

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1752  
Wednesday, **July 12, 1989**, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes, 2nd Vice Chairman	Kempe	Gardner	Linker, Legal
Coutant	Parmelee	Matthews	Counsel
Doherty, Chairman	Randle	Setters	
Draughon, Secretary		Stump	
Paddock			
Selph			
Wilson, 1st Vice Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 11, 1989 at 11:45 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice Chairman Wilson called the meeting to order at 1:37 p.m.

**MINUTES:**

**Approval of the Minutes of June 28, 1989, Meeting #1750:**

On **MOTION** of **CARNES**, the TMAPC voted **5-0-1** (Carnes, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Doherty, Kempe, Parmelee, Randle, Selph, "absent") to **APPROVE** the **Minutes of June 28, 1989, Meeting #1750**.

**Report of Receipts & Deposits for the Month Ended June 30, 1989:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Coutant, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Kempe, Parmelee, Randle, Selph, "absent") to **APPROVE** the Report of Receipts & Deposits for the Month Ended June 30, 1989.

**REPORTS:**

**Committee Reports:**

Mr. Paddock announced the **Rules & Regulations Committee** would be meeting July 19th after the TMAPC meeting to continue review and discussion of proposed language to major/minor amendments to PUD's.

Director's Report:

Mr. Gardner reviewed a memo distributed to the TMAPC members advising that INCOG was in receipt of the final functional plans for the Creek Turnpike. He invited any Commissioner interested in viewing these to come by INCOG. Mr. Gardner commented that the functional and construction plans for US Highway 169 were also at INCOG. In response to Mr. Paddock, Mr. Gardner reviewed the status of changes to the District 16 Plan Map.

PUBLIC HEARING:

**Public Hearing:** To review amendments to the **District 18 Plan** as relates to the Mingo Valley Expressway Corridor

Ms. Dane Matthews advised that Staff recommended a continuance of this hearing to September 20, 1989. She added that a briefing would be scheduled with the District 18 Planning Team prior to this date.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Carnes, Coutant, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Kempe, Parmele, Randle, Selph, "absent") to **Continue** the Public Hearing on **District 18 Plan Amendments** until Wednesday, **September 20, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

**Public Hearing:** To Consider Amendments to the Comprehensive Plan Maps for Districts 4, 5, 9, 16, 17, 18, 25, the North Tulsa County Plan and the Tulsa City-County Major Street & Highway Plan. Possible action on related Resolutions 1752:681 - 689, respectively.

Ms. Matthews reviewed the amendments resulting from zoning map changes and housekeeping-type amendments. Mr. Coutant advised the Comprehensive Plan Committee had reviewed and unanimously endorsed the amendments as outlined above.

**Public Hearing - Cont**

**TMAPC ACTION: 6 members present**

On **MOTION** of **COUTANT**, the TMAPC voted **6-0-0** (Carnes, Coutant, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Kempe, Parmele, Randle, Selph, "absent") to **APPROVE** the Amendments to the Comprehensive Plan Maps for Districts 4, 5, 9, 16 17, 18, 25, the North Tulsa County Plan and the Tulsa City-County Major Street & Highway Plan. recommended by the Comprehensive Plan Committee and Staff.

**TMAPC ACTION: 6 members present**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Coutant, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Kempe, Parmele, Randle, Selph, "absent") to **APPROVE** the following resolutions, as presented and recommended by Staff:

Resolution 1752:681	District 4 Plan Map
Resolution 1752:682	District 5 Plan Map
Resolution 1752:683	District 9 Plan Map
Resolution 1752:684	District 16 Plan Map
Resolution 1752:685	District 17 Plan Map
Resolution 1752:686	District 18 Plan Map
Resolution 1752:687	District 25 Plan Map
Resolution 1752:688	North Tulsa County Plan
Resolution 1752:689	Tulsa City-County Major Street & Highway Plan

**ZONING PUBLIC HEARING:**

Application No.: **PUD 250-A Major Amendment** Present Zoning: RS-3  
Applicant: **Black (Select Homesites)** Proposed Zoning: Unchanged  
Location: North of East 81st Street at South 77th East Avenue  
Date of Hearing: July 12, 1989  
Presentation to TMAPC by: Mr. Jim Beale, 6933 So 66th E Ave (phone # N/A)

**Staff Recommendation:**

PUD 250-A is a major amendment to redevelop the north 5.8 acres of Rustic Meadows Amended Addition to permit a decrease in density and detached single-family dwelling units. The subject tract has an underlying zoning of RS-3 and is separated from Rustic Meadow Amended Addition by a drainage easement varying in width but at a minimum of over 100 feet.

The application is simple on its face but does have two concerns that will need to be addressed. The first deals with two common ownership lots to be used for recreation purposes in the original addition, Lot 6, Block 7 and Lot 12, Block 5 which, according to the applicant's submitted text,

PUD 250-A Major Amendment - Cont

are to be conveyed to the new owners for subdivision purposes. The second area of concern is with an alleged private mutual access easement on the west side of Wood Niche Addition which abuts PUD 250-A. A note on plat number 4501, Wood Niche, states, "30' access easement (by separate instrument) allows emergency access to Lot 1, Rustic Meadows Amended." If this is a valid easement, filed of record, Staff would require an 18' private mutual access easement shown on the plat of Sweetbriar South.

