

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1822  
Wednesday, January 30, 1991, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes, 1st Vice Chairman	Coutant Doherty	Gardner Russell	Linker, Legal Counsel
Draughon, 2nd Vice Chairman	Harris Wilson	Stump Wilmoth	
Horner			
Midget, Mayor's Designee			
Neely			
Parmeale, Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 29, 1991 at 11:20 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:34 p.m.

**Minutes:**

Approval of the minutes of January 9, 1991, Meeting No. 1920 and the minutes of January 16, 1991, Meeting No. 1821:

On MOTION of WOODARD, the TMAPC voted 4-0-2 (Carnes, Draughon, Parmeale, Woodard, "aye"; no "nays"; Horner, Neely "abstaining"; Coutant, Doherty, Harris, Midget, Wilson, "absent") to **APPROVE** the minutes of the meeting of January 9, 1991 Meeting No. 1820 and the meeting of January 16, 1991, Meeting No. 1821.

**REPORTS:**

**Committee Reports:**

Chairman Parmeale reported that the Comprehensive Plan Committee met before the meeting to discuss a request from District 8 Planning Team. The Committee recommended to the full commission on a 4-1-0 vote that the Planning Commission set for Public Hearing a request from the District 8 Planning Team regarding a proposed Medium Intensity Linear Development Area between West 51st and 61st Streets South along South 33rd West Avenue with appropriate controls.

**TMAPC ACTION, 6 members present:**

On MOTION of CARNES, the TMAPC voted 6-0-0 (Carnes, Draughon, Horner, Neely, Parmeale, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Doherty, Harris, Midget, Wilson, "absent") to set for Public Hearing on March 6, 1991, the request from District 8 Planning Team regarding a proposed Medium Intensity Linear Development Area between West 51st and 61st Streets South along South 33rd West Avenue with appropriate controls.

Chairman Parmele directed staff to notify property owners within 300 feet of the proposed change of the Public Hearing.

Chairman Parmele advised the Commission that the Rules and Regulations Committee was recommending that a Public Hearing be scheduled to consider amendments to the Zoning Code as it relates to group homes.

**TMAPC ACTION, 6 members present:**

On MOTION of NEELY, the TMAPC voted 6-0-0 (Carnes, Draughon, Horner, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Doherty, Harris, Midget, Wilson, "absent") to set for Public Hearing on February 20, 1991 consideration of the proposed amendments to the Zoning Code as it relates to group homes.

**Director's Report:**

**Resolution to amend District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area: amendments as a result of the Civic Center Master Plan**

Ms. Dane Matthews, INCOG, presented the Resolution and advised that the amendments had been approved by the Planning Commission on January 9, 1991.

**TMAPC ACTION, 6 members present:**

On MOTION of CARNES, the TMAPC voted 6-0-0 (Carnes, Draughon, Horner, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Doherty, Harris, Midget, Wilson, "absent") to APPROVE the Resolution amending District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, as a result of the Civic Center Master Plan.

Mr. Stump advised the Commission that the City Council met on January 29, 1991 and approved Z-6303, PUD 432-C, and the final plat for Shadow Ridge Park, all as recommended by the TMAPC.

**SUBDIVISIONS:**

**WAIVER REQUEST: SECTION 213:**

BOA-15594 Forest Acres (1293) 8119-23 East 12th Street (CS, RM-2)

This is a request to waive plat on the east 105' of Lot 10 Block 2 of the above named plat. The Board of Adjustment approved the use of two existing buildings which will be remodeled for a day care center. The Board has placed controls on the use of the property, including hours of operation, Building and Fire Codes, and all applicable Flood Hazard Regulations. The property was zoned by three zoning applications, Z-1826, Z-2419 and Z-2907 in 1961, 1965, and 1967 and is not "subject to platting" under these zoning applications. A

lot-split is not required. Since the property is already platted and all the controls placed by the Board of Adjustment, it is recommended that the plat requirement be WAIVED, noting that the requirements of Section 213 of the Code have been met.

