

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1601  
Wednesday, April 23, 1986, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Doherty, 2nd Vice-Chairman	Carnes	Frank	Linker, Legal Counsel
Draughon	Kempe	Gardner	
Paddock, Secretary	VanFossen	Setters	
Parmelee, Chairman	Young		
Selph			
Wilson, 1st Vice-Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 22, 1986 at 11:02 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

**Approval of Minutes of April 9, 1986, Meeting #1599:**

On **MOTION** of **WOODARD**, the Planning Commission voted **4-0-3** (Doherty, Parmelee, Selph, Woodard, "aye"; no "nays"; Draughon, Paddock, Wilson, "abstaining"; Carnes, Kempe, VanFossen, Young, "absent") to **APPROVE** the **Minutes of April 9, 1986, Meeting #1599**.

**REPORTS:**

**Approval of Report of Receipts and Deposits (March 31, 1986):**

On **MOTION** of **WILSON**, the Planning Commission voted **6-0-1** (Doherty, Draughon, Parmelee, Selph, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Carnes, Kempe, VanFossen, Young, "absent") to **APPROVE** the **Report of Receipts and Deposits for the month ended March 31, 1986**.

Chairman's Report:

Chairman Parmele advised there would be no meeting on Wednesday, April 30, 1986. In regard to Ms. Wilson's previous request for information on planning seminars, Chairman Parmele stated there was a conference coming up in June in Colorado Springs. Chairman Parmele suggested a change to the agenda format to place "Other Business" items before any Public Hearing items, and asked for input from the Commissioners. Commissioner Selph commented that some of the items considered to be quick, routine matters sometimes end up taking a long time, and the people in attendance to appear before the Commission have keep waiting. Anything that could be done to expedite matters would be appreciated. Mr. Paddock stated agreement with Commissioner Selph. Chairman Parmele suggested Staff review the agenda format to see if it might be restructured in a manner that might speed up the flow of business.

Committee Reports:

Ms. Wilson, on behalf of Mr. VanFossen, advised the **Comprehensive Plan Committee** met April 16th to review the Arkansas River Task Force Amendments to the District 6, 7, 9 and 10 Plans. The Committee voted on changes and/or additions to the recommended amendments.

Mr. Paddock advised the **Rules & Regulations Committee** needs to set a meeting to discuss adopting standardized rules for time limitations on speakers, and various other items. Mr. Paddock suggested meeting May 7, 1986 at noon; the agenda will be set and posted. Ms. Wilson affirmed discussion would also involve suggestions as to ways of expediting the TMAPC meeting in a more timely manner.

Director's Report:

Mr. Jerry Lasker updated the Planning Commission in regard to the Creek Expressway. Mr. Lasker stated the Long-Range Transportation Plan will be presented to the INCOG Board for review and endorsement at their May 8, 1986 meeting. Chairman Parmele suggested the Comprehensive Plan Committee meet after the Board meeting to review their recommendation before the Planning Commission proceeds with any action.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD 412 & Z-6101 Present Zoning: AG  
Applicant: **Moody (Highland Park)** Proposed Zoning: CS, RM-1, RS-3  
Location: SE/c of Memorial & 81st Street  
Size of Tract: 60 acres, approximate

Date of Hearing: April 23, 1986 (Originally heard March 12, 1986)  
Continuance requested to May 7, 1986  
Presentation to TMAPC: Mr. John Moody, 4100 BOK Tower (588-2651)

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **CONTINUE Consideration of PUD 412 Moody (Highland Park)** until Wednesday, **May 21, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

East Admiral Industrial Park N/side of East Admiral Place @ 189th E. Ave

Taco Bueno #11 SW/c of 61st Street & South Garnett Road

On **MOTION** of **WILSON**, the Planning Commission voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **APPROVE** the **Final Plat and Release for East Admiral Industrial Park and Taco Bueno #11**, as recommended by Staff.

OTHER BUSINESS:

PUD 268-3: Lot 14, Block 11, Woodland Glen Fourth Addition,  
being 9260 South 92nd East Avenue

Staff Recommendation: Minor Amendment

The subject tract has been developed for a detached single-family home per the attached survey. Variances are being requested as follows: livability space from 4,000 square feet to 3,628 square feet; and a rear yard variance from 20 feet to 12 feet. The survey indicates that all

other setback requirements have been met during construction and that there are no utility easement encroachments. The underlying zoning for this portion of the PUD is RS-3. Livability space and setback requirements are assumed to be RS-3 in the absence of statements to the contrary in the approved PUD.

Staff considers the request for the rear yard variance to be minor. Staff is also supportive of the reduction in livability space from 4,000 square feet to 3,628 square feet (-9.3%); however, TMAPC approval should be subject to an overall average of not less than 4,000 square feet of livability space per dwelling unit in the RS-3 portion of PUD 268.

Therefore, Staff recommends **APPROVAL** of the variance on Lot 14, Block 11, Woodland Glen Fourth Addition as follows:

- 1) Rear yard variance from 20 feet to 12 feet.
- 2) Variance in livability space from 4,000 square feet to 3,628 square feet, subject to an overall average of not less than 4,000 square feet of livability space per dwelling unit in the RS-3 portion of PUD 268.

**Note:** Notice of this request has been given to abutting property owners.

On **MOTION** of **SELPH**, the Planning Commission voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **APPROVE** the **Minor Amendment to PUD 268-3**, as recommended by Staff.

\* \* \* \* \*

**PUD 345-1:** SW/c of East 31st Street South & South New Haven Avenue  
Lot 3 and part of Lot 4, Albert Pike Addition

**Staff Recommendation: Minor Amendment for Screening**

The subject tract is 3.636 (gross) acres in size and is located at the southwest corner of East 31st Street South and South New Haven Avenue. It was approved for a total of 46,860 square feet of floor area and the uses permitted in the OL district. A condition of both the original PUD and Detail Site Plan, approved by the TMAPC on January 16, 1986, was for a 3 - 4 foot high berm with landscaping along the east boundary and a six foot high brick fence the complete length of the south boundary. A screening requirement for the west boundary would be enforced only if the use of that lot was residential. According to the applicant, the use of the abutting property to the west is for a dental office.

The applicant is now requesting a minor amendment to substitute a thick planting of evergreens for the berm along New Haven. Also, the applicant has requested to waive the screening requirement along the west property line.

After review of the applicant's submitted site plan, Staff finds the request to be minor in nature. However, Staff does not believe the berm will be impractical and that it would serve a necessary function to provide separation of the parking lot from the uses to the east. As the facility is laid out with parking on the approximate east half of the subject tract, appropriate measures must be taken to buffer the use from the abutting uses. Therefore, Staff recommends **DENIAL** of the minor amendment to waive the berming requirement. Staff would recommend **APPROVAL** of the request to waive the screening requirement along the west property line since it was never a condition of approval based on the use of the abutting property to the west being nonresidential.

