

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1722
Wednesday, **November 30, 1988**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Harris	Gardner	Linker, Legal
Coutant, Secretary	Randle	Setters	Counsel
Doherty		Stump	
Draughon			
Kempe, Chairman			
Paddock, 2nd Vice-Chairman			
Parmelee, 1st Vice-Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 29, 1988 at 9:47 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:35 p.m.

MINUTES:

Approval of the Minutes of November 9, 1988 & November 16, 1988:

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Paddock, Parmelee, Wilson, Woodard, "aye"; no "nays"; Draughon, Kempe, "abstaining"; Harris, Randle, "absent") to **APPROVE** the **Minutes of November 9, 1988, Meeting #1720 and November 16, 1988, Meeting #1721.**

REPORTS: None

ZONING PUBLIC HEARING:

Application No.: Z-6214 & PUD 443 Present Zoning: RS-3
Applicant: Norman (Dillon - Shadow Mtn. Institute) Proposed Zoning: OL
Location: South of the SW/c of East 62nd Street & South Sheridan
Date of Hearing: November 30, 1988
Presentation to TMAPC by: Mr. Charles Norman, 909 Kennedy Building (583-7571)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use and Development Sensitive.

According to the zoning Matrix the requested OL District "may be found" in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 9.09 acres in size and is located south of the southwest corner of East 62nd Street South and South Sheridan Road. It is partially wooded, steeply sloping, contains a psychiatric hospital and related office uses and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by commercial uses and vacant property zoned CS and RM-3; on the east by vacant property/park zoned AG; and on the south and west by vacant property zoned RS-3.

Zoning and BOA Historical Summary: Previous Board of Adjustment actions have allowed the existing use on the property. CS zoning has been approved to a depth of 330 feet on the abutting tract to the north.

Conclusion: Although OL zoning would be appropriate for the majority of the subject tract, based on the submitted plans only approximately one acre is needed to obtain the requested floor area for general medical offices.

Staff would support enough OL zoning to accommodate the project and any minor expansions. Approximately one acre of OL zoning should line up with the commercial zoning to the north.

Therefore, Staff recommends OL zoning of 150 foot by 330 foot portion of the subject tract to line up with the abutting CS zoning to the north and **DENIAL** of the balance.

NOTE: 330 feet x 150 feet would allow the applicant 19,800 square feet of general medical offices utilizing the .4 floor area ratio.

Staff Recommendation:

The subject tract contains approximately 20 acres with approximately 600 feet of frontage on the west side of Sheridan, south of the southwest corner of East 61st Street and South Sheridan. The eastern portion of the tract is the site of the Shadow Mountain Institute, which is a private psychiatric hospital and residential treatment center for adolescents, owned and operated by Dillon Family and Youth Services, Inc. The hospital and residential treatment facilities were constructed and opened in 1980 under a special exception granted by the Board of Adjustment. The tract is presently zoned RS-3. A request to rezone the eastern 660 feet of the tract OL accompanies the PUD application (Z-6214).

The Dillon Family and Youth Services are proposing to expand and renovate the existing hospital and residential treatment facilities, expand outpatient, educational and recreational facilities and, ultimately, to locate the Horizon residential treatment facilities for younger children on this tract. In addition office space for professionals in private practice who provide related services to patients at the hospital is proposed.

The PUD is divided into Development Areas A and B. Area A is the east 745 feet of the property and is proposed to contain all of the hospital and office buildings and related parking. Primary access to these buildings will be provided by two existing entries to South Sheridan Road. Minimum internal landscaped open space for this area is proposed to be 30%. Area B is the west 575 feet of the tract and will remain almost entirely (95%) as internal landscaped open space. The only buildings allowed will be for storage of maintenance equipment with a maximum floor area of 1,000 square feet and a maximum height of 12 feet. This area is also proposed to contain a staff and emergency access road from South Lakewood Avenue to the parking areas in Area A. All rights of access to East 62nd Street, which dead ends into the west side of the property, are waived by the applicant. In addition, the applicant proposes to construct a six foot high chain link fence, black or green in color, on or near the western, northern and southern boundaries of Area B, and the western portion of the southern boundary of Area A. Inside the fence a hedge of Pyracantha and Chinese Holly will be planted to provide additional separation of uses between the subject property and adjoining residential area to the west. Also, any lighting in Area B will be directed downward and away from the residential area to the west.