**TMAPC ACTION, 7 members present:**

On MOTION of WOODARD, the TMAPC voted 6-0-1 (Carnes, Draughon, Horner, Neely, Parmele, Woodard, "aye"; no "nays"; Midget "abstaining"; Coutant, Doherty, Harris, Wilson, "absent") to WAIVE plat on the east 105' of Lot 10 Blk 2 of Forest Acres as recommended by staff.

\* \* \* \* \*

Z-6296            Unplatted (2904)            11920 East Apache Street            IM

This is a request to waive plat on a small sliver of land between the BNR tracks and the south boundary of EAGLE POINT ADDITION I (the new Zink Plant). This is a remainder of the only unplatted land in the SW, SE, NW and consists of .46 acre. Although it is all under the same ownership as the entire zoning application and the area platted as the first phase of the new plat, it was not included in the plat when it was processed. This small sliver will be attached by deed restriction to Lot 1, Block 1, EAGLE POINT ADDITION I and already contains the perimeter utility easements of 17 1/2' by separate instrument. It is recommended the request be APPROVED as having met the conditions of Section 213 of the Code and further that the sliver of land be attached to EAGLE POINT ADDITION I as submitted. (The remainder of land under Z-6296 will be platted as the need occurs and the plant is expanded.)

**TMAPC ACTION, 7 members present:**

On MOTION of CARNES, the TMAPC voted 7-0-0 (Carnes, Draughon, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Doherty, Harris, Wilson, "absent") to WAIVE plat on Z-6296 as recommended by staff.

\* \* \* \* \*

**AFFIDAVIT OF CORRECTION (Subdivision Plat)**

Signal Hill (PUD-458) (1583) East 84th Street & South Yale Avenue            RS-3  
Chelsea Pond, Block 4 (PUD 426) (2883) East 103rd Street and South Louisville Avenue            RS-1

The surveyor that filed these plats has discovered certain errors and/or omissions on the plats that have already been recorded. This does not affect any right-of-way, easements, or PUD conditions recorded on the plat. It is recommended that these affidavits be APPROVED, subject to format approval by the City Attorney.

**TMAPC ACTION, 7 members present:**

On MOTION of CARNES, the TMAPC voted 7-0-0 (Carnes, Draughon, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Doherty, Harris, Wilson, "absent") to APPROVE the affidavits of correction for Signal Hill (PUD 458) and Chelsea Pond, Block 4 (PUD 426) subject to format approval by the City Attorney.

\* \* \* \* \*

**FINAL APPROVAL AND RELEASE**

Hampton South II (Z-4789-SP-2) (784) East 74th Street and South 108th East Avenue CO

**Staff Recommendation:**

This plat is the second phase in overall plan approved as a "Corridor Site Plan" by both TMAPC (4/20/88) and the City Commission (5/13/88) on 8-0-0 and 5-0-0 votes. A minor amendment to increase the size of the lots was approved by TMAPC 9/20/89 on a 6-0-0 vote. The plat has been the approved "Corridor Site Plan" in the entire process and complies with the conditions of the Site Plan approvals. There were no protestants and/or interested parties to notify. Notification was made to the abutting property owners in accordance with the Subdivision Regulations. The subdivision has two points of access to Garnett Road. Stormwater detention is provided in an off-site pond shared with the adjacent school. All releases have been received and it is recommended the final plat be APPROVED as having met all conditions of approval, including compliance with the Corridor District approved site plan.

**TMAPC ACTION, 7 members present:**

On MOTION of CARNES, the TMAPC voted 6-0-1 (Carnes, Draughon, Horner, Neely, Parmele, Woodard, "aye"; no "nays"; Midget "abstaining"; Coutant, Doherty, Harris, Wilson, "absent") to APPROVE the Final Plat of HAMPTON SOUTH II and RELEASE same as having met all conditions of approval.

\* \* \* \* \*

**LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

L-17379 11920 East Apache Street  
L-17380 7619 South Oswego Place

**TMAPC ACTION, 6 members present:**

On MOTION of WOODARD, the TMAPC voted 6-0-0 (Draughon, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Doherty, Harris, Wilson, "absent") to RATIFY the above listed lot splits as having received prior approval.

