TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1775
Wednesday, **January 10, 1990**, 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	Gardner	Linker, Legal Counsel
Coutant	Randle	Setters	
Doherty, Chairman		Stump	
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, January 9, 1990 at 9:55 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 1:32 p.m.

MINUTES: Not applicable; no meeting December 27, 1989.

REPORTS:

Committee Reports:

Mr. Paddock advised the Rules & Regulations Committee had met this date to continue review of proposed language revisions to the Zoning Code as relates to signage. He stated the Committee unanimously agreed to call for the public hearing on this item as requested below.

Director's Report:

Request to call a public hearing for February 7, 1990 to consider amendments to the City of Tulsa and Tulsa County Zoning Codes as relates to signs.

Hearing no objection from the Commission, Chairman Doherty requested Staff prepare the notice for the public hearing on this matter.

ZONING PUBLIC HEARING:

Application No.: **PUD 457** Present Zoning: RS-3
Applicant: **Poe & Associates (Stephens Prop.)** Proposed Zoning: Unchanged
Location: East of the NE/c of East 81st Street & South Yale Avenue
Date of Hearing: January 10, 1990
Presented to TMAPC by: Mr. Bland Pittman, 10820 East 45th, #101 (665-8800)

Staff Recommendation:

The applicant is proposing a PUD on a 74 acre tract (approximate) having 2,120' of frontage on East 81st Street South, east of Yale Avenue. The development would contain 193 single-family lots with 62 lots being served by public streets and the remainder fronting on a private street system. A system of small lakes is planned along the natural drainageways as well as a small park/common area near the western entrance to the project. The lakes will serve a dual function, visually pleasing aesthetic features and storm water detention. The lakes, park area and private streets are to be maintained by a homeowner's association.

The subject tract was recently rezoned to RS-3. The Comprehensive Plan Map designates the subject tract Low Intensity - No Specific Land Use. To the north of the subject tract is the partially developed Minshall Park IV subdivision which has two streets stubbed to the subject property (Canton Avenue and Granite Avenue). To be east is an existing single-family subdivision containing a stub street (79th Street) into the subject tract. To the south across 81st Street is Holland Hall School, and to the west are apartments and an undeveloped OL zoned tract. The conceptual plan for the street layout in the PUD proposes public streets connecting to the Granite Avenue and 79th Street stub streets and the continuation of Granite Avenue south to 81st Street. The western portion of the PUD proposes a private street system which does not connect to the Canton Avenue stub street nor the public street system to the east. It has two access points onto 81st Street.

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 457 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 457 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:**

Project Area:	76.7 acres (Gross) 74.3 acres (Net)

Permitted Uses:	Single-family detached dwellings and customary accessory uses
Maximum No. of Dwelling Units:	193
Minimum Lot Size:	10,000 sf
Minimum Required Yard:	
Abutting a street, front	20'
Abutting a street, side	15'
Side yards	10' and 5'
Rear yards	25'
Minimum Lot Width:	80'
Maximum Building Height:	35'
Minimum Off-Street Parking:	2 spaces/DU

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) Public streets shall be constructed connecting with East 79th Street South, South Granite East Avenue and East 81st Street South.

5) All private roadways shall be a minimum of 26' in width measured face of curb to face of curb. All roadways shall have a minimum of 50' of right-of-way, of which 30' must be graded and cleared. 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) A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas including any storm water detention areas within the PUD.

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 beneficiary to said Covenants.

8) Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Staff answered questions from the Commission to clarify the recommendation and conditions for approval.

Applicant's Comments:

Mr. Bill Lewis (3601 East 51st Street), engineer representing the owner, concurred with the Staff recommendation except for the 50' right-of-way. Mr. Lewis suggested a 30' width with a 10' easement on either side, mainly to preserve the existing trees and vegetation in order to prevent erosion. He commented that, with the 10' easement on each side, it would still

conform with the Staff's suggested 50' width. In regard to a connection to Canton on the north boundary, Mr. Lewis advised this was located at the top of a steep hill and due to this steep grade, it would be very difficult to tie into a Canton stub.

Mr. Paddock inquired as to the reason for not putting an east/west street across the north side of the property. Mr. Lewis replied there was a major drainage ditch in this area and there were apartments on this side. Additionally, the steep topography made it very difficult to make an east/west connection work.

In reply to Mr. Draughon, Mr. Lewis reviewed the specifics of the proposed lakes/parks in this subdivision, stating these would also be used for stormwater detention.