The Comprehensive Plan Map for District 18 designates this area as Low Intensity - No Specific Land Use. The types of uses proposed for this PUD may be found in accordance with the Plan Map designation. The proposed maximum building floor area of 151,500 square feet produces a FAR of 0.174 for the entire PUD. Under a PUD, the area zoned RS-3 could potentially be developed for hospital use at a maximum FAR of 0.5. Under OL zoning, medical offices could potentially be developed to a maximum FAR of 0.4.

The subject tract contains significant topographic features (steep slopes, drainage) which were recognized in the Comprehensive Plan, designating portions of the tract Development Sensitive. The hospital and office sites in Area A range in ground elevations from 870 feet to 840 feet. While Area B drops rapidly from 860 feet in the southeast corner of the area to 775 feet in the northwest corner of the area. The single-family subdivision along the western boundary of the PUD is generally at or below 775 feet in elevation. Much of the land in Area B is wooded and the PUD proposes to retain much of the natural vegetation.

After review of PUD 443, Staff finds that the uses and intensities of uses proposed, with one net acre of OL zoning, are in harmony with the spirit and intent of the Code. Due to the surrounding zoning patterns in the area and the design of the PUD, including recommended staff conditions, and the existing manmade and natural physical features of the site, Staff believes the request will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In addition, based upon the Staff's following conditions expressed below, Staff finds PUD 443 to be consistent with the Comprehensive Plan; in harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site and; consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 443 subject to the following conditions:

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

2) **Development Standards:**

DEVELOPMENT AREA A
(the east 745')

Land Area (Gross):	11.28 acres	491,700 sf
(Net):	10.53 acres	458,700 sf

Permitted Uses: Hospital, residential treatment center, staff offices, clinics, laboratories, education and seminar facilities, outpatient services, exercise and fitness facilities, facilities customarily related to a hospital and general medical office.

Maximum Floor Area:	15,000 sf for General Medical Offices
	<u>136,500</u> sf for all other Permitted Uses
	151,500 sf Total

Z-6214 & PUD 443 Norman (Dillon) - Cont'd

Maximum Building Height:	35'
Minimum Building Setbacks:	
from the south boundary	100'
from the north boundary	20'
from the west boundary	0'
from C/L of South Sheridan	100'
Minimum Off-Street Parking:	As required by the applicable use unit
Minimum Internal Landscaped Open Space	30% *

Signs:

Two ground identification signs (including existing signs) which shall not exceed 12 feet in height or 48 square feet in display surface area shall be permitted. Signs shall be subject to detailed design review and approval by the TMAPC prior to installation.

Screening:

All trash, utility, and equipment areas shall be screened from public view. Any roof-mounted equipment shall be screened from the view of persons standing at ground level on the boundary of abutting residential areas.

* Internal landscaped open space includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas, and pedestrian areas but does not include any parking, building or driveway areas.

DEVELOPMENT AREA B

(The west 575')

Land Area (Gross):	8.72 acres	380,160 sf
(Net):	8.72 acres	380,160 sf
Permitted Uses:	Open space, stormwater detention, outdoor exercise, recreational facilities, and storage building for maintenance equipment	
Maximum Floor Area:	1,000 sf; restricted to storage bldgs. for maintenance equipment	
Maximum Building Height:	12'	

Z-6214 & PUD 443 Norman (Dillon) - Cont'd

Minimum Building Setbacks

for Storage Buildings:

from the south boundary	100'
from the north boundary	50'
from the west boundary	300'
from the east boundary	0'

Minimum Internal Landscaped

Open Space: 95% *

Signs:

The only sign allowed would be at the entry gate to the staff and emergency access drive on the north side of the property at South Lakewood Avenue which would be limited to 2 square feet in surface area and describing the entrance as an access drive only for emergency vehicles or Shadow Mountain Institute staff.

* Internal landscaped open space includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas, and pedestrian areas but does not include any parking, building or driveway areas.