**Z-6306: South of the southwest corner of East 85th Place South and South Harvard Avenue.**

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix, the requested RS-2 District is in accordance with the plan map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 44 acres in size and is located south of the southwest corner of East 85th Place South and South Harvard Avenue. It is partially wooded, moderately sloping, contains two single-family dwelling units and several detached accessory buildings and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north and west by single-family dwellings zoned RS-2 and to the south and east by single-family dwellings zoned RS-3.

**Zoning and BOA Historical Summary:** Residential zoning, RS-2 and RS-3, have been approved abutting the subject tract and in the immediate area.

**Conclusion:** Based on the Comprehensive Plan and existing zoning pattern in the area, Staff finds the requested RS-2 zoning to be compatible.

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

**PUD 464: West side of South Harvard Avenue at East 87th Street South**

Staff Recommendation:

The applicant is proposing a single family dwelling subdivision with private streets and controlled access. There is an accompanying rezoning request Z-6306 for RS-2. The site is hilly and contains some floodplain areas which begin at the northeast corner to the tract and run to the southwest. A major portion of this floodplain area contains a man made lake which is to be retained in the development. The proposed street and lot layout is a standard perimeter lotting pattern and makes no effort to work with the hilly terrain of the tract. The applicant is proposing only one entrance to the subdivision, a landscaped entry with a guardhouse manned 24-hours per day on Harvard Avenue at 87th Street. The private roads are to be 26' in width and constructed to City of Tulsa standards. South Florence Avenue stubs-out into

the tract from both the north and south sides, but no provisions have been made by the applicant to connect the PUD streets with these stub-outs. Staff feels that a development of this size should be connected to the street pattern of the city at more than one point and that the continuation of Florence Avenue should be incorporated into the design of the 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 464 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 464 subject to the approval of Z-6306 and 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:	44.6 acres (gross)
Permitted Uses:	Single-family detached dwellings and customary accessory uses
Maximum No. of Dwelling Units:	66
Minimum Lot Size:	22,500 sf
Minimum Liveability Space:	8,500 sf
Minimum Lot Width:	100'
Minimum Yards:	
Front*	35'
Rear	25'
Side, interior	10'
Side abutting Private Drive*	30'
Yards abutting Harvard Avenue	35'
Maximum Building Height:	35'
Minimum Off-Street Parking:	2 spaces/dwelling unit

\*Measured from the 30' wide private street easement.

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 PUD's private street system shall be connected to Florence Avenue on both the north and south boundaries of the property and Florence Avenue within the PUD shall be designed to discourage high speed traffic. Also private streets in the PUD shall be open to the general public to provide access between adjacent subdivisions and to Harvard Avenue and 91st Street. The proposed wall around the PUD, the 24 hour guard, the guardhouse and the minimum size of dwellings are not conditions of the PUD.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets 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. The maximum grade of private streets shall be 10%.
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.

Staff stated their main concern regarded the stub-outs. Staff feels that the streets should be connected providing access. It was also pointed out that there should be more than one point of access into the addition.

Applicant's Comments:

Mr. Roy Johnsen, 324 Main Mall, attorney for the applicant, submitted photos of the property to the Planning Commission. He commented that it was the intention of the developer to maintain the natural beauty of the area by preserving the trees already there. It was also his intention to provide a secure area. The request for private streets would allow for a gate with a guard system. Mr. Johnsen advised that the streets would meet city requirements and a homeowner's association would be established to maintain the streets.

Mr. Johnsen presented a site plan featuring an architect's detail of how the addition would look with the guard gate and the private streets curving around the trees.

Next, Mr. Johnsen presented to the Planning Commission a petition with the signatures of future homeowners stating their desire to have private streets, secure property and a homeowner's association which would be responsible for collecting dues to maintain the streets.

Interested Parties:

**Gerald Williams**

**3149 East 89th Street**

Mr. Williams advised that he was a homeowner south of the property. He stated two concerns. The first regarded drainage. He stated there was a retention area in the northeast quadrant of the property. He presented to the Planning Commission photos of the retention pond. He stated that the present water flow through the creek was already causing wear on the trees and that several of the trees' roots were showing. He was concerned what would happen after all the concrete was poured. He also questioned why the applicant was asking for RS-2 zoning when he was building within RS-1 zoning. Mr. Williams was concerned that if the developer encountered "bad times" he would split up the lots and build more than the 66 lots as he originally planned.