After review of PUD 250-A, Staff finds the uses and intensities of uses proposed to be in harmony with the spirit and intent of the Code. Based upon the following conditions, Staff finds PUD 250-A is: 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 250-A subject to the following conditions:

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

Land Area:	5.8638 acres
Permitted Uses:	Single-family detached dwellings
Maximum Number of Lots:	37
Minimum Lot Width:	50'
Minimum Setbacks from:	
Front yard	20'
Side yard	5'
Rear yard	15'
Side yard abutting street	15'
Maximum Building Height:	35'
- 3) No signs shall be permitted within the PUD except those of customary accessory nature to residential use.
- 4) The homeowner's association created under Rustic Meadows Amended legally conveys all of its interest in Lot 6, Block 7 and Lot 12, Block 5 and the Private Mutual Access Easements north of the drainageway easement in the Rustic Meadows Amended Plat.
- 5) If proof of a legal private mutual access easement can be provided for the abutting subdivision to the east, the site plan should be amended to reflect the south 18 feet of Lot 1 of Block 1 be designated for emergency access.

- 6) 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.

Applicant's Comments:

Mr. Jim Beale, representing the applicant, advised they met with the Rustic Meadows Homeowners Association and the group from the Sweetbriar Subdivision. He commented they would try to work out any remaining problems these groups might have. Mr. Beale stated they had also worked with the INCOG Staff on the major amendment and were in agreement with the conditions suggested in the Staff recommendation.

In regard to condition #5, Ms. Wilson inquired if proof had been found of a legal private mutual access easement. Mr. Gardner clarified that a signed document was found but it did not appear to have been filed of record in the Clerk's office. Therefore, it was obvious that the previous owners had reached an agreement in order to provide an emergency access to the property to the east which, under flood conditions, would be cut off or landlocked. The applicant was not wanting to have a driveway between a couple of the houses providing access to this property that would be cut off during a flooding situation. Therefore, the TMAPC must determine if the applicant was obligated to provide an easement.

Mr. Beale added that the access referred to by Mr. Gardner was land that was unimproved, and he felt this was a situation that could be addressed later, as they were certainly trying to avoid placing a driveway down a homeowner's lot. In response to Mr. Carnes, Mr. Beale advised the lot the south was vacant, and he thought the area was totally surrounded by vacant lots. In reply to Mr. Draughon, Mr. Beale assured that if the fees-in-lieu-of had not been paid by the previous owners, then they would meet whatever was required by Stormwater Management. But the contract indicated these had been paid.

Interested Parties:

Mr. Ted Sack	110 South Hartford	74120
Ms. Janet Pierce	7524 East 78th	74133
Ms. Phyllis Burr	7711 South 7th East Avenue	"
Ms. Tamara Howard	7530 East 78th Street	"
Ms. Jan Turek	7730 South 76th East Avenue	"
Ms. Roxanne Hobbs	7542 South 78th Street	"
Ms. Nancy Bruce	7733 South 76th East Avenue	"
Mr. Edwin Dooley	6320 South First Place, Broken Arrow	74011
Mr. George Moore	7501 East 80th Street	74133

**Mr. Ted Sack**, appeared on behalf of Swab-Fox, owner of the Wood Niche property to the east of the subject tract. Mr. Sack stated their concern was not the change of use or number of units, but the previously approved

emergency access across the Rustic Meadows property to the single-family lot in Wood Niche. Mr. Sack emphasized that access to this lot was crucial, and they were flexible as to the location of the access and materials used; i.e. paving, gravel, etc. He submitted a copy of the plat of Wood Niche and reviewed the configuration of the subject lot. In response to Mr. Draughon, Mr. Sack reviewed the floodplain around Wood Niche. He confirmed for Mr. Carnes that there were no residents on the west side of the drainage ditch at this time.

**Ms. Janet Pierce**, a homeowner in Sweetbriar Extended, commented that she felt it would be to the advantage of the developer to build homes comparable to those in Sweetbriar; otherwise, it could negatively impact property values. She requested a minimum of 1600 square feet, and suggested seven homes, instead of the proposed 12 homes for that area adjacent to her property (along East 79th Street South). In reply to Ms. Wilson's suggestion for nine homes, Ms. Pierce stated she would prefer this over the proposed 12 homes.

**Ms. Phyllis Burr** agreed with Ms. Pierce's comments regarding comparable development to Sweetbriar, decrease from 12 homes to seven or nine dwellings, concern over depreciated property values, and a minimum of 1600 square feet. She confirmed that her property abutted the subject tract.

**Ms. Tammy Howard** echoed support for Ms. Pierce's comments, and advised her property also abutted the subject tract.

**Ms. Jan Turek** voiced concerns about decreased property values, and agreed with the other concerns raised by Ms. Pierce.

