

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1770
Wednesday, **November 29, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Coutant	Carnes	Gardner	Linker, Legal
Doherty, Chairman	Kempe	Setters	Counsel
Draughon, Secretary	Paddock	Stump	
Parmeie	Randle	Matthews	
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 28, 1989 at 11:10 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 1:40 p.m.

MINUTES:

Approval of the Minutes of November 8, 1989, Meeting #1768:

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Parmeie, Randle, "absent") to **APPROVE** the **Minutes of November 8, 1989, Meeting #1768.**

Approval of the Minutes of November 15, 1989, Meeting #1769:

On **MOTION** of **WILSON**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Parmeie, Randle, "absent") to **APPROVE** the **Minutes of November 15, 1989, Meeting #1769.**

REPORTS:

Report of Receipts & Deposits for the Month Ended October 31, 1989:

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Parmeie, Randle, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended October 31, 1989.**

Committee Reports:

Mr. Coutant advised the City Commission had recently reviewed the proposed amendments to the District 18 Plan relating to the Mingo Valley Corridor. They did not approve resolutions, but had referred the matter back to the TMAPC for further study. Mr. Coutant commented the objections raised by the City Commissioners were those anticipated; however, the Board of Realtors expressed concern that they had not had an opportunity to speak at the public hearing. Chairman Doherty agreed that the Comprehensive Plan Committee would again review this matter upon receipt from the City.

Director's Report:

- a) Mr. Gardner advised the City could begin the budget review process as early as February. Therefore, he suggested the TMAPC members advise Staff of any programs to be included in the next fiscal budget.
- b) Mr. Gardner requested the TMAPC consider possible cancellation of the December 27th meeting, as getting a quorum at that time may be difficult. He advised there were no zoning cases scheduled for that date. After polling fellow Commissioners, Chairman Doherty advised the consensus was to cancel that meeting, and Staff was so directed.

PUBLIC HEARING:

CONSIDER AMENDMENTS TO THE
DISTRICT 5 & 16 PLAN MAPS & TEXT
AS A RESULT OF THE TULSA INTERNATIONAL AIRPORT
FAR PART 150 NOISE STUDY AND OTHER HOUSEKEEPING AMENDMENTS

Comments & Discussion:

Ms. Dane Matthews, INCOG Staff, presented an overview of the proposed amendments relating to the Noise Study and the few housekeeping-type amendments for the District 5 and 16 Plans. Ms. Matthews introduced Mr. Ryk A. Dunkelberg, Consultant and Airport Planner, who reviewed specific information from the FAR Part 150 Noise Study. Mr. Dunkelberg then answered questions from the Commissioners regarding the Study.

Mr. Coutant advised the Comprehensive Plan Committee had reviewed this matter and voted unanimously to recommend approval of the amendments to the District 5 and 16 Plans as proposed. Chairman Doherty noted there were no interested parties in attendance on this matter.

TMAPC ACTION: 7 members present

On **MOTION** of **COUTANT**, the TMAPC voted **6-0-1** (Coutant, Doherty, Draughon, Parmele, Wilson, Woodard, "aye"; no "nays"; Selph, "abstaining"; Carnes, Kempe, Paddock, Randle, "absent") to **APPROVE** the **Amendments to the District 5 & 16 Plan Maps & Text**, as recommended by the Comprehensive Plan Committee and Staff.

ZONING PUBLIC HEARING:

Application No.: PUD 455 Present Zoning: OM
Applicant: Moody (HMB 71) Proposed Zoning: OM/CS (pending)
Location: 660' North of the NE/c of East 71st & South Yale
Date of Hearing: November 29, 1989
Presented to TMAPC by: Mr. John Moody, 2520 Mid-Continent Tower (583-7766)

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.

Therefore, Staff recommends **DENIAL** of PUD 455. If the TMAPC decides to approve the PUD, Staff recommends PUD 455 be approved 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:**

Area (Gross):	5.37 acres	233,959 SF
(Net):	4.70 acres	204,920 SF

Permitted Uses: Those uses permitted as a matter of right in the CS - Shopping Center Commercial District and Christmas tree sales lots, interior design and selected home building materials sales and/or sales rep. with TMAPC review; but excluding Use Units 16 and 19.

Maximum Floor Area:	29,400 SF	(0.13 FAR)
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Minimum Building Setback:	
West Boundary (C/L of So Yale)	220'
South Boundary	40'
East Boundary	25'
North Boundary (excluding panhandle which allows no buildings)	
Retail Shops	25'
Restaurant Court	70'
Minimum Off Street Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code
Minimum Open Space:	47,900 SF (for entire PUD)
Minimum Landscaped Open Space:	
On Each Lot	10%
Northern Boundary	20'
Western Boundary	8' (west of detention pond)
Preservation of Existing Vegetation:	East 15' of panhandle on north side of tract

Signs:

Ground Signs: One project identification monument style sign at each entrance to Yale Avenue and 68th Street is permitted so long as they do not exceed 6' in height or 32 SF in display surface area.

Each lot in the Restaurant Court is permitted one ground sign no greater than 25' in height with a maximum display surface area of 125 SF.

No ground signs are allowed in the retail Shopping area except the project identification sign mentioned above.

Wall Signs: As allowed by Section 1130.2(B) of the Tulsa Zoning Code.

- 3) No zoning clearance permit shall be issued within the Planned Unit Development until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the 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) No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 6) All trash and mechanical equipment areas shall be screened from public view.
- 7) All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 24 feet.
- 8) The Department of Stormwater Management or Professional Engineer registered in the State of Oklahoma shall certify that all required Stormwater drainage structure and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
- 9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

Mr. Gardner clarified Staff's intent in the wording of "Permitted Uses" so as to assure there would be no large trucking or wholesaling activities at this location. He added "Christmas tree sales" was added to avoid the problems that currently exist in PUD's where a portion might be needed on a short term basis for this type sales. Mr. Gardner advised a point of contention remaining in Staff's recommendation was the placing of freestanding signs for the restaurant court, and the applicant's request to place the signage along Yale frontage.

