

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1746
Wednesday, **May 24, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 23, 1989 at 10:45 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of the Minutes of May 10, 1989, Meeting #1744:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-2** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; Kempe, Woodard, "abstaining"; Randle, "absent") to **APPROVE** the **Minutes of May 10, 1989, Meeting #1744**.

Correction to the Minutes of May 3, 1989 (pg 5), re: District 1 Plan

Ms. Dane Matthews of INCOG reviewed the correction to the minutes regarding the District 1 Plan amendments, particularly Item 6.4.3, in order to properly reflect the wording as approved in the Staff recommendation.

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the **Correction to the Minutes of May 3, 1989, page 5, as relates to the District 1 Plan amendments, Item 6.4.3, as recommended by Staff**.

REPORTS:

Chairman's Report:

Chairman Doherty briefed the Commission on the latest activity at the Oklahoma Legislature in regard to House Bill 1411 dealing with principal use variances.

Committee Reports:

- a) Consider the **Rules & Regulations Committee's** recommended amendments to the TMAPC Rules of Procedure and General Policies resulting from the Infill Development Study.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Amendments to the TMAPC Rules of Procedure and General Policies, based on the recommendation of the Infill Development Study, as recommended by the Rules & Regulations Committee and Staff.

- b) Consider the Rules & Regulations Committee recommendations with regard to proposed Board of Adjustment actions resulting from the Infill Development Study.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Rules & Regulations Committee recommendations with regard to proposed Board of Adjustment actions resulting from the Infill Development Study.

- c) Mr. Paddock reviewed further recommendations of the Rules and Regulations Committee in regard to the Infill Development Study which included work program items for review by the Budget & Work Program Committee.

- d) Mr. Parmele advised of a **Budget & Work Program Committee** meeting this date to review the FY 89-90 work program. He announced a follow up meeting was scheduled for June 5th to finalize recommendations for review by the TMAPC.

ZONING PUBLIC HEARING:

Application No.: **Z-6244 & PUD 432-B** Present Zoning: CH
Applicant: **Norman (Hillcrest Medical Center)** Proposed Zoning: OH
Location: SE/c of Utica Avenue & East 11th Street
Date of Hearing: May 24, 1989
Presentation to TMAPC by: Charles Norman, 2900 Mid-Continent Tower (583-7571)

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Hillcrest Hospital.

According to the Zoning Matrix the requested OH District may be found in accordance with the Plan Map. All zoning districts are considered **may be found** in accordance with Special District Guidelines.

Staff Recommendation: **Z-6244**

Site Analysis: The subject tract is approximately 2.06 acres in size and is located on the east side of Utica Avenue immediately south of East 11th Street South. It is gently sloping, contains a parking lot at the north end and a medical high rise office building on the south end and is zoned CH.

Surrounding Area Analysis: The tract is abutted on the north by commercial businesses zoned CH; on the east by a parking garage zoned CH; on the south by vacant property where an office building is now being constructed zoned PUD 432-A, OMH and RM-2; and on the west by Hillcrest Hospital and a bakery zoned CH. The area also surrounds a small parcel on the east side of Utica Avenue which contains a bakery goods retail store.

Zoning and BOA Historical History: OMH zoning has been approved immediately south of the subject tract as well as other less intense office zones in the general area.

Conclusion: Since the property is already zoned CH and a high rise office building already exists on the southern portion of the tract, Staff can support OH zoning on the north 288' of the tract (to the south boundary of Lot 6, Block 1 of Perryman Heights 2nd) and OMH on the remainder.

Therefore, Staff recommends **APPROVAL** of OH on the north 288' of the tract, **DENIAL** of OH on the remainder and **APPROVAL** of OMH on the remainder.

Staff Recommendation: **PUD 432-B**

A Detail Site Plan has been approved by the TMAPC for the first medical office building within PUD 432-A at the southeast corner of East 12th Street and South Utica Avenue. The approved Detail Site Plan for the first building required the use of almost all of the remaining area within the original PUD for surface parking.

Hillcrest Medical Center has decided to accelerate the construction of the second medical office building within PUD 432-A and to name the two building complex The William H. Bell Medical Park.

The amended Concept Illustration for Development Areas A and B indicates the revised design of The William H. Bell Medical Park. Most of the surface parking within Area B will be reserved for patients and visitors to the buildings.

The purposes of amended PUD 432-B are as follows:

1. To add to the PUD the existing medical offices, parking structures and surface parking areas between South Utica and South Victor Avenues, and East 11th and East 12th Streets as Development Areas C and D.
2. To provide a part of the off-street parking spaces required for The William H. Bell Medical Park within Areas C and D.
3. To approve Area C for future office development and to establish a reserve of developmental floor area upon approval of the requested OH zoning for future transfer to other sites within the planned unit development as it now exists or as it may be enlarged by amendment.
4. To approve the transfer of 16,104 square feet of floor area from Development Area C to Area A to permit the future addition of one floor to the north building within The William H. Bell Medical Park.

Hillcrest Medical Center has determined that there presently exists within the hospital campus, which lies to the west of South Utica Avenue, sufficient off-street parking spaces to satisfy the requirements of the hospital facilities and that the parking structures and surface parking areas which lie to the east of South Utica Avenue may be allocated to the physicians and medical office use within PUD 432-B.

The existing north physicians building within Area C contains 60,757 square feet; the existing south physicians building in Area C contains 112,936 square feet; and the two buildings have a total building area of 173,693 square feet. The physicians buildings within Area C require 695 parking spaces.

The existing parking structure in Area D has 925 spaces and the existing surface parking within Areas C and D provides 171 spaces. Two recently acquired lots at the south end of Area D will be surfaced to add 31 spaces thereby providing 1,127 parking spaces in Areas C and D. Subtracting the 695 spaces required for the existing physicians buildings in Area C leaves a surplus of 432 parking spaces within Areas C and D.

The two medical office buildings in Area A will initially contain 128,832 square feet (prior to an additional floor being added to the north building) and require 516 parking spaces. The Amended Concept Illustration and amended Detail Site Plan for Area B will provide 114

surface parking spaces leaving 402 required parking spaces to be provided out of the existing surplus of 432 spaces in Areas C and D to meet the parking requirements of The William H. Bell Medical Park. Additional office facilities within PUD 432-B will require structure parking or further amendment of the Hillcrest Office Park PUD to add parking areas.

Providing part of the required parking in Areas C and D for the buildings in Area A permits an increase in the landscaped open area within The William H. Bell Medical Park.

The previously approved Landscaping and Screening Plan for Area B is unchanged by PUD 432-B. A new Detail Landscape Plan for Area A will be required.

The District 4 Plan designates Development Areas A, C and D as a Special District for Hillcrest Hospital and Area B was previously recommended by Staff for inclusion in this special district. The uses proposed appear to be compatible with the intent of this special district.

Based on Staff's following conditions expressed below, Staff finds PUD 432-B 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 would recommend **APPROVAL** of PUD 432-B subject to the following conditions:

1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein. Further, that the Special District - Hillcrest, be amended to include all of the area described in PUD 432-B.

2) **Development Standards:**

-- Area A --

Area (Gross):	2.99 Acres	130,240 sf
Permitted Uses:	Principal and accessory uses permitted as a matter of right in the OM district, and off-street parking.	
Maximum Building Floor Area:	144,936 sf	
Maximum Building Height:		
from 55' to < 85' from C/L of East 13th Street	26'	
from 85' to < 110' from C/L of East 13th Street	39'	
more than 110' from C/L of East 13th Street	60'	

Z-6244 & PUD 432-B Norman (Hillcrest) - Cont

Minimum Building Setbacks:

from C/L of South Utica	50'
from C/L of East 12th Street	To be determined *
from west boundary - Area B	0'
from C/L of East 13th Street	55'

Off-Street Parking: As required by the applicable Use Units.