**NOTE:** A possible compromise with the applicant might be to require the berming only along the New Haven frontage south of the parking lot driveway. Notice of this request has been given to property owners abutting New Haven on the east.

Applicant's Comments:

Mr. Wayne Bland, President of the Tulsa Teacher's Credit Union, 3720 East 31st Street stated he was pleased with the Staff's recommendation on the screening fence on the west side. He stated that the impracticality of the berm rests on the fact that there is approximately three feet difference between the street and the parking lot. Therefore, if a berm, measuring 3 - 4 feet was built it would be a very steep from the street side and be difficult to maintain. Mr. Bland suggested a planting of thick pine trees in place of the berming.

Mr. Frank commented the Commission might adopt the position of waiving the berming, subject to the submission of a satisfactory Detail Landscape Plan addressing the screening issue. Ms. Wilson asked the applicant if he would be agreeable to submitting a Landscape Plan, and Mr. Bland was agreeable. In reply to Mr. Doherty, Mr. Bland stated the original plot drawing was done before any construction on the site was started. Mr. Draughon affirmed that Staff had checked this site. Mr. Frank stated that Staff did not assess the difference in elevation, as presented by Mr. Bland, therefore, Staff is agreeable to the waiving of the berm with the submission of a Detail Landscape Plan.

Ms. Kathryn McKnight of Howell McKnight Associates, 6 East 5th Street, reviewed the situation at the site should the berm not be waived and suggested a remedy might be acquired by the planting of 11 pine trees and six redbuds, which is in excess of the minimum requirements for screening a parking lot. Mr. Doherty inquired as to how the spaces between the pines and redbuds would be closed. Ms. McKnight replied that, eventually, the pines would be larger, but will be 4 - 5 feet in width and 5 - 6' in height when planted.

Comments & Discussion:

Mr. Frank reviewed the physical facts of the area for the Commission. Mr. Paddock stated that, unless the Detail Landscape Plan has been reviewed by Staff, it might be better to continue this application. Mr. Frank remarked that the submission by the applicant was their Landscape Plan. In reply to Ms. Wilson, Mr. Frank stated he did not think the Plan would provide a great deal of screening east of South New Haven.

Mr. Draughon suggested some other type of screening, such as wooden fencing or brick, as erosion seems to be a problem with berming. Mr. Frank stated the applicant and his architect might consider this as an alternative, and suggested continuing this until May 7th to allow time to review these alternatives.

On **MOTION** of **DRAUGHON**, the Planning Commission voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **CONTINUE Consideration of PUD 345-1 Minor Amendment for Screening** until Wednesday, **May 7, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

PUD 364-1: North of the NE/c of South Mingo Road & East 101st Street South

Staff Recommendation: Minor Amendment to Allow a Lot Split

The subject tract was approved by the TMAPC for a mixed use residential, office and commercial development of approximately 115 acres. The purpose of this request is to authorize a lot split of a .4 acre tract to facilitate redesign of an entry from Mingo and to transfer unused dwelling units from the single-family development area to multi-family development areas "A" and "B".

The redesign of the entrance was made necessary by the location of a 48" water line along Mingo--this will cause the entry to shift to the north. The transfer of dwelling units was provided for in the approved PUD Second Amended Text which was dated June 3, 1984. The Text set forth a limitation that the density of the area to which the transfer is being made shall not be increased by more than 20%. The requested transfer is a 16% increase to multi-family Areas "A" and "B".

Review of this request indicates that it is minor in nature; therefore, Staff recommends **APPROVAL** of PUD 364-1 Minor Amendment as follows:

PUD 364-1 - Cont'd

- 1) That the requested lot split be authorized to allow .4 acres to be utilized for a redesigned entry way.
- 2) That all conditions of the Second Amendment Text, dated June 13, 1984 remain in full force and effect except as follows:

Development Area Size:	<u>PUD 364</u>	<u>PUD 364-1</u>
Open Area "C"	1.60 acres	1.50 acres
Office Area "B"	4.30 acres	4.00 acres
Open Area "B"	1.80 acres	1.70 acres
Single-family Area	<u>53.25 acres</u>	<u>53.65 acres</u>
Total	60.95 acres*	60.85 acres*

Density Transfer:

16%

	<u>PUD 364</u>	<u>Transfer</u>	<u>PUD 364-1</u>
Single-family Area	319		163
Multi-family Area "A"	294	47	341
Multi-family Area "B"	<u>206</u>	33	<u>239</u>
	819		743

\* Total area is not equal due to rounding of decimals.

On **MOTION** of **WILSON**, the Planning Commission voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **APPROVE** the **Minor Amendment to Allow a Lot Split for PUD 364-1**, as recommended by Staff.

\* \* \* \* \*

PUD 199-7: 2904 South 121st East Place

Staff Recommendation: Minor Amendment to 5' Side Yard Requirement

April 9, 1986

The subject tract is located at the corner of South 121st East Place and East 29th Street South and has an underlying zoning of RS-3. The lot is small and irregular in shape and is part of a developing single-family subdivision and has already received a minor amendment from the TMAPC to allow a 14.0' front setback requirement (PUD 199-6, December 19, 1984). The applicant is requesting a minor amendment to permit an existing encroachment of rock fascia into the minimum 5' side yard requirement to 4.6' for the north yard and 4.7' for the south yard. Staff would note that the encroachment into the north yard is over a 5' utility easement.

Upon review of the applicant's submitted plat of survey, Staff finds the request to be minor in nature and in compliance with the approved Planned Unit Development. Therefore, Staff recommends **APPROVAL** of the minor

amendment, subject to the applicant's Plat of Survey and subject to the applicant vacating that portion of the utility easement to which the structure is encroaching.

**Note:** This item was approved by the TMAPC per the Staff recommendation on April 9, 1986.

April 23, 1986

The applicant has resubmitted a "Stemwall Survey" on the subject property which shows that the principal structure does not encroach on the 5' utility easement on the north. According to conversations with the City Engineers' Office, it is not uncommon for brick facia, such as is the present case, to extend into an easement (similar to chimneys, eaves, etc.).

Therefore, Staff recommends **APPROVAL** of PUD 199-7 per the "Stemwall Survey" received April 15, 1986 and rescinding the condition of approval from April 9, 1986 by the TMAPC that .4' of the utility easement be vacated.

No fee was taken for this application and notice was not given a second time.

Comments & Discussion:

Mr. Paddock asked Mr. Linker if he agreed this was not an encroachment. Mr. Linker stated he did not agree, as building a wall into the easement area is most certainly an encroachment. Mr. Gardner advised of a conversation with the City Engineer where they stated the City, in this particular instance, would not want to vacate a portion of the easement for this kind of a situation. Mr. Gardner continued by stating that this is similar to a risk the buyer has when the City has to do work involving a chimney, eave, etc. that might encroach. In this case the structure sets off the easement, only the brick facade is in the encroachment.