Applicant's Comments:

Mr. John Moody, representing the applicant, agreed a point remaining to be resolved was the location of ground sign(s). He advised the applicant does not agree with placing the signs back behind the detention pond, which was of concern to the potential retail users. Mr. Moody requested the applicant be permitted to locate the ground signs within 4' of the detention pond retaining wall as shown on the plan, which would set the signs back off the street curbs. In reply to Mr. Coutant, Mr. Moody verified the retaining wall must be set back a minimum of 8' from the property line. He reiterated the applicant wanted to keep the signs close to the retaining wall. Mr. Moody also requested an 8' height (48 square feet) for the monument signs instead of Staff's suggested 6' height (32 square feet), as these two monuments would be primary identification for the retail shops in the rear.

TMAPC Review Session:

Mr. Draughon inquired if placing the signs as proposed by the applicant might create a traffic hazard. Mr. Gardner replied he did not think it was a matter of safety, but Staff feels that placing the signs on the street frontage brings the commercial to the street and does not keep it back in the retail center.

Ms. Wilson asked if the City Forester had reviewed the landscaping plans, and if Staff had considered this in their recommendation. Mr. Stump stated at the time of review of the Detail Landscape Plan, Staff would consult with the Forester. Commissioner Selph suggest adding this as a condition; Staff and applicant agreed.

Discussion ensued on the signage proposed, as compared to other signage in the area, and sign height limitation versus setbacks. Mr. Parmele suggested consideration of monument type signs closer to Yale and only allow the tall ground signs back close to the restaurants. He felt that the farther back from Yale Avenue the signs were placed, the more height would be needed. Mr. Gardner commented the condition for signage could be written "either/or"; i.e. if a freestanding pole sign reached 25' in height with 125 square feet of surface area, then it must be behind the detention area on the lot with the restaurant; or monument signs not to exceed a certain standard.

Mr. Parmele moved for approval of PUD 455 per Staff, subject to the following changes: 1) Project Identification sign on Yale Avenue at 68th Street be permitted, not to exceed 8' height with 48 square feet of display surface area; (2) each lot of the restaurant court is permitted one ground sign no greater than 25' in height with a maximum display surface area of 125 square feet OR a monument style sign on the Yale Avenue frontage not to exceed 6' in height with 32 square feet of display surface area.

Mr. Draughon stated concern with the steep slopes and possible stripping of all the trees. Mr. Gardner commented the conceptual Site Plan submitted by the applicant indicated a landscaped area. The TMAPC could reverse the process by requiring Detail Landscape Plan approval prior to issuance of any earth change permits. Discussion followed with Ms. Wilson suggesting wording to be included as a condition, "The urban forester shall review the Detail Landscape Plan prior to the Earth Change Permit, and recommend to the TMAPC the number, type and placement of trees, shrubbery and ground covering." Mr. Parmele accepted this suggested wording as a part of his motion.

Mr. Coutant commented the type of PUD presented "is as sensitive as possible within the range of reasonable to the concerns that gave rise to the Development Sensitive designation." Ms. Wilson stated favor for the motion since one of her major concerns has been just stripping that land bare of every tree. She felt this project offers the opportunity to look at the land first and then how to best develop it.

TMAPC ACTION: 7 members present

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Coutant, Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to APPROVE PUD 455 Moody (HMB 71), as recommended by Staff, subject to the following amendments:

- 1) One project identification sign at each entrance to Yale Avenue permitted, not to exceed 8' height nor 48 square feet of display surface area.
- 2) Each lot of the restaurant court, excluding the stormwater detention area, is permitted one ground sign no greater than 25' in height with a maximum display surface area of 125 square feet OR a monument style sign on the Yale Avenue frontage not to exceed 6' in height nor 32 square feet of display surface area.
- 3) Add wording to condition #4: "The urban forester shall review the Detail Landscape Plan prior to issuance of any Earth Change Permit and shall recommend to the TMAPC the number, type and placement of trees, shrubbery and ground covering."

Chairman Doherty advised transmittal of the related zoning case (Z-6263) as heard on October 25th was withheld pending approval of the PUD. Therefore, TMAPC approval was needed for transmittal of these minutes.

TMAPC ACTION: 7 members present

On MOTION of COUTANT, the TMAPC voted 7-0-0 (Coutant, Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to APPROVE the Transmittal of Z-6263 Moody (HMB 71). The TMAPC also APPROVED early transmittal of the zoning and PUD to the City Commission.

Legal Description:

PUD: Part of the W/2 of the SW/4 of the SW/4 of Section 3, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follows:, to-wit: Commencing at the SW corner of said Section 3, thence due north along the west line a distance of 661.01'; thence S 89° 49'36" E a distance 60.0' to the POB; thence continuing S 89° 49'36" E a distance of 434.91'; thence N 00°00'17" E a distance of 425.47'; thence N 89°50'02" W a distance of 82.5'; thence N 00°00'17" E a distance of 140.0'; thence S 89°50'02" E a distance of 35.0'; thence N 00°00'17" E a distance of 94.30' to a point on the south right-of-way of East 68th Street South; thence N 89°50'02" W along the south right-of-way of East 68th Street South a distance of 27.5'; thence along a curve to the left, with a central angle of 25° and a radius of 120.0' a distance of 52.36'; thence S 65°09'58" W a distance of 43.23'; thence S 00°00'08" W a distance of

Legal Description: (cont)

179.71'; thence due west a distance of 269.97'; thence due south and parallel with the west line of said Section 3 a distance of 449.72' to the POB; LESS AND EXCEPT an undivided one-half interest in the oil and gas in and under such property.

LESS AND EXCEPT: Commencing at the NE corner of the E/2 of the W/2 of the SW/4 of the SW/4 of Section 3, T-18-N, R-13-E, Tulsa County, State of Oklahoma, said point being the NW corner of Lot 2, Block 2, BURNING HILLS, an Addition to the City and County of Tulsa, Oklahoma; thence N 89°50'02" W along the south line of East 68th Street South and the north line of said e/2 a distance of 212.50' to the POB; thence S 0°00'17" W a distance of 94.30'; thence N 89°50'02" W a distance of 35.0'; thence S 0°00'17" W a distance of 140.0'; thence N 89°50'02" W a distance of 22.0'; thence N 0°00'17" E a distance of 230.62' to the south right-of-way of East 68th Street South; thence N 75°56'25" E a distance 0.00'; thence along said south right-of-way line on a curve to the right of having a central angle of 14°13'33" and a radius of 120.0' a distance of 29.79'; thence S 89°50'02" E along said south right-of-way line a distance of 27.5' to the POB.

