

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1838
Wednesday, May 22, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Draughon	Gardner	Linker, Legal
Carnes	Woodard	Russell	Counsel
Doherty, 1st Vice Chairman		Stump	
Harris		Lasker	
Horner			
Midget, Mayor's Designee			
Neely, 2nd Vice Chairman			
Parmeale, Chairman			
Wilson, Secretary			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, May 21, 1991 at 12:06 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:43 p.m.

Minutes:

Approval of the minutes of May 8, 1991, Meeting No. 1836:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Harris, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Woodard, "absent") to **APPROVE** the minutes of the meeting of May 8, 1991 Meeting No. 1836.

REPORTS:

Chairman's Report:

Chairman Parmele welcomed Millie Ballard to the Planning Commission. Ms. Ballard was appointed to the TMAPC by the Mayor and confirmed by the City Council at their meeting on May 21, 1991.

Committee Reports:

Mr. Doherty advised that the Rules and Regulations Committee will meet June 5, 1991 to discuss several items. One topic will be discussion of the projects facing the Rules and Regulations Committee this year to determine the amount of time required for the studies so that they might be handled in an expeditious manner.

Director's Report:

Mr. Jerry Lasker, INCOG, reported that TMAPC will go before the City Council on May 29, 1991, Room 1116, City Hall, to discuss the FY92 budget. He has been informed unofficially from Tulsa County that TMAPC can expect to receive the same amount as last year.

CONTINUED ZONING PUBLIC HEARING

Application No.: CZ-189, PUD 469 Present Zoning: AG
Applicant: Pittman-Poe Proposed Zoning: RE, RS, OL, CS, IL
Location: East and west sides of Garnett Road between 96th and 106th St. N. and at the SW/c of Mingo Road and 96th St. N.
Date of Hearing: May 8, 1991
Continued until: May 22, 1991
Presentation to TMAPC: Mr. Tim Terrell, Pittman-Poe, 10820 E. 45th

Relationship to the Comprehensive Plan:

The requested zoning patterns are in accordance with the Owasso Comprehensive Plan.

Staff Recommendation:

Site Analysis:

The subject tract is 698.7 acres in size and is located in various parcels on the north side of East 96th Street North, between North Mingo Road and North 122nd East Avenue and at the southwest corner of 96th and Mingo Road. It is partially wooded, gently sloping, contains mostly vacant property and is zoned AG.

Surrounding Area Analysis:

The subject tract is abutted by various uses and zoning designations; including CS, RMT, RM-2, RMH, RS-3, RS-2, RS, RE and AG which are located inside and outside of the City Limits of Owasso.

Zoning and BOA Historical Summary:

Residential and non-residential zoning has been approved in the area.

Conclusion:

Based on the Owasso Comprehensive Plan and existing zoning patterns, Staff can support the requested rezoning as modified.

Therefore, Staff recommends **APPROVAL** of CZ-189 as modified with a 200' wide strip of RE buffering large lot residential on the northeast side of the PUD.

PUD 469:

PUD 469 contains almost 700 acres of land which was formally a portion of the Bailey Ranch. Other portions of the Bailey Ranch are within the City of Owasso which recently approved a PUD for development of that segment of the Ranch. PUD 469 is entirely within the unincorporated portions of Tulsa County, but is within the fenceline of the City of Owasso. It is anticipated that this PUD will eventually be annexed to Owasso prior to its development. Accompanying the PUD is rezoning request CZ-189 which has been modified to request 20.8 acres of RE, 554 acres of RS, 25.5 acres of OL, 83.5 acres of IL and 13.8 acres of CS. The PUD proposes the maximum allowable commercial, office and industrial floor area, as well as the maximum number of dwelling units. The PUD proposal is, however, very general in nature without any detailed design having been done. Staff can appreciate the difficulty and expense of a detail layout of such a large tract, but without such design, staff cannot support the intensity of commercial and industrial development proposed.