Mr. Linker stated he has handled several cases of this nature for the City Attorney's office and they take care of it by means of vacating the easement or they do not solve the problem. Mr. Draughton suggested continuing this item, as the applicant was not present, and there seems to be confusion as to the type of brick facia, rock, etc.

Mr. Roy Johnsen, 324 Main Mall, advised the applicant was in his office on a related matter, and on behalf of the applicant, asked the Commission, rather than deny this case, to continue it to allow time to discuss this issue with the applicant and seek a solution. Mr. Paddock asked Mr. Johnsen if he agreed that vacating that portion of the easement might be the only answer. Mr. Johnsen stated it appeared there might be three solutions: one would be to vacate the easement, a second would be a

license agreement, and thirdly, Mr. Johnsen stated an argument could be made as to who has subservient and dominant rights. Mr. Linker stated he agreed there could be a license agreement, but he did not agree with Mr. Johnsen's third solution.

On **MOTION** of **SELPH**, the Planning Commission voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **CONTINUE Consideration of PUD 199-7** until Wednesday, **May 7, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

**PUBLIC HEARING:**

TO AMEND DISTRICT PLANS FOR DISTRICTS 6, 7, 9 AND 10 TO REFLECT THE ARKANSAS RIVER CORRIDOR AMENDMENTS.

Comments & Discussion:

Ms. Dane Matthews advised the word "intensities" would be added to the appropriate paragraphs in the final draft. Ms. Matthews reviewed the goals of the Arkansas River Task Force and the major points of the amendments to the District Plans.

As a member of the Arkansas River Task Force, Mr. Paddock offered compliments to the Staff for the efforts on this matter. Ms. Wilson stated the Comprehensive Plan Committee recommended approval of the amendments, with the modification as to land use intensities.

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **AMEND the District Plans for Districts 6, 7, 9 and 10 to Reflect the Arkansas River Corridor Amendments.**

ZONING PUBLIC HEARING:

PUD 274-1: North of the NE/c of East 61st Street and South Lewis  
One Summit Plaza

Staff Recommendation: Minor Amendment for Signs

April 16, 1986

The subject tract is Development Area B of PUD 274 and is the site of a multi-story office building. The PUD permits one ground sign at each entrance (two total) to be 8' tall and to each have a display area not exceeding 192 square feet. All materials submitted with the Detail Site Plan have shown that the maximum signage would be utilized by the two monument type signs; however, the applicant advises that overall sign area would not exceed 384 square feet.

The applicant is requesting that two additional signs be approved (both signs 2' X 5' on legs of undetermined height) and that the maximum display area not be increased from 384 square feet. Review of this request indicates that these signs are for the purposes of advertising the location of individual tenants, as would a wall or canopy sign. Staff is not supportive of such a request since all tenants could request similar treatment. Staff would, however, be supportive of a central directory type sign for the tenants located in a central place on the tract. The area of such a sign should be deducted from the 384 square feet authorized under the PUD and one additional sign would be required.

Therefore, Staff recommends that the TMAPC **continue** this application to allow design and review of a central directory sign, in addition to the two ground signs, to be accomplished within the 384 square foot display area maximum, or **DENIAL** of the application as submitted.

Note: One of the requested signs is already installed. The proposed sign location is at the front/southwest and northwest corners of the building.

April 23, 1986

The Staff met with the applicant both prior to and after the April 16, 1986 TMAPC meeting. Staff recommendation is unchanged from April 16th. PUD 274 approved two ground signs and the applicant is requesting two additional ground signs. Staff recommends **DENIAL** of the two additional ground signs, but would be supportive of one additional ground sign only if it were a "central directory sign" located in the rear of the building and the applicant understood that no additional signage would be authorized on the subject tract.

If the applicant wanted to construct one of the authorized ground signs 6' tall X 14' wide and include some tenant information on it, that could be done without a minor amendment, but with Detail Sign Plan approval by the TMAPC.

Applicant's Comments:

Mr. Bob Stewart, 3151 East 34th, stated he had misunderstood the Staff recommendation at his presentation on April 16th. He requested approval of the two additional ground signs to meet the needs of the owner. In reply to Mr. Parmele, Mr. Stewart advised the top of the signs would be between three and four feet off the ground at each corner of the building, and would be identifying the tenants on the ground floor, who are quasi-retail businesses.

Comments & Discussion:

Mr. Doherty stated he understood Staff's concern, but the applicant was requesting small signs which met the four foot height restriction, therefore, he made a motion for approval of the applicant's request. The motion died without a second.

Mr. Frank stated the applicant is authorized under the PUD, one wall sign of 64 square feet, which could be composed of several smaller signs. Mr. Paddock moved approval of Staff recommendation denying the two additional ground signs, but allowing one additional ground sign, only if it were a central directory sign. Chairman Parmele commented, in regard to the central directory sign, that this is a quality office building with entrances on the north and south, and he did not understand how a central directory sign located at the rear, middle of the building would serve a purpose in direction. Therefore, he would be voting against the motion.

On **MOTION** of **PADDOCK**, the Planning Commission voted **5-2-0** (Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; Parmele, Selph, "nay"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **APPROVE** the **Staff Recommendation for PUD 274-1, allowing one additional central directory ground sign.**

\* \* \* \* \*

Application No.: **Z-5950 & PUD 368** Present Zoning: OL  
Applicant: **Hackett (Union Properties)** Proposed Zoning: Multiple  
Location: NW/c East 61st Street & South 99th East Avenue  
Size of Tract: 1 acre, more or less

Date of Hearing: April 23, 1986  
Presentation to TMAPC by: Mr. Mike Hackett, 5200 South Yale (496-9258)

Staff Note: The TMAPC initially heard Z-5950 case and continued action to allow the applicant to file PUD 368. The request at that time was to rezone the subject tract from OL to IL and seek approval for various uses specifically stated in the PUD Text (see enclosed minutes of July 25, 1984). The TMAPC denied the zoning application and PUD 368 (9:0:0). Upon appeal to the City

Commission, these cases were also denied. The Staff was supportive of the original applications based the Comprehensive Plan and a redesign of the PUD. The City's decision was appealed to the District Court where the Court determined office zoning was not appropriate and referred these cases back to the TMAPC and City for further consideration which was to include commercial uses.

Relationship to the Comprehensive Plan: Z-5950

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District--Industrial Development Encouraged.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the various requests of the applicant (OL/IL, OL/CH, OL/CG, OL/CS, CS, CG and CH) are classified as may be found in accordance with the Plan Map based on the Special District designation.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 1 acre in size and located on the northwest corner of East 61st Street and South 99th East Avenue. It is nonwooded, flat, vacant and zoned OL.

**Surrounding Area Analysis:** The tract is abutted on the north and east by single-family dwellings zoned RS-3, on the south by a church and vacant lot zoned RS-3, and on the west by a childrens' day care center zoned RS-3.