Mr. Williams read letters from Mr. and Mrs. William Dobbs, 9022 South Gary Avenue, and Mr. and Mrs. Wayne Weatherly, 9014 South Gary Avenue. Both stated concern regarding the flow of water in the creek which runs through Wellington South. Their feelings were the same in that while they were not opposed to the development, they "do have reservations that the lack of planned retention areas and planned installation of large underground conduits that open directly into the creek in our area might result in erosion." Mrs. Weatherly asked that specific consideration and attention to the drainage problems be given.

**Charles Goodwin**

**3407 East 86th Street**

Mr. Goodwin, like Mr. Williams, was concerned that the developer could build more than the 66 lots requested if RS-2 zoning was granted. He questioned why RS-1 zoning was not being granted since that was actually what the developer was planning. He stated concern regarding the run-off into the creek.

**Mark Bouakadakis**

**3148 East 89th Street**

Mr. Bouakadakis was concerned about the stub-out streets. He stated that their addition already had high traffic flow and the connector street would only add to the problem.

**David Monroe**

**3124 East 84th Street**

Mr. Monroe stated he was the president of the Walnut Creek V Homeowner's Association. He presented a petition opposing Florence Avenue being made a through street.

**Phil Ryan**

**8538 South Florence**

Mr. Ryan was opposed to Florence being made a through street. His reasoning being that traffic in the area was already a problem.

**Jane Camporeale**

**8941 South Florence Place**

Ms. Camporeale was concerned about the stormwater run-off.

**Mr. Jack Page**

**Department of Public Works, City of Tulsa**

Mr. Page advised those present that the Public Works Department has been involved in the review of the site, specifically the outlet where the proposed box would discharge. He commented that current conditions had been reviewed. He stated that sanitary sewer lines would also be installed in the stream bed and it was his feeling that it would most likely displace some trees. Public Works has allowed the developer to pay fees in lieu of detention. He pointed out that was in lieu of detention not in lieu of proper design. The department will assure that the developer does a proper design by the standards set forth by the City of Tulsa.

Mr. Page stated that it was Public Works' opinion that providing on-site detention at this site would not do anything in regard to reducing flooding in the City of Tulsa. He commented that at this location there were no obstructions and even though it will cause some minor effects of erosion there are other means which can be taken to address erosion rather than on-site detention.

In response to Mr. Neely, Mr. Page advised that he felt the existing drainage easement would be sufficient to handle the water flow without any damage to any structures.

**Applicant's Rebuttal:**

Mr. Johnsen commented that the applicant felt the provisions have been made to successfully pass the water flow and the concern was that of erosion. The concepts that are proposed in the development appear to be acceptable to City Engineering and there will be close scrutiny to detail. He advised that this was a unique property with unique topography which warrants a different approach to development. There are other additions in the city with private streets which have proven to be very successful.

Mr. Neely inquired whether the second pond which is to be built would serve any purposes for detention. Mr. Johnsen commented that this would be a shallow pond and would be mostly for aesthetic purposes.

**TMAPC Review Session:**

Chairman Parmele commented that he was satisfied with concerns regarding the drainage, but he was still concerned about the stub street connections. The subdivision to the west and the project just north of this development have no stub streets north/south or to the east. The precedent has been set for this half section between Delaware and Harvard. He stated that nothing would be accomplished by requiring a connection to Florence. Every subdivision has two points of access already. This would not contribute to their traffic flow. Since traffic engineering was agreeable that the additions not be connected, Chairman Parmele stated he was willing to agree to not have the streets connected.

Mr. Midget commented that the Commission has an obligation to remain consistent in the decisions regarding stub-outs. He would be in favor of connecting the streets in order to continue consistency in connecting adjacent properties.

Mr. Neely advised that he would be in favor of the staff's recommendations to connect Florence. He commented that in the future, if 81st, 91st, and Delaware were widened, then the feelings may change and it would not be possible to go back and change the design.

Chairman Parmele advised that he was opposed to the motion because it is his opinion that alternative lifestyles should be provided for those who so desire. He felt that with the consent of the neighbors both north and south of the development that Florence Avenue should not be connected to this area a completely private development would be appropriate.

