

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1769
Wednesday, **November 15, 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	Kempe Randle	Setters Stump Wilmoth	Linker, Legal Counsel
Coutant Doherty, Chairman Draughon, Secretary Paddock Parmele Selph Wilson, 1st Vice Chairman Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 14, 1989 at 11:15 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 1:34 p.m.

MINUTES:

Approval of the Minutes of November 1, 1989, Meeting #1767:

On **MOTION** of **COUTANT**, the TMAPC voted **7-0-2** (Coutant, Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; Carnes, Parmele, "abstaining"; Kempe, Randle, "absent") to **APPROVE** the **Minutes of November 1, 1989, Meeting #1767.**

REPORTS:

Committee Reports:

Mr. Paddock advised of a meeting this date of the **Rules & Regulations Committee**. Agenda items included clarification of the "six month rule" which will be reviewed at a later time, and a general review of the Subdivision Regulations as to housekeeping-type amendments. Mr. Paddock advised the major issue before the Committee involved proposed language revisions to portions of Section 1170.7(A), Amendments to PUD's. Based on the Rules & Regulations Committee recommendation, he moved the TMAPC recommend approval of the proposed language to the City Commission, as follows (revisions in bold):

Chapter 11, Section 1170.7(A)

A. Minor Amendments:

Minor amendments to the PUD may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the Outline Development Plan and the purposes and standards of the PUD provisions hereof. The following minor amendments may be approved by the Planning Commission:

- 1) Adjustment of internal development area boundaries **if (a) the same is approved** prior to final approval of the subdivision plat; **and (b) the allocation of land to particular uses and the relationship of uses within the project are not substantially altered; and (c) the land area for each development area does not increase or decrease by more than 10%; and (d) the same is permitted as a minor amendment in the original PUD.**

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- 9) Changes in structure height, building setback, yards, open spaces, **building coverage** and lot widths or frontages, provided the approved Outline Development Plan the approved PUD standards and the character of the development are not substantially altered.

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- 12) **Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.**
- 13) **Modification(s) to approved screening and landscaping buffers, provided the modification(s) is not a substantial deviation from the original approved plan.**

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK** the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the proposed revisions to Section 1170.7(A), Amendments to PUD's, as outlined above and as recommended by the Rules & Regulations Committee.

Director's Report:

Mr. Stump briefed the TMAPC members on the latest City Commission actions relating to zoning matters.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Meadow Vista Ranch (2213) NE/c of E. 86th St. N. & N. Yale Ave. (RE, CS)

This plat is being filed to satisfy the platting requirement under County Zoning application CZ-120. A previous plat had been reviewed, but failing percolation tests prevented its completion. The following is the sequence of actions affecting this property:

- 08/16/84: Zoning application CZ-120 received for processing.
- 08/28/84: Sketch plat received; "Canyon Vista Ranch", 80 acres; approximately 54, one-acre lots
- 09/13/84: Sketch plat reviewed by TAC. Approved, subject to conditions, including City-County Health Department approval of septic systems.
- 09/26/84: Zoning application CZ-120 approved by TMAPC, AG to RE and CS.
- 10/22/84: County Commission approves zoning; Resolution #108292.
- 01/29/85: Failing percolation tests for smaller lots. Plat could not be completed or meet conditions.
- 8/84 - 10/89?: Three building permits issued and homes constructed or under construction. Building Inspections and Staff informed applicant that property was "subject to platting" under CZ-120.
- 10/23/89: Received current preliminary plat "Meadow Vista Ranch" with larger (three, 10-acre) lots.

Note that some of the adjacent tracts are left out of this plat, but it is expected that the owners of those tracts may also be a party to this plat to satisfy the plat requirement. Otherwise those tracts left out of this subdivision are still "subject to platting" and no building and/or zoning clearance permits may be issued on those properties.

The Staff presented the plat with the applicant represented by Alan Hall.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Meadow Vista Ranch, subject to the following conditions:

1. On face of plat identify the adjacent tracts as "unplatted". On final plat include the name(s) and addresses of all the owners if more than one.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as needed. (Extend the 17.5' utility easement to connect parallel to the lot line between Lots 5 and 6.)
3. Water plans (if any required) shall be approved by Washington County Rural Water District #3. If already in place, only a release letter will be necessary if the subdivision can be served by the District.)