In regard to a question from Ms. Wilson, Mr. Gardner stated Staff was not suggesting the applicant clear all 50' for right-of-way. The point being, if the roadway has 50'of right-of-way, then this right-of-way would meet the City's minimum standard for right-of-way width requirements, should the lot owners ever wish to attempt to convert these streets from private to public. Mr. Stump added that Staff envisions the 50' right-of-way would not affect any clearing or grading in the development nor the number of lots. Mr. Parmele remarked it sounded as if the applicant and Staff were saying the same thing since the applicant was offering 30' right-of-way with a 10' easement on each side. Mr. Gardner reiterated that, if shown as 30' with a 10' easement on each side, the lot owners could never dedicate the streets to the City for maintenance since the homeowners association would only own 30', not the required 50' of right-of-way.

Mr. Bland Pittman, planner for the developer, reviewed the PUD as to drainage, slope and soils analyses, park/lake areas, etc. Mr. Pittman advised of meetings with the City's Engineering Department and Staff regarding connecting to the Canton Avenue stub, with the consensus being this would not be necessary. He reviewed the street system layout through the project and the accesses to the surrounding subdivisions and main arterials. In regard to the private street system on the western 2/3 of the development, Mr. Doherty inquired if it was the developer's intent to exclude the general public from this area. Mr. Pittman replied the street proposal was modified in recognition of the two existing public street stubs and was opened up to these points. He reiterated the private streets would be built under the same standards as the public streets and would, therefore, look identical.

Ms. Wilson commented it appeared that Phase III would not have any internal road access into the remainder of the development. Therefore, she questioned if the Phase III residents would be required to pay the same fees to the homeowners association as the residents having internal

access to the lakes/parks amenities. Mr. Pittman advised the residents in the Phase III would be a part of the homeowners association, but would not be in the same fee structure as the residents having internal access to these amenities. He stated it was a standard practice to structure homeowners fees on the accessibility to particular amenities; e.g. fairway lots in a golf community.

Interested Parties:

Mr. **Meri Whitebook** (2431 East 51st, Suite 200), attorney representing Marquis Design, stated he had previously requested notice of any meetings with Staff, developer and/or TAC; however, no notice has been received. Referring to the PUD Chapter of the Zoning Code, Mr. Whitebook remarked that he did not see anything innovative or exceptional about this development, except the private streets, which would require a PUD. He added he did not feel the PUD took into account the surrounding land uses, nor did he feel this was compatible with the Comprehensive Plan. Mr. Whitebook reviewed the history of development for a portion of PUD 190 which abuts the subject tract on the north and contains the Canton Avenue stub street. He strongly objected to the applicant's intent to keep this closed off from the subject PUD. He also indicated his objection to the applicant's proposal for private streets, other stub street connections, access, etc. Mr. Whitebook pointed out that Canton was completely in place and curbed, and he requested this be connected to the proposed development. He requested the TMAPC to maintain the current street plan to insure accessibility by the residents of Minshall Park IV (on Canton Avenue), as well as emergency access by fire and police vehicles. Mr. Whitebook then answered questions from the Commission on his request.

Ms. Wilson pointed out that 250+ PUDs have been processed since PUD 190 for Minshall Park, and she felt the TMAPC was in a position of review as to whether to honor what was meant and planned at that time as to future connections versus proposals by current developers as to their desires and intentions. Therefore, she felt the issue of the Canton Avenue stub street should be thoroughly reviewed and discussed. Mr. Whitebook repeated his request for a provision requiring a connection to the Canton stub, and his concern as to not receiving notice of discussion between Staff, developer and/or TAC. Mr. Stump advised there were no additional TAC meetings on this PUD. The only subsequent meeting with the applicant involved a "tracing paper" copy of ideas for possible changes to the format. Mr. Stump stated he did not feel it appropriate at that time to include or invite others as the architect came to the office unannounced to review with staff his idea concerning possible change in the design of the subdivision. Further, there had not been any formal "meetings" or "discussions" of which to give Mr. Whitebook notice.

Mr. Mike Copeland (3800 First National Tower) concurred with Mr. Whitebook's presentation. Mr. Copeland stated he felt the proposed development was not harmonious with the surrounding developments. He advised he was representing Heartland Federal Savings & Loan which owned 18 lots in the Minshall Park subdivision.