**Ms. Roxanne Hobbs** joined those mentioned above in support of the issues raised by Ms. Pierce.

**Ms. Nancy Bruce**, one of the original homeowners in Sweetbriar Extended, agreed the development should revert back to single-family use, but she supported Ms. Pierce and her comments.

**Mr. Edwin Dooley**, owner of a unit in Rustic Meadows (Lot 3, Block 3), reviewed the original plat. He stated he was representing 59 homeowners in the Rustic Meadows subdivision. Mr. Dooley briefed the Commission on the original platting and the emergency access. He commented they were satisfied with the approach of the applicant, and requested the TMAPC approval, if made, be conditioned upon the fulfillment of the agreement to transferring the lot(s) in question to Rustic Meadows, who would then Quit Claim these lots back to Select Homesites (the applicant), in order to properly constitute the current plat under consideration. Mr. Dooley explained that this would address the four lots they feel they have a legal claim to, which they would waive, predicated on the suggested condition. Mr. Dooley added that a pertinent fact to this case was the drainageway that runs east to west, which was the division between the replat request and the existing plat, was owned by the Rustic Meadows Association and not by Stormwater Management.

In response to Chairman Doherty, Mr. Linker advised the TMAPC should not get involved in private arrangements or agreements executed outside the jurisdiction of the Commission. Mr. Linker added that the TMAPC's concern was properly generated to the possible isolation of a lot during flooding, so input from Stormwater Management might be appropriate.

**Mr. George Moore**, president of Rustic Meadows Homeowners Association, stated that Mr. Dooley had properly addressed their concerns. He added that he was satisfied with the proposal since it would keep the subject tract from being used as a "dumping ground" and playground, as this was currently a hazardous situation along the ditch. In reply to Mr. Paddock, Mr. Moore stated that he did not have a problem with the lot width proposed, or with any of the applicant's other proposals.

Applicant's Rebuttal:

Mr. Beale reiterated that the terms of the loan agreement aided in the assurance that all stormwater conditions would be met. In regard to a suggested square footage minimum, Mr. Beale stated that he has a good reputation in the community, and he did not want this to be a situation where large homes were crowded on very small lots. He stated he had no problem considering a name change if it could be done at this stage of the platting process, as suggested by Ms. Pierce. As to the question of price, Mr. Beale remarked this was usually determined by the market, and he could not indicate a dollar range at this point.

Ms. Wilson asked Mr. Beale if he would object to a condition that the property along the northern boundary have a 60' minimum lot width. Mr. Beale stated that he was not sure they would necessarily object to this suggestion, but he was also not sure they could do this due to the conditions of the pending contract and the economics involved.

Mr. Paddock inquired if Mr. Beale would object to a condition ensuring there was an emergency access between these two subdivisions. Mr. Beale replied that he did not see how this could be avoided, but they just did not know about the situation previously, and he would work with Staff regarding this.

In reply to Mr. Doherty, Mr. Gardner suggested amending condition #5 to state, "The site plan should be amended to reflect the south 18' of Lot 1, Block 1 be designated for emergency access, or an alternative acceptable to the TMAPC." He confirmed the TMAPC would be reviewing this during the platting process. Mr. Beale agreed to the suggested revision. Mr. Dooley was recognized to speak, and he pointed out an access alternative and stated that Rustic Meadows Association would be willing to grant such emergency access, which should resolve to the problem under discussion. Mr. Beale commented that, with Mr. Dooley's generosity, they would certainly try to work with the Association.

**PUD 250-A Major Amendment - Cont**

TMAPC Review Session:

Mr. Coutant advised he would be abstaining due to a conflict of interest.

In response to Ms. Wilson regarding lot size, Mr. Gardner commented there were two issues involved; minimum lot width, which was a density concern, versus minimum square footage, which was a factor in determining the price of the dwelling. Discussion followed on this issue.

Mr. Carnes commented that the item of contention was whether the project would be feasible if the applicant was required to omit lots on the north boundary. Calling on the applicant, Mr. Carnes suggested a compromise to omit one lot instead of two; i.e., a 55' lot minimum. Mr. Beale remarked that he did not necessarily want to do this, but if this was what the Commission wanted, then he would try to work it out.

Mr. Carnes moved for approval with a 55' lot minimum on the north boundary and the suggested amendment to condition #5. Discussion followed with the TMAPC members agreeing this seemed to be the best alternative.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-0-2** (Carnes, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; Coutant, Selph, "abstaining"; Kempe, Parmele, Randle, "absent") to **APPROVE** the **Major Amendment to PUD 250-A Black (Select Homesites)**, as recommended by Staff and amended as follows:

- A 55' minimum lot width on the north boundary.
- Amend condition #5 to read: The site plan should be amended to reflect the south 18' of Lot 1, Block 1 be designated for emergency access, or an alternative acceptable to the TMAPC.