Meadow Vista Ranch - Cont

4. Covenants: (Make sure covenants agree with building lines, etc. shown on face of plat.)
Section 1.1, revise as follows: "All lots except Lot 8, Block 1 shall be limited to single-family residential use, and are conveyed to be used exclusively for that purpose. Lot 8, Block 1 may be used for CS (Commercial Shopping) purposes as permitted by the Tulsa County Zoning Code."
Section 1.4, Second line, after "lot lines" insert: "except where easements are greater."
Section 11, add the following, and number as "7": "The owner shall be responsible for the repair and replacement of any landscaping and paving located within the utility easements in the event it is necessary to repair any underground water or sewer mains, electric, natural gas, communications or telephone service."
Section 111, 5th line, after the word "of", add: "paving, surfacing, swimming pools, lawn sprinkler systems, or..." (check with City-County Health Department if additional language is needed to address an individual lagoon system on these lots.)
5. Paving and drainage plans shall be approved by the County Engineer, if required, including storm drainage and detention design and other permits where applicable. May apply to drain tile sizes for driveways. (Check with County Engineering Department.)
6. Access points: Establish specific access points for the commercial tract (Lot 8) as directed by County Engineer. Individual driveway locations may be specified by the County Engineer or limited to one access per residential lot. (See County Engineer for recommendations.)
7. Street lighting in this Subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
8. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
9. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval. (Also see #4 above)
10. The method of water supply and plans therefor, shall be approved by the City/County Health Department. (Also see #3 above)
11. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
12. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.

Meadow Vista Ranch - Cont

13. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Kempe, Randle, "absent") to **APPROVE** the **Preliminary Plat for Meadow Vista Ranch**, subject to the conditions as recommended by the TAC and Staff.

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Gilcrease Hills, Village II, Blk 26 (2702) W Queen St & N Tacoma Ave (RM-1)

This plat fills in the gap on the south side of Queen Street between Blocks 21 and 24 and is zoned RM-1, but the development will be single-family residential. Applicant should be advised that the side yard setbacks for single family in the RM-1 district is 10' each side. Builders should be aware of this requirement, but this is not a part of this plat since the plat meets all the requirements of the zoning code. Applicant should be further aware that there is a very small overlap into the CS zoning in PUD 441 in the extreme southwest corner of Lots 1 and 2. When the plat for the PUD is filed the overlap can be corrected. There are no conditions applicable to a PUD in this plat.

The Staff presented the plat with the applicant represented by Ted Sack.

The Department of Stormwater Management advised that "fee-in-lieu" can be paid. In discussion, it was determined that this may have been done already or waived. Documentation of same will be necessary.

Utilities, in particular PSO, commented on the inclusion of oil and gas lines through the plat. Since this was in Osage County special provisions had been made in previous plats for the oil and gas leases and the lines thereto. These covenants were patterned off the previous plats.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Gilcrease Hills, Village II, Blk 26, subject to the following conditions:

1. For reference show in dashed lines an intersection, such as Tacoma and Reading.
2. Show a rear building line of 25' on Lot 1 and "LNA" along the back of said lot along North Union Avenue.
3. Identify tract to the south as "unplatted".
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.

Gilcrease Hills, Village II - Cont

5. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Relocate hydrants if required.)
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
8. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
9. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
10. A Corporation Commission letter B.I.A. documentation, (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. **A building line shall be shown on plat on any wells not officially plugged.** (Furnish copy of plugging records for file.)
11. Covenants: Bottom of Page 4. Omit reference to Reserve A-E since they do not show on this plat.
12. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
13. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Preliminary Plat for Gilcrease Hills Village II**, subject to the conditions as recommended by the TAC and Staff.

REQUEST FOR WAIVER (Section 260):

Z-4855 Crowell Heights 2nd (1093)
(Continuance requested by Staff)

1421 South Yale Avenue

(OL)

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **CONTINUE Consideration of Z-4855 Crowell Heights 2nd** until Wednesday, **December 6, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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BOA 15233 (Unplatted)(2903) West of the SW/c of N Harvard & E Tecumseh (RM-1)

This is a request to waive plat on a small 170' x 175' tract that has been approved for a church through the BOA. A lot split was processed (#17231) and approved by the TMAPC on 10/4/89, wherein all the requirements applicable to platting and lot splits were met, including granting of utility easements. The easement has been granted and filed of record. Therefore, Staff recommends **APPROVAL** of the waiver of plat, noting the requirements of Section 260 of the Code have been met in the lot split process.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE the Waiver Request for BOA 15233 (Unplatted)**, as recommended by Staff.