- 3) That the western, northern and southern boundaries of the PUD be fenced and planted with a hedge as described in Exhibit "B" of the Outline Development Plan.
- 4) That all parking lot lighting or other types of exterior lighting shall be directed downward and away from adjacent residential areas. All parking light standards in Area A shall be limited to a maximum height of 15' and shielded to direct light downward and away from residentially developed areas.
- 5) That a Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit for new buildings. The landscaping materials and fencing required under the approved Plan, including existing natural wooded areas, shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit.
- 6) No building permits shall be issued for additional buildings within Area A of the Shadow Mountain Institute PUD until a Detail Site Plan which includes all buildings and required parking has been submitted to the TMAPC and approved as being in compliance with the Shadow Mountain Institute approved PUD Development Standards.
- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee, including imposition of "limits of no access" provisions along the entire western boundary of the tract. Access to Areas A and B is further restricted and conditioned upon the Development Standards for Areas A and B.
- 8) That the staff and emergency access drive on South Lakewood Avenue have a gate the same height as the boundary fence and that such gate be equipped to automatically remain closed, and only be able to be opened by staff of the Institute or emergency vehicle personnel.

Z-6214 & PUD 443 Norman (Dillon) - Cont'd

- 9) Unused floor area in Area A shall not be permitted to be transferred into Area B.
- 10) 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 City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

Hearing no objection from the Commission members, Chairman Kempe indicated a three minute time limit would be established due to the number of interested parties wishing to speak on this application.

In reply to Mr. Paddock, Mr. Gardner clarified Staff's recommendation as to the frontage on Sheridan. Mr. Gardner reviewed the previous Board of Adjustment activity on the subject tract as requested by Mr. Coutant. Ms. Wilson inquired as to the proposed expansion of the hospital and the residential treatment center. Mr. Gardner deferred the question to the applicant to provide information on the number of beds that could be accommodated by the increase in square footage.

Applicant's Comments:

Mr. Charles Norman, representing the Dillon family, owners of the Shadow Mountain Institute, reviewed the background of the Institute. He advised eight pages of the proposed PUD text had been mailed to the property owners surrounding the subject tract. Mr. Norman submitted photos of the Shadow Mountain Institute grounds and facilities, and reviewed the services offered at the Institute as well as the number of patient beds in the various treatment areas. Mr. Norman then reviewed the proposed expansion, pointing out that the BOA had approved development of 15 acres and the current size of the facility was only 11 acres. Mr. Norman emphasized the need for OL zoning was to obtain the needed floor area for general medical office space. He reiterated that similar hospital uses have traditionally been built in RS-3 areas. Mr. Norman reviewed the conceptual Site Plan as to slope, terrain, building locations and landscaping/screening plans.

Mr. Jack Page, Department of Stormwater Management (DSM), discussed the drainage and stormwater detention requirements for the subject tract and answered questions from the Commission regarding drainage, waterflow, etc. In reply to Mr. Draughon, Mr. Page confirmed DSM would verify the detention pond was built to meet DSM requirements.

In reply to Mr. Paddock, Mr. Norman clarified that a number of employees and/or physicians remain on premises, but some administrative and medical staff were located off premises. Therefore, the request to increase office space for staff and physicians. He pointed out that there was no intent to locate a corporate headquarters on the subject tract, and he confirmed that some physicians would provide services at the Institute, but would not be on staff.

Z-6214 & PUD 443 Norman (Dillon) - Cont'd

Mr. Woodard inquired if there were any other facilities offering the same type of services as Shadow Mountain. Mr. Norman replied that all of the area hospitals had adult psychiatric care and services, but they were now recognizing the need to accommodate child/adolescent psychiatric care.

Mr. Norman continued to answer questions from the Commission clarifying square footage uses, emergency vehicle access, funding sources for patients, parking spaces, screening, etc.

<u>Interested Parties:</u>	<u>Address:</u>	
Mr. Terry Doverspike, SETHA	900 Oneok Plaza	74103
Mr. Jim Biddick	5735 East 63rd Place	74136
Mr. Jack Bohannon	5722 East 63rd Place	"
Mr. Toby Droughton	5737 East 63rd Place	"
Mr. Lewis Diamond	6239 South Hudson	"
Ms. Ginny Poe, Dist. 18 Chr.	5808 East 63rd Street	"
Mr. Steve Smith, Attorney	1201 Fourth National Bank	74103
Ms. Sandra Bailey	5842 East 63rd Street	74136
Mr. Bill Hunt	6004 East 62nd Street	"

All of the above listed speakers requested denial of the zoning and PUD applications, and expressed a variety of concerns and reasons for denial: an unhealthy concentration of these types of facilities in a one square mile area earmarked for residential; safety hazards to the property owners due to the type of patients at the facility; decreased property values; drainage and waterflow from the steep terrain; and the need for screening/fencing and landscaping to provide additional security.