Minimum Internal Landscaped

Open Space: 15% **

Signs: Two pedestal identification signs which shall not exceed 8' in height or 48 square feet in surface area and shall be consistent in design with other medical center signage.

-- AREA B --

Area (Gross) 2.04 Acres 88,862 sf

Permitted Uses: Off-street parking and parking structures.

Maximum Building Heights:

The height of the deck of a parking structure may vary from 0' above grade at the south building setback to 25' above grade at the NE/c of Area B. The parapet of the highest deck may not exceed 3' in height above the deck. ***

Minimum Building Setbacks:

from C/L of East 13th Street	55'
from C/L of South Victor	35'
from C/L of East 12th Street	To be determined
from west boundary - Area A	0'

Minimum Internal Landscaped

Open Space 12.5% 11,000 sf **

Signs: Two ground identification signs which shall not exceed 6' in height or 16 square feet in display area, which shall be located at the entrances to the parking area from East 12th and East 13th Streets.

* To be determined at the time of approval of the Detail Site Plan taking into consideration the additional right-of-way needed to realign 12th Street to eliminate a jog in the street at Utica and the need for a pedestrian tunnel from the office building and the existing parking garage to the north.

** 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.

*** Area B slopes from the south to the north with an elevation change of approximately 25'. The variable maximum building heights within Area B are established to accommodate the changes in site elevations.

— AREA C —

Area (Gross): 2.42 Acres 105,400 sf

Permitted Uses: Principal and accessory uses permitted as a matter of right in the OH district and off-street parking and parking structures.

Maximum Building Floor Area:

Existing north phys. bldg.	60,757 sf
Existing south phys. bldg.	112,936 sf
Proposed transfer to Area A	16,104 sf
Future construction	290,000 sf

Maximum Building Height: None

Minimum Building Setbacks:
(Future Buildings)

from South Utica R/W	10'
from East 11th Street R/W	10'
from East 12th Street R/W	10'
from east boundary of Area C	0'

Off-Street Parking: As required by the applicable Use Unit.

Minimum Internal
Landscaped Open Space: 10% *

Signs: Two pedestal identification signs which shall be permitted not to exceed 12 feet in height or 96 square feet in surface area and shall be consistent in design with other medical center signage. Building identification wall signs shall be permitted as provided in the Planned Unit Development Chapter of the Tulsa Zoning Code.

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

— Area D —

Area (Gross): 3.75 Acres 163,391 sf

Permitted Uses: Off-street parking and parking structures.

Minimum Parking Structure Setbacks:
(Future Buildings)

from East 11th Street R/W	10'
from East 12th Street R/W	10'
from South Victor Avenue R/W	10'
from west boundary of Area D	0'

Z-6244 & PUD 432-B Norman (Hillcrest) - Cont

Signs: Four ground identification signs shall be permitted not to exceed 24 square feet in surface area, which signs shall be located at the entrances to the parking structures and surface parking areas on East 12th Street and South Victor Avenue. Parking structure identification wall signs shall be permitted as provided in the PUD Chapter of the Tulsa Zoning Code.

- 3) That all trash and mechanical equipment areas shall be screened from public view.
- 4) That all parking lot lighting shall be directed downward and/or away from adjacent residential areas. Light standards shall be limited to a maximum height of 12' in the south 300' of Development Area A or B, except light standards on the top deck of the parking structure in Area B shall not exceed 8' in height and the maximum height for light standards in the balance of Areas A and B for freestanding lights shall not exceed 18'.
- 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 and as limited herein.
- 6) That a Detail Site Plan, including building elevations, shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit. The design of the parking structure in Area B shall be such as to restrict lighting from vehicles on the deck, or lighting from the first level of the parking area or garage from spilling over into adjacent residential areas. No exterior wall mounted lights or signs are permitted on the south and east building facades in Areas A and B.
- 7) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify that all landscaping and screening fences have been installed in accordance with the approved landscape plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
- 8) 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.
- 9) Prior to issuance of an occupancy permit, sufficient parking spaces shall be reserved in Garage E and/or the Self Park Lot to meet the parking requirements of the office building(s) in Area A, after the parking spaces developed in Area B have been deducted from the requirement. [Added per TMAPC at public hearing.]

Additional Staff Comment: Hillcrest Parking Analysis for PUD 432-B

The Hillcrest Healthcare System proposes to count 402 parking spaces north of 12th Street and east of Utica Avenue toward meeting the off-street parking requirement of two proposed new office buildings south of 12th Street. Staff surveyed the parking garages and surface lots owned by Hillcrest to determine the number of spaces that were not being used.

Only 202 spaces east of Utica were vacant and of those vacant spaces 110 were assigned to individuals and unavailable to others in Garage E. The distance from the proposed office buildings to these vacant spaces was also analyzed. Only the 110 spaces in Garage E were within 450' of the northern office building. The 450' distance is generally the design standard for the maximum distance between a parking space and a retail store. None of the vacant spaces are within 450' of the southern office building. Garage E, the closest garage to the southern building, is an average of 650' away. Distances greater than 450' may be acceptable for office employees parking all day.

The parking areas on the west side of Utica Avenue were also analyzed to determine if reassigning employees to unused parking spaces on the west side of the hospital would free enough spaces near the proposed offices. This survey showed that there were 243 vacant parking spaces west of Utica Avenue. If sufficient employees could be shifted to these vacant spaces and the use of Garage E could be changed, enough parking could be made available, within a reasonable distance, east of Utica to satisfy the zoning ordinance requirement of 402 spaces.

Therefore, Staff recommends that an additional condition of the PUD be as follows: "Prior to issuance of an occupancy permit, sufficient parking spaces shall be reserved in Garage E and/or the Self Park Lot to meet the parking requirements of the office building(s) in Area A, after the parking spaces developed in Area B have been deducted from the requirement."

Applicant's Comments:

Mr. Charles Norman, representing Hillcrest Medical Center, stated agreement to the Staff recommendation on the zoning request. He presented the Detail Site Plan for the first building and reviewed the proposed changes to the Site Plan to relocate, at least temporarily, the parking arrangements. Mr. Norman also reviewed the aerial maps showing the long-range acquisition plans in the hospital area. He presented their analysis of parking as compared to Staff's analysis. Mr. Norman requested approval of the zoning and PUD as recommended, having no objection to the suggested additional condition (#9). He then answered questions from the TMAPC members clarifying the hospital's acquisition plans, dedication of right-of-way along Utica, structure setbacks, parking capacities, etc.

Interested Parties:

Mr. James D. Sicking (1724 East 13th Street) stated that he felt the additional parking outlined on the aerial map should be acquired and constructed as a part of this PUD rather than have this as a future plan. Further, he felt this entire presentation was a misuse of the PUD concept, as the PUD should be planned in total. Mr. Sicking requested denial of this amendment to the PUD. He commented that the PUD should include all of the portions east and west of Utica in order to justify the use of parking west of the hospital. As an alternative, he requested the PUD be amended to include the land owned by Hillcrest east of Victor Avenue to be incorporated as additional parking. In reply to Ms. Wilson, Mr. Sicking stated his concern was that it was unrealistic to think that hospital staff or patients would park 450+ feet away when there was parking available on the neighborhood streets.

Mr. Don Barnum (1620 South Elwood) advised he was representing his parents who own property at 1910 East 13th Street which is in the hospital area. Mr. Barnum agreed that the hospital was ill advised if they think that parking would not continue to occur within the neighborhood. He questioned what intent, if any, there was for the church parking lot on South Wheeling. Mr. Barnum stated that Hillcrest did not maintain the properties in this area they owned, while the long time residents maintained their homes very nicely. He commented that he would like to propose a buffer zone for the residential area due to his concerns with traffic congestion, water run-off from the office parking, etc.