**TMAPC ACTION, 6 members present:**

On MOTION of DRAUGHON, the TMAPC voted 5-1-0 (Draughon, Horner, Midget, Neely, Woodard, "aye"; Parmele "nay"; no "abstentions"; Carnes, Coutant, Doherty, Harris, Wilson "absent") to APPROVE for RS-2 zoning Z-6306 and to APPROVE PUD 464 subject to the conditions as recommended by staff.

Chairman Parmele called for a short recess.

Upon reconvening Chairman Parmele advised there had been a misunderstanding regarding the previous motion and it needed to be clarified. Mr. Neely requested that the motion which was to approve PUD 464 subject to staff recommendations, including connecting Florence Avenue from the north and south, be reconsidered.

**TMAPC ACTION, 6 members present:**

On MOTION of NEELY, the TMAPC voted 6-0-0 (Draughon, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Doherty, Harris, Wilson "absent") to RECONSIDER the motion to APPROVE for RS-2 zoning Z-6306 and to APPROVE PUD 464 subject to the conditions as recommended by staff.

Chairman Parmele clarified that the motion was to approve the zoning as requested by the applicant and to approve PUD 464 subject to conditions as recommended by staff which would include connecting Florence Avenue.

**TMAPC ACTION, 6 members present:**

On MOTION of DRAUGHON, the TMAPC voted 4-2-0 (Draughon, Midget, Neely, Woodard, "aye"; Parmele, Horner "nay"; no "abstentions"; Carnes, Coutant, Doherty, Harris, Wilson "absent") to APPROVE for RS-2 zoning Z-6306 and to APPROVE PUD 464 subject to the conditions as recommended by staff.

Legal Description  
(Z-6306 and PUD 464)

RS-2 Zoning: The NE/4 of the SE/4 of Section 17, T-18-N, R-13-E, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof; and the north 150' of the SE/4 of the SE/4 of Section 17, T-18-N, R-13-E, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the northeast corner of the SE/4 of the SE/4 of Section 17, T-18-N, R-13-E, Tulsa County, Oklahoma, said point being 1318.90' north of the southeast corner of Section 17; thence N89°57'11"W along the north line of the SE/4 of the SE/4 a distance of 1321.29' to the northwest corner of the SE/4 of the SE/4 of Section 17; thence S00°22'27"W along the west line of the SE/4 of the SE/4 a distance of 150' to a point; thence S89°57'11"E a distance of 1321.36' to a point on the east line of Section 17; thence N00°20'50"E a distance of 150' to the POB.

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**ZONING PUBLIC HEARING**

**Z-6307: Southwest corner of East 21st street South and South Jamestown Avenue**

Relationship to the Comprehensive Plan:

The District 4 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 OL/OM is not in accordance with the plan map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .15 acres in size and is located at the southwest corner of East 21st Street South and South Jamestown Avenue. It is nonwooded, flat, contains a single-family dwelling and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by office use zoned OL; on the east and south by single-family dwellings zoned RS-3; and on the west by a small commercial shopping center zoned CS.

**Zoning and BOA Historical Summary:** The Staff and TMAPC have denied both OL zoning and RM-1/PUD 453 on the subject tract in the past.

**Conclusion:** Based on the existing development in the area and the previous cases, Staff cannot support office zoning or office use with the companion PUD. Other than an increase in screening fence height, and the OL/OM request rather than RM-1, Staff can find no difference in this application and the previous request.

Therefore, Staff recommends **DENIAL** of OL or OM Zoning for Z-6307.

**PUD 465: Southwest corner of East 21st Street South and South Jamestown Avenue**

The subject tract is .52 (gross) acres in size and is located at the southwest corner of East 21st Street South and South Jamestown Avenue. The tract has an underlying zoning of RS-3 with a companion rezoning request, Z-6307 for OL/OM, also filed. Staff is not supportive of the rezoning application, therefore, is not supportive of the PUD. As a point of information, this PUD is virtually identical to PUD 453 which was recommended for denial by TMAPC on August 23, 1989 by a 6-1-1 vote. The only change appears to be the provision of an 8' screening fence rather than a 6' one.