Legal Description:

A resubdivision of Blocks 5, 6 and 7, RUSTIC MEADOWS AMENDED, Blocks 1, 2 and 3, SWEETBRIAR SOUTH ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

Application No.: **PUD 450** Present Zoning: **AG**  
Applicant: **Sumner (Forest Park So. Dev. Co.)** Proposed Zoning: **CS**  
Location: **SW/c of East 11th Street & South Sheridan**  
Date of Hearing: **July 12, 1989**  
Continuance Requested to: **July 26, 1989 (by INCOG Staff)**

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Woodard, "absent") to **CONTINUE** Consideration of **PUD 450 Sumner (Forest Park South Development Company)** until Wednesday, **July 26, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: **Z-6255 & PUD 451** Present Zoning: OM/OMH  
Applicant: **Johnsen (21st Properties, Inc.)** Proposed Zoning: CO  
Location: NW/c of East 51st Street & South Pittsburg Avenue  
Date of Hearing: July 12, 1989  
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix the requested CO District is in accordance with the Plan Map.

Staff Recommendation: Z-6255

**Site Analysis:** The subject tract is approximately 6.3 acres in size and is located at the northwest corner of East 51st Street South and South Pittsburg Avenue. It is nonwooded, gently sloping, vacant and is zoned OM and OMH.

**Surrounding Area Analysis:** The tract is abutted on the north by the I-44 Expressway zoned RS-3 and RS-2; on the east by an apartment complex zoned RM-2; on the south by office uses zoned OL and RS-3; and on the west by a recently burned office zoned OM.

**Zoning and BOA Historical Summary:** Previous rezoning activity has permitted medium intensity designations in the immediate area.

**Conclusion:** Based on the Comprehensive Plan and existing zoning pattern for the area, Staff can support the requested CO rezoning.

Therefore, Staff recommends **APPROVAL** of Z-6255 for Corridor Zoning as requested.

Staff Recommendation: PUD 451

The project comprises 6.3 acres located within the corridor formed between Interstate 44 on the north, and 51st Street on the south to the east of Harvard. The tract is irregular in shape, having 1,025 feet of frontage along I-44, 360 feet of frontage along Pittsburg (which forms the east boundary), 1,010 feet of frontage along 51st Street, and a westerly boundary that narrows to 190 feet. The tract, now vacant, was previously developed as the Dickens Commons Apartments, which were razed.

Accompanying this PUD application is an application for an amendment of the present underlying zoning districts from Office - Medium High Intensity (OMH) on the northern portion of the property adjacent to I-44, and Office - Medium Intensity (OM) along the 51st Street frontage to Corridor District (CO).

The District 18 Plan designates the subject tract Medium Intensity - No Specific Land Use and Corridor District. The area across 51st Street to the south is designated a low intensity linear development area to provide a buffer for the single-family development further to the south. The majority of this area on the south side of 51st Street presently contains single story office buildings and is zoned Office Light (OL).

PUD 451 proposes three development areas: Area 1 on the eastern side of the property contains .77 acres and is proposed to be used for a restaurant or retail shopping and services; Area 2, containing 3.92 acres, would be used for a shopping center; and Area 3, containing 1.61 acres, would also contain a restaurant.

If this PUD were approved, it would be the first commercial uses allowed on the north side of 51st Street more than one-quarter of a mile from its intersection with Harvard or Yale. The greatest potential adverse impact of commercial uses at this location would be if used as justification for allowing medium intensity commercial uses on the south side of 51st Street adjacent to single-family residential development. If commercialization on the south side of 51st can be avoided and the Comprehensive Plan remain intact, Staff could support the proposed PUD.

If the Commission agrees, Staff finds the uses and intensities proposed to be in harmony with the spirit and intent of the Code. Based upon the following conditions, Staff finds that PUD 451 is 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 451 subject to the following conditions:

- 1) The underlying zoning is changed to C0.
- 2) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
- 3) Development Standards:

**Development Area 1**

Land Area (Net):	.77 acres
Permitted Uses:	Use Units 10, 11, 12, 13 and 14, except no funeral home and no Entertainment and/or Drinking Establishments as defined in Use Unit 12. Bars are permitted only as an accessory to a principal use restaurant.

Z-6255 & PUD 451 Johnsen (21st Prop.) - Cont

Maximum Floor Area:	
Use Unit 12	5,000 sf
Other Permitted Uses	8,000 sf
Minimum Floor Area:	3,000 sf for Use Unit 12
Maximum Building Height:	22'
Maximum No. of Stories:	1
Minimum Building Setbacks:	
from C/L of 51st Street	130'
from right-of-way of I-44	20'
from west development boundary	20'
Minimum Off-Street Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code
Minimum Interior Landscaped Open Space	12% of net areas excluding street right-of-way

Signs:

Ground Signs: Ground signs shall be limited to one sign along I-44 and one sign along 51st, identifying the establishment therein, and shall be located not less than 50' east of the west line of the development area. The ground sign along the expressway shall not exceed 25' in height, nor exceed a display surface area of 144 square feet. The ground sign along 51st shall be limited to a monument sign not exceeding 8' in height, nor 64 square feet in display surface area.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1 square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

**Development Area 2**

Land Area (net):	3.92 Acres
Permitted Uses:	Use Units 10, 11, 12, 13, 14 and 16 except no Entertainment and/or Drinking Establishments as defined in Use Unit 12. Bars are permitted only as an accessory to a principal use restaurant.