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Application No.: Z-6271 Present Zoning: AG
Applicant: Norman (Gussman) Proposed Zoning: CS, RM-0 & RS-3
Location: SE/c of East 81st Street & South Sheridan Road
Date of Hearing: November 29, 1989
Presented to TMAPC by: Mr. Charles Norman, 2900 Mid-Continent Twr (583-7571)

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix, the requested CS zoning is in accordance with the Plan Map for a 467' x 467' Node at the intersection, the requested RM-1 and RM-0 may be found in accordance with the Low Intensity portion of the Plan Map, and the requested RS-3 is in accordance.

Staff Recommendation:

Site Analysis: The subject tract is approximately 140 acres in size and is located at the Southeast corner of East 81st Street South and South Sheridan Road. It is wooded, rolling, vacant, and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by both commercial and residential uses zoned CS, RM-0, RS-3 and PUD 300; on the east and south by developed single-family subdivisions zoned RS-3; and on the west by commercial and residential uses zoned CS, RM-0, RS-3 and PUD 271-A.

Zoning and BOA Historical Summary: Previous rezoning actions allowed commercial development at the intersection buffered by multi-family as a transition to single-family.

Conclusion: Based on the existing zoning pattern in the area and the Comprehensive Plan, Staff can support rezoning to a configuration similar to the other three corners. Staff supports CS zoning at the 467' x 467' (5 acre) Node, a 300' wraparound buffer of RM-0 and the balance of the subject tract RS-3.

Therefore, Staff recommends **APPROVAL** of CS, RM-0 and RS-3 zoning in the above mentioned pattern.

Applicant's Comments:

Mr. Charles Norman, attorney for the applicant, stated agreement with the Staff recommendation for approval of the zoning pattern outlined. In response to Ms. Wilson regarding the Department of Stormwater Management (DSM) report indicating the existing pond should be preserved. Mr. Norman clarified that his client was not a developer and did not anticipate developing the property personally. He added that this suggestion would not be possible to incorporate into a typical subdivision plat unless a PUD was filed. Mr. Norman remarked that the advantages of a PUD for a tract this size would be sufficient incentive to attract an ultimate developer through that process, which would be the time to take this into consideration.

Mr. Draughon asked for input on DSM's request for "a study by applicant's consultants on watershed impact of the total tract prior to platting." Mr. Norman commented DSM was recognizing that a parcel of this size would not be developed in a single plat, but in parcels of 20 - 30 acres at a time, and this was an appropriate suggestion before the first plat was submitted.

Interested Parties:

Mr. Patrick S. Mulvany	7315 East 81st Place	74133
Mr. Larry Henry	1000 Oneok Plaza	74103
Mr. Michael Merrick	8736 South 68th East Ave	74133
Mr. Michael Wilkerson	8527 South 68th East Ave	74133
Mr. Jan-Noel Jouas	8202 South 73rd East Ave	74133
Mr. Bob Carpenter	6567 East 85th Street	74133
Mr. Dan Stiverson	7417 East 84th Street	74133
Ms. Nadine Worthen	6609 East 86th Place	74133
Mr. Victor Sobol	8260 South 73rd East Ave	74133

Mr. Patrick Mulvany read from a letter of opposition stating his reasons for denial, mainly due to what he considered detrimental impact to the conservation of wildlife and the environment existing on this AG zoned tract.

Mr. Larry Henry advised he represented Chimney Hills Homeowners Association which abuts the subject tract on the south and east. Mr. Henry commented he was interested in being on record as an interested party so as to receive notice when any development did occur on the property. Additionally, he wished to make very clear the Association's concern that much study should go into the stormwater management issue for any future project on this tract.

Mr. Michael Merrick, current president of Chimney Hills Homeowners Association, supported the comments made by Mr. Henry. Mr. Merrick advised of serious structural problems to homes in this area due to underground streams. He echoed concerns as to future stormwater management issues as this tract is developed.

Mr. Michael Wilkerson concurred with concerns expressed by the above parties. Mr. Wilkerson expressed his main concern involved problems of traffic flow in and around this part of south Tulsa.

Mr. Jan-Noel Jouas a resident of Southern Hills Estates requested an environmental impact study be done before any development occurred. Mr. Jouas shared concerns that whatever was developed on this tract would be tastefully done. Chairman Doherty advised that an environmental impact study was not a requirement for zoning.

Mr. Bob Carpenter, representing Huntington Place Homeowners Association, agreed with the views already expressed regarding drainage. Mr. Carpenter also agreed with concerns as to traffic, especially "cut-thru" traffic in the nearby residential subdivisions. He stated he would like a very stringent traffic study to be conducted prior to approval of any development. Mr. Carpenter commented he was not opposed to development, but he too was interested in being on record so as to be a part of any future the PUD process for this tract. He suggested consideration of the possibility of a greenbelt buffer between commercial and residential uses as he did not feel multifamily uses would serve as a proper buffer. He also expressed a desire to work with the developer to assure similar uses and lot sizes as the existing adjacent residential development on the south side of Huntington Place. Mr. Carpenter agreed the ponds/lakes should be preserved to help control future drainage and waterflow problems for the entire area.

Mr. Dan Stiverson, a resident of Southern Hills Estates, spoke on the number of residences in this particular area served by Darnaby School, which he felt was currently overloaded. Mr. Stiverson expressed concern that future multifamily and single-family development would drastically overload this school. He commented that he felt future apartment complex development would bring down property values. Mr. Stiverson mentioned areas where the streets continually have water from existing runoff. He reinforced that something was need to prevent further cut-thru traffic, and he advised of current traffic safety problems.

Ms. Nadine Worthen concurred with all statements made regarding traffic, drainage, etc., and she stressed that apartment zoning was not needed in this area. Further, she requested the zoning for multifamily be tabled till a later date as a consideration to the existing single-family subdivisions.

In order to receive notice of future activity on this tract, Mr. Victor Sobol signed as an interested party for the record but did not speak at the hearing.