Staff finds the uses and intensities of development as amended by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 469 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 469 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:**

PUD Land Area (Gross)	±698.7 acres
(Net)	±676.5 acres
Residential Areas	
Single Family	440.1 acres
Multi-Family	40.2 acres
Maximum Allowable Dwelling Units	2850
Office Areas	
Maximum Allowable Floor Area	46 acres 333,234 SF
Commercial Areas	
Maximum Allowable Floor Area	14.5 acres 200,000 SF
Light Industrial Areas	
Maximum Allowable Floor Area	111.1 acres 2,000,000 SF

Single Family Estate Dwelling Standards
 Permitted Uses* As permitted by right within AG-R District.***
 Bulk and Area Requirements As required in the AG-R District, except a 100' principal building setback is required fro the PUD boundary.***

Single Family Detached Dwelling Standards
 Permitted Uses* As permitted by right within RS District.
 Bulk and Area Requirements As required in the RS District.

Single Family Patio Dwelling Standards**
 Permitted Uses* As permitted by right within RS District.
 Minimum Lot Size 5,000 SF
 Maximum Building Height 35'
 Minimum Front Yard
 Public Street 20'
 Private Street 30'
 Minimum Side Yard Abutting a Street
 Public Street 10'/20' if garage is accessed
 Private Street 20'/30' if garage is accessed
 Minimum Lot Width 50'
 Minimum Rear Yard 20'
 Minimum Side Yard 5'
 Minimum Livability Space 2500 SF

Single Family Attached Dwellings
 Permitted Uses* As permitted by right in the RM-T District.
 Bulk and Area Requirements As required in the RM-T District.

Multi-Family Dwellings
 Permitted Uses* As permitted by right in the RM-1 District.
 Bulk and Area Requirements As required in the RM-1 District.

Office Standards
 Permitted Uses* As permitted by right in the OL district.

Bulk and Area
Screening Requirements

As required in the OL District with the exception that up to 4 stories buildings are allowed if setback from residential areas an additional 50' for every story above one story.

Commercial Standards

Permitted Uses*

As permitted by right in the CS district.

Bulk and Area and
Screening Requirements

As required in the CS district except no commercial building or parking shall be within 50' of a single family residential area.

Industrial Standards

Permitted Uses*

As permitted by right in an IL district, except warehousing, wholesale establishments, trucking establishments, cesspool cleaning operations and grain elevators are prohibited. No Use Unit 26 uses are permitted within 330' of the centerline of Mingo Road.

Bulk and Area and
Screening Requirements

As required in the IL district.

Due to the general nature of the proposed standards for the PUD, the TMAPC may impose increased setback, lot size, screening or building size and height restrictions at the time of Detail Site Plan approval in order to provide adequate buffering of and transition to adjacent uses.

*The TMAPC may allow by minor amendment uses which are permitted by special exception in the zoning district.

**Exact location of patio homes development areas will be determined at Detail Site Plan approval.

3. All development immediately adjacent to or across a non-arterial street from the AG-R development area shall comply with the requirements of the RE Residential Estate District Standards.***

4. All lots within the PUD which abut El Rio Vista subdivision shall comply with the following development standards:***

Permitted Uses:	As permitted by right in the RS district.
Minimum Lot Width:	75'
Minimum Lot Area:	9,000 SF
Minimum Land Area per D.U.	10,875 SF
Maximum Structure Height:	35'
Minimum Livability Space per D.U.	5,000 SF
Front Yard and Any Yard Abutting a Public Street:	30'****
Rear Yard:	25'
Side Yards:	5' and 10'

****On corner lots, the owner may select the front yard and the other yard abutting a street shall not be less than 15'; provided that garages accessing this street shall be setback a minimum of 20'.