**Zoning and BOA Historical Summary:** Recent TMAPC action has allowed IL zoning on several tracts located in the immediate area.

**Conclusion:** Based on the Comprehensive Plan, existing zoning patterns in this area and recognizing trends in redevelopment of surrounding areas, Staff previously and presently continues to support IL zoning on this tract and believes IL uses to be more appropriate in this area, based on the Comprehensive Plan, physical facts and existing development and recent redevelopment, than would be commercial and retail uses. To introduce commercial zoning into this area would be the first step in stripping out of East 61st Street between Mingo and Garnett for commercial development.

Staff discussions with the applicant and neighborhood have indicated support for various nonretail uses as stipulated in the Staff analysis of PUD 368, a companion item to Z-5950. Staff also recognizes the need for appropriate safeguards which must be given to adjacent properties which will remain residential for the interim and the need for the transition from residential to be as smooth as possible. Based on these facts, it would be appropriate to consider IL on the subject tract with OL buffers on the west, north and east to reduce the intensity and control building setbacks and heights where the new development will abut existing single-family development.

Therefore, Staff recommends **APPROVAL** of IL zoning on the subject tract except for the east and west 50' and north 90' as measured from the centerline of East 61st Street and South 99th East Avenue which shall remain OL and **DENIAL** of OL/CH, OL/CG, OL/CS, CS, CG and CH as requested.

The applicant has also requested, in conjunction with this application, that the \$375.00 filing fee be waived by the TMAPC. Staff considers this a reasonable request as this case was remanded for rehearing by the District Court.

Staff Recommendation: PUD 368

The subject tract is presently zoned OL and various zonings have been requested under the amended version of Z-5950 dated April 23, 1986. Staff is supportive of only an OL/IL combination that will yield the requested floor area, provide adequate setbacks from adjacent and abutting residential districts, and provide for a more orderly transition of this general area from residential to light industrial uses. One building of 9300 square feet is proposed which is a .21 Floor Area Ratio. The proposed building will be setback from the north boundary 55' and from the centerline of South 99th East Avenue 50 feet. Access to the proposed development would be from one curb cut on East 61st Street and one on South 99th East Avenue. Staff would recommend that the South 99th East Avenue curb cut be setback from East 61st as recommended by the Technical Advisory Committee. This would require parking in front of the building to face south rather than north as proposed. The plot plan (see attached copy) indicates an 8' tall screening fence will be placed on the west, north, and east boundary with a landscaped and bermed area to be installed along the east boundary which fronts residential dwellings. The PUD Text does not specify a minimum landscaped area -- Staff recommends this be established at a minimum of 15% of the gross area requiring some landscaping on the subject lots, and not just on the public right-of-way.

The Staff has reviewed PUD 368 and finds that it is: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site and, (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends **APPROVAL** of PUD 368 as follows:

- 1) That the applicant's revised Outline Development Plan and Text be made a condition of approval, unless modified herein.
- 2) **Development Standards:**

Land Area (Gross):	44,518 sf	1.022 acres
(Net):	30,348 sf	.697 acres

	<u>Requested</u>	<u>Recommended</u>
Permitted Uses:	Use Units 11,12, 13, 14, &15, excluding convenience store, liquor store, ice plant, plastic materials, disinfecting, exterminating company, carpentry/cabinet shop; additional specific uses allowed - post office and health club.	Same, except eating establishments only permitted from Use Unit 12
Maximum Building Height:	1-story and 16'0" to the top of the highest roof beam for a flat roof, and 35'0" to the peak of the gable for a hip roof (where a residential character building might be proposed). For a flat roof building, architectural or ornamental features may be 25'0" tall provided that the bulk of the roof plane does not exceed 16'0" tall*	Same*
Maximum Building Floor Area:	9,300 sf	Same
Minimum Off-Street Parking:	1 space/225 sf gross floor area of office or retail and 1 space/5,000 sf of warehouse and storage	Same
Minimum Building Setbacks:		
from Centerline of E. 61st	100'	100'
from Centerline of S. 99th	50'	50'
from West Boundary	10'	10'
from North Boundary	55'	55'
Minimum Landscaped Open Space:	Not Specified	15% of gross area**

\* As measured from the mean ground elevation.

\*\* Landscaped open space shall include internal and external landscaped open areas, parking lots islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation. Landscaped open space and areas shall be required on the net portion of this tract and the minimum requirement shall not be met solely on the public right-of-way.

- 3) That all trash, utility and equipment areas including any roof mounted equipment, shall be screened from public view. An 8' screening fence shall be provided along the west, north, and east boundary in accordance with the Outline Development Plan.
- 4) That all exterior lighting shall be directed downward and away from adjacent residential areas.
- 5) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code. No signs shall be permitted on the north and east building facades.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit. Berming and other landscaping standards shall be in accordance with the Outline Development Plan and Development Standards.
- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee. Access from South 99th East Avenue shall be permitted only as specified in the TAC minutes dated 4/10/86 which require parking to face East 61st rather than north into the building.
- 8) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit. The Detail Site Plan submission shall include elevations of each building facade which shall specify finish and materials.
- 9) 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.

Comments & Discussion:

Chairman Parmele asked Alan Jackere about the Court decision on this matter. Mr. Jackere stated that, essentially, the Court agreed with the TMAPC and City in the first hearings with respect to the applicant's request. The Court stated that, based on the evidence, the present zoning OL was not appropriate. Mr. Jackere stated it was up to the TMAPC to determine some other zoning.

Applicant's Comments:

Mr. Hackett stated he concurred with the Staff recommendation, except he would prefer a 6' height limit, not 8' on the fencing. Staff confirmed that 6' is the appropriate limitation. Mr. Hackett then reviewed the history of the subject tract. In reply to Mr. Draughon, Mr. Hackett advised this application has been reviewed by Stormwater Management and the Technical Advisory Committee (TAC) as to drainage and retention walls.

Interested Parties:

Address:

Ms. Patricia Kelley	5928 South 99th East Avenue
Ms. Mary Barnes	5932 South 99th East Avenue
Ms. Karen Hicks	5945 South 99th East Avenue

All of the Interested Parties requested that the zoning change be limited to CS or an OL/CS combination. Concern was also voiced over the amount of additional traffic and noise pollution in the area. A petition in protest was submitted along with photos of the homes in the Guy Cook addition. The Interested Parties also submitted an exhibit requesting certain uses not be permitted, in addition to those uses excluded by Staff.