Applicant's Rebuttal:

In regard to concerns with conservation of wildlife, Mr. Norman commented that this part of Tulsa County was not a rural area, but has been an urban area for several years. Further, the urban changes in this area have also impacted the applicant's property, including drainage and water runoff. Mr. Norman remarked that each of the speakers mentioned problems common in this area to the development of all property. He asked them to simply recognize and respect the fact that this tract of land has not contributed in any way to those problems which they have experienced living in a metropolitan area. Mr. Norman also pointed out this tract of land would be supervised and managed under the same regulations and standards that the surrounding residential subdivisions were developed. He added that the standards today were probably higher than in the past because, as the urban process continues, the requirements for development have been increased in almost every instance.

Mr. Norman reiterated that no one has presented a specific development proposal at this time. However, if the residents of Huntington Place object to a stub street, he suggested they go to the City of Tulsa and request it be vacated and closed at this time. Otherwise, the ultimate developer of the subject tract would be required by the standards adopted by the TMAPC and City Commission to honor the stub street and connect to it in order to property an internal circulation system. Mr. Norman added he felt it would be a mistake to prevent the applicant's section of land from having access to the other streets in the area or to deny this quarter section access from the elementary school.

TMAPC Review Session:

Mr. Parmele inquired if aligning the RM-0 zoning with that existing across the street west of Sheridan would be consistent with the Development Guidelines. Mr. Gardner advised it would be a "may be found" in accordance, as the Commission could grant more than just the standard 300' wraparound. He stated that if aligned, it would give approximately 11 or 12 acres instead of the current 8 acres. Mr. Norman stated that it might not be this extensive, as the dimension on Sheridan Road was 850' and the Staff recommendation was for 767'. Mr. Parmele commented this provides an opportunity to get the zoning boundaries aligned, as the TMAPC has had problems in the past with properties across from a rezoning application not aligning. Therefore, he felt the Commission could use this opportunity to "square it up" and provide a cleaner zoning line.

Ms. Wilson inquired of Legal Counsel what focus the DSM had in the platting process, as far as requiring the existing ponds to remain in place. Mr. Linker replied that, if it was necessary to keep the ponds for proper drainage, then it would be a legitimate function of DSM to make this a requirement. Ms. Wilson stated concern that, if the tract was divided into smaller tracts, it might circumvent adequate stormwater management needs.

Mr. Norman stated he was somewhat surprised by DSM's suggestion that a pond should be retained for detention purposes, because DSM has generally discouraged the use of wet ponds as a detention resource since a pond, when full, has no detention capacity if two rains occur in a short time. Ordinarily DSM requires a separate detention facility so as to hold the water in order to allow slow drainage. He added that if the existing pond was retained, it would most likely be as an amenity through a future PUD and not as a detention resource. Chairman Doherty interjected that any comment on the potential development was speculative on the TMAPC's part. Mr. Norman agreed and stated this was going beyond anything he was prepared to discuss since underlying zoning was the only request before the Commission.

Mr. Parmele moved for approval of CS zoning on the corner in a 467' x 467' configuration; RM-0 zoning wrapping this for 300' along 81st Street and approximately 383' south of the CS on Sheridan Road (or the exact footage needed to align with the existing RM-0 on Sheridan); and the balance of the tract to be rezoned RS-3.

Mr. Coutant stated this case demonstrates a growing concern of his which is, "the TMAPC has been consistently applying an attitude that has absolutely no regard for the current existence of public facilities." He added this was a dramatic example of the deficiencies of that process; i.e. zoning of an intersection as though improvements were in place. However, he would be in favor of the motion.

Mr. Parmele commented the Comprehensive Plan and Development Guidelines recognize the fact that zoning and land use was based on "planned" infrastructure. He compared this to the "chicken and egg concept" in that, do you wait and see where there will be development before planning for major street improvements; or do you spend funds on improvements first, and hope that development will gravitate to them? Chairman Doherty added that the Planning Commission faces a continuing dilemma, as grounds for denial could be based on a safety and welfare issue if there is a lack of infrastructure. However, in this particular case, where the subject tract was completely surrounded by development, the TMAPC might be placing themselves in jeopardy if they did so.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-1-0** (Coutant, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to **APPROVE Z-6271 Norman (Gussman)**, as recommended by Staff for CS, RM-0 and RS-3 zoning in the following pattern:

- CS zoning: 467' x 467' (five acres) at the node;
- RM-0 zoning: Wrapping around the CS, 300' on 81st Street and 383' on Sheridan Road so as to align with existing RM-0 patterns; and
- RS-3 on the remainder of the tract.

Legal Description:

CS: Five acres in the NW corner of the subject property described as follows: Beginning at the NW corner of Section 14, T-18-N, R-13-E, Tulsa County, Oklahoma, thence due East a distance of 467'; thence due South a distance of 467'; thence due West a distance of 467'; thence due North a distance of 467' to the POB.

RM-0: A tract described as follows: Beginning at a point 467' East of the NW corner of Section 14, T-18-N, R-13-E, Tulsa County, Oklahoma, thence East a distance of 300'; thence South a distance of 850'; thence West a distance of 767'; thence North a distance of 383'; thence East a distance of 467'; thence North a distance of 467' to the POB.

RS-3: NW/4 of Section 14, T-18-N, R-13-E, Tulsa County, Oklahoma LESS AND EXCEPT the above described portions for CS and RM-0 zoning categories, and the S/2 of the SW/4 of said NW/4.

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Application No.: PUD 320-A Present Zoning: RS-2 & RD
Applicant: Morris (Kennebunkport) Proposed Zoning: Unchanged
Location: South of the SE/c of East 81st Place South & South Delaware Avenue
Date of Hearing: November 29, 1989
Presented to TMAPC by: Mr. Clayton Morris, 7935 East 57th Street (664-3337)

Staff Recommendation:

The applicant is proposing to abandon the previously approved PUD 320 development standards and substitute, by major amendment, new development standards with significantly reduced dwelling density. The original PUD allowed 119 attached dwelling units while PUD 320-A is proposing 78 single-family detached units. The existing private roadways will be utilized to the maximum extent possible. The underlying zoning is primarily RD with RS-2 on the east 50'.