5. Greater setbacks for parking lots and buildings shall be used to increase compatibility of uses with nearby low intensity residential areas. All parking areas of 6 or more spaces on the west sides of Garnett and Mingo Roads, regardless of the type of use involved, shall be screened from the arterial by fences, peripheral berms or landscaping. No portion of a commercial building or signage in the commercial area at the southwest corner of 106th Street North and North Garnett Road shall be more than 650' south of the centerline of 106th Street.
6. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, 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.
7. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

8. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
9. All trash, mechanical and equipment areas shall be screened from public view.
10. 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' within 150' of a residential area
11. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any stormwater detention areas within single family residential areas of the PUD.
12. 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 County beneficiary to said Covenants.
13. Interested parties of record who signed up to speak at the public hearing will be notified of any future meetings before TMAPC.

***As amended at the public hearing.

Staff Comments:

Mr. Stump briefly reviewed the proposed zoning changes. He explained that the area which has been changed since the last public hearing is the northeast portion of the PUD where a 200' foot wide strip of RE buffering large lot residential would be provided.

Other changes in the recommendations include no commercial buildings be allowed further south than 600' from the centerline of 106th on the west side of Garnett and that all parking of six or more vehicles in group parking be screened from view from Garnett. Also the multi-family area was dropped out of the PUD on the east side of Garnett and a new single family estate dwellings area was put along the north side and north half of the east sides of the east 160 acres. It would have minimum standards of the RE district. Screening requirements were added along the west side of Mingo.

Applicant's Comments:

Tim Terrell, Pittman Poe & Associates, was present representing the applicant.

Comments & Discussion:

Mr. Doherty advised that he and Ms. Wilson toured the entire boundary of the area. It was their recommendation that rear yard

setback greater than the 25' be imposed on the eastern most portion. Some of the uses allowed by right or special exception in the IL classification should be prohibited along the golf course. Mr. Doherty added that the area that is zoned RS-3 is designed very well. Whatever develops to the north and west needs to be compatible. The northern edge of the IL zoned district should be buffered.

Chairman Parmele asked Mr. Compton if he had reviewed the changes made to the zoning request since the last public hearing and to give his comments on the changes. Mr. Compton stated that he had looked at the proposal but the Owasso Planning Commission has not. He felt staff had met the concerns presented at the first public hearing.

Interested Parties:

Ernest Landwehr 10220 N. 124th E. Ave.
At the previous hearing a petition was presented asking that a buffer zone containing lots of 2 1/2 to 5 acres be required on the northeast development. The petitioners still feel they are not being unreasonable in their request.

J. Dale Sheffield 10325 N. Garnett Rd.
Mr. Sheffield stated he was pleased with staff's recommendations.

Cindy Guess 10220 N. 124th E. Ave.
Ms. Guess presented aerial photos of the area. She commented that she had become aware of an AG-R district which requires lots no smaller than 1 acre. She asked that a more equitable buffer zone be considered.

Holly King 9912 N. 107th E. Ave.
She requested that the RS area not be zoned for lots smaller than 1/4 acre and that no multi-family be allowed in the area abutting El Rio Vista.

Bob King 10223 N. 124th E. Ave.
He stated that most of his concerns had been addressed and thanked Mr. Doherty and Ms. Wilson for the attention they have shown this application.

In addition the following list of people spoke opposing the application:

W. C. Carver	9703 N. 110 E. Ave.
Mary Owens	10811 E. 101st St. N.
William King	11006 E. 96th Pl. N.
Irene Edwards	11004 E. 96th Pl. N.
Karen St. Claire	9602 N. 110th E. Ave.

Their concerns were that small lots should not be allowed. The request was made to keep lot size compatible to those in El Rio

Vista. It was their desire not to have any multi-family. Finally, they stated concerns regarding drainage.

Jane Freeman, District 26 Co-Chair

5842 E. 98th St. S.

She questioned whether development of this size would overload the water, streets, sewers, electric and school facilities in the area. She was also concerned with impact the golf course would have on the environment. Traditionally golf courses overload the water supply aquifer with pesticides and fertilizers.