Applicant's Rebuttal:

Mr. Hackett stated this was the first time he was aware of the support for CS or OL/CS from the homeowners, but added that the applicant needs the uses in Use Unit 15. Mr. Hackett commented that in looking at the amount of IL in the areas around the subject tract, he felt IL would be appropriate for this location as it is in compliance with the Comprehensive Plan. He commented on the difficulty of this application as the Courts stated OL was not appropriate, the homeowners are requesting an OL/CS combination and Staff advises they can only support OL/IL. Mr. Hackett stated the applicant could probably adapt to OL/CS or CS as along as they get Use Unit 15 and certain special exception uses. Mr. Hackett, in reply to Ms. Wilson, reviewed the uses not permitted as requested by the homeowners, and advised that they are in agreement with those uses listed under Use Unit 12 and 14, but disagreed with those uses listed under Use Unit 15 as those were businesses usually found in a trade center. He also stated objection to excluding certain additional businesses listed by the protestants.

Additional Comments and Discussion:

Mr. Paddock stated that he could not see this location as an IL district as it would encroach into the neighborhood, but the Commission must honor the dictates of the Court, and asked Staff to comment on the best solution, under these circumstances. Mr. Gardner advised the Staff recognized the small subdivision being isolated and surrounded by IL, and stated this area will continue to be under the pressure for redevelopment due to the location of the expressway and industrial growth. Staff's thinking, in dealing with the circumstances, was to try to get quality use along 61st that would help stabilize the interior of the neighborhood. Mr. Gardner pointed out how, if CS is approved for this location, it might encourage strip commercial development along East 61st. Furthermore, how do you force someone to file a PUD, should they get CS. Staff looked at commercial uses that would be trade-type uses and included them in the recommended "Permitted Uses".

Mr. Paddock asked Mr. Gardner to comment on the benefits of IL zoning as to protection for the neighborhoods. Mr. Gardner stated that, under IL zoning, a 75' building setback is required unless there is a PUD or BOA application. There is only a 10' setback under CS. Mr. Gardner reminded that bars, nightclubs, etc. are not permitted under IL, but are permitted by right in CS.

Mr. Draughon inquired, if the zoning were approved for IL and the additional conditions requested by the Interested Parties were a part of the approval motion, and should the property sell, would a future owner be restricted to these conditions. Mr. Linker stated that a future or new owner would be subject to the conditions, but he understood the Court determined that a PUD with IL was inappropriate. Mr. Jackere clarified that the PUD, as previously presented, was found inappropriate. Mr. Gardner reviewed the changes made in this PUD from the previous PUD application. Mr. Gardner reminded that in this case, there will be restrictive covenants and the uses will be limited, and a future owner will be bound to these restrictions.

Ms. Wilson, agreeing with Staff recommendation, made a motion for approval of the IL/OL zoning, as outlined by Staff. Mr. Paddock stated he could only vote for this motion if it was tied in with the PUD. Ms. Wilson amended her motion to include the waiver of the \$375 filing fee and approval of the PUD to exclude the following uses: USE UNIT 12 - cafeteria, bar, dance hall, motion picture theater, nightclub and tavern; USE UNIT 14 - fur storage, furriers and pawn shop; and USE UNIT 15 - bait shop, bottled gas company, fuel oil company, lumber yard, model home sales, portable storage building sales, armored car service, kennel, packing & crating of household and other similar goods, and schools (barber, beauty and trade). Ms. Wilson also included in her motion the revision of the fence height to 6'. In reply to Mr. Paddock, Ms. Wilson confirmed that she was not including the "additional objectional businesses requested by the neighborhood", as listed on the exhibit submitted by the homeowners.

On **MOTION** of **WILSON**, the Planning Commission voted **6-1-0** (Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; Paddock, "nay"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **APPROVE Z-5950 Hackett (Union Properties)** for IL zoning, except for the east and west 50' and north 90', as measured from the centerline of East 61st Street and South 99th East Avenue, which shall remain OL, and **WAIVE** the \$375 filing fee; **APPROVE PUD 368**, subject to the following modifications:

- 1) Amend condition #3 of the PUD to restrict the fence height to 6'.
- 2) Exclusion of these additional uses:
  - USE UNIT 12 - cafeteria, bar, dance hall, motion picture theater, nightclub and tavern;
  - USE UNIT 14 - fur storage, furriers and pawn shop;
  - USE UNIT 15 - bait shop, bottled gas company, fuel oil company, lumber yard, model home sales, portable storage building sales, armored car service, kennel, packing & crating of household and other similar goods, and schools (barber, beauty and trade).

**Legal Description:**

**Z-5950:** 1L, except for 0L on the east 50', the north 90', and the west 50' (as measured from the centerline of the abutting streets) of Lot 6 and 7, Block 1, GUY COOK SUBDIVISION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

**PUD 368:** Lot 6 and 7, Block 1, GUY COOK SUBDIVISION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Application No.: **CZ-147** Present Zoning: AG  
Applicant: **Hardgraves (Metcalf)** Proposed Zoning: CG  
Location: SE/c West 51st Street & South 65th West Avenue  
Size of Tract: 10 acres, more or less

Date of Hearing: April 23, 1986  
Presentation to TMAPC by: Mr. George Hooper, 5310 East 31st (664-0800)

**Relationship to the Comprehensive Plan:**

The District 9 Plan, 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 CG District is not in accordance with the Plan Map.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately 10 acres in size and located at the southeast corner of west 51st Street South and South 65th West Avenue. It is nonwooded, gently sloping, vacant and is zoned AG.

**CZ-147 Hardgraves (Metcalf) - Cont'd**

**Surrounding Area Analysis:** The tract is abutted on the north by both vacant property and scattered single-family dwellings zoned RS, on the east by vacant property zoned AG, on the south by vacant property with an accessory building zoned AG and on the west by scattered single-family dwellings zoned RS.

**Zoning and BOA Historical Summary:** Staff and TMAPC concurred in denial of 5 acres commercial zoning at the northwest corner of the intersection.

**Conclusion:** Although the subject tract would qualify for a Type I Node (5 acres), the requested CG zoning is not in accordance with the Comprehensive Plan or Development Guidelines which state "It is intended that in the application of this concept an evaluation of existing conditions, including land uses, existing zoning and site characteristics, shall be considered." Given the above facts and previous zoning case, Staff cannot support commercial zoning on the subject tract.

Therefore, Staff recommends **DENIAL** of CG or CS zoning.

Applicant's Comments:

Mr. Hooper, representing the applicant, stated the request for rezoning was being made due to the increase in traffic count to this area, as it is a main access from the City of Sand Springs to I-44.

In reply to Ms. Wilson, Mr. Hooper stated the applicant, who was not present, had the technical information, and he was not prepared to answer in-depth questions. Mr. Paddock advised Mr. Hooper there were major hurdles as the application was not in accordance with Comprehensive Plan or the Development Guidelines. Therefore, Mr. Hooper requested the case be continued to allow time to obtain information from the applicant for a proper presentation.

Chairman Parmele commented the request was not timely and there were protestants in the audience; however, the Commission should vote on the continuance request.

On **MOTION** of **DOHERTY**, the Planning Commission voted **6-1-0** (Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Carnes, Kempe, VanFossen, Young, "absent") to **DENY** the request for continuance for CZ-147 Hardgraves (Metcalf).