Z-6255 & PUD 451 Johnsen (21st Prop.) - Cont

Maximum Floor Area:	48,000 sf
Maximum Building Height:	22'
Maximum No. of Stories:	1
Minimum Building Setbacks:	
from C/L of 51st Street	130'
from right-of-way of I-44	20'
Minimum Off Street Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code
Minimum Interior Landscaped Open Space	10% of net area excluding street right-of-way

Signs:

Ground Signs: Ground signs shall be limited to one monument sign along 51st identifying the project and/or tenants therein. The sign shall not exceed 8' in height, nor exceed a display surface area of 64 square feet.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1.5 square feet per each lineal foot of the building wall to which the sign or signs are affixed. Wall signage shall be of uniform letter height and display surface area dimension. Wall or canopy signs shall not exceed the height of the building.

**Development Area 3**

Land Area (net):	1.61 acres
Permitted Uses:	Use Units 10, 11, 12, 13 and 14 except no funeral home and no Entertainment and/or Drinking Establishments as defined in Use Unit 12. Bars are permitted only as an accessory to a principal use restaurant.
Maximum Floor Area:	10,000 sf
Maximum Building Height:	22'
Maximum No. of Stories:	1
Minimum Building Setbacks:	
from C/L of 51st Street	130'
from right-of-way of I-44	20'
from C/L of Pittsburg Ave.	100'
Minimum Off Street Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code

Minimum Interior Landscaped

Open Space:

14% of net area excluding street  
right-of-way

Signs:

Ground Signs: Ground signs shall be limited to one sign along Interstate 44 and one sign along 51st, identifying the establishment therein, and shall be located not less than 50' west of the east line of the development area. The ground sign along the expressway shall not exceed 25' in height, nor exceed a display surface area of 144 square feet. The ground sign along 51st shall be limited to a monument sign not exceeding 8' in height, nor 64 square feet in display surface area.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1 square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

- 4) That a Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify that all landscaping has 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.
- 5) That no Building Permits in a development area shall be issued within the Planned Unit Development until a Detail Site Plan for that Development area which includes all buildings and required parking has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 6) No building permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 7) 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.
- 8) That all trash and mechanical equipment areas shall be screened from public view.

Applicant's Comments:

Mr. Roy Johnsen, representing 21st Properties, Inc., commented on the meetings with Staff to review the concept and procedure for this application; i.e. CO zoning request with a related PUD. He stated the applicant could have sought relief through the BOA due to the elongated configuration of the tract, but they opted for the PUD approach. Mr. Johnsen briefed the Commission on the traffic counts along I-44 and 51st Street, which offered high visibility and tremendous regional accessibility to the subject tract with the proximity to the signalized intersections at Yale and Harvard Avenues. He distributed the PUD proposal booklet containing aerial photos of the site. Mr. Johnsen commented a key planning factor in this proposal was that the adopted Comprehensive Plan identified this property and others in this area as appropriate for Corridor (CO) zoning and high intensity mixed uses. He pointed out that the south side of 51st was totally different as these did not abut an interstate highway and was not designated in the Comprehensive Plan for CO development.

Mr. Johnsen reviewed the illustrative Site Plan as to the proposed configuration of the three development areas: stand alone restaurant uses on the west and east ends with a retail shopping center in the middle. He advised a contract with the Olive Garden Restaurant had been submitted for placement on the easternmost area of the tract. Mr. Johnsen submitted photos showing the existing Olive Garden Restaurant on Memorial to indicate the landscaping, screening and sign control commitment of that facility. He also submitted photos of the tract to show the grassy area along Pittsburg, and advised they would add to this existing landscaped area. Mr. Johnsen advised they have not yet contracted for the restaurant use on the west end, but they attempted to write standards in the PUD text to contemplate a similar sit down type facility. He pointed out the shopping area would be of a conventional nature in regard to size, allocation of floor area, etc.

Mr. Johnsen advised they proposed additional landscaping which would result in an overall project landscaped area of 10% (net), after exclusion of the existing landscaped right-of-way. Therefore, he felt the Staff recommendation was too restrictive in that it required more than 10% overall. Mr. Johnsen advised that the breakdown of landscaping proposed for the three area resulted in 12% for the western restaurant use, 7% for the retail area, and 14% for the eastern restaurant use (Olive Garden). He added that, if the gross site calculations were considered, the proposed landscaping would be 18.5%. Therefore, he felt the applicant was providing ample landscaping with 10% net overall.

Mr. Johnsen then reviewed the signage proposed for the development as to the pole signs on the I-44 frontage, monument signs for the 51st Street frontage, and the walls signs for the retail area, which offered uniformity of signage.

