurant. Mr. Paddock then inquired as to a visual buffer between the restaurant and the homes across the street, if the restaurant is approved at that location. Mr. Johnsen commented that, unfortunately, the structure on the northwest corner rises and the site of the proposed restaurant is in a low area. The applicant is providing a minimum landscape perimeter of 25 foot width along Gilcrease and limited the signs so that no wall or canopy signs will be facing west, and any ground signs will have to be east of the building. Mr. Johnsen reviewed the detention facilities on the site for Mr. Paddock. Discussion followed as to the lack of quality restaurants in this part of Tulsa.

Interested Parties:

Mr. J.L. Sullivan	Address: 2526 West Cameron
Mr. Curtis Proud	1935 North Nogales
Mr. Leroy Everett	310 South 43rd West Avenue

Mr. Sullivan, stated he was not condemning nor condoning the project, but was curious as to who was going to build the restaurant, when and how it was going to be built. Mr. Sullivan also mentioned concerns as to traffic.

Mr. Johnsen replied the restaurant site would be sold to the restaurant owner, and Mr. Isaacs would like to develop the shopping area himself. Due to the economy, Mr. Johnsen stated he was not sure how soon development will start, but the applicant is wanting to proceed as soon as possible with the restaurant. In response to Ms. Wilson, Mr. Johnsen stated the applicant has not determined the materials for the exterior of the buildings, but they are prohibiting any metal buildings.

Mr. Proud advised he was speaking on behalf of his mother who lives at 2319 West Easton. Mr. Proud stated the neighborhood met with Mr. Isaacs and an agreement was reached as to private covenants which will assure this tract be maintained as a quality development. Mr. Proud stated one area of consensus was the need for the restaurant, and the homeowners do want to be involved in the review of the Site Plan. A letter of support was submitted and Mr. Proud advised this letter was conditioned on the restrictive covenant agreement.

Ms. Wilson asked how many homeowners were involved in the agreement on the private covenants. Mr. Johnsen stated there were 30 tracts across Easton and Gilcrease, and the owners of these tracts are the benefited parties of the covenant agreement. Ms. Wilson questioned any significant difference as to the items of the agreement that are not addressed in the PUD. Mr. Johnsen stated one area covered in the covenants was that, should there be a dispute, the prevailing party would be able to recover an attorney fee, and a general maintenance standard stating the development would be maintained in a quality commensurate with first class facilities of a similar nature in northwest Tulsa.

Mr. Johnsen stated agreement to Ms. Wilson's suggestion that the minutes reflect that Mr. Proud be notified for the Detail Site Plan review. Mr. Paddock asked Mr. Proud what kind of a restaurant the property owners would like to see at this location. Mr. Proud remarked a Shoney's restaurant was favored by a considerable number of the residents, but a sit-down type restaurant was the definite preference over any fast food franchise.

Mr. Everett, District 10 Chairman, advised he has discussed this project with Mr. Isaacs and reviewed their conversation as to traffic and the undesirable effect a fast food restaurant would have on the neighborhood.

In response to a comment by Mr. Everett, Mr. Linker advised that use can only be limited as directed in the Zoning Code and the Planning Commission could not direct use of a conference/convention center as to the type of meetings held at the facility. Mr. Everett agreed with the others in support of the positive effect this development would have on the area.

Additional Comments & Discussion:

Mr. Doherty asked Legal if the TMAPC could place a condition restricting fast food facilities. Mr. Linker advised this has been done and could be done to limit out fast food restaurants. Mr. Johnsen stated this would not be objectionable to the applicant. In response to Mr. VanFossen, Mr. Johnsen verified the names on the letter of support as to location and stated that, more importantly, that there were not any of the neighbors objecting.

After reviewing the restrictive covenants, Mr. VanFossen stated there were items listed that he felt would be appropriate as conditions of the PUD. Mr. Johnsen stated agreement. In regard to the retirement center, Mr. Paddock asked if there was a particular reason to have it so high (five stories). Mr. Johnsen explained that studies indicate retirement residents prefer to go up rather than horizontal, so as to shorten walking distances and have use of an elevator. Mr. Johnsen added the height of the trees on the north side of the tract will help screen the building.

Mr. Carnes stated it appears the neighborhood is wanting a nice restaurant and is not objecting to the project. Therefore, with a restriction that no drive-thru or fast food facility be allowed, Mr. Carnes made a motion for approval of the zoning, contingent upon the approval of the PUD. Discussion followed as to consideration of the zoning application and the PUD, and whether they should be considered jointly or separately. Mr. Linker advised the Commission should decide if the zoning could stand on its own, without the PUD, and if it cannot, then the two items ought to be discussed at the same time. Mr. Linker agreed with Chairman Parmele that a motion cannot be conditioned upon something else happening. Mr. Johnsen stated that, during the last few years, the policy was changed to where an applicant voluntarily submits the PUD and postures his zoning on the approach that they are tied together.

Mr. Carnes, therefore, withdrew his previous motion and moved for approval of Z-6103 and PUD 413, with the restriction that the restaurant not be a drive-thru or fast food facility. Discussion followed as to the inclusion of items B, C, D and E of the restrictive covenants as part of the motion. As prompted by Mr. VanFossen, discussion followed in regard to sign standards. In reply to Ms. Wilson and Mr. Doherty, Mr. Gardner reviewed the landscaping requirements, and recommended the northern boundary have substantial landscaping and/or berming to screen the parking lots and access drives. Ms. Wilson stated the maintenance of the landscaping should also be required in the PUD. Mr. Carnes amended his motion to include this suggestion.