CHANGE OF ACCESS:

Holiday Hills Center 2nd Addn. (3393)

NW/c of East 61st & South Yale (CS)

The purpose of the request is to realign access to the shopping center as recommended by the Traffic Engineer. Staff recommends **APPROVAL** as requested.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE the Change of Access for Holiday Hills Center 2nd Addition**, as recommended by Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17245 (3214) Hogeland
L-17247 (1792) Hood

L-17248 (1694) Tamarac/Gann

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: **PUD 455** Present Zoning: OM
Applicant: **Moody (HBM 71)** Proposed Zoning: OM/CS (pending)
Location: North of East 71st Street & South Yale Avenue
Date of Hearing: November 15, 1989
Presented to TMAPC by: Mr. John Moody, 7666 East 61st, #240 (254-0626)

Staff Recommendation:

The applicant is proposing a retail shopping and restaurant development on a 4.7 acre tract 660 feet north of the northeast corner of 71st Street South and Yale Avenue. The District 18 Plan designates this area Special District 2 and Development Sensitive. Special District 2 is proposed to be limited to hospital-medical and related activities, office, commercial shopping, residential and cultural activities. The Plan also states that Development Sensitive areas be given special attention during the review process and be highlighted in all development proposals. The proposed PUD appears to give no special attention to the steep slopes (15% to 25%) on the site.

The proposal is for a standard looking restaurant and shopping center with a detention pond between this development and Yale Avenue. If the PUD were developed in this manner, the entire tract would need to be either cut away or filled producing a need for massive retaining walls to keep adjacent land from collapsing onto the tract. Virtually all existing trees on the tract would be lost as well. This is why the area was identified as Development Sensitive. Commercial development of this type necessitates the total destruction of the natural environment on a steeply sloped site such as this. Because of this, Staff does not support the proposed CS zoning on a portion of the tract nor the proposed design and uses in the PUD. We believe the existing OM zoning provides reasonable use of the subject property more in harmony with the Comprehensive Plan and topography.

Therefore, Staff recommends **DENIAL** of PUD 455.

Comments & Discussion:

Mr. Stump advised the applicant had just handed Staff a copy of the revised PUD text and development specifications. Mr. Stump stated Staff has only reviewed the Site Plan drawings for this new proposal and has not had an opportunity to review the specific written text amendments. However, from the summary description of the amended text and the new Site Plan, Staff would remain with the above recommendation for denial as Staff could see no significant change from the original PUD proposal.

Mr. Parmele remarked the TMAPC voted on the related zoning case which approved CS for a portion of the tract and voted to withhold transmittal of those minutes pending review of this PUD. He questioned why Staff did not review this case and make a recommendation based on the previously approved CS zoning on the south 130' of the tract. Mr. Stump advised Staff had met with the developers but did not feel the developers had offered any significant changes based on their verbal description. Mr. Stump reiterated that Staff has not had an opportunity to review the written text as the applicant had just distributed copies to the TMAPC and Staff at this time.

Applicant's Comments:

Mr. John Moody confirmed that the applicant and Staff had met previously to review the Site Plan, but the PUD text and summary was being presented at this time.

Mr. Moody commented on the node concept, stating the applicant's proposal was within 12' of the limits of this Type III Node. He pointed out that, with the proposed landscaped buffer, they now have twice the setback required between commercial and residential uses. Mr. Moody submitted photos to indicate the drainage and preservation of existing trees on adjacent developed tracts in this area. He also reviewed the plat to show existing detention easements and utilities. Mr. Moody stated the PUD as proposed was a better solution for development of this tract, consistent with the City's development policies, than having the applicant develop conventionally under OM zoning. He stressed there would be a substantial cutting of trees in order to even meet conventional OM zoning. Mr. Moody answered questions from the TMAPC members regarding the subject tract.

Mr. Moody continued with in-depth review of the amended PUD Site Plan and text standards as to landscaping, drainage, retention walls, etc. He emphasized this tract was the only site in the area that provided on-site detention. Mr. Moody reiterated the amended PUD reduced the floor area to 29,400 square feet (.13 FAR); provided for an interior courtyard in the retail shopping area by separating the buildings; eliminated one drive-thru and changed the circulation pattern to move traffic safely; and changed the location of parking on the "handle" to the north and maintained a 15' - 20' wide strip on the eastern boundary to preserve existing trees.

Mr. Moody reviewed the Use Units proposed and those eliminated in the revised PUD text. He emphasized the applicant did not see a way to accomplish the Staff's desire to develop this tract for some type of office use. Based on the presentation of the amended PUD text, he requested the TMAPC approve the PUD, adding that if the Commission had reservations, they approve this subject to Staff review of the PUD in order to incorporate standard PUD conditions. Mr. Moody answered questions from the TMAPC members to clarify access, landscaping, etc.