TMAPC Review Session:

In response to a request from Mr. Harris, Mr. Gardner explained AGR zoning. Mr. Doherty inquired what the rear yard setback was. Mr. Gardner advised that in AGR zoning it is 40'. He suggested that a higher rear yard setback be imposed to provide a buffer for those who have built near their property lines.

Mr. Harris stated that the El Rio Vista lots are generally 1/4 acre. Compatible lot size could be imposed at site plan approval. Mr. Harris asked Mr. Terrell for his reaction to a proposed AGR zoning on the interior of the 163 acres and RE zoning on the property across the road from the AGR. Mr. Terrell stated that he felt the developer would probably have an objection to this.

TMAPC ACTION, 9 members present:

On MOTION of WILSON, the TMAPC voted 9-0-0 (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughton, Woodard "absent") to RECOMMEND to the County Commission APPROVAL of the zoning request CZ-189 as amended, except the proposed RE strip would be zoned AGR, and APPROVAL of PUD 469 per the revised recommendation of staff with the following amendments:

1. Require a 100' principal building setback from the exterior boundaries of the PUD in the AG-R zoned area;
2. Prohibit any Use Unit 26 uses within 330' of the centerline of Mingo Road; and
3. Exclude the following uses from those permitted in the light industrial area:
 - a. Warehousing
 - b. Wholesale Establishment
 - c. Trucking Establishments
 - d. Cesspool Cleaning Operations
 - e. Grain Elevators
4. All development within the AG-R zoned area shall comply with the bulk and area and permitted use requirements of the AG-R zoning district.
5. All development immediately adjacent to or across a non-arterial street from the AG-R development area shall

comply with the requirements of the Residential Estate District Standards.

6. All lots within the PUD which abut El Rio Vista subdivision shall comply with the following development standards:

Permitted Uses:	As permitted by right in the RS district.
Minimum Lot Width:	75'
Minimum Lot Area:	9,000 SF
Minimum Land Area per D.U.	10,875 SF
Maximum Structure Height:	35'
Minimum Livability Space per D.U.	5,000 SF
Front Yard and Any Yard Abutting a Public Street:	30'*
Rear Yard:	25'
Side Yards:	5' and 10'

7. Interested parties of record who signed up to speak at the public hearing will be notified of any future meetings before TMAPC.

*On corner lots, the owner may select the front yard and the other yard abutting a street shall not be less than 15'; provided that garages accessing this street shall be setback a minimum of 20'.

Legal Description:

CS A tract of land in the NE/4 NE/4 NE/4 of Section 18, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

The north 466.7 feet of the the east 466.7 feet of said Section 18, said tract containing five (5) acres more or less.

CS A tract of land in the NW/4 NW/4 NW/4 of Section 18, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

The north 466.7 feet of the west 466.7 feet of said Section 18, LESS AND EXCEPT the Atchison, Topeka and Santa Fe Railroad right-of-way, said tract containing 3.75 acres more or less.

CS A tract of land in the SW/4 SW/4 SW/4 of Section 18, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

The south 466.7 feet of the west 466.7 feet of said Section 18, said tract containing five (5) acres more or less.

OL A tract of land in the NE/4 NE/4 of Section 18, T-21-N, R-14-E of the Indian Base and Meridan, Tulsa County, State of Oklahoma, more particularly described as follows:

The north 766.7 feet of the east 766.7 feet of said Section 18, LESS AND EXCEPT the north 466.7 feet of the east 466.7 feet, said tract containing 8.5 acres more or less.

- OL A tract of land in the NW/4 NW/4 of Section 18, T-21-N, R-14-E of the Indian Base and Meridan, Tulsa County, State of Oklahoma, more particularly described as follows:

The north 766.7 feet of the west 766.7 feet of said Section 18, LESS AND EXCEPT the north 466.7 feet of the west 466.7 feet and LESS AND EXCEPT the Atchison, Topeka and Santa Fe Railroad right-of-way, said tract containing 8.5 acres, more or less.