Commissioner Selph stated he was pleased to see a development of this quality in this neighborhood, although he still had concerns as to traffic on West Easton. Commissioner Selph also commended the homeowners and developers in their efforts to work together.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Young, "absent") to **APPROVE Z-6103 Johnsen (Isaacs) for CS, OL, RM-1 and APPROVE PUD 413**, subject to the terms of the PUD Text, as amended by the applicant, and subject to the following conditions:

- 1) No drive-thru or fast food restaurants be permitted in Area 1 (limited to a sit-down type restaurant).
- 2) Signs shall not extend higher than the height of the building.
- 3) Landscaping and/or berming shall extend the entire length of the northern boundary to screen the parking lots and access drives.
- 4) The landscaping materials required under the approved Plan shall be maintained and replaced as needed.
- * 5) Exterior walls of any building shall be masonry or wood. Metal exterior walls are expressly prohibited.
- * 6) All trash receptacles shall be screened from ground level view from Gilcrease Museum Road and West Easton.
- * 7) All roof-mounted heating and air conditioning equipment shall be screened from ground level view from Gilcrease Museum Road and West Easton.
- * 8) All exterior lighting shall be designed with shielded fixture to direct the light away from any abutting or nearby residential lots.

* These conditions are as listed in the Restrictive Covenants.

NOTE: Staff was directed to notify all interested parties speaking at this hearing when the Detail Site Plan, Landscape Plan, etc. are to be reviewed.

Legal Description:

All of Block 3, NEW IRVING PLACE ADDITION, to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof, and all of Blocks 1 and 2 of Lots 2 through 17, both inclusive, of Block 3, NEW IRVING PLACE SECOND ADDITION to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof, together with all vacated streets, places and ways abutting any and all of the above described real property, LESS AND EXCEPT those certain right-of-ways and other property rights over, across, in and to a portion of the above described real property acquired by the Board of County Commissioners of Tulsa County, Oklahoma, in connection with the securing of right-of-way for the Keystone Expressway as evidenced by the proceedings in Case No. C69-706 in the District Court of Tulsa County, State of Oklahoma, styled Board of County Commissioners of Tulsa County, Oklahoma, Plaintiff, v. The Children's Home and Welfare Association, a corporation, et al., Defendants, the Journal Entry of Judgement therein describing the property condemned and taken having been entered the 17th day of July 1970.

OTHER BUSINESS:

Z-4948-SP-1-A: South of the SE/c 81st Street & Union Avenue

Staff Recommendation - Minor Amendment and Partial Release of Covenant

The subject tract is 14.94 acres in size and is located 1,320 feet south of the southeast corner of 81st Street and Union Avenue. It presently contains a large single-family dwelling unit and a 6,000 square foot metal building which contains office and storage space for an x-ray company. The CO zoning was placed on the subject tract to accommodate the existing nonresidential use. Site Plan Review was approved by the TMAPC on August 21, 1985 to include the existing uses and structures as well as a proposed 6,300 square foot building.

The applicant is now proposing to split the east approximately 4.7 acres as well as the south 110.79 feet as shown on the submitted plot plan from the existing tract and release it from the confines of Z-4948-SP-1. The request would require a lot split on the subject tract, approved by the TMAPC on March 19th, and a minor amendment to the Corridor Site Plan and also a modification of the Declaration of Covenants that would release the newly formed tract. The original Site Plan designated the uses in the new tract as "grass area" and did not establish any development standards, as such.

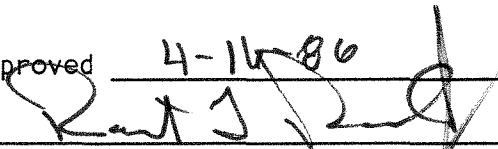
Staff can support the requested Minor Amendment subject to the new Site Plan submitted by the applicant and subject to the Partial Release of Covenants and filing them of record with TMAPC approval. Staff would also subject their approval with the condition that no building in the designated Tract 1 be closer than 30 feet to the east property line and also, the previous approval allowing a proposed 6,300 square foot metal building be removed. (For the record, if the applicant proposes the new structure, he can file a minor amendment showing additional information, i.e. plot plan, elevations, parking, etc., for consideration.)

Therefore, Staff recommends APPROVAL of Z4948-SP-1-A subject to the following conditions:

- 1) TMAPC approval of the necessary lot split as requested.
- 2) Subject to the submitted plot plan including a 30 foot building setback from the east boundary on Tract 1.
- 3) That all conditions of approval related to a proposed, but not yet constructed, 6300 square foot building, uses, and related parking areas be eliminated.
- 4) Subject to approval of amended Deeds of Declaration and Covenants affirming the conditions of approval of this minor amendment.

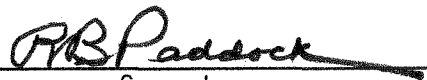
On MOTION of DOHERTY, the Planning Commission voted 9-0-1 (Carnes, Doherty, Draughon, Kempe, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Young, "absent") to APPROVE Z-4948-SP-1-A, subject to the conditions as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:51 p.m.

Date Approved 4-16-86


Chairman

ATTEST:



Secretary