PUD 320-A Morris (Kennebunkport) - Cont

After review of the proposed PUD, Staff finds 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 320-A 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 320-A 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 (Net):	16.054 acres
Permitted Uses:	Detached Single-Family Dwelling Units & Customary Accessory Uses
Maximum No. of Dwelling Units:	78
Minimum Lot Area:	5,500 sf
Minimum Lot Width:	50'
Minimum Livability Space	2,500 sf (per lot)
Maximum Building Height	35'
Minimum Building Setbacks: (From lot line)	
Front Yard	20'
Rear Yard	20'
Side Yard	5'
From North, East and South Boundary lines	20'
From South Delaware Ave R/W	35'
Minimum Off-Street Parking Spaces per DU:	4 (2 in garage & 2 in driveway)

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 homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private roadways and common areas including any stormwater detention areas within the PUD. Language creating a homeowners association shall be made a part of the PUD covenants.

- 5) All private roadways shall be a minimum of 20' in width for two-way roads and 18' on one-way loop roads, measured face of curb to face of curb. All roadways shall have a minimum 30' right-of-way. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street.
- 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 the City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

Mr. Gardner advised the Development Standards proposed in this PUD were essentially the RS-4 standards as to lot sizes, frontages, etc. Staff has a concern, in terms of future development, with off-street parking. Therefore, Staff added wording to condition #4, which addresses the private streets, regarding language to be a part of the PUD covenants relating to creation of a homeowners association. Mr. Gardner commented the City Engineer has advised his department will inspect private streets, as proposed in this PUD, but anything less than 50' right-of-way will not be accepted by the City now or in the future should the homeowners wish to convert to public streets and maintenance at a later date.

Ms. Wilson inquired as to the number of lots being reduced to accommodate on-site detention requirements. Mr. Gardner remarked the applicant will lose some of the proposed 78 dwelling units to meet the 35' setback off Delaware Avenue, in addition to losing some lots to meet drainage requirements.

In regard to condition #5, Mr. Gardner confirmed the applicant can meet the standards outlined by Staff in this conditions. However, these roadway dimensions would not meet the City's minimum pavement width standards, nor the right-of-way standards. Therefore, the City will not accept these as public streets now or in the future.

Applicant's Comments:

Mr. Clayton Morris concurred with the Staff recommendation except on the setback requirements. Mr. Morris requested a 20' setback from Delaware instead of 35'; and a 15' rear yard setback instead of a 20' setback. He added that most of the rear yards would meet the 20' standards, but there were a few lots needing 15'. Therefore, rather than having to come back asking for a waiver, he desired to address this issue now. In regard to detention, Mr. Morris advised storm sewers were already in place for a portion of this addition, and were designed to carry a 100-year flood. He advised DSM has not issued a final determination on whether detention would even be needed since the sewer design could accommodate their drainage.

TMAPC Review Session:

Wording was suggested and discussed for addition to condition #5 to advise of the City's position not to accept maintenance and responsibility for streets with less than 50' of right-of-way.

Discussion followed on the applicant's amended setback request, as compared to the adjoining development (Timbers Condominiums) which has a 35' setback. Mr. Morris interjected that the plat being vacated has a 25' setback.

Mr. Coutant moved for approval of the Staff recommendation, except to amend the setback from Delaware Avenue from 35' to 25', and add the suggested notation to condition #5 in regard to the City's position, plus a notation stipulating that no residence shall face Delaware Avenue. He amended his motion so as to include a reduction of rear yard setbacks from 20' to 15'. Discussion followed between Staff and Commission on the motion as relates to the amended setbacks, with Ms. Wilson submitting an amendment to the motion to stay with Staff's recommended 35' setback from Delaware Avenue.

Mr. Morris advised the street backing up to Delaware Avenue (Delaware Place) was already in place, and if a 35' setback was maintained, it could require the developer to tear out the existing street and sewer lines. Therefore, he felt the applicant was more or less "married" to what was previously approved at this end of the plat.

Mr. Gardner acknowledged the previous plat indicated a 25' setback from on Delaware, and he advised this same PUD had previously approved a 20' rear yard on the north and east, and now the applicant was asking for 15'. Staff feels the north and east rear yard setbacks should remain 20'. However, it was a different case for the interior yards backing up to other houses within the development. Therefore, the Commission could make a differentiate for these interior rear yards versus those abutting Delaware.

TMAPC ACTION: 6 members present

On **MOTION** of **WILSON**, the TMAPC voted **4-2-0** (Doherty, Draughon, Wilson, Woodard, "aye"; Coutant, Parmele, "nay"; no "abstentions"; Carnes, Kempe, Paddock, Randle, Selph, "absent") to **AMEND** the Main Motion to retain the setback on Delaware Avenue per Staff at 35' and not 25' as requested by the applicant.

Mr. Coutant clarified that his suggestion for the change was only for the interior rear yards as it was clear on the plat drawing that the exterior boundaries would require a 20' setback. Staff verified their recommendation for the 20' rear yard setback was for interior rear yards, as there was a separate stipulation for the north, south, east and west boundaries on page two of the recommendation.

TMAPC ACTION: 6 members present

On MOTION of COUTANT, the TMAPC voted 6-0-0 (Coutant, Doherty, Draughon, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Randle, Selph, "absent") to APPROVE PUD 320-A Morris (Kennebunkport), as recommended by Staff, except as follows:

- Amend interior rear yard setback to 15'.
- Add to Condition #5: The private street system proposed does not meet the standards of the City of Tulsa for a public street and, therefore, will not be accepted for maintenance by the City now or in the future.
- Add to Condition #2: No dwelling shall front or obtain access from Delaware Avenue.

Legal Description:

All of Lots 1 - 4, Block 1 and Reserves A & B, Southwood Condominiums, a subdivision to the City and County of Tulsa, State of Oklahoma.

* * * * *

Application No.: PUD 457 Present Zoning: RS-3
Applicant: Poe & Associates (Stephens Prop) Proposed Zoning: Unchanged
Location: NE/c of East 81st Street & South Yale Avenue
Date of Hearing: November 29, 1989
Continuance Requested to: December 13, 1989 (timely request by applicant)

Comments & Discussion:

Mr. Merl Whitebook (2431 East 51st, Suite 200), attorney representing Marquis Design Inc., one of the major developers for a portion of Minshall Park IV, presented a letter of protest from J.R. Crews, Senior Vice President of Valley National Bank, which is the current owner of lots in Minshall Park IV. Mr. Whitebook advised the letter expressed feelings that Canton Avenue be extended into Holland Lakes, and that a stub be required for Canton Avenue that would provide future access to 81st Street. He requested the stub street issue be addressed at this time, or that the Commission offer an advisory position to the developer in this area. Mr. Whitebook expressed a desire to work with the applicant through the TAC process on the stub street issue.