Staff recommends **DENIAL** of PUD 465 as requested.

Comments & Discussion:

Mr. Louis Levy, 5314 South Yale, attorney for the applicant, presented background materials to the Commission. He briefly described the area. He advised that the property was zoned for a single family home but that it could not be used as a single family home. He presented a letter from the Realtor who has had the property listed for sale stating that the property is not suitable for residential use. He also presented a letter from Officer Bob Randolph of the Tulsa Police Department stating that the area was unsuitable for a family with children.

A two page report from Mr. Don Wilson stated that the highest and best use of the property was for offices or light commercial.

Mr. Levy noted that Florence Park Library was just down the street. No one complained about it and the only screening provided from residential areas was a chain link fence.

Interested Parties:

**James Lewis**

**2110 South Jamestown**

Mr. Lewis is the owner of the adjoining property. He presented a petition signed by 126 residents of Jefferson Hills Addition in protest of the rezoning. Mr. Lewis commented that after the original home burned, Mr. Williams chose to build the present structure without the proper zoning. He commented that the only difference between this application and the previous applications is that the hedge, which belongs to him and not Mr. Williams, will be extended to eight feet.

**Laird Macdonald**

**3504 East 22nd Place**

Mr. Macdonald, an architect who lives in Jefferson Hills, presented a booklet to the Commission which he stated would provide additional information not covered in the case report. He briefly discussed the background of the area and the property.

Mr. Macdonald pointed out that the other commercial properties in the vicinity were small, single story and on a residential scale.

He asked that the Commission strongly consider the staff recommendation and deny the application for zoning change.

**Nina Miller**

**3516 East 21st Place**

Ms. Miller advised that she has lived in the neighborhood for eight years. She was opposed to the fact that rezoning the area for light office would bring more traffic into their quiet neighborhood. She also felt that there would not be enough parking available for an office use. She commented that the Jefferson Hills Addition was a zoning success. As long as the people participate in the public hearings neighborhoods can remain intact.

**Fran Pace, Planning District 4 Chair**

**1326 South Florence**

Ms. Pace commented that libraries, churches, schools and other community buildings can obtain variances and their uses are not the same as office use. Therefore, they cannot be considered in the same context.

She stated that just because all four corners of an intersection were zoned commercial that did not change the residential rights of the people who abut the arterial nodes. She stated that if this zoning change was granted it would essentially tell any salvage dealer that if he buys a burned out shell on any arterial street, or which backs up to, or sides onto any arterial street it may be rezoned commercial by claiming the streets aren't safe for children to play in.

Applicant's Rebuttal:

Mr. Levy stated that a house on the tract of land was totally incompatible with everything around the property. He advised that Mr. Williams conducted himself in a legal and lawful manner since he has owned the house.

TMAPC Review Session:

Chairman Parmele stated that he agreed with Mr. Wilson that the neighborhood would not be affected by the proposed change in zoning of this property to OL. He stated that OL zoning is granted all the time to buffer single family from higher intensity developments.

Mr. Horner commented that he has driven by the property several times. He also did not feel the change would have an impact on the neighborhood.

Mr. Midget advised that he passes by the area frequently and he did not realize it was not zoned OL. He commented it did not compliment or fit with the neighborhood. He stated it was an unfortunate situation.

**TMAPC ACTION, 6 members present:**

On MOTION of DRAUGHON, the TMAPC voted 4-2-0 (Draughon, Midget, Neely, Woodard, "aye"; Parmele, Horner "nay"; no "abstentions"; Carnes, Coutant, Doherty, Harris, Wilson "absent") to DENY OL zoning Z-6307 and to DENY PUD 465 as recommended by staff.

**Legal Description**

Lot 1, Block 3, Jefferson Hills Addition to the City and County of Tulsa, Oklahoma.

\* \* \* \* \*

**Z-6308:            5610 South 107th East Avenue**

**RS-3 to IL**

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan area, designates the subject property Special District 1 -- Industrial.