Applicant's Rebuttal:

In regard to safety/security concerns, Mr. Norman detailed the types of police calls associated with or originating at the institute. He compared this facility to the Children's Medical Center, and other hospital facilities offering psychiatric care. Mr. Norman pointed out that no one raised opposition to the development standards proposed for this PUD. He further advised that no protests have been submitted from the property owners to the north or south of the PUD.

Mr. Doherty, referring to juvenile offenders, inquired as to the patient screening policies at the facility. Mr. Norman clarified that the majority of the patients were victims themselves of abuse, and not the committers of crimes. In response to Mr. Coutant, Mr. Norman reviewed the credentials of the medical staff employed by the Institute. He then answered questions from Ms. Wilson as to the standards for lighting, landscaping, etc. Mr. Norman confirmed for Mr. Paddock that, should the TMAPC deny the 15,000 square footage for the general medical offices, there would be no need for the OL zoning. In regard to the detention pond, Mr. Norman committed the applicant, as a part of the Development Standards, to ensure that the ultimate size of the detention pond be adequate for the entire acreage of the facility.

TMAPC Review Session:

Mr. Doherty inquired as to the amount of frontage required on Sheridan to accommodate the 15,000 square feet at .4 FAR; Mr. Gardner answered 115 feet. Mr. Parmele stated he felt there were two basic issues: (1) the decision as to OL zoning being appropriate; and (2) does the PUD meet the four standards listed in the Zoning Code. He commented that he has read the 60+ letters from the protestants and listened to their comments today. However, he stated that the zoning was in place when these protestants purchased their homes, and the Code provided stipulations that exceptions be made in RS-3 zoning. Based on the comments from Stormwater Management and the applicant, Mr. Parmele remarked that he felt the water/drainage problems would be improved or helped by the enlargement of the retention area and creation of the berm. Being a realtor, he disagreed with a protestant's comment regarding devaluation of homes in this area, as this has not shown to be true with other residential areas adjacent to Childrens Medical Center, St. Francis, etc. In regard to comments about criminal activity associated with the facility, Mr. Parmele commented this was unfortunate, but it was just as unfortunate that the children and adolescents at the facility needed this type of treatment.

Mr. Carnes stated he felt the PUD offered protection to the residents. Further, he felt the office space would be a good use of the tract, and suggested a limiting the square footage to 10,000, and possibly limit on the number of beds to 128. Based on another suggestion from Mr. Carnes, Chairman Kempe requested Staff to notify those interested parties on record of any future land use activity on this application.

In regard to the zoning, Mr. Paddock stated he felt the frontage of the OL area on Sheridan should be reduced from 150 feet to 100 feet; discussion followed on this topic and its affect on square footage for the general medical offices. Mr. Paddock moved for approval of OL zoning, 100 foot by 330 foot, with the balance to remain RS-3 zoning.

Mr. Coutant commented he was in favor of having the office space in proximity to the Institute as the availability of doctors and treatment on-site was a plus for the facility. Ms. Wilson remarked that the Institute did not necessarily need the OL zoning, as their proposed operations could be handled under a residential PUD. The PUD would for OL zoning was only necessary to accommodate general office space for outside physicians who were not a part of Shadow Mountain. Mr. Draughon agreed with Ms. Wilson.

Mr. Parmele pointed out the Staff recommendation indicated OL zoning as appropriate to a 330 foot depth, which would align with the properties to the north and south, and he agreed with this analysis. Chairman Kempe also agreed.

The TMAPC voted 7-2-0 ((Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Woodard, "aye"; Draughon, Wilson, "nay") to end discussion on the motion and call for the vote.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-2-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Woodard, "aye"; Draughon, Wilson, "nay"; no "abstentions"; Harris, Randle, "absent") to **APPROVE Z-6214 Norman (Dillon - Shadow Mountain Institute)** for OL zoning 100 feet by 330 feet.

Legal Description:

OL Zoning: The north 100' of the east 330.0' of the S/2 of the NE/4 of the NE/4 of Section 3, T-18-N, R-13-E, City and County of Tulsa, Oklahoma.

Additional Comments & Discussion:

After discussion, Mr. Doherty moved for approval of the related PUD with the following modifications: reduce the square footage for general office from 15,000 to 13,200; add a condition to exclude corporate staff at this location; amend condition #8 to stipulate the access drive on South Lakewood be in the form of a crash gate which will remain closed to all but emergency vehicles; add a condition requiring, in addition to the standard notice, that all interested parties of record be notified of any future activity on this application; delete reference to signs for Area B.