Mr. Johnsen stated that restaurants such as the Olive Garden customarily had an accessory bar use. Therefore, he requested Staff clarify their exclusion of bars, taverns, etc. under permitted uses, as an accessory bar use with the restaurant was needed. He emphasized they were not seeking relief for a stand alone type tavern or nightclub.

In summary, Mr. Johnsen reiterated the proposal met the Comprehensive Plan designation for CO, and the PUD was an extra step they took in order to have a more comfortable way for the TMAPC to consider the setback question and look at their concepts in conjunction with the CO request. In regard to concerns about the traffic in this area, Mr. Johnsen advised the traffic that would be generated by OMH uses would far exceed the traffic generated by the proposed uses. He emphasized that there was ample distinction between the north and south sides of 51st Street to fairly consider their proposal.

Comments & Discussion:

Mr. Paddock commented on concerns that could be raised as to the appropriateness of a CO District in this particular area. However, he complimented Mr. Johnsen on a first class Outline Development Plan, as he thought this was one of the best he had seen in five years. Mr. Paddock inquired why this proposal was not possible with the current zoning. Mr. Johnsen replied that restaurant and retail uses were not permitted under the existing OM/OMH zoning. He added that they had considered an application for commercial (CS) zoning, but he did not feel this was a typical CS application.

In response to Mr. Draughon, Mr. Johnsen advised that they had contacted Traffic Engineering to confirm that no additional right-of-way would be needed for the widening of I-44. Further, the minimum 130' setback 51st Street would be exceeded in some areas of the development.

Mr. Carnes expressed concern as to the pole signs along the expressway and the possible affect on the residents across I-44. Mr. Johnsen pointed out that the signs used by Bodean's and Phoenicia Restaurants in this area were a great deal more than what the applicant proposed. Furthermore, the two pole signs along I-44 would have far less impact than a high rise office building.

Mr. Linker felt, from a legal standpoint, the Zoning Code did not contemplate using Corridor Zoning with a PUD to avoid meeting the requirement of CO District. Mr. Johnsen stated that the Zoning Code stipulated that a PUD could be filed in any zoning district. Chairman Doherty commented that it appeared the Zoning Code did not explicitly prohibit or encourage the TMAPC in its decision on a case such as this.

Interested Parties:

**Ms. Rita Icenogle** (5140 South Marion, 74135) advised she was representing the families in the residential area immediately south of the subject tract. Ms. Icenogle submitted a letter to the Commission emphasizing three main concerns: (1) the current high traffic volumes in the 51st & Harvard area; (2) the existing signage along 51st Street; and (3) use of their residential streets as a back route to avoid the existing traffic congestion. Ms. Icenogle stated the residents feel development of another commercial use would only add to these existing problems. Therefore, Ms. Icenogle requested office light or medium (two story maximum) be considered or, as an alternative, allow retail only with no restaurants. She also requested a limit of one sign to identify the complex.

Chairman Doherty asked Staff what the height limitation would be under the current OM/OMH zoning. Mr. Gardner advised there was no limitation, so a multi-story office building would be permitted.

Ms. Wilson inquired why the protestant objected to "sit down" type restaurants versus the fast food variety and pointed out that 2/3 of the project was devoted to commercial uses. Ms. Icenogle remarked that the residents were concerned about the evening and late hour traffic and the alcohol consumption associated with restaurant uses.

Applicant's Comments:

Mr. Johnsen pointed out that the signage standards proposed were more restrictive than usually submitted. He added that, in his discussions with the neighborhood residents, more concern was voiced over a possible high-rise office building than the commercial uses proposed.

In reply to Ms. Wilson, Mr. Gardner clarified that it was not Staff's intent to specifically exclude bars as an accessory use to a principal use restaurant. Therefore, the Staff recommendation would be amended accordingly during transcription of these minutes.

Ms. Wilson suggested a condition that no drive-through or fast food type facilities be permitted. Mr. Johnsen commented that, as they did not have a user for the remaining restaurant facility, they did not want to exclude this possibility as this time. Further, some restaurants have pick up or carry out windows that a person can walk or drive to, that were not necessarily of a fast food or drive through variety. Mr. Johnsen emphasized that the PUD incorporated large minimum floor area standards in order to indicate the restaurants would not be franchised fast food facilities.

In reply to Chairman Doherty, Mr. Johnsen stated he had no opposition to a restriction of outdoor advertising signs.

TMAPC Review Session:

Discussion was initiated on the prohibition of drive through facilities. Mr. Gardner commented that Staff did review this aspect and struggled with the difficulty of wording such a condition to distinguish between a principal use restaurant with a drive up/pick up window ancillary to the main restaurant, and a franchised fast food type restaurant which depended primarily on drive through business. In response to Chairman Doherty, Mr. Gardner confirmed that the Corridor Site Plan review would show internal traffic circulation to indicate the type of facility.

Mr. Carnes reiterated concerns as to the pole signs along the expressway. Mr. Doherty commented that due to the unique characteristics of this tract, he felt 51st Street was the appropriate place to hold commercial zoning and not allow penetration into the neighborhood. He added that he did not have a problem with the CO zoning or the commercial uses on this tract. However, he felt the Commission should take advantage of the PUD to limit the type of commercial usage.