Applicant's Rebuttal:

Mr. Norman reviewed the surrounding commercial uses along 11th Street and pointed out that the area in an around Hillcrest has undergone several changes over the past years. He stated he felt this proposal reflected the same quality with regard to design, landscaping, architecture, etc. as previous renovations over the past 15 years at the hospital. Mr. Norman stated this amendment to the PUD proposed a reduction of on-site parking and an increase in the landscaped open area in the William Bell Medical Park and create a compatible area on the west side between the buildings, as well as the Benedict Park area on the east side. He added that an alternative would be to increase surface parking and reduce the landscaping, but no one has suggested this be done.

In regard to the church parking lot on South Wheeling mentioned by an interested party, Mr. Norman stated that the hospital had no specific plans to acquired this area at this time as the church would not sell just the parking lot, and this particular area was not within their planned acquisition area.

In response to Ms. Wilson, Mr. Norman clarified that this proposal (PUD 432-B) superceded the previous proposals and would eliminate the need for the parking structure once presented. In reply to Mr. Coutant, Staff confirmed there would be adequate parking to meet the Code.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE Z-6244 & PUD 432-B Norman (Hillcrest)**, as recommended by Staff, with the addition of condition #9.

Legal Description:

Z-6244: OH Zoning on the north 288.0' and OMH Zoning of the balance of a tract of land that is part of Block 2 of Perryman Heights 2nd Addition, an addition to the City and County of Tulsa, Oklahoma, said tract of land being described as follows, to-wit: All of the easterly 94.0' of the southerly 38.0' of Lot 1 of said Block 2; and all of the easterly 94.0' of Lots 2 - 4 of said Block 2; and all of the easterly 80.0' of Lots 7 - 12 of Block 2; and all of the easterly 80.0' of the northerly 32.62 feet of Lot 13 of Block 2; AND ALSO a 50.0' wide tract of land in Perryman Heights 2nd Addition, an addition to the City and County of Tulsa, Oklahoma, that is all of the vacated and closed street right-of-way for Utica Place as shown on the plat of record.

PUD 432-B: Tracts A & B: A tract of land that is all of Block 2 of Ridgedale Terrace, and addition to the City and County of Tulsa, Oklahoma. Tract C: A tract of land that is part of Block 2 of Perryman Heights 2nd Addition, an addition to the City and County of Tulsa, Oklahoma, said tract of land being described as follows, to-wit: All of the easterly 94.0' of the southerly 38.0' of Lot 1 of said Block 2; and all of the easterly 94.0' of Lots 2 - 4 of said Block 2; and all of the easterly 80.0' of Lots 7 - 12 of Block 2; and all of the easterly 80.0' of the northerly 32.62 feet of Lot 13 of Block 2; AND ALSO a 50.0' wide tract of land in Perryman Heights 2nd Addition, an addition to the City and County of Tulsa, Oklahoma, that is all of the vacated and closed street right-of-way for Utica Place as shown on the plat of record.

Tract D: A tract of land that is part of Block 1 of Perryman Heights 2nd Addition, an addition to the City and County of Tulsa, Oklahoma, said tract of land being described as follows, to-wit: All of the southerly 34.0' of Lot 1 of Block 1; and all of Lots 2 - 12 of Block 2; and all of the northerly 32.62' of Lot 13 of Block 1; AND ALSO a tract of land that is part of Perryman Heights Addition, an addition to the City and County of Tulsa, Oklahoma, said tract of land being described as follows, to-wit: A 10.0' vacated and closed alley adjacent to the westerly line of Lots 8 - 13 of said Addition; and all of Lots 8 - 13; and the westerly 145.0' of Lot 14 of said Addition.

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Application No.: Z-6174-SP-1 (Corridor Site Plan)
Applicant: **Heidinger**
Location: West of East 81st Street & the proposed Mingo Valley Expressway
Date of Hearing: May 24, 1989
Continuance Requested by: INCOG Staff (Awaiting information from ODOT)

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **CONTINUE Consideration of Z-6174-SP-1 Heidinger** until Wednesday, **June 7, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: Z-6249 Present Zoning: AG
Applicant: **Hinkle (Anderson Development Co.)** Proposed Zoning: RS-2 & CS
Location: SW/c of East 111th Street & South Sheridan Road
Date of Hearing: May 24, 1989
Presentation to TMAPC by: Mr. E.O. Sumner, 8173 East 31st Street (627-4442)

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential, Low and Medium Intensity - No Specific Land Use and Development Sensitive.

According to the Zoning Matrix the requested CS and RS-2 Districts are in accordance with the Plan Map except for the west 208' of the requested commercial.

Staff Recommendation:

Site Analysis: The subject tract is 44.642 acres in size and is located at the southwest corner of East 111th Street South and South Sheridan Road. It is partially wooded, gently sloping, vacant and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by mostly vacant property with scattered single-family dwellings zoned AG; on the east by vacant property in the city limits of Bixby zoned RS-1 and AG; on the south by scattered single-family dwellings and vacant property zoned AG; and on the west by a developed single-family subdivision and vacant property zoned RS-2 and RS-1.

Zoning and BOA Historical Summary: Commercial zoning was recommended for approval on the northeast corner of the intersection in 1976, but denied by the City Commission.

Conclusion: It has been Staff's policy not to recommend the first commercial zoning on a corner where existing residential development has occurred. In this case, the tract containing the only existing residential dwelling was proposed for commercial zoning in 1976. Staff could therefore support the requested rezoning and the modified commercial configuration (675' x 290' instead of the typical 467'x 467') since the area does not exceed five acres and follows existing lot lines.

Therefore, Staff recommends **APPROVAL** of CS and RS-2 zoning as requested.

Additional Staff Comments:

In reply to Mr. Paddock regarding Staff's recommendation, Mr. Gardner explained that RS-2, in lieu of RS-1, was recommended for approval since that was the applicant's request, RS-2 zoning immediately abutted the tract on the west half of the tract, and the Development Guidelines would permit RS-2. He stated a reason for considering RS-1 only would be if there was no way to physically sewer this property now or in the immediate future. Mr. Gardner added that another factor influencing Staff's recommendation, was that the Comprehensive Plan indicated single-family residential zoning as well as commercial zoning could be considered appropriate, and unless there were physical facts that warranted otherwise, this request was consistent with the Plan. Mr. Gardner advised that the RS-1 zoned area to the east was currently unplatted.

Applicant's Comments:

Mr. E.O. Sumner, representing the applicant, discussed the status of the sewer situation and the topography maps for this area. He advised the applicant had received approval from the City in regard to a proposal for the sewage and pump station which would serve the subject tract. Mr. Sumner advised that the area requesting commercial zoning would also be served by a sewer line. He reviewed the plats and photos of three subdivisions previously done by this applicant, advising that the proposal for the subject tract would be very similar in regard landscaped areas with sprinkler systems, sodding, and other amenities not required by the Code.

Mr. Paddock asked Mr. Sumner why he was seeking RS-2 zoning, since his proposal would meet the bulk and area requirements for RS-1, and since the only abutting platted property was RS-1. Mr. Sumner advised that, in his meetings with the surrounding developers, the remainder of the lots would be developed to RS-2 standards. In regard to the CS zoning request, Mr. Sumner acknowledged that there may not be an immediate need for retail or commercial at this location, but the developer was anticipating and planning for future needs. Mr. Carnes inquired if the applicant would be willing to submit a PUD for the portion requesting commercial zoning. After checking with the owner (Mr. Lemons), Mr. Sumner stated the applicant would consider a PUD for the CS portion.