Applicant's Rebuttal:

Mr. Pittman stated he has been in contact with Mr. Whitebook who indicated his continued desire for connection to the Canton stub. However, as the developer did not desire this stub, nothing further was done to arrange a meeting since both views remained unchanged prior to this hearing. In regard to concerns expressed on the different fee structures for the homeowners association, Mr. Pittman indicated they could very easily have two separate homeowners associations. He stated that, in order to have the drainage system and greenbelt areas as proposed, a PUD was required. Mr. Pittman also advised that at the TAC meeting a preference was indicated to having connections to the other two streets stubbed into the PUD, and not the connection to the Canton stub. He submitted photos of the Canton Avenue stub area in Minshall Park which indicated the steep terrain and the use of this area as a dump site for rock, dirt, trash, etc.

Mr. Paddock asked what the consequences might be and what layout would result should the TMAPC require the Canton opening. Mr. Pittman stated the lots along this northern boundary with Canton were made deeper due to the steepness of this area. He stated they would be willing to put in a stub street aligning to Canton with a crash gate for emergency vehicle access. However, they do not feel that this needs to be totally opened to a subdivision they were trying to keep for private residential use. He repeated the difficulty of an open connection due to the severity of the topography at this location.

TMAPC Review Session:

Mr. Doherty remarked he has not heard any objection to the overall development concept or layout, but only to connection with the Canton stub. Mr. Parmele stated he agreed with the overall concept as presented and moved for approval as proposed with the exception of condition #5, which he amended to 30' right-of-way and 10' easements on both side of the street, and change the required front yard setbacks to reflect the change in right-of-way width. Mr. Paddock moved to amend Mr. Parmele's motion to include the requirement for a connection of the PUD street system to the existing Canton Avenue stub street.

Mr. Parmele commented the primary reason he did not include the Canton connection was the substantial grade change from Canton Avenue in Minshall Park and the related location to the subject property. He felt the idea of a connecting street was to provide access to other neighborhoods, and he pointed out that the neighborhood to the north had quite good access to Yale Avenue. Additionally, it only required a 4 - 5 block drive to get to Granite Avenue which provided direct access to 81st Street. Therefore, he was not sure that much would be accomplished if the additional connection to this stub street was required.

Ms. Wilson agreed with Mr. Paddock that this was a good PUD project, but felt the opening to Canton Avenue was necessary and should be left to the engineers as to working out the terrain problems.

Mr. Coutant advised of a conflict of interest which would require him to abstain from the vote. However, he had a question as to procedure and asked why the Planning Commission was considering the stub street connection issue at all as he thought this would be considered at the time of platting. Mr. Doherty commented that an item such as this should be considered at the time of the PUD presentation, before a developer invests a great deal of money on design. Mr. Gardner stated the current practice is to send a sketch plat or outline development plan to the TAC to get their input as to any anticipated changes or revisions. In this particular case, the TAC flatly stated they would not support the PUD as originally presented. Obviously, the developer, City Engineer and Traffic Engineer got together and made some changes in order to satisfy the TAC. Mr. Gardner advised that the TMAPC could require, as a part of the PUD, connection to the stub street, but the applicant needs to know now before going back to the TAC to begin processing the preliminary plat.

Mr. Doherty agreed that Canton should go through but, regardless, he thought this was a good PUD and would support forwarding to the City Commission with or without this connection.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK,** the TMAPC voted **5-1-2** (Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; Parmele, "nay"; Carnes, Coutant, "abstaining"; Kempe, Randle, Selph, "absent") to **AMEND** the main motion so as to include a requirement to connect the PUD's street system to the existing Canton Avenue stub street.

Mr. Stump commented that the reason Staff made their recommendation as proposed was due to the City's experience with homeowners in a number of subdivisions which had private streets coming to the City requesting the street be made public and maintained by the City since the homeowners associations could not longer afford to do so. Further, these homeowners point out they pay taxes just like everyone else, and they do not see why the City does not take over their streets for maintenance. Unfortunately, in most cases, the City must advise that they cannot accept the streets for public maintenance because they have inadequate right-of-way or roadways. Therefore, by providing a 50' right-of-way street, owned by the homeowners association, they could at any time request the City to take over maintenance. And, if the City saw fit to do so, then the 50' street, which met City standards, could be deeded over to the City. With a 30' right-of-way having 10' easements on each side, the 10' easement is in private ownership and not under the control of the homeowners association. Therefore, the street could not be dedicated to the City unless every property owner in the subdivision chose to do so. Staff felt that, as a safety measure, a 50' right-of-way should be required at this stage.