Interested Parties:

Address:

Mr. Chuck Sittler  
Mr. Fred Grant

7272 West 51st Street  
6620 West 51st Street

Mr. Sittler advised he had recently built his home in this area and commented on the danger of this busy intersection and was concerned that additional traffic would only increase the danger. Mr. Sittler requested that no commercial be allowed in this residential and school area.

**CZ-147 Hardgraves (Metcalf) - Cont'd**

Mr. Grant also stated concerns as to the dangerous intersection and increase in traffic. He, too, felt the area should remain residential and requested that no commercial be granted.

Mr. Doherty commented to the Interested Parties that this is a developing corridor and a main access; therefore, it appeared likely that some commercial development is eminent.

Applicant's Rebuttal:

Mr. Hooper stated the only suggestion he could offer would be to amend the application from ten acres and resubmit for five acres or withdraw the application. However, not having the authority to do either without his client's permission, Mr. Hooper stated he would have to go with whatever determination was made by the TMAPC.

Additional Comments and Discussion:

Mr. Doherty asked which of the Guidelines were not being met. Mr. Gardner stated the number of acres is excessive, as the Guidelines only consider five acres for commercial at this type of node. Mr. Doherty then asked Mr. Gardner if he foresaw any change to the Secondary Arterial designation. Mr. Gardner stated this designation could accommodate 25,000 vehicles a day, which is a great deal higher than the present traffic. Commissioner Selph stated the four-laning of this street will be determined by the availability of funds, and he commented that his office has received several calls on the danger at this intersection. Mr. Doherty stated he felt the Plan does not take into account development at this location.

On **MOTION** of **WOODARD**, the Planning Commission voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Wilson, Young, "absent") to **DENY CZ-147 Hardgraves (Metcalf)**, as recommended by Staff.

\* \* \* \* \*

Application No.: **Z-6108**  
Applicant: **Woodstock**  
Location: **SW/c 29th West Avenue & Edison Avenue**  
Size of Tract: **.2 acres**

Present Zoning: **RS-3**  
Proposed Zoning: **CS**

Date of Hearing: **April 23, 1986**  
Presentation to TMAPC by: **Chuck Woodstock, 1518 South Cheyenne (583-1511)**

Relationship to the Comprehensive Plan:

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

**Z-6108 Woodstock - Cont'd**

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 .2 acre in size and located west of the southwest corner of Edison Avenue and 29th West Avenue. It is partially wooded, steeply sloping, contains a single-family dwelling and two detached accessory buildings and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by Central High School in Osage County (Tulsa City limits) zoned AG, on the east by a restaurant with detached accessory building zoned CS, on the south and west by single-family dwellings on developed lots zoned RS-3.

**Zoning and BOA Historical Summary:** Commercial zoning has been on the maps since 1957 for the lots abutting the subject tract to the east.

**Conclusion:** The subject tract is unique in that it has frontage on both an arterial street and residential street, as well as abutting commercial zoning. The request, if approved, would lead to a continued stripping of Edison Avenue. Staff cannot support the request based on the Comprehensive Plan and the possibility of residential property fronting the proposed commercial. The topography of the subject tract also provides a natural buffer between it and commercial property to the east.

Therefore, Staff recommends **DENIAL** of Z-6108 as requested.

Applicant's Comments:

Mr. Chuck Woodstock submitted photos of the area and gave a brief background of the subject tract and the business on this tract that has been there a number of years. Mr. Woodstock stated disagreement with the Staff recommendation as they are willing to invest some dollars into an area of Tulsa that is badly in need of business investment. Mr. Woodstock stated they are willing to modernize the restaurant facility, and comments received from the neighborhood indicated a positive attitude to keeping this business there, as it is a local landmark. Mr. Woodstock pointed out that there were no protestants at the meeting.

Comments & Discussion:

Chairman Parmele stated he was concerned that the District Planning Teams were not taking part in the process, as this is an instance where it appeared the District Plan should be amended. Mr. Doherty stated that, as the applicant has been at this site for a number of years, and because of this and the fact there are not protestants, he would move for approval of the application.

**TMAPC ACTION: 6 members present**

On **MOTION** of **DOHERTY**, the Planning Commission voted **5-1-0** (Doherty, Draughon, Parmele, Selph, Woodard, "aye"; Paddock, "nay"; no "abstentions"; Carnes, Kempe, VanFossen, Wilson, Young, "absent") to **APPROVE Z-6108 Woodstock for CS zoning.**

**Legal Description:**

Lot 7, Clock 2, EASTON HEIGHTS ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Application No.:	Z-6109	Present Zoning:	P
Applicant:	Grimmer	Proposed Zoning:	OL
Location:	East of the NE/c of 35th Street and Peoria		
Size of Tract:	.32 acres		

Date of Hearing: April 23, 1986  
Presentation to TMAPC by: Mr. Harold Grimmer, 2140 East 31st Place (583-3666)

**Relationship to the Comprehensive Plan:**

The District 6 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 OL District is not in accordance with the Plan Map.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately .32 acre in size and located east of the northeast corner of 35th Street South and South Peoria Avenue. It is nonwooded, flat, contains a parking lot and is zoned P (Parking).

**Surrounding Area Analysis:** The tract is abutted on the north and east by single-family residences zoned RS-3, on the south by a parking lot and commercial building zoned OL and on the west by a single-family dwelling converted for a dentist's office use zoned RS-3.

**Zoning and BOA Historical Summary:** Staff recommended DENIAL with TMAPC APPROVING OL zoning (City Commission action pending) on a lot 50 feet to the west. OL zoning was placed on the tract located south of the subject tract when there was no "P" Parking designation. The BOA granted a Use Variance for a dentist's office in an RS-3 district on the lot to the east.

**Conclusion:** Staff cannot support the requested OL zoning on the subject tract based on the Comprehensive Plan and the subject tract abutting residential land use on two sides. The subject tract was recommended for "P" zoning by the Staff on Z-5874 based on the Brookside Area Special Study, which designated the subject tract for parking to aid in the lack of sufficient off-street parking in the area as a result of no parking requirement in the CH district. Although CH zoning now requires parking, the parking problem along Peoria Avenue and the minor streets still exists. The absence of the parking spaces as a result of development of the subject tract would only increase the existing parking problem. The request would also be a further encroachment into the residential area.

Therefore, Staff recommends **DENIAL** of OL zoning.

Applicant's Comments:

Mr. Harold Grimmer advised the tract was presently being used as a parking lot, but only has five monthly paid customers, leaving approximately 33 slots that are not being used. Mr. Grimmer stated he has a contract to sell the lot to a realtor who intends to build a small office building. He advised that the lot presently has a building on the premises, located behind a fence, and he suggested to the buyer that the foundation of that building be used in the construction of any new building. Even with the construction of a new building, the lot would still allow 17 parking spaces. Mr. Grimmer requested approval of this request, as he thought OL would make better use of the land and be an improvement to the neighborhood.