- OL A tract of land in the SW/4 SW/4 of Section 18, T-21-N, R-14-E of the Indian Base and Meridan, Tulsa County, State of Oklahoma, more particularly described as follows:

The south 766.7 feet of the west 766.7 feet of said Section 18, LESS AND EXCEPT the south 466.7 feet of the west 466.7 feet, said tract containing 8.5 acres, more or less.

- RS A tract of land in section 18, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

The NE/4 of said Section 18, LESS AND EXCEPT the north 766.7 feet of the east 766.7 feet and LESS AND EXCEPT the south 753.3 feet of the north 1520 feet of the east 200 feet of said Section 18; AND the NW/4 of said Section 18, LESS AND EXCEPT the north 766.7 feet of the west 766.7 feet and LESS AND EXCEPT the NE/4 SW/4 NW/4 and LESS AND EXCEPT the W/2 SW/4 NW/4; AND the SW/4 of said Section 18, LESS AND EXCEPT the south 766.6 feet of the west 766.7 feet, said tract containing 408.2 acres, more or less.

- AG-R A tract of land in the E/2 E/2 NE/4 of Section 18, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

The south 753.3 feet of the north 1520 feet of the east 200 feet of said Section 18, said tract containing 3.5 acres, more or less.

- RS A tract of land in the W/2 of Section 17, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

The S/2 NW/4 of said Section 17, and the N/2 SW/4 of said section 17, LESS AND EXCEPT the south 200 feet of the north 1520 feet of the west 2640 feet and the east 200 feet of the west 2640 feet of the south 1120 feet of the north 2640 feet, said tract containing 145.7 acres, more or less.

AG-R A tract of land in the NW/4 of Section 17, T-21-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

The south 200 feet of the north 1520 feet of the west 2640 feet and the east 200 feet of the west 2640 feet of the south 1120 feet of the north 2640 feet, said tract containing 17.3 acres, more or less.

IL A tract of land in the NE/4 of Section 24, T-21-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

All that part of the NE/4 of said Section 24 lying east of the Atchison, Topeka and Santa Fe Railroad right-of-way, said tract containing 83.5 acres, more or less.

* * * * *

ZONING PUBLIC HEARING

Application No.: Z-6317 Present Zoning: RS-3
Applicant: Perrigo Proposed Zoning: OL
Location: West of the SW/c of E. 51st St. S. and S. Oswego Ave.
Date of Hearing: May 22, 1991
Presentation to TMAPC: Mr. Ted Sack, 3143 East 3rd

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 -- No Specific Land Use.

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 80' x 165' in size and is located approximately 270' west of the southwest corner of East 51st Street South and South Oswego Avenue. It is nonwooded, gently sloping, contains a former bicycle store and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned CO and PUD 467; on the east by a parking lot for Springer Clinic zoned OL; on the south by single-family dwellings zoned RS-2; and on the west by office use zoned OL.

Zoning and BOA Historical Summary: Light office zoning has been approved abutting the subject tract to the east and west. Corridor zoning and PUD 467 abuts the subject tract to the north.

Conclusion: Based on the Comprehensive Plan and existing zoning patterns for the area, staff is supportive of the rezoning. The subject tract represents the last parcel along East 51st Street South which is in transition from residential to light office.

Therefore, Staff recommends **APPROVAL** of OL zoning for Z-6317 as requested.

Comments & Discussion:

Mr. Ted Sack was present representing the applicant. He stated they were in agreement with staff recommendation and requested an early transmittal.

TMAPC ACTION, 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Ballard, Carnes, Doherty, Horner, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Midget, Wilson, Woodard "absent") to **RECOMMEND** to the City Council **APPROVAL** of OL zoning for Z-6317 Perrigo as recommended by staff and to **APPROVE** an early transmittal.