Chairman Doherty advised it was not TMAPC policy to take any portion of a PUD in a "piece meal" fashion. He noted the request was submitted in a timely manner and the TMAPC generally follows its policy to grant a timely continuance request submitted by either side. Chairman Doherty advised the TAC meeting was an open meeting for those interested in attending.

Mr. Mike Copeland (3800 First National Tower), representing Heartland Federal Savings & Loan, also expressed a desire to work with the developer on the stub street matter. He commented he did not think it necessary to come back on this case if this issue could not be resolved.

TMAPC ACTION: 7 members present

On MOTION of PARMELE, the TMAPC voted 5-0-2 (Doherty, Draughton, Parmele, Wilson, Woodard, "aye"; no "nays"; Coutant, Selph, "abstaining"; Carnes, Kempe, Paddock, Randle, "absent") to CONTINUE Consideration of PUD 457 Poe & Associates until Wednesday, December 13, 1989 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

Application No.: PUD 458 Present Zoning: RS-3
Applicant: Poe & Associates (American Land Dev) Proposed Zoning: Unchanged
Location: East side of Yale Avenue at East 83rd Street
Date of Hearing: November 29, 1989
Presented to TMAPC by: Mr. Bland Pittman, 10820 East 45th, #101 (665-8800)

Staff Recommendation:

The applicant is proposing a single-family subdivision at a density significantly lower than that allowed by the underlying RS-3 zoning (approximately two dwelling units per acre). The site quite hilly with slopes of between 20 and 30% in some areas. The lower density is certainly more appropriate on this type of site. The PUD is also proposing private streets throughout the project with the main entrance off Yale Avenue, with a secondary entrance from South Canton Avenue in the Southern Pointe Addition. Traffic Engineering has stated they have no objection to this PUD having private streets as long as the streets are open to the public at all times because the connection to South Canton Street is needed to provide the planned second point of access for Southern Pointe. Staff also feels that an open connection to these subdivisions is desirable.

Staff finds 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 458 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 458 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:	46.8 acres (Gross)
	44.5 acres (Net)
Permitted Uses:	Single-family detached dwellings and customary accessory uses
Maximum No. of Dwelling Units:	97
Minimum Lot Size:	12,000 sf
Minimum Lot Width:	90'
Minimum Building setbacks from Private Drive Easement:	
Front Yard	25'
Rear Yard	25'
Side Yard	10'
Side abutting Private Drive	15'
Minimum Building Setback from C/L of Yale Avenue:	95'
Maximum Building Height:	35'
Minimum Off-Street Parking:	2 spaces
- 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) The private streets within the PUD shall be open to the general public to provide access between Yale Avenue and South Canton Avenue at the southeast boundary of the site.
- 5) A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private street and common areas including any stormwater detention areas within the PUD.
- 6) All private roadways shall be a minimum of 26' in width for two-way roads measured face of curb to face of curb. All roadways shall have a minimum of 30' right-of-way. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street.
- 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 the City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

Mr. Gardner advised the City Engineer has indicated there could be an extensive cut in the hill along this portion of Yale Avenue which would affect this particular plat. Mr. Gardner commented this would be one reason for a continuance of this case to December 13th. He suggested another reason for continuance would be to allow time for Staff and TMAPC to consider a policy which deals with private streets in PUD's since this situation appears to be on the rise. He briefly reviewed a survey Staff made regarding private streets in previously approved PUD's.

Mr. Parmele commented he did not understand Staff's concern for a continuance. He added that the realignment of Yale Avenue would be addressed in the platting process. Therefore, he did not see why the TMAPC could not proceed and give the developer some parameters to work with in his discussions with the City Engineer on this project.

Mr. Terry Davis, co-developer for this project (Signal Hill), remarked that up until a few moments ago, he felt they would be concurring with the Staff's recommendation. He advised he was also co-developer in the Brighton Oaks, Hunter's Point and Hunter Hills project. Therefore, he was very well aware of and sensitive to the topography and conservation of trees in the development. Mr. Davis commented the reason they were desiring private streets in this projects was that, if platted with dedicated streets, it would require cutting a 50' path of trees out of the subdivision. He stated the past projects were an indication of successful use of the concept of leaving trees and working with the topography, as they only take the amount of right-of-way needed (approximately 30') for the private streets.

In response to Chairman Doherty, Mr. Davis stated he was prepared to proceed with the hearing on the PUD. Mr. Gardner repeated Staff's desire to continue in order to consider a policy to address these PUD's with private streets. He reiterated the City Engineer's position that the City will no longer allow conversion of private streets to public streets if they contain less than 50' of right-of-way.

Chairman Doherty expressed he was uncomfortable holding up an application until such time as the TMAPC could develop and adopt a policy. Commissioner Selph stated understanding of Staff's concern as he felt it would be wise to adopt such a policy. However, he agreed Mr. Doherty that it would not be fair to hold this applicant "hostage".

Mr. Linker acknowledged that private streets have always been a concern of Legal Counsel. He felt the best approach would be to have the TMAPC instruct him to review the State Statute's requirements as to private streets. He commented there were some pretty stiff requirements in the statutes and various planning acts which he felt the Commission might now be violating or in the future could be violating.

Chairman Doherty informally polled the interested parties signing to speak, with the consensus being to proceed today with hearing the case. The Commission members discussed a possible continuance.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the TMAPC voted **3-4-0** (Draughon, Wilson, Woodard, "aye"; Coutant, Doherty, Parmele, Selph, "nay"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to **CONTINUE Consideration of PUD 458 Poe & Associates** until Wednesday, **December 13, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

The above motion failing, Chairman Doherty announced the case would be heard at this time. Mr. Gardner submitted an amendment to the Staff recommendation for a maximum number of dwelling units in a range of 76 - 90 units.