Following the motion, discussion focused on items to consider and review at the time of the Detail Site Plan which included extension of the fence, lighting standards for both areas; and review of the detention pond as committed to by the applicant at this hearing.

Mr. Coutant initiated discussion as to possibly limiting the number of beds at the facility and the impact this might have on other such facilities. Mr. Jackere advised the TMAPC could impose a limitation if they felt it addressed land use concerns. Therefore, after arriving at a consensus, Mr. Doherty amended his motion to add a condition limiting the number of beds to 140. Debate and discussion continued on the motion, as amended, with the various members restating their positions for or against the motion.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-3-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, "aye"; Draughon, Wilson, Woodard, "nay"; no "abstentions"; Harris, Randle, "absent") to **APPROVE PUD 443 Norman, (Dillon - Shadow Mountain Institute)**, as recommended by Staff, and modified as follows:

Zoning and BOA Historical Summary: The OL zoning abutting the subject tract to the north was established as a buffer to prohibit the spread of nonresidential development and traffic south of East 4th Street.

Conclusion: The requested rezoning is a clear cut example of non-residential encroachment into a residential area. The subject tract has no frontage on an arterial street. Fourth Street is unimproved and therefore the only usable access to the property is from 4th Place and 130th East Avenue, internal residential streets. Approving OL zoning would establish a pattern of non-residential zoning development and related traffic into the single-family residential platted subdivision contrary to good planning practice.

Therefore, Staff recommends **DENIAL** of OL zoning for Z-6217.

Applicant's Comments:

Mr. Bill Bowles, representing the applicant, disagreed with the Staff recommendation for denial based on the existing physical facts. Mr. Bowles reviewed the previous BOA/zoning activity in the surrounding area. He remarked the Staff felt this would further encroach into the residential area, and he pointed out that there currently were heavy commercial uses to the south of 4th Street which included two trucking businesses. He submitted photos of the area confirming these uses. Mr. Bowles stated the proposed office use would provide a buffer from the commercial uses to the residential area. In order to address concerns regarding access and/or additional traffic, Mr. Bowles advised the applicant was prepared to revise the application to restrict access from 130th Street, and deal with the problem of building a road on 4th Street.

Mr. Parmele asked Staff if the applicant's proposal to restrict access on 130th Street might change their recommendation. Mr. Gardner stated that it would not change the recommendation; however, it would improve the application. He pointed out that the reason for the vacant lots was due to the unavailability of sewer service. Mr. Parmele confirmed that the OL strip of land abutting the subject tract to the north was merely a buffer to restrict the spread of CG, but the shopping center once proposed was never built. Mr. Doherty inquired if it might be appropriate to place Limits of No Access (LNA) on the plat rather than a RS buffer on the southern portion of the lot. Mr. Gardner advised that, as a general rule, LNA's were not placed on a local residential street unless there were special circumstances. Mr. Doherty commented that, upon review of the map, he felt there might be special circumstances considering the terrain and the existing commercial uses to the west. Therefore, he thought some relief would be appropriate.

Mr. Paddock commented this case illustrated the problems associated with principal use variances as these can preordain what happens with land use on abutting properties. In this case, although the map shows residential, the use was commercial, and he felt the Commission had to consider these physical facts.

Z-6214 & PUD 443 Norman (Dillon) - Cont'd

- a) Reduce the square footage for general office from 15,000 to 13,200;
- b) Add a condition to exclude corporate staff offices;
- c) Amend condition #8 to stipulate the access drive on South Lakewood be in the form of a crash gate which will remain closed to all but emergency vehicles;
- d) Add a condition requiring, in addition to the standard notice, that all interested parties of record be notified of any future activity on this application;
- e) Delete signage requirements for Area B;
- f) Add a condition to limit the number of beds to 140.

Legal Description:

OL Zoning: The east 600.0' of the S/2 of the NE/4 of the NE/4 of Section 3, T-18-N, R-13-E, City and County of Tulsa, Oklahoma.

PUD: The S/2 of the NE/4 of the NE/4 of Section 3, T-18-N, R-13-E, City and County of Tulsa, Oklahoma.