Mr. Wayne Alberty, Planning Consultant for the applicant, reviewed the proposal as to retention of existing trees as well as the number of trees to be planted after cutting, grading, filling, etc.

TMAPC Review Session:

Mr. Parmele stated he felt this was an appropriate area for commercial zoning and use and was also a unique area for a PUD. He noted this case was a reversal of the usual circumstances as the PUD proposed a decrease in FAR and an increase of open space. Mr. Parmele stated he liked the idea of setting back so far from Yale Avenue and was a good use of the detention area. He noted that, from his personal observation of this area, the vast majority of the completed buildings in this area completely stripped the lots to build high-rise office or apartments. He also pointed out that practically every development in the area used retaining walls due to the topography. Mr. Parmele commented that at the recent Zoning Institute he learned that other cities address development sensitive areas with steep slopes by limiting intensities to a .12 FAR. With the subject PUD proposing a .13 FAR, Mr. Parmele stated he did not see how this development sensitive area could be better developed. He added that he did not think it feasible to preserve the trees and openness of this area unless the City was willing to buy these tracts to make a park.

Chairman Doherty agreed with Mr. Parmele's comments as to the use and the development as presented. However, he did have a problem with preserving as much of an urban forest as possible. Chairman Doherty suggested obtaining input from the City's Forester on this project. He added that he would like Staff to have time to review the detailed PUD text presented at this hearing. Mr. Paddock agreed Staff should review further the development standards and he initiated discussion on the node concept as to standard dimensions.

Ms. Wilson asked Legal Counsel input as to a requirement for a performance bond. Mr. Linker stated this idea has been greatly debated and has not been used as a matter of practice. If required, it should be done for every developer and not just for this particular case.

In response to Chairman Doherty, Mr. Linker advised it would be very dangerous to approve the PUD without the Staff having had an opportunity to review the specifics of the PUD text. Mr. Parmele commented the sense of the Commission appeared to be in support of the PUD, and he suggested a

condition of approval be that Staff and the developer work out the specific development standards and PUD conditions. Mr. Paddock suggested a continuance in order to give Staff the time to present their view of the development standards based on what the applicant has proposed, and to also include the usual conditions required in a PUD. He stressed the continuance would be only for this purpose.

Using the applicant's amended PUD text as guideline, Mr. Carnes moved for a two week continuance to allow Staff and applicant to work out the final PUD standards and conditions. Commissioner Selph suggested inserting a condition to utilize the City's Forester. Mr. Carnes remarked he felt the Staff was well aware of the Commission's feeling in this regard and would seek input from the Forester if needed. Mr. Linker commented the related zoning case should be listed with the PUD on the agenda, if continued, just to cover all contingencies since transmittal on the zoning was withheld subject to approval of the PUD. Mr. Carnes incorporated this in his motion and agreed early transmittal of the minutes would be appropriate.

Mr. Paddock advised he would be out of town on November 29th; therefore, he wished to express that he was very favorable toward the applicant's proposal. If he were in attendance on that date he would be voting for it providing the proper conditions were stated. Mr. Paddock added that he came into this hearing leaning the other way, but as a result of certain items presented by the applicant, some of his concerns have been resolved.

Chairman Doherty commented that, based on the limited information previously presented to Staff, he would also have recommended denial. However, he felt it was the TMAPC's responsibility to take the conflicting needs of the City and applicant and make something work. Further, he felt Staff would take into consideration the consensus of support from the Commission when they review the amended PUD text.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; Coutant, "nay"; no "abstentions"; Kempe, Randle, "absent") to **CONTINUE Consideration of PUD 455 Moody (HBM 71)** until Wednesday, **November 29, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center, in order to allow Staff time to review the amended PUD text as to development standards and for insertion of usual PUD conditions and requirements. Further, at that time, the related zoning case (Z-6263) will be listed on the agenda. The TMAPC also supported early transmittal of the minutes.

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Application No.: **Z-6264 & PUD 456** Present Zoning: RS-3
Applicant: **Alberty (Retherford)** Proposed Zoning: OL
Location: East side of Memorial Drive at East 77th Street
Date of Hearing: November 15, 1989
Presented to TMAPC by: Mr. Wayne Alberty, 4325 East 51st St., #115 (492-6691)

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix, the requested OL District may be found in accordance with the Plan Map if accompanied by a PUD.