To answer Mr. Draughon, Mr. Linker clarified that the Commission could consider CO zoning without the PUD, but the applicant did not meet the requirements of the CO District, which was why the applicant presented a PUD. In reply to Mr. Linker, Mr. Gardner confirmed that the zoning did not offer any guarantee as to use prior to CO Site Plan review. However, when a PUD is approved, then the applicant is aware of what types of development the TMAPC will be expecting to review at the time of the CO Site Plan hearing. Mr. Gardner stated that the applicant would not be relieved of the obligation of filing the second phase of the CO hearing process; i.e. the advertised public hearing for the detailed Corridor Site Plan. Mr. Linker reiterated that, with the CO zoning, the applicant could change the use at the time of the Site Plan. Mr. Gardner remarked that the purpose of filing the PUD was not to get around the Corridor requirements, but to provide something on the record as to the types of uses the TMAPC could support when presented for Corridor Site Plan review. Staff verified that the only CO requirement the applicant could not meet was the setback requirement, which was due to the narrowness of the tract.

Mr. Paddock stated he had a problem with the CO district due to the high intensity of permitted uses, and he felt more comfortable with CS zoning, but Staff indicated they did not recommend this alternative. Chairman Doherty commented that, upon looking at the aerial photo of the tract, this application appeared to define what CO zoning was about, and he could not think of any other place in Tulsa that would warrant CO zoning with special consideration more than this area, especially given the proximity to the residential area to the south. Further, he felt the related PUD not only addressed the setback concerns, but offered controls as to uses, circulation, etc. Therefore, he felt it was good planning for this particular area and the development quality that would result was better than the previous developments at this location.

For purposes of discussion, Mr. Paddock moved for approval of CO zoning and the PUD per the Staff recommendation, with two additional conditions to stipulate: (1) no outdoor advertising signs, and (2) no restaurant with drive through or drive in capability. Discussion followed on the signage, with Chairman Doherty emphasizing that the TMAPC would have another opportunity to review this during the Corridor and PUD processes.

**TMAPC ACTION: 7 members present**

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-1** (Carnes, Doherty, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Coutant, Kempe, Parmele, Randle, "absent") to **APPROVE Z-6255 & PUD 451 Johnsen (21st Properties, Inc.)** as recommended by Staff, with two additional conditions to stipulate: (1) no outdoor advertising signs, and (2) no restaurants with drive through or drive in capability.

**Legal Description:**

**CO Zoning & PUD:** Lot 3, Morland Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

**OTHER BUSINESS:**

**PUD 375-A: Detail Site Plan and Detail Sign Plan**  
N/side of West 61st Street, 1/2 mile west of South Union Avenue

**Staff Recommendation:**

The site plan for the Riverfield Country Day School is for the first phase of development and includes a 13,573 square feet preschool/elementary school classroom building and an 11,407 square feet middle school classroom building, with accompanying parking lots.

The applicant is also requesting a Detail Sign Plan approval for the one ground sign permitted in the PUD which will front on West 61st Street.

After review of these plans Staff finds them to be in conformance with the requirements of PUD 375-A. Therefore, Staff recommends **APPROVAL** of the Detail Site Plan and Detail Sign Plan for the first phase of Riverfield Country Day School, a part of PUD 375-A.

Type of Building	Floor Area Max. in PUD	Floor Area Approved In the Site Plan	Floor Area Remaining
Preschool/Elementary	30,000 sf	13,573 sf	16,427 sf
Middle School	18,000 sf	11,407 sf	6,593 sf
High School	40,000 sf	-0-	40,000 sf
Head Master's School	3,000 sf	-0-	3,000 sf
Administrator's (2)	4,000 sf	-0-	4,000 sf
Caretaker	1,500 sf	-0-	1,500 sf

**PUD 375-A Riverfield Country Day School - Cont**

**Dimensions of Ground Sign Approved:**

	<u>Allowed or Required</u>	<u>Proposed</u>
Height	12'	5'
Display Surface Area	48 sf	40 sf
Distance from West Edge of Property	150'	165'

**TMAPC ACTION: 6 members present**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Parmele, Randle, Selph, "absent") to **APPROVE** the **Detail Site Plan and Detail Sign Plan for PUD 375-A Riverfield Country Day School**, as recommended by Staff.

\* \* \* \* \*

**PUD 405: Minor Amendment, Detail Site Plan, Detail Landscape Plan and Detail Sign Plan**  
S/side of East 91st Street & South 72nd East Avenue

**Staff Recommendation:**

**Minor Amendment (PUD 405-4):** The applicant is proposing to construct a 164 bed nursing home in the northwest corner of Development Area 7 of PUD 405. The nursing home will occupy 6.6 acres of the 21.48 acres in Development Area 7, which allow Use Units 7 and 8, and a maximum of 203 dwelling units. Since a nursing home is in Use Unit 8, no amendment to use is needed. A minor amendment is needed to clarify how many dwelling units would be allowed on the remaining 14.88 acres of Development Area 7. The applicant is proposing the following amendment to the Development Standards of Area 7:

Maximum Dwelling Units	141
Maximum Nursing Home Beds	164

Since the reduction in permitted units is proportional to the reduction in land area, Staff can support the minor amendment. Therefore, Staff recommends **APPROVAL** of the minor amendment to PUD 405-4 as requested.