Interested Parties:

Mr. Jon Nickerson (11313 South Erie) advised he was president of the homeowners association for the three subdivisions in this area. He stated they had several meetings with the developer, but would like more time to continue negotiations in regard to the covenants. Therefore, he submitted a letter stating reasons for a 30-day continuance request, and photos showing the character of homes in this particular area.

After review of the letter, Chairman Doherty advised that many of the points raised in the letter were not under the jurisdiction of the TMAPC. The applicant stated objection to a continuance as the notice requirements had been met, and they had already conducted several meeting with the homeowners group.

Mr. Parmele commented that he felt the parties had been given enough time to review this case with the developer regarding the zoning. Therefore, he moved for denial of a continuance.

Chairman Doherty asked if any of the interested parties who signed to speak on this case would like to address the continuance request only. Mr. Frank Lindner and Mr. D.C. Wright both stated support of a continuance to allow more time for review of the development proposal.

On **MOTION** of **PARMELE**, the TMAPC voted **6-3-1** (Carnes, Coutant, Doherty, Draughton, Parmele, Woodard, "aye"; Kempe, Paddock, Wilson, "nay"; Selph, "abstaining"; Randle, "absent") to **DENY** a continuance on Z-6249 Hinkle (Anderson Development Co.).

The continuance request denied by a vote of the Commission, Chairman Doherty proceeded with the hearing on this case, calling on the next interested party signed to speak.

Mr. Dennis Morris (11808 South Sheridan) advised he was opposed to the RS-2 classification, but he was not opposed to the proposed development since it appeared to meet RS-1 standards. He added that he would not object to RS-1 zoning on the tract. Mr. Morris mentioned concerns as to water run-off from high density housing on this land if developed to RS-2.

Mr. Kirk Davis (11732 South Sheridan) voiced concerns with additional water due to the sandy soils in this area, especially if the topsoil was removed, and he advised of erosion already existing.

Mr. D.C. Wright (6240 South 116th) advised he has lived in this area approximately 20 years. Mr. Wright stated that the commercial area at 101st & Sheridan was now about 50% vacant, and other retail centers in this areas had high vacancy rates. Therefore, he felt there was more than adequate commercial space available, and he did not see the need for more CS zoning at this location. Mr. Wright was not opposed to the development, but asked that the developer maintain the size of these lots to conform with those developed to the south; i.e., large parcels. He confirmed there was extremely sandy soils in this area.

Mr. Ralph L. Kelley (11840 South Sheridan) stated he has been a resident in south Tulsa for 17 years due to the country atmosphere at this location. Mr. Kelley echoed concerns with detention and run-off, as well as additional traffic congestion.

Mr. Draughon referred to letters from the Bixby Engineer and the Department of Stormwater Management which confirmed that on-site detention would be required.

Mr. Frank Lindner (10602 South Quebec Place), District 26 Chairman, commented that he did not feel the proposal was compatible with existing developments having wide open spaces and large lots. Mr. Lindner remarked that this case could be used to send a message that commercial development did not necessarily need to be placed at each intersection. Therefore, the integrity and character of the country atmosphere could be preserved.

Applicant's Rebuttal:

Mr. Robert Lemons, developer of the project, advised the homeowners association was notified when the application was filed and they have met on three occasions since that time. Further, nothing on the application has changed from what the association reviewed, and he has tried to incorporate their suggestions and comments. Mr. Lemons commented that the detention being provided should improve the existing run-off problems. In regard to the mentioned traffic congestion in south Tulsa, he remarked that this problem was not limited to just this area. Mr. Lemons advised the proposal would have three units per acre, and he felt that the letter submitted from the homeowners association supported the request since it stated they were not opposed to RS-2 zoning with certain conditions, and he reiterated efforts to work with the association.

In response to Ms. Wilson, Mr. Lemon remarked the developer has offered to spend a great deal to place the sewer lines and an increase in the number of dwelling would help compensate for these costs. Therefore, the request for RS-2 zoning, even though he was planning to build to RS-1 standards on that portion abutting the RS-1 area.

Mr. Carnes suggested for RS-1 zoning on the north half, and RS-2 zoning on the south half with a related PUD. Discussion followed, with Staff confirming that the applicant would not lose any density if he followed this suggestion but could, in fact, have a much greater yield.

In reply to Mr. Paddock regarding dedication of right-of-way, Mr. Lemons confirmed that they would be dedicating 100' of right-of-way on the two arterials they front, which was approximately four acres of land.

Ms. Wilson verified that the applicant was proposing a development that was very similar to a PUD development, but that the applicant would not have the cost of time or expense involved with a PUD. Mr. Lemons added that another reason they did not want to submit a PUD was that, any time a

change was made, it would require more time and expense for minor amendments to the PUD. Further, he felt a PUD would present a problem to the City in the future, in that, if private streets were developed then this would be a burden to the homeowners and they could ultimately be asking the City to take over the maintenance. Mr. Lemons stated he preferred just having the straight zoning so he could develop the property, as he felt he had the reputation of his previous projects to support him as he always did more than the City required.

TMAPC Review Session:

Mr. Paddock moved for approval of RS-1 zoning on the entire tract, as he did not feel the TMAPC should be the first to initiate commercial zoning at this intersection. Ms. Wilson commented that the reason for the current RS-1 in this area was that there was no sewer and the dwellings needed large lots in order to have septic, and now the Subdivision Regulations have been changed to accommodate sewer in south Tulsa. Therefore, she felt RS-2 on a portion of the tract would be appropriate. Mr. Parmele agreed with Staff that RS-2 was compatible with the existing RS-1, and there was RS-2 zoning currently abutting the subject tract. Further, he felt the type of development proposed and the quality of home that would be built would certainly be compatible. Therefore, he was opposed to RS-1 on the entire tract, but he would be in favor of a suggestion from Staff for a possible RS-1/RS-2 combination.

In regard to the requested CS zoning, Mr. Parmele stated that it would be better to look into the future, following the Development Guidelines, and be the first to indicate this would be appropriate for commercial development. He suggested continuing that portion requesting CS zoning for 30 - 60 days to allow time for a PUD filing. Mr. Paddock commented he did not feel there was a market for commercial. Mr. Doherty remarked that he did not feel the market was a viable reason for or against zoning. Mr. Gardner stated that the District Plan was a plan to the year 2000, and he asked the TMAPC members if they thought there would not be a market by that time. He added that, if the commercial was denied, it must not be on the basis of market, but rather on the basis that the TMAPC feels CS zoning should or should not be permitted there. Mr. Gardner reviewed, in response to Ms. Wilson, a 1976 application for CS zoning on the northeast corner which was supported by Staff and the TMAPC, but was denied by the City.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **2-7-0** (Draughon, Paddock, "aye"; Carnes, Coutant, Doherty, Kempe, Parmele, Wilson, Woodard, "nay"; no "abstentions"; Randle, Selph, "absent") to **APPROVE** Z-6249 Hinkle (Anderson Development Co.) for RS-1 zoning on the entire tract.

That motion failing, Mr. Parmele submitted a motion for RS-1 zoning on the west 140' of the north 1,320', with RS-2 zoning on the balance EXCEPT for that portion requesting CS which shall be continued to July 19, 1989 in order to allow time to readvertise for an accompanying PUD.

Mr. Doherty suggested exempting the CS portion from the motion in order to deal with this separately. Mr. Paddock moved to amend the main motion to delete any references to CS zoning and a possible PUD. Discussion followed regarding the CS portion with a PUD filing.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **3-6-0** (Coutant, Draughon, Paddock, "aye"; Carnes, Doherty, Kempe, Parmele, Wilson, Woodard, "nay"; no "abstentions"; Randle, Selph, "absent") to **AMEND** the main motion to read RS-1 zoning on the west 140' of the north 1,320', with RS-2 zoning on the balance; thereby deleting any reference of CS zoning or a PUD for CS.