Staff Recommendation: Z-6264

Site Analysis: The subject tract is approximately 18.33 acres in size and located south of the southeast corner of East 77th Street and South Memorial Drive. It is nonwooded, gently sloping, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by a nursing home zoned AG and an unoccupied medical office with vacant property zoned RM-1 and PUD 359; on the east and west by single-family residences zoned RS-3; on the south by vacant property zoned AG.

Zoning and BOA Historical Summary: Office zoning has been approved in the area to a 1,320' depth from Memorial Drive, but with an accompanying PUD.

Conclusion: Based on the Comprehensive Plan and existing zoning patterns in the area, Staff can support the requested rezoning when accompanied by a PUD. Staff finds it important to protect the single-family abutting the tract and also to control access.

Therefore, Staff recommends APPROVAL of the OL zoning on the west 1,000' of the tract measured from the centerline of Memorial Drive, with the companion PUD 456.

Staff Recommendation: PUD 456

The applicant is proposing a low intensity single story office subdivision on a twenty acre tract on the east side of Memorial Drive at 78th Street. There is also a request to rezone the tract from RS-3 to OL (Z-6264) accompanying the PUD. The Comprehensive Plan designates the tract Low Intensity - Linear Development Area on the west 1000' and Low Intensity - No Specific Land Use on the remaining 320'. The PUD would limit uses to those allowed by right in the OL district and the maximum building height would be one story. A screening fence is proposed along the east boundary of the tract adjacent to the residential area. The conceptual layout also proposes the tract be subdivided into 25 separate lots for office

development. The conceptual layout proposed is unimaginative and appears to be an attempt to maximize the number of lots rather than produce an attractive design which would be an asset to Tulsa. Redesign of this lot layout is recommended at the Detail Site Plan stage.

Staff does, however, find the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 456 to be (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site and; (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 456 subject to the following conditions:

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

2) **Development Standards:**

Site Area (Gross):	20.0 acres	871,200 sf
(Net):	18.3 acres	797,148 sf
Permitted Uses:	Principal and accessory uses permitted by right in an OL District and a drive-in bank (Lot 1).	
Maximum Floor Area:	199,287 sf	(25%)
Maximum Building Height:	One Story	
Minimum Building Setbacks:		
from C/L of Memorial Dr.	160'	
from east property line	60'	
from other property lines	20'	(interior or exterior)
Minimum Off-Street Setbacks:		
from east property line:	25'	
from west property line:	10'	
from other property lines	5'	(interior or exterior)
Minimum Off-Street Parking:	4 per 1000 sf of Gross Floor Area	
Minimum Internal Landscaped Open Space:		
for entire PUD (net)	20%	
for each lot (net)	20%	
on east property line	25'	wide landscaped buffer
on west property line	10'	wide landscaped area

Signs:

One monument sign per lot which identifies the offices on that lot not to exceed 4' in height and 8' in length with a brick or stone facade is permitted.

Z-6264 & PUD 456 Albery (Retherford) - Cont

Wall signs other than signs meeting the requirements of 1221.3.D are not permitted.

- 3) No zoning clearance permit shall be issued within the Planned Unit Development until a Detail Site Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 4) 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 to the zoning officer all required landscaping and screening fences have been installed in accordance with the approved landscape plan 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) The Department of Stormwater Management or a Professional Engineer registered in the State of Oklahoma shall certify that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
- 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.
- 7) All trash and mechanical equipment areas shall be screened from public view.
- 8) All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet.
- 9) Major revisions to the conceptual layout shall be made at the Detail Site Plan stage in order to improve the design and aesthetics qualities of the proposed development.
- 10) A wood screening fence with masonry posts which complies with Section 250 of the Tulsa Zoning Code shall be constructed along the eastern boundary of the PUD.

NOTE: Staff advised that condition #7 may need to be amended to stipulate ground-mounted equipment only, otherwise the two story abutting residential subdivision could be looking down at roof-mounted equipment in this one story office subdivision.

Comments & Discussion:

Mr. Parmele referred to the previous hearing on this case (October 25th) whereby views were expressed for a zoning depth of 330', and he noted Staff's recommendation was based on 1,000' depth. Mr. Wayne Albery, land planner for the applicant, commented the motion at that hearing as

made by Mr. Parmele indicated 330', but that motion was reconsidered and withdrawn. Therefore, the applicant was submitting for consideration a development with 1,000' of land zoned OL, as they were not bound by the suggested 330'. Discussion continued in review of the October 25th hearing.