Legal Description:

OL Zoning: The north 25' of Lot 5, Block 1, Sioux Park Addition and a part of the NE/4 NE/4 NW/4, Section 33, T-19-N, R-13-E, Tulsa County, Oklahoma, beginning 430' west and 50' south of the NE/c of the NE/4 NW/4; thence south 140', west 80.72', north 140', east 80.68' to POB.

* * * * *

Application No.: **Z-6318**

Applicant: **Wenrick**

Location: North of the NW/c of S. Yale Ave & E. 89th St. S.

Date of Hearing: May 22, 1991

Presentation to TMAPC: Mr. Tom Wenrick, 2930 E. 51st

Present Zoning: AG

Proposed Zoning: RS-2

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 Development Sensitive on the eastern and western extremities of the tract due to severe slopes.

According to the Zoning Matrix the requested RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 22 acres in size and is located 1320' north of the northwest corner of East 91st Street South and South Yale Avenue. It is partially wooded, gently sloping and at certain locations steeply sloping, contains a single-family dwelling and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned RS-3; on the east across South Yale Avenue by a single-family subdivision and vacant property zoned RS-3 and AG; on the south by two partially constructed subdivisions zoned RD (PUD 321) and RS-3; and on the west by vacant property zoned RS-2.

Zoning and BOA Historical Summary: Similar RS-3 Zoning has been approved in the immediate area.

Conclusion:

Based on the Comprehensive Plan and existing zoning pattern, Staff is supportive of the requested RS-3 zoning.

Therefore, Staff recommends **APPROVAL** of RS-3 zoning for Z-6318 as requested.

Interested Parties:

Jane Freeman

5842 East 98th Street

Ms. Freeman stated that because this is a development sensitive area she would request a lower density. She commented that part of this area was in the floodplain. She asked that every effort be made to preserve the trees.

Applicant's Comments:

Mr. Tom Wenrick was present representing the applicant. He corrected Ms. Freeman's statement by stating this development is not in the floodplain. The Department of Public Works (Stormwater Management) has seen the plans and does not have any problem with the development. Large lots are planned for this project, although RS-3 zoning is being requested. This is because of the side yard setbacks. They too would like to preserve as much of the natural environment as possible.

TMAPC ACTION, 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-1** (Ballard, Carnes, Doherty, Horner, Neely, Parmele, "aye"; no "nays"; Midget "abstaining"; Draughon, Harris, Wilson, Woodard "absent") to **RECOMMEND** to the City Council **APPROVAL** of RS-3 zoning for

Z-6318 Wenrick as recommended by staff and to **APPROVE** an early transmittal.

Legal Description:

RS-3 Zoning: The south 708.5' of the NE/4 of the SE/4, Section 16, T-18-N, R-13-E of the IBM, City and County of Tulsa, State of Oklahoma.

* * * * *

Application No.: **Z-6319** Present Zoning: RS-3
Applicant: **Hunter** Proposed Zoning: CG, IL
Location: Southwest corner of N. Gary Ave. and Mohawk Blvd.
Date of Hearing: May 22, 1991
Presentation to TMAPC: Mr. Ted Hunter, Route 1, Box 423, Sperry

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan area, designates the subject property Medium Intensity- No Specific Land Use.

According to the Zoning Matrix the requested CG and IL Districts may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 3.9 acres in size and is located 350' west of the southwest corner of North Harvard Avenue and Mohawk Boulevard. It is nonwooded, gently sloping, contains a vacant dilapidated commercial building near the north end and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned RS-3; on the east by both vacant property, a vacant dwelling and an occupied single-family dwelling zoned RS-3; on the south by single-family dwellings zoned RS-3; and on the west by vacant property zoned RS-3.

Zoning and BOA Historical Summary:

Conclusion:

The Comprehensive Plan designates the subject property as Medium Intensity-No Specific Land Use, Staff would consider the request as a beginning of the transition to industrial uses.

Therefore, Staff recommends **APPROVAL** of IL zoning for Z-6319 as requested.