The requested IL District is in accordance with the plan map.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately 1.28 acres in size and is located at 5610 South 107th East Avenue. It is nonwooded, flat, vacant and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by various automotive and industrial uses zoned IL; on the east by single-family dwellings zoned RS-3; on the south by helicopter repair business and heliport zoned IL; and on the west by the Mingo Valley Expressway zoned RS-3.

**Zoning and BOA Historical Summary:** Industrial zoning has been approved abutting the subject tract and in the immediate area.

**Conclusion:** Based on the Comprehensive Plan and existing zoning pattern, Staff can support the requested IL zoning. Staff would note that the subject tract is part of a transition area from residential to industrial. The remaining residential use to the east should be protected from the industrial uses by the use conditions set forth in Chapter 12 of the Zoning Code.

Therefore, Staff recommends APPROVAL of IL zoning for Z-6308 as requested.

**TMAPC ACTION, 6 members present:**

On MOTION of WOODARD, the TMAPC voted 6-0-0 (Draughon, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Doherty, Harris, Wilson "absent") to APPROVE IL zoning for Z-6308 as recommended by staff.

Legal Description

IL Zoning: Lot 1 Block 2, less beginning at the southwest corner thence north 161.46', east 352.35', southwesterly 162.53', west 333.62' to the POB, Golden Valley Addition to the City and County of Tulsa, Oklahoma.

\* \* \* \* \*

Z-6309: North of the northwest corner of South Memorial Drive and East 76th Street South

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 - 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 1.25 acres in size and is located north of the northwest corner of South Memorial Drive and East 76th Street South. It is nonwooded, flat, vacant, and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property and an elderly housing project zoned OL and RM-1 respectively; on the east across Memorial Drive by single-family dwellings zoned RS-3 and PUD 179; on the south by vacant property and then across 76th Street single-family dwellings zoned RS-3; and on the west by vacant property zoned OL.

**Zoning and BOA Historical Summary:** Areas to the north and west of the subject property have been rezoned to OL and RM-1.

**Conclusion:** The proposed rezoning is in keeping with the surrounding zoning patterns and the Comprehensive Plan. Coupled with the requirements of PUD 236-C, the proposed development will be compatible with the surrounding development.

Therefore, Staff recommends **APPROVAL** of OL zoning for Z-6309 as requested.

**PUD 236-C: Major Amendment located at the northwest corner of East 76th Street South and South Memorial Drive.**

The applicant is proposing a major amendment for Development Area 1 of Planned Unit Development 236-B which contains approximately 8.5 acres and previously allowed 104,000 SF of office development. The PUD is located on South Memorial Drive and is bordered across Memorial Drive by single family dwellings zoned RS-3; on the north by an apartment complex zoned RM-1; on the west by a church zoned RS-3 and PUD 236-B; and to the south across East 76th Street South by single family dwellings zoned RS-3. The amendment is to accommodate the use of Development Area 1 as elderly housing or office use in the alternative. 186 dwelling units are proposed including independent living units and personal care residences. Zoning case Z-6309 would provide sufficient OL zoning for the density proposed, if approved.

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 236 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 236-C 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:**

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Land Area (Net)	8.5 Acres
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**OFFICE DEVELOPMENT (existing standards)**

Permitted Uses:	As permitted within an OL District, except: Financial Institutions, Funeral Home, Photo Studio, Prescription Pharmacy and Studio or School.
Maximum Floor Area:	104,000 square feet
Minimum Landscaped Open Space:	20% of net
Maximum Stories:	2 stories
Maximum Height:	28 feet

Minimum Setback of Buildings from North Property Line:	100 feet
Minimum Setback of Buildings from Abutting Streets:	
Arterial	100 feet
Non-arterial	60 feet
Minimum Setback of Buildings from South Line of Project:	200 feet
Off-Street Parking and Loading:	As per Section 1214.4 of the Zoning Code
Other Bulk and Area Requirements:	As provided within an OL District.