Applicant's Comments:

Mr. Wayne Albery, representing the applicant, advised they would accept the Staff's recommendation for the OL zoning at 1,000' as this would be consistent with the Linear Development Area (LDA) guidelines. Mr. Albery pointed out that the OL zoning has been extended to a depth of 1,320' at a location less than 1/4 mile from the subject tract; therefore, a precedent has already been set. He advised the applicant was proposing major revisions to the PUD involving an increase in the open space to 40% for the overall development and no less than 35% on any individual lot. Mr. Albery reviewed the revised Detail Site Plan.

Mr. Norman Retherford, owner/developer, reviewed the development background which lead to this office subdivision concept. Mr. Retherford commented that during his research of plot plans, he was unable to find another development with the amount of deed restrictions proposed to be imposed by this development. He commented that this application was only requesting that which has already been established by the city in other areas.

Mr. Roy Hinkle (6600 South Yale, Suite 150), attorney for the applicant, spoke in support of the PUD proposal as the project was to the same depth as the nearby nursing home on the north. An approved PUD for office and an office complex were already in existence on Memorial. Mr. Hinkle questioned the probability of developing the back portion of this lot for single-family residential since there would be no way to provide access to the subdivision to the east. He stated he felt a pattern has been set for this area and no opposition has been expressed by the homeowners in this area. He could see no reason by denial of the request.

TMAPC Review Session:

Mr. Paddock inquired as to the maximum depth permitted in an LDA with a related PUD. Mr. Stump advised this particular LDA went to a 1,000' depth and OL was a use which complied with the conditions of a low intensity LDA.

Mr. Parmele remarked that he was not opposed to office use on the entire tract. However, this being the first LDA along Memorial Drive, he felt some care should be taken. He added he was not "hung up" on 330' depth but he did feel 199,000 square feet of floor area was too much for this area. Mr. Parmele stated he had no problem with 660' depth of zoning as long as the floor area ratio (FAR) was not increased to greater than .30 for the zoned area, which would allow approximately 130,000 square feet.

Mr. Paddock referred to the table in the Zoning Code for office districts, commenting the proposal was what could possibly be there under conventional OL zoning. He admitted confusion as to the differences between the suggested 660' and Staff's recommendation for 1,000', which was based on the LDA guidelines. Ms. Wilson commented she did not have a problem with 1,000' depth as she did not think this would necessarily be a bad use of the land. Discussion continued on Linear Development Areas guidelines for these areas, especially as relates to this particular area.

Mr. Coutant commented he was not troubled by the proposed depth of the PUD. When one takes a look at what will be built, he felt this low profile office project would be a very good neighbor to the nearby residential subdivision. However, he was still struggling with the layout and the aesthetics that might be a part of the layout which could be "bleeding" into the zoning issue. Mr. Coutant submitted for discussion a motion to approve the Staff recommendation for OL zoning at 1,000' depth, and noting the applicant's amended minimum open space standard at 40% overall and 35% on each individual lot.

In regard to questions regarding condition #9, Mr. Stump commented the applicant has talked about changing the orientation of buildings which is not a major concern to the Staff. However, Staff was concerned about the layout of the lots and the streets which was the basis for this condition.

In-depth discussion followed among the Commission members regarding 660' versus 1,000' of zoning. Hearing this debate, Mr. Albery amended the application for a 660' depth of OL zoning provided .4 FAR be allowed. Mr. Coutant amended his motion to incorporate the applicant's suggestion.

In reply to Mr. Carnes, Mr. Stump advised the .4 FAR on ten acres of OL equated to 174,240 square feet. He added this would be considered at the "low end" of development intensity if spread over the entire tract tract with the final FAR for the tract being below .2 FAR.

Still having a problem with the proposed motion, Mr. Parmele moved to amend the main motion for a 660' depth of OL with approval of the PUD with an FAR of .35 which would be 152,460 square feet.

Ms. Wilson stated she felt Mr. Coutant's motion was acceptable. Chairman Doherty stated favor for the cut back in FAR. Mr. Coutant commented he felt the applicant has "made the mistake of trying to be reasonable with us and now the TMAPC was attempting to bring him to the middle." Further, he did not feel the proposed 660' would accomplish anything measurable aesthetically.

On motion of PARMELE, the TMAPC voted 5-2-0 (Carnes, Doherty, Draughon, Paddock, Parmele, "aye"; Coutant, Wilson, "nay"; no "abstentions"; Kempe, Randle, Selph, Woodard, "absent") to **AMEND** the main motion, resulting in a proposed 660' depth of OL zoning and a maximum floor area for the PUD of 152,460 square feet.