After further discussion, Mr. Paddock moved to amend the main motion to require 50' right-of-way as recommended by Staff in condition #5. In response to Mr. Doherty, Staff indicated they could add wording to condition #5 specifying that only 30' of the right-of-way would need to be graded and cleared.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-1-1** (Carnes, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; Parmele, "nay"; Coutant, "abstaining"; Kempe, Randle, Selph, "absent") to **Amend** the main motion so as to require 50' right-of-ways as recommended by Staff in condition #5.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Kempe, Randle, Selph, "absent") to **APPROVE PUD 457 Poe & Associates (Stephens Properties)** as recommended by Staff and as amended above to require a connection to Canton Avenue and with Staff's revised wording to condition #5 in regard to grading and clearance of only 30' of the 50' right-of-way.

Legal Description:

The E/2 of the SW/4 of the SW/4 and the SE/4 of the SW/4 and the W/2 of the SW/4 of the SE/4 of Section 10, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, LESS AND EXCEPT a tract located in the southwest corner thereof, more particularly described as follows: Beginning at the southwest corner of the above described property; thence due north 275'; thence due east and parallel to the south boundary thereof a distance of 525'; thence due south and parallel to the west boundary thereof a distance of 275'; thence west along the south boundary thereof a distance of 535' to the POB.

* * * * * * * *

Application No.: **Z-6276** Present Zoning: RS-2
Applicant: **Johnsen (Needham)** Proposed Zoning: OL
Location: SE/c of East 56th Place & South Lewis Avenue
Date of Hearing: January 10, 1990
Presented to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

Site Analysis: The subject tract is approximately one half acre in size and is located at the southeast corner of East 56th Place South and South Lewis Avenue. It is partially wooded, gently sloping, contains a single-family dwelling and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north across East 56th Place South by an office complex zoned OL; on the east by single-family dwellings zoned RS-2; on the south by an office complex zoned OL; and on the west across South Lewis Avenue by a shopping center zoned CS.

Zoning and BOA Historical Summary: OL uses have been allowed both north and south of the subject tract.

Conclusion: Considering the Comprehensive Plan Map and the surrounding zoning and development, OL zoning appears appropriate for the subject tract.

Therefore, Staff recommends **APPROVAL** of OL zoning for Z-6276.

Comments & Discussion:

Mr. Roy Johnsen advised he was representing the purchaser of the property who intends to locate an office at this site. Mr. Johnsen concurred with Staff's recommendation for approval.

Ms. Susan Hammond (2420 East 56th) stated she had no objection to the requested zoning, but she would like some assurance that the structure remain one story with proper screening/fencing.

Mr. Gardner advised that the rezoning, if approved, required a one story limitation and also required installation of a screening fence.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE Z-6276 Johnsen (Needham)**, as recommended by Staff.

Legal Description:

OL Zoning: The west 190' of a tract beginning 539' south of the northwest corner of the NW/4 of the SW/4, thence east 300'; north 116.80'; westerly 300.03'; south 121.0' to the POB, Section 32, T-19-N, R-13-E, City and County of Tulsa, Oklahoma.

* * * * * * *

Application No.: **Z-6277** Present Zoning: RS-3
Applicant: **Moody (Harris)** Proposed Zoning: CO
Location: NW/c of East 66th Street & South 105th East Avenue
Date of Hearing: January 10, 1990
Presented to TMAPC by: Mr. John Moody, 2525 Mid-Continent Tower (583-7766)

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 - Corridor.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately two acres in size and located at the northwest corner of East 66th Street South (unimproved). and South 105th East Avenue (improved only to the northeast corner of the subject tract). It is nonwooded, vacant, and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by vacant property and a single-family dwelling zoned RS-3; on the east by the Mingo Valley Expressway zoned AG; on the south by vacant property zoned CO; and on the west by vacant property zoned RS-3.

Zoning and BOA Historical Summary: CO zoning has been granted to the east and south of the subject property.

Conclusion: The proposed rezoning is in compliance with the Plan and is compatible with existing zoning in the area.

Therefore, Staff recommends **APPROVAL** of CO zoning for Z-6277.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE Z-6277 Moody (Harris) for CO Zoning**, as recommended by Staff.

Legal Description:

Lot 8, Block 6, UNION GARDENS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma.