* * * * *

Application No.: Z-6217

Present Zoning: RS-2

Applicant: Thompson

Proposed Zoning: OL

Location: NE/c of East 4th Place & South 130th East Avenue

Date of Hearing: November 30, 1988

Presentation to TMAPC by: Mr. Bill Bowles, 707 South Houston (584-1175)

Relationship to the Comprehensive Plan:

The District 17 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 Zoning Matrix the requested OL District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 1.8 acres in size and is located east of the southeast corner of East 4th Street and South 129th East Avenue. It is nonwooded, gently sloping, vacant and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north by vacant property and unimproved 4th Street zoned OL; on the east and south by vacant property zoned RS-2; and on the west by both single-family dwellings and a Board of Adjustment approved trucking establishment zoned RS-2.

Z-6217 Thompson - Cont'd

Chairman Kempe confirmed that the interested parties in attendance were in support of the requested zoning change to OL. Therefore, Mr. Parmele moved for approval of OL zoning on all but the south ten feet of the subject tract.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; Coutant, "nay"; no "abstentions"; Draughon, Harris, Randle, Woodard, "absent") to **APPROVE Z-6217 Thompson** for OL zoning on all but the south 10 feet of the subject tract.

Legal Description:

OL Zoning: Lot 9, Block, MEADOWBROOK HEIGHTS ADDITION, to the City and County of Tulsa, Oklahoma, LESS AND EXCEPT the south 10 feet.

* * * * *

Application No.:	Z-6218 & PUD 446	Present Zoning:	RS-3
Applicant:	Nichols (Ind. School #1)	Proposed Zoning:	OL
Location:	7370 East 71st Street (formerly Thoreau Jr. High)		
Date of Hearing:	November 30, 1988		
Continuance Requested to:	December 14, 1988		

Comments & Discussion:

Mr. Ken Adams, president of the Shadow Mountain Homeowners Association, advised that he had talked with the applicant who agreed to a two week continuance instead of the 30 day continuance originally requested.

Ms. Kathy Wilson (7415 South 73rd East Avenue) submitted information for distribution to the TMAPC members prior to the continued hearing date.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **CONTINUE Consideration of Z-6218 and PUD 446 Nichols** until Wednesday, **December 14, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

Application No.: Z-6219

Applicant: Walter & Associates

Location: 3219 South Birmingham

Date of Hearing: November 30, 1988

Presentation to TMAPC by: Mr. Thomas Tobias, 1319 East 35th

Present Zoning: RS-1

Proposed Zoning: RS-2

(743-2001)

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 Zoning Matrix the requested RS-2 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 1.38 acres in size and located north of the northeast corner of East 33rd Street South and South Birmingham Avenue. It is nonwooded, gently sloping, contains a single-family dwelling and is zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north by single-family dwellings zoned RS-1 and PUD 132; on the east and south by single-family dwellings zoned RS-1; and on the west by single-family dwellings zoned RS-1 and RS-2.

Zoning and BOA Historical Summary: Numerous properties within the mile section were downzoned from RS-2 to RS-1. The subject tract was not part of the application nor were the remaining RS-2 tracts.

Conclusion: The subject tract could be split with a prior approval lot split to create two lots or, with a Board of Adjustment variance of the frontage, still meet the 13,500 square foot lot area, creating three or four lots. RS-2 zoning would allow a density of six lots which is considerably higher than surrounding development. Staff is not supportive of the rezoning based on the downzoning in 1982 which set a precedent for stopping smaller lot development in the section. Also, Birmingham Avenue separates two residential subdivisions with the area to the east, which meet RS-1 standards.

Therefore, Staff recommends **DENIAL** of the RS-2 rezoning as requested and would suggest the applicant file a companion PUD to the RS-1 zoning to achieve the density of four dwelling units.

Comments & Discussion:

Mr. Paddock asked Staff if the infill study that was underway might shed some light on applications such as this. He stated this request appeared to be preparation for infill by "chopping" up lots for more intense development than the surrounding lots. Mr. Gardner commented that, under

the existing zoning, the property could be split into two lots, which would be more consistent with the surrounding development. He reiterated that Staff felt a PUD was the proper approach to this application. Mr. Paddock confirmed this was the same tract involved in an application proposing two "handles" into the tract with four houses; however, that request was subsequently withdrawn.

Applicant's Comments:

Mr. Thomas A. Tobias, representing the applicant, reviewed the zoning history of the property and surrounding area. He commented that the smaller lots across from the subject property affected the marketability of the tract, and the zoning change to RS-2 would be of benefit to the current and future owners. In reply to Mr. Parmele, Mr. Tobias stated he had not considered Staff's recommendation for a PUD to develop four dwelling units, as he was only involved in the sale of the property at this time.