Z-6264 & PUD 456 Aliberty (Retherford) - Cont

Mr. Hinkle was recognized to speak and stated he felt there was one member on the Commission who might have personal interest in this project as an adjacent landowner. Mr. Carnes stated he was the member in question, and he advised that he did not own the adjacent land. Further, he had previously abstained on a vote affecting land in the nearby vicinity, and he had not owned any land in that area for two years at that time. Chairman Doherty stated he felt Mr. Hinkle's comments were entirely out of order as it was up to each Commissioner to determine his own conflict of interest. Mr. Hinkle replied, "I'm not throwing any disparaging remarks but I've got to protect the court record that I'm going to have to have on this because I'm going to have to go to District Court with this." Mr. Carnes offered to abstain if the Commissioners wished to reconsider the previous vote on the amended motion. The consensus of the TMAPC was that reconsideration was not necessary as the applicant had the option of appeal through the City Commission before seeking court relief.

In regard to the amended motion, Ms. Wilson stated she would be voting against the motion as she felt the .4 FAR with 660' OL depth was a better number to work with on this project.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **5-1-1** (Coutant, Doherty, Draughon, Paddock, Parmele, "aye"; Wilson, "nay"; Carnes, "abstaining"; Kempe, Randle, Selph, Woodard, "absent") to **APPROVE Z-6264 & PUD 456 Aliberty (Retherford)** for a 660' depth of OL Zoning with a a maximum floor area for the PUD of 152,460 square feet, including the applicant's revised open space of 40% overall and 35% on each individual lot.

Legal Description:

OL Zoning: The west 660' (from centerline of Memorial Drive) of a tract described as the S/2 of the NW/4 of the SW/4, Section 12, T-18-N, R-13-E, City and County of Tulsa, Oklahoma.

PUD: The S/2 of the NW/4 of the SW/4, Section 12, T-18-N, R-13-E, less the west 110', City and County of Tulsa, Oklahoma.

OTHER BUSINESS:

PUD 187-19: Minor Amendment to Rear Yard Setback
SE/c of East 65th Street & South Sheridan Avenue

Staff Recommendation:

The applicant is requesting a setback variance from Sheridan Avenue of the required 35' to 18' on Lot 18, Block 16 Shadow Mountain Addition in order to construct a single-family residence. The dwelling would face South 66th East Avenue and the yard in question would be the rear yard. The main portion of the building would be set back approximately 30' from Sheridan, but they area also proposing to construct a 12' x 16' sunroom on the rear of the home which would be 18' from Sheridan.

Staff does not feel an almost 50% reduction in the required setback is minor. Therefore, Staff recommends DENIAL of the amendment to 18'. Staff could support a minor amendment of this setback to 30' which would allow construction of the primary portions of the dwelling.

Applicant's Comments:

Mr. Mason Mitchell (1909 West Fulton, Broken Arrow) pointed out that previously approved requests in this general area have reduced rear yards to 7', and they were requesting an 18' rear yard. Mr. Mitchell advised the president of the Shadow Mountain Homeowners Association has submitted a letter recommending approval of the proposal. In response to questions from the Commission, Mr. Mitchell described an "Oklahoma Sunroom" as proposed for this case. In reply to Mr. Coutant, Mr. Mitchell advised that this was an entrance lot to a ten-year-old subdivision and was not suitable for a single level residence to meet the minimum square footage requirements of the subdivision. He felt the homeowners supported this request in order to finally get a dwelling built on this entrance lot.

Mr. Paddock agreed with the Staff recommendation as to this possibly being a major amendment since this was approximately a 50% reduction of the setback, if approved for an 18' rear yard. Mr. Parmele remarked this was a good example of the major/minor amendment problems the TMAPC faces. He stated that if the entire house was being moved back he could see this as a major amendment. However, just a portion was requested to accommodate the small sunroom and he did not consider this a major amendment. Further, he did not feel it necessary to force the applicant to go through the cost and time expense associated with a major amendment on a request such as this. Therefore, Mr. Parmele moved to consider this request as a minor amendment based on its merits. Discussion followed on the motion, considering the merits of this particular case.

On **MOTION** of **PARMELE**, the TMAPC voted **4-1-2** (Carnes, Doherty, Parmele, Wilson, "aye"; Coutant, "nay"; Draughton, Paddock, "abstaining"; Kempe, Randle, Selph, Woodard, "absent") to **CONSIDER PUD 187-19 (Tiara Homes)** as a Minor Amendment.