* * * * * * *

Application No.: **Z-6278** Present Zoning: RS-3
Applicant: **Oakley (Shieldnight)** Proposed Zoning: IL
Location: 660' East of North Peoria Avenue; S/side of East 56th Street North
Date of Hearing: January 10, 1990
Presented to TMAPC by: Mr. Stephen Oakley, 500 West 7th Street (587-3147)

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

According to the Zoning Matrix, the requested IL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 4 acres in size and located 660' east of the southeast corner of North Peoria Avenue and East 56th Street North. It is nonwooded, flat, contains a vacant building (nonresidential) and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north across 56th street by vacant property zoned AG; on the east by single-family dwellings zoned RS-3; on the south by vacant property zoned RS-3; and on the west by vacant property zoned RS-3 and CS.

Zoning and BOA Historical Summary: CS and CG zoning has been approved within the node at 56th Street and Peoria and on lots fronting Peoria.

Conclusion: The request is contrary to the Comprehensive Plan Map and would allow industrial intrusion into an existing and planned residential area.

Therefore, Staff recommends **DENIAL** of IL zoning for Z-6278.

Applicant's Comments:

Mr. Stephen Oakley, attorney for the applicant, referred to an aerial photo of the subject tract and surrounding areas to review the history of this property. Mr. Oakley stated he felt this area has, historically, been in transition to industrial uses. Further, he felt this particular tract was isolated from any residential uses and should, therefore, not have an negative impact on any single-family residential uses in this area.

Mr. Joe Shieldnight (503 East Third, Owasso), applicant, reiterated the building on the tract has been used for industrial purposes since 1951, and had a Zoning Permit to operate at that time. Mr. Shieldnight commented that, in this economic time, any industrial business wishing to establish an operation should be allowed to do so.

Interested Parties:

Mr. Earl Anderson (1611 East 56th Street North, 74126) submitted photos of the building on the subject tract, and remarked that he felt the use was more of a salvage type operation than a body shop. He stated he would like to see this area remain residential.

Ms. Debra Summers (1621 East 56th Street North, 74126) read a letter on behalf of **Ms. Marylee Anderson** protesting the rezoning to industrial. Ms. Summers agreed with Ms. Anderson's opposition to the rezoning as she also desired the area remain residential to prevent further deterioration of the neighborhoods in north Tulsa.

Applicant's Rebuttal:

Mr. Oakley noted that both interested parties lived at least two blocks from the subject tract. He agreed the structure currently did not look that attractive as it has been vacant for two years. Mr. Oakley advised the person seeking the rezoning was a potential purchaser who intended to upgrade the structure and grounds. He repeated the distances between the subject property and the residential uses.

In reply to Mr. Paddock as to the intended use, Mr. Oakley advised some trucks and containers would be located on the tract. He explained this would be a daytime operation with no bright lights, etc. Further, it would a less intense use than a commercial zoning category.

TMAPC Review Session:

Mr. Paddock moved for denial, per the Staff recommendation, as he felt this was not a "clear cut or black/white" case. He further noted the tract was located outside the commercial node. Ms. Wilson agreed with Mr. Paddock, stating she was not convinced IL was needed at this location.

Mr. Parmele agreed this was not a simple "yes/no" case; however, he did agree this part of Tulsa needed more employers and businesses. He stated he would be voting against the motion as he feels the physical facts and history of the tract supported the rezoning.

Mr. Gardner commented that these were the kind of situations that used to be heard through the Board of Adjustment. However, as that alternative was no longer available, a property owner could only seek a zoning change. Discussion continued on BOA versus TMAPC review.

Discussion was initiated in regard to Mr. Oakley's statement that commercial was less intense, with Ms. Wilson suggesting a continuance might be in order to consider this alternative.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **5-1-0** (Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; Parmele, "nay"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **DENY Z-6278 Oakley (Shieldnight) for IL Zoning**, as recommended by Staff.

* * * * * * *

Application No.: **PUD 459** Present Zoning: CS pending
Applicant: **Moody (Burlingame)** Proposed Zoning: Unchanged
Location: SE/c of East 21st Street South and South 101st East Avenue
Date of Hearing: January 10, 1990
Presented to TMAPC by: Mr. John Moody, 2525 Mid-Continent Tower (583-7766)

Staff Recommendation:

The applicant is proposing to rezone a portion of the subject tract to CS (Z-6268) and develop a retail convenience and gasoline sales store under the conditions of PUD 459. The tract is 190' by 125', but significant additional right-of-way dedication is needed to meet the requirements of the Major Street and Highway Plan (22' on 101st Avenue and 10' on 21st Street). This dedication would reduce the tract to 180' by 103'.