Applicant's Comments:

Mr. Bland Pittman, representing the applicant, reviewed the PUD as to layout, proposed street construction, access points and topographical treatment. He emphasized the quality of projects completed by the developer in the past. Mr. Pittman reviewed the conceptual drawings as to slopes, drainage, landscaping, etc. He pointed out that they were only proposing two units per acre, but could be allowed to build almost double that amount by the RS-3 zoning. Mr. Pittman stressed the large amount of trees being preserved throughout this development and the amount of meaningful open space associated with the lake area. He stated another important factor of the land plan was the small "eyebrow" areas, which provided more than just a parking court or access point to the lots, as they also preserved a number of the trees.

In response to Mr. Doherty, Mr. Pittman advised of discussions with the City Engineer who instructed his staff to try and hold the existing grade at access point as proposed when redesigning Yale Avenue. Mr. Bill Lewis, engineer for the applicant, answered questions regarding grade cuts, elevations, etc.

Interested Parties:

Mr. Phil Beyerheimer	5137 East 86th Place	74137
Mr. Bob VanHoecke	4555 East 85th Street	74137
Mr. Stu Waldron	4825 East 84th Street	74137

Mr. Phil Beyerheimer advised he was speaking on behalf of neighbors who shared concern as to the number of units proposed and the impact on traffic along Yale. He commented he was glad to see the quality of project proposed and the efforts to preserve a large number of the trees. He added that they were also concerned about drainage control.

Mr. Bob VanHoecke, representing the board of directors for the Brookwood II Homeowners Association, stated they shared the developer's appreciation of the aesthetic value of the land, and he felt this was a very nice development proposal. He commented he did share the concern regarding traffic and the impact of this project on Yale Avenue. He advised of current traffic problems in the 81st Street and Yale area, and he suggested the City conduct a study in order to have better traffic management. He also suggested the access point be aligned with an existing intersection on Yale Avenue.

Mr. Stu Waldron agreed with the statements made regarding effective traffic management as this was one of his major concerns.

Applicant's Rebuttal:

Mr. Davis stated they would leave the access going to Southern Point at the bottom of the subdivision, as they have experienced satisfactory transition from private to public streets in their other projects. Mr. Davis agreed with condition #4 as to the private streets being open to public use.

In reply to Mr. Parmele, Mr. Davis stated they have a problem with 90 maximum dwelling units as suggested by Staff as they preferred the 97 units as originally requested. He added they would cooperate 100% with the City on the access points, traffic study, etc., but they would like to have the capability of doing proper land planning to achieve good lot usage.

Mr. Coutant inquired if the desire for private streets was the reason for submitting a PUD or if there were other concessions above what would be permitted in RS-3. Mr. Davis replied it was not concessions, but capabilities to adjust setbacks, street right-of-way width, etc. He added there was no material advantage or dollar gain other than being able to do a better job of development.

TMAPC Review Session:

In regard to the suggested range of dwelling units, Mr. Parmele commented he was not sure how an applicant would submit a site plan; i.e., does the applicant submit drawings with 76 lots, 90 lots or both. He feels the applicant should be able to know the recommendation for a set number in order to do the street plan, lot sizes, frontages, etc.

In reply to Mr. Coutant, Staff reviewed the current status of plans to straighten/widen Yale Avenue. Mr. Coutant asked if the TMAPC was to make zoning decisions based upon engineering proposals with regard to realignment that may not necessarily be embodied in the Major Street and Highway Plan, and if so, this presented a new angle to planning. He discussed further with Staff the impact of this possible realignment on the PUD and possible amendment to the PUD.

Ms. Wilson commented the applicant has indicated a willingness to work with the City Engineer on the roadway, she suggested leaving the maximum dwelling units at 97 with a footnote, "subject to the Traffic Engineer's final determination on the realignment of Yale Avenue." Ms. Wilson submitted this as a motion. Mr. Gardner suggested amending condition #6 to read, "...quality and thickness which is certified by the City Engineer as meeting the City of Tulsa standards for a minor residential public street." Ms. Wilson amended her motion accordingly.

Mr. Coutant initiated discussion on the number of dwelling units and the ambiguity of awaiting a final determination from the City Engineer on the alignment. Mr. Parmele suggested the footnote be amended to read, "subject to an agreement between the developer and the City Engineer as to a proposed alignment." Ms. Wilson amended her motion to this wording for the footnote with the number of dwelling units.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to **APPROVE PUD 458 Poe & Associates (American Land Development Co.)**, as recommended by Staff with the following revisions:

- Maximum Number of Dwelling Units: 97 (Subject to an agreement between the developer and the City Engineer as to a proposed alignment of Yale Avenue.)
- Amend Condition #6 to read: All private roadways shall be a minimum of 26' in width for two-way roads measured face of curb to face of curb. All roadways shall have a minimum of 30' right-of-way. All curbs, gutters, base and paving materials used shall be of a quality and thickness which is certified by the City Engineer as meeting the City of Tulsa standards for a minor residential public street.

Legal Description:

Part of Sections 15 and 16, T18N, R13E of the IBM, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point 1100' south and 95.48' west of the NW corner of said Section 15, said point being on the easterly right-of-way of Yale Avenue; thence N 89°58'29" E and parallel to the north line of Section 15, 756.21' to a point on the west line of the W/2 NW/4 NW/4; thence S 00°02'32" E along said west line of 218.91' to the NW corner of the E/2 SW/4 NW/4; thence N 89°59'20" E along the north line 660.71' to the NE corner; thence S 00°02'02" E along the east line 1319.08' to the SE corner; thence N 89°59'49" W along the south line 660.58' to the SW corner; thence S 00°02'23" E along the east line of the N/2 NW/4 NW/4 SW/4 of Section 15, 329.73' to the SE corner; thence

Continued Legal Description:

N 89°59'36" W along the south line 660.55' to the SW corner; thence S 89°59'41" W 108.48' to a point on the easterly right-of-way of Yale Avenue thence continuing along said right-of-way the following: Northerly 119.41' along a curve to the right with a radius of 171.60'; N 16°27'17" E 975.76'; northerly 275.32' along a curve to the left with a radius of 391.10'; N 23°52'43" W 375.34'; N 23°37'17" W 238.71' to the POB, containing 46.80 acres more or less.