That motion failing, discussion continued and the main motion was called. Before the vote, Mr. Parmele stated he would like to make it clear that the motion was not an endorsement of CS zoning as the CS was a separate issue suggested for review at a later date.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-2-0 "aye"**; (Carnes, Coutant, Doherty, Kempe, Parmele, Wilson, Woodard, (Draughon, Paddock, "nay"; no "abstentions"; Randle, Selph, "absent") to **APPROVE** Z-6249 Hinkle (Anderson Development Co.) for RS-1 zoning on the west 140' of the north 1,320', with RS-2 zoning on the balance EXCEPT for the north 290' of the east 675' of the NE/4 of the NE/4 of Section 34, T-18-N, R-13-E, Tulsa County, Oklahoma, which shall be continued to July 19, 1989 in order to allow time to readvertise for an accompanying PUD.

Legal Description:

RS-1: The west 140' of the NE/4 of the NE/4 of Section 234, T-18-N, R-13-E, Tulsa County, Oklahoma.

RS-2: The NE/4 of the NE/4 of Section 34, T-18-N, R-13-E, Tulsa County, Oklahoma, LESS the west 140' and LESS the north 290' of the east 675' thereof; and

The SE/4 of the NE/4 of Section 34, T-18-N, R-13-E, Tulsa County, Oklahoma.

* * * * *

Application No.: Z-6251 Present Zoning: RS-3
Applicant: Trotter Proposed Zoning: AG
Location: South of the SW/c of West 71st Street & South Jackson Street
Date of Hearing: May 24, 1989
Presentation to TMAPC by: Mr. Steve Trotter, 7106 South Jackson (446-2768)

Relationship to the Comprehensive Plan:

The District 8 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 AG District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 3.18 acres in size and is located approximately 350' south of the southwest corner of West 71st Street South and South Jackson, It is nonwooded, gently sloping, vacant, contains a mobile home, farm buildings and agriculture uses and is zoned RS.

Surrounding Area Analysis: The tract is abutted on the north by single-family residences zoned RS-3, on the east and south by a mixture of mobile homes and single-family dwellings zoned RS-3; and on the west by vacant property zoned AG.

Zoning and BOA Historical Summary: The subject tract was rezoned RS by the Study Map in 1970. the City has approved a number of commercial and residential developments along 71st Street west of the Arkansas River.

Conclusion: The subject tract is part of non-platted residential development. When zoned RS-3 in 1970 using aerial photographs, it was assumed to be a one street subdivision for single-family residential development. At that time there was no AG zone. Upon examination of the site and environs it was discovered that the area is of a large lot residential or agricultural nature. Because of this Staff can support rezoning of the tract to AG.

Therefore, Staff recommends **APPROVAL** of AG zoning for Z-6251.

Applicant's Comments:

Mr. Steve Trotter advised that until recently he was not aware that his property had other than AG zoning, and pointed out the surrounding AG zoning and uses.

Interested Parties:

Mr. Gene Tuggle (7163 South Jackson) submitted a petition with his and two other signatures opposing the rezoning, stating the applicant "is running a breeding service with his mules and this is being done in the open which we oppose because of the small children in the area are seeing what's going on." Mr. Tuggle commented that he felt the applicant had too many animals to abide by the residential code requirements.

TMAPC Review Session:

Chairman Doherty read the complete petition submitted by Mr. Tuggle, as well as a letter of support from Mr. Tom Quinn (7419 South Jackson).

Ms. Kempe moved for approval of the Staff recommendation for AG zoning. Ms. Wilson commented she would be voting against the motion due to the abutting residential zoning on three sides of the subject tract.

TMAPC ACTION: 9 members present

On **MOTION** of **KEMPE**, the TMAPC voted **8-1-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Woodard, "aye"; Wilson, "nay"; no "abstentions"; Randle, Selph, "absent") to **APPROVE Z-6251 Trotter** for AG Zoning, as recommended by Staff.

Legal Description:

AG Zoning: The south 462' of the north 897' of the west 330' of the E/2 of the NW/4 of the NE/4 less the east 30' thereof, Section 11, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

* * * * *

Application No.: Z-6252 Present Zoning: AG
Applicant: Breedlove (Simpson) Proposed Zoning: RS-3
Location: East of South Darlington Avenue at East 87th Street South
Date of Hearing: May 24, 1989
Presentation to TMAPC by: Mr. Greg Breedlove, 2217 East Skelly Dr (749-1637)

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.

According to the Zoning Matrix the requested RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 30 acres in size and is located approximately 1300' north and 1600' east of the northeast corner of East 91st Street South and South Yale, It is partially wooded, gently sloping, vacant, and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by Holland Hall School zoned AG; on the east by vacant property zoned RS-3; on the south by mostly vacant property zoned AG; and on the west by a developing single-family subdivision zoned RS-3.

Zoning and BOA Historical Summary: TMAPC actions have approved RS-3 zoning abutting the subject tract to the east and west. Also, Board of Adjustment actions approved school use to the north.

Conclusion: Based on the Comprehensive Plan and existing zoning and development patterns, Staff finds the request to be compatible with the area and can support the request.

Therefore, Staff recommends **APPROVAL** of RS-3 zoning as requested.

Comments & Discussion:

Mr. Bill Senger (8621 South Darlington Avenue) advised he was a resident in South Pointe and was interested in the type of development proposed. Mr. Senger voiced concerns with access and traffic safety due to the number of children in the neighborhood. Mr. Gardner confirmed that RS-3 zoning applied for was the same as the South Pointe subdivision. There was only one access onto Yale Avenue, but at some point in the future there may be other access points. Chairman Doherty assured Mr. Senger that, as an interested party on record, he would receive notice of any further applications for this tract; i.e. plats, etc.

Mr. Ed Schermerhorn, speaking on behalf of the applicant, stated that he originally had not planned to speak, but due to the interested party's questions, he reviewed the proposed development and access. He also advised that the lots and homes in this subdivision would be more expensive than South Pointe and the covenants would be somewhat more restrictive. In other words, this would be a very compatible development to South Pointe.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Selph, "absent") to **APPROVE Z-6252 Breedlove (Simpson)** for RS-3 Zoning, as recommended by Staff.

Legal Description:

RS-3 Zoning: The E/2 of the NE/4 of the SW/4 and the E/2 of the W/2 of the NE/4 of the SW/4, Section 15, T-18-N, R-13-E, City and County of Tulsa, State of Oklahoma.

* * * * *

Application No.: Z-6253 Present Zoning: RS-3
Applicant: Cox (Moran) Proposed Zoning: IL
Location: N/side of East 59th Street between So 99th E Ave & So 100th E Ave
Date of Hearing: May 24, 1989
Presentation to TMAPC by: Mr. Jack Cox, 7935 East 57th Street (664-3337)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District I (Industrial).

According to the Zoning Matrix the requested IL District may be found, in accordance with the Plan Map. All zoning districts are considered **may be found** in accordance with Special Districts guidelines.

Staff Recommendation:

Site Analysis: The subject tract is 558.6' x 5' in size and is located along the north side of East 59th Street South between 99th and South 100th East Avenue. It is nonwooded, flat, vacant and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by a developing tract zoned IL; on the east by a newly developed industrial subdivision zoned IL; on the south by both vacant single-family lots and residences zoned RS-3; and on the west by industrial uses zoned IL.

Zoning and BOA Historical Summary: In accordance with the Comprehensive Plan, the area is in transition to industrial.