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use. A development of this nature would require an amendment to the Comprehensive Plan Map to bring it into conformance.

The tract is presently vacant. It is abutted on the north across 21st Street by a used car lot zoned CS; on the east by single-family homes zoned RS-3; on the south by single-family homes zoned RS-3; and on the west across 101st East Avenue by a shopping center zoned CS.

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 459 to be: (1) consistent with the Comprehensive Plan if amended; (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 459 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:**

Permitted Uses:	Retail convenience store with gasoline, lubricants and related accessories sales.
Maximum Floor Area:	4,000 sf
Minimum Setbacks:	
Gasoline island canopy	
south property line	50'
east property line	50'
centerline of 101st Avenue	60'
centerline of 21st Street	70'

All buildings		
South property line	10'	
East property line	10'	
Centerline of 101st Avenue	100'	
Centerline of 21st Street	110'	
Ground signs		
South property line	150'	
East property line	90'	(If granted a BOA variance)
Points of Access		
South property line	40'	
East property line	10'	
Off-Street Parking:	As required by the applicable use unit of the Tulsa Zoning Code.	
Minimum Landscaped Open Space:	4,300 sf	
Maximum Height:		
All buildings	16'	
Gasoline island canopy	16'	

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 offices 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 approval 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 signs 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 12 feet.

8) A minimum of 10' wide landscaped buffer area shall be provided along the south and east property lines and an 8 foot high screening fence shall be constructed on the entire south and east property lines which meets the requirements of Section 250 of the Tulsa Zoning Code.

9) All signs shall meet the requirements of Section 1130.2.B. of the Tulsa Zoning Code and the PUD Development Standards as well as the following conditions:

   a) Only one ground is allowed in the PUD and its maximum display surface area is 150 square feet. The maximum height is 25.

   b) No signs are allowed on the south and east sides of the gasoline island canopy and convenience store.

10) All building facades exposed to public view shall be finished with materials comparable to the front building facade.

11) 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.

12) 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.

13) Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Comments & Discussion:

Mr. John Moody, attorney for the applicant, submitted a letter from the Traffic Engineer which indicated the City Engineer's agreement to less right-of-way than required by the Major Street and Highway Plan at this location. The letter also addressed dedication for 101st East Avenue and 21st Street. Mr. Moody agreed with the City Engineer's request for an additional 5' for utility easements, stating this issue could be addressed at the time of plat review. He commented he was essentially in agreement with the Staff recommendation and conditions.

TMAPC ACTION: 6 members present

On **MOTION** of **WILSON**, the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE PUD 459 Moody (Burlingame)**, as recommended by Staff, noting the City Engineer's comment as to right-of-way.

Legal Description:

Lots 1, 2 and 3, CHARYL LYNN ACRES, a subdivision to the City and County of Tulsa, Oklahoma.

OTHER BUSINESS:

Z-6269: N/side of 36th Street on both sides of Indianapolis Avenue (REFERRED BACK TO TMAPC PER THE CITY COMMISSION)

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

According to the Zoning Matrix, the requested PK District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 0.63 acres in size and located on both sides of Indianapolis Avenue north of East 36th Street South. It is nonwooded, flat, contains a parking lot on the west side of Indianapolis Avenue, and a parking lot and two single-family dwellings on the east side of Indianapolis and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by a church west of Indianapolis and single-family dwellings east of Indianapolis zoned CS and RS-3 respectively; on the east by single-family dwellings zoned RS-3; on the south by single-family dwellings zoned RS-3; and on the west by commercial establishments zoned CS.

Zoning and BOA Historical Summary: The Methodist Church (the applicant) has continued to expand its main buildings at the southwest corner of 35th Street and Indianapolis, which has produced an ever increasing need for off-street parking. The BOA has on three separate occasions permitted parking lots on RS-3 zoned property on both sides of Indianapolis. BOA Case 13470 did, however, impose a condition that the lot at the northwest corner of 36th Street and Indianapolis be acquired by the church prior to using three of the lots on that block for parking. Our records show that the church has not acquired that lot, but has developed off-street parking on two of those lots in apparent violation of the BOA's conditions.