**Detail Site Plan, Detail Landscape Plan & Detail Sign Plan:** The applicant is proposing to construct a nursing home ultimately containing 164 beds, with 124 beds in the first phase. The site and landscape plans deal primarily with only the first phase. After review of the Detail Site and Landscape Plans for Phase 1 and the Detail Sign Plan, Staff finds them to be in accordance with the PUD 405 Development Area 7 requirements.

Therefore, Staff recommends **APPROVAL** of the Phase 1 Detail Site and Landscape Plan and Detail Sign Plan for Autumn Village Nursing Center, a part of Development Area 7 of PUD 405 subject to the following conditions:

**PUD 405 Three Lakes Prtn. - Cont**

- 1) Maximum building height of 35'.
- 2) Prior to issuance of a building permit for Phase II development, a Detail Site Plan for that area must be received and approved by the TMAPC.
- 3) A landscape architect registered in the State of Oklahoma shall certify that all landscaping has been installed in accordance with the approved landscape plan for Phase I 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.
- 4) That a Detail Landscape Plan for Phase II shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify that all landscaping has been installed in accordance with the approved landscape plan for Phase II 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 granting an Occupancy Permit.

Comments & Discussion:

Mr. Charles Norman, representing Three Lakes Partnership II, stated agreement with the Staff recommendation.

Mr. Michael Merrick (8736 South 68th East Avenue), a resident in Chimney Hills Estate subdivision, stated the neighborhood was in support of the request based on the plans submitted, Mr. Merrick commended the applicant for presenting a plan which he felt would compliment the area.

**TMAPC ACTION: 7 members present**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Parmele, Randle, "absent") to **APPROVE** the **Minor Amendment (PUD 405-4), Detail Site Plan, Detail Landscape Plan and Detail Sign Plan for PUD 405 (Three Lakes Partner II)** as recommended by Staff.

\* \* \* \* \*

**PUD 221-A: Detail Sign Plan - Lot 1, Block 1, Observation Point  
SE/c of East 41st Street & South 129th East Avenue**

Staff Recommendation:

The proposed Detail Sign Plan for Lot 1, Block 1 of Observation Point complies with the requirements of PUD 221-A. Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan as presented.

**TMAPC ACTION: 6 members present**

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Parmele, Randle, Selph, "absent") to **APPROVE** the **Detail Sign Plan for PUD 221-A** as recommended by Staff.

\* \* \* \* \*

**PUD 215-12: Minor Amendment of the Required 25' Front Setback Line**  
8622 South 72nd East Avenue, being Lot 25, Block 14, Chimney Hills South, 8622 South 72nd East Avenue.

Staff Recommendation:

The subject tract is a developed single-family lot located south of the southwest corner of East 86th Place South and South 72nd East Avenue. The applicant is requesting a minor amendment to the required 25' front setback to 23.4' to permit an existing encroachment. Notice of the request has been given to abutting property owners.

In researching the subject application, it was discovered that a similar minor amendment had been approved for the subject tract for a 1.05' encroachment. This measurement was to the stemwall and with the brick facing the total encroachment is 1.6'. Staff finds the request to be minor in nature and consistent with the original PUD.

Staff recommends **APPROVAL** of minor amendment PUD 215-12 subject to the applicant's submitted survey.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-0** (Carnes, <sup>absent</sup> Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** the **Minor Amendment to PUD 215-12 (Koneck)**, as recommended by Staff.

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**PUD 179-0: Detail Landscape Plan**  
East of South Memorial Drive, S/side of East 71st Street South

Staff Recommendation:

After review of the Detail Landscape Plan, Staff finds it to be in conformance with the requirements of PUD 179-0-1.

Therefore, Staff recommends **APPROVAL** of the Detail Landscape Plan for Lot 1 of Woodland Hills Annex, PUD 179-0.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-0** (Carnes, <sup>absent</sup> Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** the **Minor Amendment to PUD 179-0 (Wenrick)**, as recommended by Staff.

SUBDIVISIONS:

FINAL APPROVAL & RELEASE:

**Estates of Thousand Oaks** (PUD 321-1)(1683) E 89th St So & So Urbana (RD)  
**South Lewis Express Storage** (1783) 8905 South Lewis Avenue (CS)  
**Woodland Hills Annex** (PUD 179-0)(1283) 8900 Block of East 71st St (CS, OL)

TMAPC ACTION: 0 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** the Above Listed Final Plats and release same as having met all conditions of approval.

There being no further business, the Chairman declared the meeting adjourned at 5:17 p.m.

Date Approved

7/26/89

James R. Robert  
Chairman

ATTEST:

Art Draughon  
Secretary