Conclusion: Although the subject tract was left RS-3 to prohibit access to the abutting street to protect the adjacent residential area, additional rezonings have occurred in the area which have been allowed access to this street. Both tracts east and west of the subject tract have unlimited access along their frontage of East 59th Street South. Staff can support allowing an additional access point so long as it does not encourage the use of 100th and 99th East Avenues by industrial traffic.

Therefore, Staff recommends **APPROVAL** of IL zoning for a 40' long section centered on the rear property line of the residential lots between 99th and 100th East Avenues, and would recommend the applicant design his plat and limits of no access to minimize any negative impacts.

Comments & Discussion:

Mr. Doherty inquired as to the RS zoned strip since it appeared this strip was left specifically as a buffer. Mr. Gardner confirmed that RS strip imposed a 75' building setback, and this would not change. Further, screening requirements would be imposed along this boundary. Mr. Parmele commented that, upon review of the zoning case report, Staff had

previously recommended approval of IL on the entire tract, and it was the TMAPC and City Commission that imposed the 5' buffer to restrict the access.

Applicant's Comments

Mr. Jack Cox, representing the owner, reviewed the zoning changes in the area since the approval of the 5' buffer was imposed. Mr. Cox advised the applicant was planning to conduct a sheet metal business, and he reviewed the plat of the tract. He stated agreement to limiting the access to the two points as shown on the plot plan, and requested approval as submitted.

Interested Parties:

Ms. Karen Hicks (5945 South 99th East Avenue) submitted a protest petition containing 23 signatures. Ms. Hicks stated reasons for requesting denial of the application include:

- 1) In 1981, the City Commission provided the residents in the Guy Cook Addition a 5' strip of RS-3, except for the west 50', to protect the neighborhood from access along 59th Street.
- 2) That said property is within 750' of the Union Seventh Grade Center, and presents a safety hazard for school children since 99th and 100th Streets are only 18' wide and would not accommodate the large semi-type vehicles serving the industrial businesses, and there were no sidewalks along either street.
- 3) Due to the 18' wide streets, with no shoulders, cars meeting must exercise caution to pass safely; a car and a semi could not pass without forcing one vehicle to come to a complete stop.
- 4) The two streets in question join together to form a "U" at 59th Street, and since none of these street have a base under them, any large vehicles would soon destroy these streets.

Ms. Hicks also submitted minutes from the previous hearings on this tract, as well as a letter from the Superintendent of Union Public Schools requesting denial. She also presented maps which indicate all the resident properties in and around the subject tract, and also marked the status of other properties as to vacant or developed.

Mr. Ed Everett (5911 South 99th East Avenue) voiced opposition to the rezoning since IL and RS zonings were not compatible. Further, if approved for IL, there would be no buffer zoning provided to the residents. Mr. Everett submitted photos of homes in the Guy Cook Addition which showed the narrowness and condition of 99th and 100th Streets. He reiterated concerns as to traffic and safety hazards from the heavy semi-trucks.

Applicant's Rebuttal:

Mr. Cox requested approval of the application accompanied by a letter to the City asking that signs be placed along the residential streets prohibiting truck traffic. He stated the same amount of traffic would exist regardless of where access was located, and he did not think that zoning by itself would restrict industrial type traffic.

Mr. Coutant referred to a letter from the Protective Inspections Department outlining two errors in the issuance of a Zoning Clearance Permit for this site, and asked the results of the May 19th hearing on this matter with the Chief Zoning Officer. Mr. Cox advised that hearing was postponed, pending the outcome of this hearing on the zoning.

TMAPC Review Session:

Mr. Paddock commented that he felt that previously a mistake had been made approving the existing IL zoning which was "water over the dam", and the Commission had to deal with what was there, and he moved for denial of the application. He added that it would be unfair to the residents to remove the existing buffer.

Mr. Parmele stated he did not feel the zoning could be denied when the same zoning was approved on the adjacent tract, and he agreed that truck traffic could not be controlled through zoning. He pointed out that 90% of the area between 51st and 61st Streets along Mingo was industrial uses, and it was unfortunate that this nice, high quality subdivision was in the middle of this industrial area.

Mr. Doherty stated he could not support removing the buffer unless a barricade or other provisions could be made to protect the residents. Therefore, he supported the motion for denial. Mr. Coutant echoed comments in support of denial, as he felt a "stopping point" was initiated with the existing buffer and it should be maintained.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-3-1** (Coutant, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; Carnes, Kempe, Parmele, "nay"; Selph, "abstaining"; Randle, "absent") to **DENY Z-6253 Cox (Moran) for IL Zoning.**

* * * * *

Application No.: **CZ-173** Present Zoning: AG
Applicant: **Springer** Proposed Zoning: CG
Location: SE/c of 106th Street North & Highway 75
Date of Hearing: May 24, 1989
Presentation to TMAPC by: Mr. Jerry Springer, 7304 E 126th St N, Collinsville
(371-5503)

Relationship to the Comprehensive Plan:

The North Tulsa County Comprehensive Plan 1980-2000 designates the subject tract Corridor.

Staff Recommendation:

Site Analysis: The subject tract is 12.65 acres in size and is located at the southeast corner of East 196th Street North and U.S. Highway 75. It is nonwooded, gently sloping, vacant and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north and south by vacant property zoned AG; on the east by scattered single-family dwellings and mobile homes zoned AG; and on the west by U.S. Highway 75 zoned AG.

Zoning and BOA Historical Summary: None

Conclusion: The subject tract is at the southeast corner of the intersection of East 106th Street North and U.S. Highway 75. The intersection is presently at grade, with 106th Street having access to Highway 75. In the future a bridge is planned over Highway 75 eliminating any access between 106th Street and Highway 75. The elevation of this bridge will be such that all of this tract's frontage on 196th will be below the grade of 106th Street, perhaps necessitating a frontage road to provide access to the tract from 106th Street. Because of this poor access and the existing residential development to the east of the tract Staff cannot support any commercial zoning for the subject tract.

Therefore, Staff recommends **DENIAL** of CG zoning as requested.

Applicant's Comments:

Mr. Jerry Springer, applicant, stated that he intended to use the tract for a used truck, farm equipment and antique aircraft sales business. He confirmed that he did not need access or entrance from 106th Street North. In reply to Mr. Paddock, Mr. Springer verified he did own the tract, and he was not sure what was being done on the bridge at 106th Street, but he would be agreeable to partial zoning for commercial to exclude the area abutting the bridge and highway area. Mr. Springer confirmed he has discussed this request with the abutting property owners and there were no protests. In regard to the antique aircraft, Mr. Springer advised he would have one aircraft on premises for display only; not several for sales.

TMAPC Review Session:

Chairman Doherty verified there were no interested parties in attendance on this application.

Mr. Parmele stated, if rezoned, this area appears to qualify for a node designation which would allow higher intensity, and he asked Staff if the County required a plat be filed. Mr. Gardner confirmed a plat would be required which would offer the TMAPC controls through this platting process in regard to access, etc. Mr. Gardner also verified that if zoned CS, the applicant could get the use he desires through the County Board of Adjustment.

Mr. Doherty expressed concern that if zoned CG, a subsequent owner could, in the future, put in a bar, tavern or any other uses allowed under CG. However, he had no problem with the applicant's intended use of the tract.

Mr. Parmele moved for approved of CS, which might require BOA approval for the intended use, and TMAPC approval of the plat or plat waiver. Staff confirmed, in response to Mr. Draughon, that CS zoning would require the applicant to seek a special exception approval through the County BOA. Mr. Carnes stated he had no problem with approving the applicant's request, but he had concern that a business dealing with used trucks, farm equipment might someday turn into a salvage or junk yard, which would be illegal. Mr. Doherty stated that the BOA could impose certain conditions when they review the request for a special exception, if this was approved for CS. Discussion followed regarding access in connection with the highway.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE CZ-173 Springer for CS Zoning**.