Interested Parties:

Mr. Tom Birmingham (2611 East 33rd) submitted a petition with 33 signatures of property owners opposing the application request. He advised his home abutted the subject tract to the south.

Mr. Carnes stated support of the Staff recommendation based on the policy regarding infill development; therefore, he moved for denial.

TMAPC ACTION: 7 members present

On MOTION of CARNES, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughton, Harris, Randle, Woodard, "absent") to DENY Z-6219 Walter & Associates, as recommended by Staff.

* * * * *

Application No.: PUD 179-Q (Major Amendment) Present Zoning: CS
Applicant: Levy (Total Care Cleaners) Proposed Zoning: Unchanged
Location: 8518-C East 71st Street (near 71st & Sheridan)
Date of Hearing: November 30, 1988
Presentation to TMAPC by: Mr. Louis Levy, 5314 South Yale (496-9258)

Staff Recommendation:

The subject tract is the east 226' of Lot 8, Block 2 of El Paseo Addition on the south side of East 71st Street, east of its intersection with Memorial Drive. The applicant is proposing to establish a dry cleaning business in a vacant portion of the existing shopping center. A dry cleaning business is a Use Unit 15 and this use unit is presently NOT allowed in the PUD. Therefore, the applicant has requested a major amendment of PUD 179 to allow a dry cleaning use.

PUD 179-Q Levy (Total Care Cleaners) - Cont'd

Staff finds that the proposed use is in keeping with the purposes and intent of PUD 179 and, therefore, recommends **APPROVAL** of PUD 179-Q as proposed by the applicant with the following conditions:

1. Party walls be extended to the roof of the building to prevent any gases from entering adjacent stores.
2. City-County Health Department approval is required to assure proper ventilation and air pollution control.

Comments & Discussion:

In reply to Chairman Kempe, Mr. Levy confirmed his agreement to the conditions of the Staff recommendation. He also submitted a letter of approval from the Tulsa City-County Health Department, thereby meeting condition #2.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, Woodard, "absent") to **APPROVE** the **Major Amendment to PUD 179-Q Levy (Total Care Cleaners)** to Allow a Dry Cleaning Use, as recommended by Staff.

Legal Description:

The east 226.0' of Lot 8, Block 2, EL PASEO ADDITION, to the City and County of Tulsa, Oklahoma.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Randall Plaza (PUD 179-P)(1283) East 74th St. & South Memorial (CS, OL, RMT)

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-1** (Carnes, Coutant, Doherty, Kempe, Paddock, Wilson, "aye"; no "nays"; Parmele, "abstaining"; Draughon, Harris, Randle, Woodard, "absent") to **APPROVE** the Final Plat of Randall Plaza and release same as having met all conditions of approval.

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Moran Addition (3194) N/side of East 59th Street @ South 99th East Avenue (IL)

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, Woodard, "absent") to **APPROVE** the Final Plat of Moran Addition and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD 428-1: Minor Amendment

West of the SW/c of East 31st Street & South 121st East Avenue

Staff Recommendation:

PUD 428 is a 4.65 acre tract with an underlying zoning of RS-3 that was approved by the City Commission for multifamily elderly housing unit and related uses in May 1987. The applicant is now requesting a minor amendment to allow residents under the minimum age of 62 that are physically handicapped. Consistent with the policies of the TMAPC, notice of the application was given to abutting property owners.

Staff can support the request to permit a maximum of four existing units to be rented to physically handicapped families, subject to the following definitions borrowed from the **Federal Register**, and modified by Staff herein:

Handicapped Family:

- a) Families of two persons, the head of which (or his or her spouse) is handicapped;
- b) The surviving member of any family described in paragraph (a) of this definition living in a unit assisted under this part with the deceased member of the family at the time of his or her death;
- c) A single handicapped person between the ages of 18 and 62; or
- d) Two handicapped adult persons living together, or one such person living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well being.

Handicapped Person or Individual:

Any adult having a physical impairment which is expected to be of long continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

Comments & Discussion:

In reply to Chairman Kempe, the applicant stated agreement to the Staff recommendation. Upon advice from Legal Counsel, the words "...assisted under this part..." were deleted after "unit" from condition (b) as this was not needed in the definition.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, Woodard, "absent") to **APPROVE** the **Minor Amendment to PUD 428-1** to Permit Housing of the Physically Handicapped under the Age 62, as recommended by Staff and amended by Legal Counsel.