Mr. Paddock commented that he would be against OL on the entire tract, but could support OL on a portion of the tract. Mr. Grimmer, in reply to Mr. Doherty, advised the lot is leased to a parking company who handles the hourly fees and the monthly parking. Mr. Grimmer commented as to the amount of cars parking on the street, and the fact that this has been consistent. Chairman Parmele agreed, as he viewed the site during a lunch hour and most of the cars were parking free on the street, not on the paid lot. Mr. Draughon confirmed the prospective buyer would be placing an office building on the lot, with parking spaces that could be used by the public during the evening hours.

Interested Parties:

Mr. J.G. Thompson, 1407 East 35th Street, stated he was against any more commercial encroaching into the residential area; therefore, he requested this application be denied.

Additional Comments and Discussion:

Mr. Gardner remarked that, after a few calculations in regard to partial zoning of OL on the rear portion (north 40' of a lot 100' wide), they could build a 1,200 square foot office, up to 1,600 with BOA approval. If

zoned OL on the entire tract, they could build a 4,200 square foot office building; 5,000 with BOA approval. Chairman Parmele commented that OL zoning is currently on two sides of the subject tract.

Mr. Paddock asked if a practical alternative would be to zone the rear portion OL and leave the frontage as parking. Mr. Gardner stated the only variance the applicant would have to seek is having the required parking on the P portion, or submit a PUD.

Discussions followed between Staff and Commission as to the Brookside Study. Chairman Parmele stated he did not agree with that part of the Study that dictated a property owner provide parking for other owners. Commissioner Selph stated agreement with Mr. Parmele, but felt he could not support this application as it was not consistent with the Plan or the Brookside Study and he felt it would encroach into the neighborhood. Therefore, he moved for denial of the application.

Mr. Paddock stated he did not feel this was the final solution and would, reluctantly, vote for the Staff recommendation. Mr. Doherty advised he would be voting in favor of Staff recommendation, also reluctantly, and only because it is an encroachment into a residential neighborhood. Mr. Doherty stated he was strongly opposed to telling the applicant he must leave the tract as parking when it was financially not feasible. Chairman Parmele agreed with Mr. Doherty's statement, and because of this of he would be voting against the motion, and he also felt the tract lined up with OL across the street south.

Mr. Draughon stated it seemed reasonable to approach Mr. Paddock's idea of combining OL and parking. Commissioner Selph stated he was agreeable to someone amending or substituting his previous motion. Therefore, the motion and second were withdrawn. Mr. Paddock, confirming the calculations with Mr. Gardner, restated his suggestion to rezone the northern 40' of the tract OL, with the balance remaining "P". Chairman Parmele stated he would be voting against the motion as he felt the entire tract should be OL and Commissioner Selph advised he would also be voting against the motion because of the encroachment into the neighborhood.

**TMAPC ACTION: 6 members present**

On **MOTION** of **PADDOCK**, the Planning Commission voted **4-2-0** (Doherty, Draughon, Paddock, Woodard, "aye"; Parmele, Selph, "nay"; no "abstentions"; Carnes, Kempe, VanFossen, Wilson, Young, "absent") to **APPROVE Z-6109 Grimmer for OL on the northern 40' of the subject tract, with the balance to remain "P" (Parking).**

**Legal Description:**

OL on the north 40' of the tract described as Lot 11, Block 2, OLIVER'S ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and the balance of said lot to remain zoned "P" Parking District.

\* \* \* \* \*

Application No.: **CZ-148**  
Applicant: **Dunham (West Trust)**  
Location: SE/c of 101st and Garnett Road  
Size of Tract: 5.8 acres, more or less

Present Zoning: AG  
Proposed Zoning: CS

Date of Hearing: April 23, 1986  
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Relationship to the Comprehensive Plan:

The District 19 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area does not cover the subject tract. However, the Broken Arrow Comprehensive Plan designates the subject tract as Low Intensity Residential and Floodplain.

The applicant is requesting CS Zoning which under the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," for the City of Tulsa would not be in accordance with the Comprehensive Plan.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 5.8 acres in size and located at the Southwest corner of 101st Street South and South Garnett Road. It is nonwooded, gently sloping, vacant and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property in Broken Arrow City Limits zoned A-1, on the east by vacant property zoned AG, on the south by a single-family dwelling with two detached accessory buildings zoned AG, and on the west by the Cedar Ridge Country Club in Broken Arrow City Limits zoned R-1.

**Zoning and BOA Historical Summary:** None

**Conclusion:** Although the Broken Arrow Comprehensive Plan does not support the requested CS zoning, the Broken Arrow Planning Commission recommended approval of the case on a referral basis. The subject tract would qualify for a Type II node (10 acres) according to the Development Guidelines; however, only 5.8 acres is developable because of the floodplain to the east. (Applicant has worked with the County Engineer in determining the eastern boundary). Staff can support the requested CS zoning at the intersection based on the Development Guidelines, Broken Arrow action and the land use. A 50' buffer of OL zoning on the south will assure proper setback from the residence to the south.

Staff recommends APPROVAL of CS zoning as requested, except the south 50 feet to be zoned OL.

**CZ-148 Dunham (West Trust) - Cont'd**

Comments & Discussion:

Mr. Doherty commented he could not see going against the recommendation of the Broken Arrow Planning Commission for approval; therefore, he made a motion to approve this request. Mr. Gardner advised that the Staff, since the writing of the recommendation, has learned the applicant has an option for the south 50' of the subject tract. Therefore, the OL buffer is not needed.

Applicant's Comments:

Mr. Roy Johnsen, on behalf of the applicant, commented the commercial request is within the boundary of the Development Guidelines, and if there was a need for buffering, it should be established south of the proposed commercial line.

**TMAPC ACTION: 6 members present**

On **MOTION** of **DOHERTY**, the Planning Commission voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Wilson, Young, "absent") to **APPROVE CZ-148 Dunham (West Trust) for CS on the entire tract.**

**Legal Description:**

A tract of land in the NW/4 of the NW/4 of Section 29, T-18-N, R-14-E, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the Northwest corner of said NW/4 NW/4; thence East, along the north line thereof a distance of 330.00'; thence due south a distance of 70.00'; thence S 30° E a distance of 200.00'; thence S 5° W a distance of 200.00'; then S 15° W a distance of 225.00'; thence West a distance of 355.00' to the West line of said NW/4 NW/4; thence North along said West line a distance of 660.00' to the POB, containing 5.88 acres, more or less.