PUD 187-19 Minor Amendment - Cont

Ms. Wilson moved for approval of the request for an 18' rear yard setback, as she did not have a problem if a homeowner chose to build this close to an arterial. Mr. Coutant observed that, although he agreed somewhat with the rationale, if carried to its logical extension, we should not have setbacks in the rear yards at all because who would care? He added that, in this case, he did not have a problem, although he did not agree, but he would not want the TMAPC to have a record that suggested the rear yard setbacks did not matter.

Mr. Parmele commented that, without the consent of the neighbors and the homeowner's association, he would not be in favor of the request.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the TMAPC voted **4-3-0** (Carnes, Doherty, Parmele, Wilson, "aye"; Coutant, Draughon, Paddock, "nay"; no "abstentions"; Kempe, Randle, Selph, Woodard, "absent") to **APPROVE** the **Minor Amendment to PUD 187-19 Tiara Homes**, allowing an 18' rear yard setback as requested by the applicant.

* * * * *

PUD 411-2/Z-5842-SP-2: Minor Amendment (Lot 1, Block 1 of 9700 Memorial Addn) NE/c of East 98th Street & South Memorial Drive

Staff Recommendation:

The applicant is requesting the maximum permitted lot coverage be increased from 12% to 15%, and the maximum building FAR be increased from .12 to .15 in Development Area 3 of the PUD. No increase in the maximum permitted floor area for Development Area 3 is requested. The proposed amendment is the result of a desire to enlarge the South Park Auto dealership by 6,400 square feet. This would increase its FAR to .14 and the building coverage to 14%.

Staff finds the amendment to be minor in nature and in keeping with the spirit and intent of the original PUD. Therefore, Staff recommends APPROVAL of PUD 411-2 and the comparable amendment to Z-5842-SP-2.

Applicant's Comments:

Mr. Charles Norman, representing the applicant, clarified the auto dealership wished to expand its service area by 6,500 feet which would put this into technical noncompliance, and this was not a request for a change in the total permitted floor in the development area or any other change. Mr. Norman suggested an increase from 12% to 15% was still minor, in his opinion, even though it would be more than 10% of 12%. Therefore, this was an example of another unusual situation where adding 6,500 square feet to a building on a five acre tract which was part of a 16 acre development, was still minor in nature. In response to Mr. Draughon, Mr. Norman stated that ordinarily he would agree anything above 10% would be a substantial

increase in situations where the Commission was dealing with a 30% or 50% FAR that was permitted in office or commercial districts. However, in this instance, this was approved with an extremely low number to start with. He felt the percentage limitation was not a significant departure from the original concept, particularly when his client owned the entire 16 acre development area.

Mr. Paddock asked if there was any offsetting of this increase in one area with a decrease in another area. Mr. Norman stated the 6,500 square feet would be deducted from the remaining floor area permitted in the development area. He noted that, if approved by the TMAPC, the applicant would be presenting an amended Detail Site Plan to demonstrate that the new construction conformed with all of the other PUD standards.

NOTE: This case was heard out of order but placed in the minutes according to the posted agenda. Therefore the vote counts may vary based on membership attendance at that time.

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **CONSIDER PUD 411-2 and Z-5842-SP-2 Norman as a Minor Amendment**, as recommended by Staff.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE the Minor Amendment to PUD 411-2 & Z-5842-SP-2 Norman** as recommended by Staff.

NEW BUSINESS:

In regard to a few of today's cases, Mr. Coutant commented he felt the Commission consistently has had a problem understanding an applicant's proposal when Staff recommends denial of a PUD because the Commissioners do not have anything in the packet other than the recommendation for denial. He acknowledged that in most cases, Staff cannot put together development standards they do not approve or endorse. However, he felt that, at the very least, Staff should provide the applicant's Outline Development Plan as a basis for understanding the denial recommendation. Mr. Paddock and Mr. Parmele stated agreement. Mr. Parmele added that, especially in cases where the Commission has already indicated an expression of their interests for approval if the applicant meets certain conditions, then Staff should take the opportunity to review those conditions. If Staff does not get the text in time, then they should request a continuance and allow themselves enough time for review so the Commission can have something to consider. Mr. Parmele stated, as it was today, it imposes a hardship on the TMAPC, a hardship on Staff and on the applicant.



There being no further business, the Chairman declared the meeting adjourned at 4:32 p.m.

Date Approved Nov 29, 89
James R. Kelly
Chairman

ATTEST:

Art Alroughan
Secretary