ELDERLY HOUSING DEVELOPMENT (additional standards)

Permitted Uses:	Housing for the elderly including independent living units and personal cares residences pursuant to the use conditions of Use Unit 8.
Number of Dwelling Units:	186*
Maximum Building Height:	45 feet
Minimum Livability Space per Dwelling Unit:	600 sf
Minimum Building Setback from	
West Property Line:	50 feet
North Property Line:	50 feet
East 76th Street South R/W:	35 feet
South Memorial Drive R/W:	65 feet
Offstreet Parking:	As required by applicable Use Unit
Offstreet Parking Setbacks from PUD Boundaries:	
North property line:	5 feet
West property line:	20 feet
South property line:	10 feet
East property line:	5 feet

Signs:

One project identification sign on each street frontage is allowed, each not exceeding 32 SF of display surface area

\*Each independent living unit designed in accordance with the requirements of Section 1208.C.5. shall be counted as one dwelling unit. Personal care residences for the elderly shall be classified as a rooming and boarding house for the purpose of determining the equivalent number of dwelling units under Section 1208.C.1. Each dwelling unit designed for occupancy by a member of the staff shall be counted as one dwelling unit.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring 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 that 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, mechanical and 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. The Department of Stormwater Management or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
9. No Building Permit shall be issued until the requirements of Section 213 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 beneficiary to said Covenants.

**TMAPC ACTION, 6 members present:**

On MOTION of WOODARD, the TMAPC voted 6-0-0 (Draughon, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Doherty, Harris, Wilson "absent") to APPROVE OL zoning for Z-6309 and to APPROVE PUD 236-C as recommended by staff.

**Legal Description**

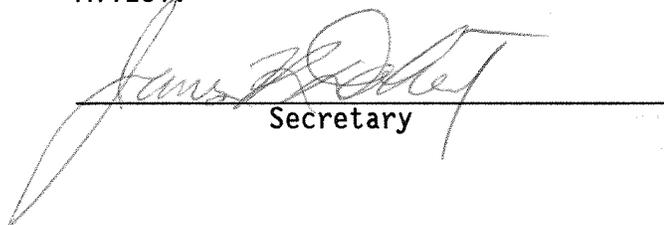
OL Zoning: A tract of land that is part of The S/2 of the SE/4 of the NE/4, Section 11, T-18-N, R-13-E, City and County of Tulsa, Oklahoma, being described as follows, to-wit: Commencing at the SE/c of said NE/4 of Section 11; thence due north along the easterly line of Section 11 a distance of 338.69' to the POB of said tract of land; thence N 89°50'28" W a distance of 746.52' to a point on the easterly line of Lot 1, Block 1, Christian Chapel Addition to the City and County of Tulsa, Oklahoma; thence due north along said easterly line a distance of 7.03'; thence S 89°50'28" E a distance of 446.52'; thence due north a distance of 164.00'; thence S 89°50'28" E a distance of 300.00' to a point on the easterly line of the NE/4 of Section 11; thence due south along said easterly line a distance of 171.03' to the POB.

PUD 236-C: A tract of land that is part of the S/2 of the SE/4 of the NE/4, Section 11, T-18-N, R-13-E, City and County of Tulsa, Oklahoma, being described as follows, to-wit: Commencing at the SE/c of said NE/4 of Section 11; thence due north along the easterly line of said Section 11 a distance of 138.25' to the POB; thence due west a distance of 60.00'; thence due south a distance of 0.00' to a point of curve; thence along a curve to the right having a central angle of 90°09'37" and a radius of 30.00' a distance of 47.21' to a point on the northerly R/W line of E. 76th St. S.; thence N 89°50'23" W along said northerly R/W line a distance of 254.75'; thence S 86°58'31" W a distance of 90.00'; thence N 89°50'23" W a distance of 311.81' to the SE/c of Lot 1, Block 1, Christian Chapel Addition to the City and County of Tulsa, Oklahoma; thence due north along the easterly line of said Lot 1, Block 1, a distance of 556.70' to a point on the northerly line of the S/2 of the SE/4 NE/4 Section 11; thence S 89°50'28" E along said northerly line a distance of 746.52' to a point on the easterly line of Section 11; thence due south along said easterly line a distance of 521.47' to the POB and being located at the NW/c of E. 76th St. S. and S. Memorial Dr.

There being no further business, the Chairman declared the meeting adjourned at 4:29 p.m.

Date Approved: 2-13-91  
  
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Chairman

ATTEST:

  
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Secretary