\* \* \* \* \*

Application No.: PUD 159-A

Present Zoning: Vacant

Applicant: Crews

Proposed Zoning: RM-1, RS-3

Location: North of the NW/c of West 71st Street & South Union Avenue

Size of Tract: 7.9 acres, more or less

Date of Hearing: April 23, 1986

Presentation to TMAPC by: Mr. Scott Morgan, 815 East 1st Place (582-5225)

Staff Recommendation: Major Amendment to Permit a Nursing Home  
and Detail Site Plan Review

The subject tract has an area of approximately 7.9 acres and is located north of the northwest corner of West 71st Street and South Union Avenue. No change is requested in the underlying zoning which is RM-1 and RS-3. PUD 159 was approved for 144 apartment units on the subject tract. The purpose of PUD 159-A is to permit a nursing home and accessory uses with 166 beds and to receive TMAPC approval of the Detail Site Plan. TMAPC approval of the Detail Site Plan shall be subject to approval of PUD 159-A Major Amendment by the City Commission.

The proposed development will be a one story facility with two entrances from Union Avenue, 83 parking spaces, 7 handicapped parking spaces and one loading area on the south side. The building will have a residential character as is typical of nursing homes. The conversion of the proposed 47,240 square feet of floor area to dwelling units (79 dwelling units) will yield 65 unallocated multi-family units to be used on this tract or which could be transferred within PUD 159. The northeast portion of the subject tract will remain undeveloped; although, the steep slope could pose problems to said development. The Outline Development Plan/Detail Site Plan does not specify a minimum landscaped open area and a portion of the site would remain undeveloped and grassed. Landscaping (trees, shrubs, etc.) should be provided adjacent to the building and in the parking areas. This detail will be expected to be submitted in the Detail Landscape Plan which shall be submitted to the TMAPC for review and approval and installed prior to granting of an Occupancy Permit.

The Staff has reviewed PUD 159-A and finds that it is: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (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, Staff recommends **APPROVAL** of PUD 159-A and the Detail Site Plan subject to the following conditions:

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

2) **Development Standards:**

Land Area: 344,124 sf 7.9 acres  
 Permitted Uses: Use Unit 8, Multi-family Apartments (65 units) and a 166 bed nursing home (47,240 sf)  
 Maximum Building Height: 1-story  
 Maximum Building Floor Area: 47,240 sf/nursing Home  
 Minimum Livability Space: As required per the Zoning Code for apartment units.  
 Minimum Off-Street Parking: 83 spaces, plus 7 handicapped spaces, one loading dock and as required per the Zoning Code.

Minimum Building Setbacks:	<u>Approved</u>	<u>Submitted</u>
from centerline of Union	100'	200'
from west boundary	20'	20'
from south boundary	20'	55'
from north boundary	20'	250'

Minimum Landscaped Open Space:

Landscaped open space shall be provided in the developed area (around the nursing home) of the tract and include internal and external landscaped open areas, parking lots, islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation. Undeveloped areas, disturbed by the site grading and utility installation, shall be grassed or otherwise stabilized to prevent erosion. Required landscaped areas abutting the nursing home shall be a minimum of 30,000 square feet which shall include trees, shrubs, plantings and grassed areas abutting the nursing home and parking areas.

- 3) That all trash, utility and equipment areas shall be screened from public view.
- 4) That all parking lot lighting shall be directed downward and away from areas which could be developed residentially.
- 5) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code. One monument sign, a maximum of 8' tall with a display area of 64 square feet shall be permitted on Union Avenue to identify the nursing home.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approved and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit. Refer to the Development Standards of specific details of landscaping requirements.

**PUD 159-A Crews - Cont'd**

- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 8) That the Detail Site Plan, if approved in conjunction with PUD 159-A, is understood to be approved subject to approval of PUD 159-A by the City Commission. In any event, a Detail Site Plan shall be approved by the TMAPC prior to issuance of a Building Permit.
- 9) 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 applicant has requested that this matter receive early transmittal to the City Commission.

**Comments & Discussion:**

Based on a comment by Chairman Parmele, the applicant advised he was prepared to pay the fee for advertising. Staff confirmed the amount due and received a check from the applicant.

Mr. Woodard made a motion for approval, subject to the conditions of the Staff recommendation.

**Applicant's Comments:**

Mr. Scott Morgan of Crews Development Company asked Staff if there would be a problem increasing the square footage from 47,240 to 50,500. Mr. Gardner stated the number of dwelling units would decrease, and there would not be a problem if a revised plot plan was submitted (as a minor amendment), as long as the number of dwelling units were reduced accordingly. Mr. Gardner also stated the requested increase to 50,500 square feet could be handled with a motion by the Commission at this time.

**Additional Comments and Discussion:**

Mr. Gardner clarified, for Mr. Doherty, that should the nursing home not succeed, the applicant would be permitted to use the original 144 units for apartments. As requested by Commissioner Selph, Mr. Gardner further explained that the applicant could not have the nursing home **and** the 144 units; he could have the nursing home and something less than the 144 units, based on the size of the nursing home. Mr. Gardner stated the applicant loses 85 units by building a nursing home of this size.

Mr. Woodard amended his motion to change the square footage and number of units. Mr. Paddock stated he favored locking in the nursing home with 59 units and not give an alternative to allow the originally approved 144 apartment dwellings. Mr. Doherty verified that the applicant currently has the approval to build 144 units. Mr. Paddock stated he understood this, but felt the TMAPC has the authority to delete the alternative. Mr. Gardner affirmed that the TMAPC has this jurisdiction.

TMAPC ACTION: 6 members present

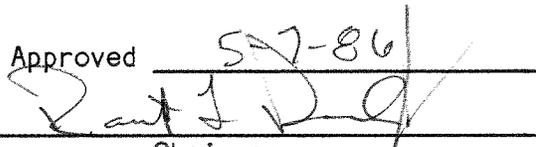
On **MOTION** of **WOODARD**, the Planning Commission voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, VanFossen, Wilson, Young, "absent") to **APPROVE PUD 159-A Crews**, subject to the conditions as recommended by Staff, and amended as follows:

- a) Under Permitted Uses, decrease units from 65 to 59, with a 166 bed nursing home, increasing the square footage to 50,500;
- b) Or, allow 144 units of apartments as an alternative to a 166 bed nursing home and 59 units of apartments.

Legal Description:

A part of the SE/4 of Section 3, T-18-N, R-12-E, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the East line of the SE/4 of Section 3, T-18-N, R-12-E, Tulsa County, Oklahoma, said point being 1,005.00' N 00°26'22" E of the Southeast corner of said SE/4, thence N 00°26'22" E along said East line a distance of 570.00', thence N 89°33'38" W along the boundary of the Page Belcher Golf Course a distance of 50.00', thence N 77°20'00" W along the boundary of the Page Belcher Golf Course a distance of 473.00', thence S 08°20'00" W along the boundary of the Page Belcher Golf Course a distance of 676.59', thence S 89°33'38" E a distance of 605.19' to the POB, containing 7.95 acres, more or less.

There being no further business, the Chairman declared the meeting adjourned at 4:56 p.m.

Date Approved 5-27-86  
  
 \_\_\_\_\_  
 Chairman

ATTEST:

  
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 Secretary