Legal Description:

CS Zoning: Beginning 647' west and 83' south of the northeast corner of the NE/4; thence southwest 318', southwest 40.4', south 1,463.2', east 358.7', north 1,566' to the POB, Section 16, T-21-N, R-13-E, Tulsa County, Oklahoma.

* * * * *

Application No.: **CZ-174** Present Zoning: AG
Applicant: **Dickey** Proposed Zoning: RS
Location: Between E 76th St N and E 86th St N on both sides of US Highway 75,
and the SE/c of Yale Ave & E 86th St N
Date of Hearing: May 24, 1989
Presentation to TMAPC by: Parke A. Dickey, 8050 North Yale, Owasso (272-3295)

Relationship to the Comprehensive Plan:

The North Tulsa County Comprehensive Plan 1980-2000, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates Tracts 1 and 2 and the northwest corner of Tract 3 Corridor. The remainder of Tract 3 is designated rural residential with the exception of a commercial node which is adjacent to 86th Street. There is also a small area of development sensitive area on the east side of the property.

According to the Zoning Matrix the requested RS District is in accordance with the Plan Map for the area designated Corridor, but is not in accordance with the Plan Map for those areas designated rural residential.

Staff Recommendation:

Site Analysis: Tract 1 contains 116.6 acres, Tract 2 contains 57.2 acres and Tract 3 contains 80 acres. Tract 1 is located at the northwest corner and Tract 2 at the northeast corner of East 76th Street North and U.S. Highway 75, Tract 3 is located at the southeast corner of Yale Avenue and East 86th Street North. Tracts 1 and 3 appear to be pasture land and Tract 2 contains two dwellings and farm out-buildings along with pasture land.

Surrounding Area Analysis: Tract 1 is abutted on the north and west by RE and AG, on the south by AG and on the east by Highway 75. Tract 2 is abutted on the north, east and south by AG and on the west by Highway 75. Tract 3 is abutted on the north by CS and RE, on the east and south by AG and on the west by AG, RE and CS. There is no commercial or industrial development in the general area and only scattered single family homes. None of the area is served by sewer.

Zoning and BOA Historical Summary: The TMAPC and County Commission have denied RS zoning in the area and approved RE zoning in the alternative.

Conclusion: Based on previous actions and the existing zoning, development patterns and public utilities in the area, Staff cannot support the requested RS zoning. Without sanitary sewer service the land cannot be developed at an RS density. Staff finds RE zoning to be more compatible with the area's development and utility availability with the exception of the northwest corner of Tract 3 which is directly across from CS zoned property to the west and north.

Therefore, Staff recommends **DENIAL** of the requested RS zoning and **APPROVAL** of RE zoning except for the west 450' of the north 660' of Tract 3.

CZ-174 Dickey - Cont

Comments & Discussion:

Staff suggested the northwest corner of Lot 3 be removed from the residential application by aligning the boundaries of the area to be removed with the existing commercial areas abutting on the north and west.

Applicant's Comments:

Mr. Parke Dickey, applicant, stated he was willing to go along with the Staff's recommendation for RE zoning, as well as their suggestion for removing the area abutting the commercial tracts. Mr. Dickey also submitted a letter asking that an area on the south of Lot 2 (30 acres) be removed from the application in order to comply with a request from the Tulsa Chamber of Commerce since this abuts the Cherokee Industrial Area.

Interested Parties:

Ms. Peggy Smith (8920 South Oxford), representing the Cherokee Industrial Park, reviewed the south 30 acres which was south of the cemetery in Lot 2 to remain AG zoned.

Ms. Damita Smith (6048 South Santa Fe), an property owner of a tract to the south of Lot 1 obtained confirmation that her property was not a part of this application and was not being rezoned.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE CZ-174 Dickey for RE Zoning**, as recommended by Staff and amended per the legal descriptions below.

Legal Description:

RE Zoning: Tract 1 - Section 27, T-21-N, R-13-E, the W/2 of the NW/4, all in Tulsa County, Oklahoma; and

Tract 2 - Section 28, T-21-N, R-13-E, the NE/4 of the SE/4 and the SE/4 of the SE/4, less 21.47 acres to the State and less 1 acres for cemetery in the southeast corner of the NE/4 of the SE/4 and less 0.317 acres to the County for road, and less the south 30 acres of said tract; and

Tract 3 - Section 28, T-21-N, R-13-E, the SW/4 of the NE/4 and the NW/4 of the SE/4 and the SW/4 of the SE/4, less 3.4 acres to the State, and less the west 467' or the north 660' of said tract.

OTHER BUSINESS:

PUD 405: Detail Sign Plan for a portion of Development Area 1
NW/c of South Memorial Drive and East 92nd Street South

Staff Recommendation:

The applicant is proposing to erect two ground signs and a wall sign for Joe Marina Ford and Joe Marina Used Cars. The wall sign is of the same style and letter size as other dealerships' wall signs in the development and complies with PUD 405's sign standard. Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan for the Joe Marina Ford wall sign.

The ground signs are to be placed in locations previously approved for ground signs and their height and surface area comply with the requirements of PUD 405. They are however, totally incompatible with the height and style of the other existing dealerships' signs (illustrations provided by Staff). Staff feels that both of these ground signs would be compatible with existing signs if their message portions were 10' to 13' in length and were placed on the same style foundation as used by all the other dealerships. Therefore, Staff recommends that the Detail Sign Plan for ground signs for the Joe Marina Ford and Joe Marina Used Cars be **DENIED** as presented.

Applicant's Comments:

Mr. Stan Livingston, representing Joe Marina Ford, advised the request was to conform with the franchise agreement with Ford Motor Company. He reiterated that the request was in conformance with the PUD standards. Mr. Livingston stated that, due to the location of this particular dealer, there was other signage in the area creating competition, as well as blockage due to landscaping. In regard to the consistency issue, Mr. Livingston advised he would be agreeable to altering the Honda sign which was also on 91st. Therefore, consistency could be established for pole type signage in the PUD on one side, with consistent monument type ground signs on the other side of 91st and Memorial.

In regard to concerns of setting a precedent, Mr. Livingston pointed out that a standard had already been established by the gas station across the street from this tract, as well as the Lincoln Mercury dealer further down Memorial.

Interested Parties:

Mr. Jim Pardee (7706 East 85th Street), president of the Chimney Hills Homeowners Association, stated opposition to the pole type sign. He commented that he did not want to see the signage along this portion of Memorial becoming similar to the signage further north on Memorial (i.e. between 41st and 51st Streets) regardless of closeness to any expressways.

Mr. Larry Henry (1000 Oneok Plaza) commented that he did not want to see a domino effect started with a trend toward pole signs when all the other signs in this area were currently ground or monument type signs; therefore, a pole sign would not be compatible. Mr. Henry echoed

PUD 405 Minor Amendment - Cont

sentiments that, regardless of the expressway, he would not want to see a commercial strip on this portion of Memorial Drive. He suggested the nature of signage and commercial uses in this area be established before the onset of any further commercial developments.

Applicant's Rebuttal:

Mr. Livingston stated he felt that, because of the work done on this PUD, there was no way this portion of Memorial would ever resemble that portion between 41st and 51st Streets. He repeated that the sign would need to be tall in order to be seen since it will be placed on a sloped terrain. In reply to Mr. Carnes, Mr. Livingston advised that the Ford Motor Company currently did not produce another type of sign. He added that the reason the other signs were monument or ground types was due to practicality since these were the signs currently owned. Therefore, when Joe Marina relocated the business to this site, they used the signage already owned in lieu of purchasing new signs, and these just happened to be monument signs.