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PUD 267-5: Minor Amendment for Sign
SE/c of East 101st Street and South Sheridan

Comments & Discussion:

Staff advised the applicant wished to withdraw this application. Hearing no objection from the Commission, Chairman Kempe directed this be withdrawn from the agenda.

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PUD 177-5: Minor Amendment and L-17109 to Allow a Lot Split
South of the SE/c of 81st Street and South 76th East Avenue

Staff Recommendation:

The total tract contains 0.8836 acres, which will be split into three lots or tracts, ranging from 10,440 feet to 15,722.81 feet. A single-family residence will be constructed on each of the three lots, having a minimum of 2,400 square feet each, exclusive of open porches and garages.

This application is a portion of that overall property which was processed as PUD 177, pursuant to Sections 1100 to 1170 of the Zoning Code as the same existed on 1/19/76.

This particular application is a part of Development Area C of the stated PUD 177, and is well within the bulk and area requirements as allowed. The bulk and area requirements of the original PUD 177 are as provided within the RM-1 District. The development of these three lots will simply be an extension of the single-family neighborhood with basically larger homes on slightly larger lots.

The Staff has reviewed the request and recommends **APPROVAL** subject to the following conditions:

	<u>Requested</u>	<u>Allowed</u>
Maximum Gross Land Area:	0.8836 Acres	15.9
Maximum Number of DU's:	3 Single-Family	
Maximum DU's/Acre:	3.4 Units	18
Livability Space/DU:	5,000 sf	600
Minimum Square Feet/DU:	2,400 sf	
Minimum Setbacks	25' front, 5' side	Per RM-1

Stormwater Management will review the drainage plans for each of the three lots. The tract abuts an existing 17.5 foot easement on the east. The developer is granting a 15 foot easement abutting the 17.5 foot easement by separate instrument to accommodate the sanitary sewer extension to be constructed along the east property line and for public service, natural gas and cable television services.

A dedicated street (South 76th East Avenue) exists in front of the lots. A 25 foot building setback is required to conform to the existing setbacks in the adjoining subdivision to the south and the existing additions to the north and west. A water main exists in the front of the lots in the street right-of-way and the sanitary sewer is being extended to complete service to the three lots.

This application does not change any easements of record, which still apply, and any easement vacations or relocation of existing service lines would be at the property owner's expense.

This application shall meet all other requirements of PUD 177 unless revised herein and be in compliance with all applicable codes of the City of Tulsa, including but not limited to the Building Code.

Abutting property owners have been notified of the public hearing.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, Woodard, "absent") to **APPROVE** the Minor Amendment to PUD 177-5 & L-17109, as recommended by Staff.

* * * * *

PUD 439-1: Minor Amendment
NE/c of East 21st Street and South 89th East Avenue

Staff Recommendation:

The applicant is requesting a minor amendment to PUD 439 to change the following requirements:

1. Square Footage Correction and Addition:

The original PUD stated the existing building as having 10,380 square feet. This is incorrect and needs to be changed to 11,180 square feet. In addition the applicant is requesting an additional 125 square feet be allowed on the expansion bringing the total square footage from 6,500 to 6,625 square feet. The corrections and addition come to a total of 925 additional square feet, for a maximum building floor area of 17,805 square feet, which is approximately a 5.5% increase.

2. Building Height Correction:

The PUD calls for a one story building not to exceed 12 feet in height. Because of the slope of the property we are requesting that the PUD and covenants read, "No building shall exceed one story nor 16 feet in height." The expansion will be the exact same height as the existing building, but because of the slope of the ground, overall height on the north side will exceed 12 feet as currently stated in the existing PUD.

3. Sign Correction:

On the original PUD application a 1'4" x 12' existing sign located on the west side of the existing building was inadvertently left out. The applicant is requesting that it be included in our PUD.

Staff finds these amendments to be minor in nature and consistent with the purposes and intent of PUD 439. Therefore, Staff recommends **APPROVAL** of minor amendment PUD 439-1 as submitted.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, Woodard, "absent") to **APPROVE** the Minor Amendment to PUD 439-1, as recommended by Staff.

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PUD ~~434~~: Request Refund of Fees on a Detail Sign Plan
(Receipt #38212, \$50.00)

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, Woodard, "absent") to **APPROVE** the Refund of Fees to PUD 434 Detail Sign Plan, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 6:40 p.m.

Date Approved December 14, 1988
Cherry Kempe
Chairman

ATTEST:
Kevin C. Coutant
Secretary