* * * * *

Application No.: CZ-178 Present Zoning: AG
Applicant: INCOG Proposed Zoning: FD
Location: East of the SE/c of East 131st Street South & South Mingo Road
Date of Hearing: November 29, 1989
Presented to TMAPC by: INCOG Staff, 201 West Fifth, #600 (584-7526)

Relationship to the Comprehensive Plan:

The Bixby Comprehensive Plan designates the subject tract for open space.

Staff Recommendation:

Site Analysis: The subject tract is approximately eight acres in size and is located east of the southeast corner of East 131st Street & South Mingo Road. It is wooded, gently sloping, vacant and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north, south and east by vacant property zoned AG; and on the west by vacant property zoned AG, but it has been approved for commercial zoning.

Zoning & BOA Historical Summary: None

Conclusion: Based on the Bixby Comprehensive Plan and the subject tract's location being in a flood prone area, Staff can support the requested rezoning. According to the Tulsa County Building Inspector's flood hazard review, no buildings or structures will be permitted on this tract. If various upstream projects are completed that remove the subject tract from flooding problems, Staff would recommend the owner file the necessary rezoning application.

Therefore, Staff recommends **APPROVAL** OF Floodway (FD) zoning for the subject tract.

TMAPC ACTION: 7 members present

On **MOTION** of PARMELE, the TMAPC voted **6-0-1** (Coutant, Doherty, Draughon, Parmele, Wilson, Woodard, "aye"; no "nays"; Selph, "abstaining"; Carnes, Kempe, Paddock, Randle, "absent") to **APPROVE CZ-178 INCOG for FD Zoning**, as recommended by Staff.

Legal Description:

FD: Part of the N/2 N/2 NW/4, Section 7, T17N, R14E, LESS AND EXCEPT the following described tract: Beginning at a point 600' east of the northwest corner of Section 7, T17N, R14E; thence due west along the north line a distance of 600'; thence south along the west line a distance of 660'; thence east and parallel to the north line a distance of 600'; thence northwest a distance of 390' to a point; thence northeast a distance of 270' to the POB, Tulsa County, State of Oklahoma.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Camelot Park Estates (2783) East 104th & South Granite Avenue (RS-1)
(Continue to 12/20/89 pending City Commission review of PUD 454)

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to **CONTINUE Consideration of Camelot Park Estates** until Wednesday, **December 20, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

FINAL PLAT APPROVAL & RELEASE:

Gilcrease Oaks (PUD 413-A)(392) NE/c of Gilcrease Museum Rd & Keystone Exprwy
(Continuance requested to 12/6/89)

On **MOTION** of **COUTANT**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to **CONTINUE Consideration of Gilcrease Oaks** until Wednesday, **December 20, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Eastland Baptist Church (994) 1835 South 129th East Avenue (RM-1, RS-3)

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

OTHER BUSINESS:

PUD 272: TMAPC Review of Administrative Decision of Staff
Ref: Major or Minor Amendment to permit Christmas Tree Sales

The Staff, following the guidelines set out for them by TMAPC, has made a determination that the following request is a major amendment to PUD 272, because it is the addition of a use that is not allowed in the PUD. The applicant is appealing this decision to the TMAPC and requests that they classify it as a minor amendment.

The request is for a Christmas tree sales lot in PUD 272 which is located approximately 300' west of the Southwest corner of East 81st Street South and South Sheridan Road. A Christmas tree sales lot is a Use Unit 2 use, which is allowed by special exception in a CS district. The PUD allows only those uses allowed by right in a CS district.

Staff recommends that TMAPC not alter its adopted policies and classify the request as a major amendment.

Comments & Discussion:

Mr. Parmele commented that the Commission "is going to keep having these, and, being a very seasonable business, it seems these could be placed on the list as minor amendments. Therefore, he moved to treat this as a minor amendment, waive notice requirement, and place on the December 6th agenda as requested. Chairman Doherty agreed that the process could be simplified by arriving at a set policy as to how to treat these type of cases.

Mr. Michael Merrick (8736 South 68th East Avenue) stated he was not against Christmas trees sales as such, but he pointed out this was the same lot where truck rentals had been conducted. He commented that the rules were one thing, but enforcement was quite another issue. Mr. Merrick remarked that, in the past, the owners of this lot appear to do whatever they want, and then come back after the fact and then ask for TMAPC permission. He reiterated he was not against the tree sales, he just wanted the Commission to be aware that this is, and has been, a problem lot for years.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-1-0** (Doherty, Draughton, Parmele, Selph, Wilson, Woodard, "aye"; Coutant, "nay"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to **APPROVE** placing PUD 272 on the December 6, 1989 TMAPC agenda as a Minor Amendment, and waive policy on ten day notification.

* * * * *

PUD 360-A: Detail Site Plan for Lot 1 Block 1 Homeland Addition
North of the NW/c of East 91st Street & South Memorial Drive

Staff Recommendation:

Staff has reviewed the proposed Detail Site Plan for the Homeland Store on Lot 1, Block 1 of Homeland 0102 Addition in PUD 360-A and finds it complies with the Development Standards for the PUD. The proposed grocery store contains 53,663 square feet, therefore 164,137 square feet of floor area remains for development on the other lots in the PUD.

The PUD requires that a screening fence be erected on the north property line. This is not shown on the Detail Site Plan, but is still a condition of occupancy.

Staff recommends **APPROVAL** of the Detail Site Plan for Lot 1, Block 1 in PUD 360-A subject to the erection of a screening fence along the north property line.

Comments & Discussion:

Mr. Jeff Andrews, Architects Collective, stated he was representing Homeland Store, Inc. Ms. Wilson inquired if the applicant was aware of approval being subject to a screening fence on the north property line. Mr. Andrews replied that the PUD required screening only when abutting residential, and this did not abut residential uses since the application was for Lot 1 only. Staff clarified that PUD 360 did require a screening fence along the north property line. Mr. Andrews indicated no objection.

Mr. Michael Merrick, as an interested party, stated he had no objection to the application as long as the fence was required.

TMAPC ACTION: 7 members present

On **MOTION** of **DRAUGHON**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to **APPROVE** the **Detail Site Plan for PUD 360-A (Homeland)**, as recommended by Staff.

* * * * *

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Randle, "absent") to **APPROVE** the **1990 TMAPC Planning & Meeting Calendar**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 5:47 p.m.

Date Approved 12/13/89
James Z. [Signature]
Chairman

ATTEST:

Art [Signature]
Secretary