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Ms. Kempe questioned if this truly was the only kind available from Ford, and she compared this case to McDonald's, who adapted their signage to conform with the different communities.

Mr. Doherty stated that, given the nature of the landscaping and trees, he did not have a problem with this particular sign. Further, while not the same as the other signs, he did not feel this was inconsistent with the original PUD. Mr. Parmele agreed with Mr. Doherty and pointed out that the Phillips sign was a 25' sign, as was the Texaco sign and the Lincoln Mercury dealership had a huge sign. Therefore, he felt the request was consistent with the area, and the applicant was here in order to comply with request of the Ford Motor Company, not at his own whim. Mr. Parmele moved for approval of the application as applied for.

Ms. Wilson stated agreement with the Staff recommendation and would be voting against the motion. Mr. Paddock commented that he did not see how the TMAPC could deny this based on the facts of the case.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-2-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Woodard, "aye"; Kempe, Wilson, "nay"; no "abstentions"; Randle, "absent") to **APPROVE** the **Detail Sign Plan for PUD 405** as applied for by Joe Marina Ford.

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PUD 179-P(2): **Minor amendment to permit Use Unit 12**
NE/c of East 74th Street & South Memorial Drive,
being Lot 1, Block 1, Randall Plaza

Staff Recommendation:

PUD 179-P is an "L" shaped 5.4 acre tract with underlying zoning of CS, OL and RM-T. PUD 179-P is located at the northeast corner of East 74th Street South and South Memorial Drive and has been approved for a variety of commercial and office uses on a lot-by-lot basis. Lot 1, Block 1 has been approved for 12,000 square feet of floor area (.36 FAR) with Use Units 13 and 14, and only vehicle repair and service from Use Unit 17 uses. The applicant is now requesting a minor amendment to permit Use Unit 12 (entertainment establishments and eating establishments, other than drive-ins). Notice of the request was given to abutting property owners.

After review of the applicant's proposal and PUD 179-P, Staff finds the request to be minor in nature and consistent with the original PUD. Use Unit 12 uses have been permitted on Lot 1, Block 2 of the PUD.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 179-P(2) to permit Use Unit 12 on Lot 1, Block 1 only, excluding bars, night clubs and dance halls.

Comments & Discussion:

Mr. Parmele advised he would be abstaining from the discussion and vote on this case due to a conflict of interest.

Mr. Linker stated the TMAPC should first determine if this presentation violated the Rules of Procedure dealing with the rehearing of a case before the six month deadline. Mr. Gardner commented that the original issue before the Commission was, is this request a change in zoning or a minor change in the PUD. Staff found this request to be a minor change in the PUD, and Legal Counsel is of the opinion that this is a change in zoning. Therefore, if the Commission determines this to be a change in zoning, the policy stipulates a zoning application on the same property cannot be considered for six months, unless there is a change in zoning to a category consistent with the Comprehensive Plan. Mr. Gardner continued by stating this request is consistent with the Comprehensive Plan.

In response to Mr. Doherty, Mr. Gardner commented that, if the TMAPC determined this to be a change in zoning, the applicant could not have the same application heard for six months according to the TMAPC policies. The applicant could, however, file a major amendment which was a different request. Mr. Linker disagreed with Mr. Gardner's comments because, if this position was followed, then there was a type of minor amendment that could not really be classified, as it was definitely not a plat amendment. Therefore, he felt it had to do with zoning. Further, if the applicant refiled this as a major amendment, the application would be different since the previous filing was for a minor amendment.

PUD 179-P(2) Minor Amendment - Cont

Mr. Paddock commented that, as chairman of the Rules & Regulations Committee and a member of this Commission over four years, he could not recall that the six month ruling was ever intended to mean minor amendments to a PUD, just strictly zoning applications. Therefore, he did not feel this case fell within the six month rule.

Ms. Wilson stated she felt the application was still a major amendment as it involved a change in use in the PUD. Further, if the TMAPC chooses to vote to waive their policy, she felt the Commission should formally vote to do so for this particular application. She agreed that the six month policy was intended for strictly zoning applications, but she felt the Commission should not skirt the main issue; i.e. is this a major or minor amendment.

Chairman Doherty commented that he reads the major/minor amendment policy regarding changes in principal uses differently, and based on his interpretation, he feels this to be minor based on the fact that the proposed use is permitted in the original PUD. However, he agreed that the Commission should first determine if this was to be presented as a major or minor amendment.

Mr. Paddock moved to consider this application without prejudice either way. After discussion among the Commission members, Mr. Paddock withdrew his motion since the consensus was to settle the major/minor issue before proceeding further. Mr. Carnes then moved that the TMAPC vote to classify the application as a minor amendment.

Mr. Paddock commented on previous applications where the TMAPC voted on other applications having changes in principal use as minor amendments, and home occupation applications where some were voted minor, and some major. Further, he recalled that during the initiation of the General Policies on major amendments, some TMAPC members were reluctant to put these in writing in order to avoid "setting in concrete", and it was brought out at that time that the TMAPC would apply these general policies as their best judgment deemed proper.

Mr. Gardner read Section 1170.7 of the Zoning Code dealing with amendments, and commented that the TMAPC could conclude that the moving of a development boundary line was a change in zoning because one development area might become slightly larger than originally approved. Therefore, one foot would require a major change in zoning. But Staff has never taken the position that we (Staff and/or TMAPC) should get so restrictive that every time a boundary line was changed it would require a zoning application since it would change the land uses. He stated that Staff looks at these applications from the standpoint of, "what is the public interest served...". In this particular tract, the TMAPC previously approved a higher intensity use (Use Unit 17), and Use Unit 12 was not specifically excluded, but it just wasn't requested by the applicant, and the underlying CS zoning does permit Use Unit 12. Debate continued among Legal, Staff and Commission members as to the basis for considering this as a minor or major amendment.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-3-1** (Carnes, Doherty, Kempe, Paddock, Selph, Woodard, "aye"; Coutant, Draughon, Wilson, "nay"; Parmele, "abstaining", Randle, "absent") to **CONSIDER** PUD 179-P(2) as a Minor Amendment to the PUD.

Additional Comments & Discussion:

Ms. Wilson requested the chairman of the Rules & Regulations Committee consider future review of the TMAPC General Policies in regard to a rule to address cases or issues similar to this; i.e. resubmitting the same request after an unfavorable ruling.

Staff clarified for the record that the Staff recommendation was amended to specifically exclude bars, night clubs, dance halls, motion picture theatres, and taverns.

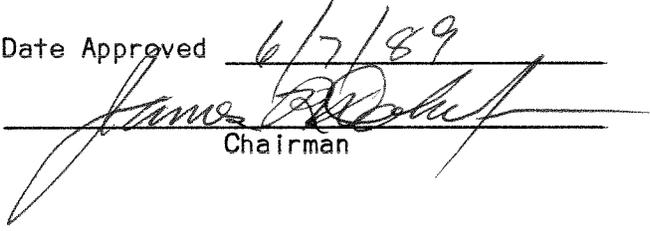
As there were no protestants in attendance, Mr. Carnes moved for approval of the Staff recommendation as amended for the excluded uses.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-1-2** (Carnes, Doherty, Draughon, Kempe, Paddock, Selph, Woodard, "aye"; Wilson, "nay"; Coutant, Parmele, "abstaining"; Randle, "absent") to **APPROVE** the **Minor Amendment to PUD 179-P(2) Parmele**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 7:02 p.m.

Date Approved 6/7/89


Chairman

ATTEST:


Secretary