Conclusion: Off-street parking on the subject tract is contrary to the Comprehensive Plan and adversely impacts the single-family dwellings on the east and west sides of Indianapolis. If the church could acquire all the residences on Indianapolis between 35th and 36th Street, then parking in this area would be acceptable. An interim solution would be to allow the church to develop the southern five lots on both side of Indianalopis as parking in the near future and wait to develop any other portion of the east side of Indianapolis Avenue until all the houses on this street have been acquired.

Therefore, Staff recommends **APPROVAL** of PK zoning for Z-6269, but no PK zoning should be granted on the northern five lots on the east side of Indianapolis until all five lots have been acquired by the church.

Comments & Discussion:

Mr. Larry Johnsten, representing the applicant, introduced Rev. Bob Pearson of Christ United Methodist Church. Rev. Pearson submitted a copy of a resolution outlining the long range plans for the church. He also advised of meetings with the neighborhood residents in this regard, stating he felt the church has fulfilled the request expressed by the City Commission.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE Z-6269 Christ United Methodist Church for PK Zoning**, as recommended by Staff. (Note: As this case was referred back for TMAPC reivew by the City Commission, this action supercedes any previous TMAPC action.)

* * * * * * *

PUD 215: Detail Site Plan for an addition to Darnaby Elementary School
7625 East 87th Street South; Lot 1, Block 22, Chimney Hills South

Staff Recommendation:

The Union Public Schools are proposing to construct a permanent addition to the rear of the Darnaby Elementary School. The proposed addition is approximately 6,000 square feet and complies with the PUD requirements. Therefore, Staff recommends APPROVAL of the Detail Site Plan for the building addition to Darnaby Elementary School.

TMAPC ACTION: 6 members present

On **MOTION** of **WILSON**, the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE** the **Detail Site Plan for PUD 215**, as recommended by Staff.

* * * * * * *

PUD 88-B-2: Minor Amendment to Building Height & Side Yard Requirements and Amendment to Deed Restrictions
NE/c of East 71st Street South and Richmond Avenue, being Blocks 1 through 5, Richmond Hills Addition

Staff Recommendation:

The applicant is requesting a minor amendment to clarify the maximum building height requirement for Blocks 1 through 5 of Richmond Hills Addition. When the PUD was approved in 1979, building height was measured to the highest top plate. Now building height is measured to the top of the building. The PUD set the maximum building height at 26' which was

the maximum height allowed under the old definition. The applicant would like to convert to the new definition and have the maximum building height be 35'. Staff is in agreement with this change.

The second change is to reduce the minimum side yard from 10' on one side and 5' on the other (the RS-2 standard) to 5' for either side yard (the RS-3 standard) in Blocks 4 and 5 of Richmond Hills Addition. Most of the lots (35 of 40) in Blocks 4 and 5 meet or exceed the minimum lot width requirements of the RS-2 zoning district. There is no unique design associated with Blocks 4 and 5, therefore, Staff can find no justification for reducing the minimum side yard by 50% in the entirety of these Blocks. Staff could support 5' minimum side yards for Lots 14 through 18 of Block 4 which only have 70' of lot width.

Therefore, Staff recommends APPROVAL of the following minor amendments to PUD 88-B:

1. Maximum building height of 35' in Blocks 1 through 5 of Richmond Hills Addition; and
2. Minimum side yard of 5' on both sides of Lots 14 through 18 of Block 4 of Richmond Hills Addition.

Staff also recommends APPROVAL of the requested Amendment to the Deed Restrictions to add to the last sentence, "...for Lots 14 - 18, Block 4."

TMAPC ACTION: 6 members present

On **MOTION** of **WILSON,** the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE** the **Minor Amendment to PUD 88-B-2 and the Amendment to the Deed Restrictions,** as recommended by Staff and outlined above.

* * * * * * *

PUD 179-R: Detail Sign and Landscape Plans for Development Area C
West of the SW/c of East 71st Street & South Mingo Road

Staff Recommendation:

Both the Detail Sign Plan and the Detail Landscape Plan comply with the development conditions of PUD 179-R. Therefore, Staff recommends APPROVAL of these Plans for Development Area C of PUD 179-R.

TMAPC ACTION: 6 members present

On **MOTION** of **WILSON,** the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE** the **Detail Sign Plan & Detail Landscape Plan for PUD 179-R,** as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 4:28 p.m.

Date Approved 1/24/90

Chairman

ATTEST:

Secretary

01.10.90:1775(19)