Applicant's Comments:

Mr. Hunter commented that he would like to put a body shop or some kind of commercial industry on the property. The applicant inquired what type of uses would be allowed. Mr. Gardner advised that it is basically light manufacturing, welding, etc.

Interested Parties:

The following list of people spoke at the public hearing opposing the application for CS or IL zoning. Their primary concerns were that the property will contain an empty building or that a salvage yard will be allowed. It was also noted that they do want this rezoned as to allow a industry which will create harmful by-products.

**Kathy King
Ken King
Keith Rase
Mark Taylor**

**2945 E. Mohawk Blvd.
1417 S. Allegheny
23904 E. 97th St. S.
3630 N. Harvard**

Mr. Ira V. Powell, Jr.

3107 E. 44th Pl.

Mr. Powell was present in support of the requested zoning. Mr. Powell owns approximately 20 acres (6 tracts) within a few hundred yards of the subject property. The property in the area has been used for retail, wholesale and industrial purposes since 1951. He mentioned other users of adjacent and nearby property for uses other than residential. They include: Tulsa S.P.C.A., which has seven lots adjacent to Mr. Hunter's property; Mayco Fixture Company, located at 3000 E. Mohawk Blvd which manufactures cabinetry; Farney Auto Repair located directly across from the property; and Tulsa County, which has a district garage at 38th St. N. and Harvard.

Sandra Alexander

3624 N. Harvard

Ms. Alexander was present representing her parents John and Alice Alexander. She presented a petition signed by 24 residents of the

nonwooded, flat contains a bank on the southern end of the tract and is zoned OM and AG.

Surrounding Area Analysis: The tract is abutted on the north across 66th Street by duplexes zoned RS-3; on the east by a movie theater and retail store zoned CS; on the south by a group of restaurants zoned CS; and on the west across Memorial Drive by a shopping center zoned PK and PUD 379-A.

Zoning and BOA Historical Summary: CS zoning has been approved to the east of the tract, but no closer to the residential area than 100' south of 66th Street. PUD 379-A to the west allowed a shopping center.

Conclusion:

This request is accompanied by a PUD and the amount of CS requested has been reduced by the PUD to be only enough to allow a 9500 sq. ft. restaurant within the PUD. Such a development with proper safeguards to protect the residences to the north appears to be in keeping with the existing development and the Comprehensive Plan.

Therefore, Staff recommends **APPROVAL** of the east 32' of the south 605.32' of Lot 1, Block 3 of Woodland Hills Mall, Blocks 2, 3, 4 and 5 for CS to align with the northern boundary of the CS to the east.

PUD 470:

The PUD is accompanied by a rezoning request Z-6320 for CS zoning. The tract contains 4.85 net acres, with the south 3.48 acres, Area A, containing an existing bank and land for expansion of the bank and the north 1.37 acres, Area B, proposed to contain a 9,500 SF restaurant. With adequate protection for the residences to the north of 66th Street, Staff feels the proposed PUD with the accompanying rezoning case to be appropriate for the area.

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 470 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 470 subject to the following conditions:

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

-Development Standards-

Area B is proposed for a Romano's Macaroni Grill which is an upscale Italian restaurant.

Net Area	59,798 SF
Permitted Uses	Use Unit 12 excluding bars, taverns, clubs, pool halls, and dance halls.
Maximum Floor Area	9,500 SF
Maximum Height	30'
Minimum Building Setbacks:	
from centerline of Memorial	150'
from centerline of 66th St.	100'
from east boundary	65'
from south boundary of the Development Area	20'
Parking ratios	As provided within the applicable Use Unit.
Minimum Interior Landscaped Open Space	20% of net lot area

3. Signs accessory to the principal uses within the PUD shall be permitted but shall comply with the following restrictions:

Area A: One ground sign along 68th Street is allowed with a maximum height of 4' and a maximum display surface area of 40SF. One ground sign on Memorial Drive not to exceed 20' in height and 90 SF in display surface area is also permitted. Only the existing wall signs are permitted.

Area B: One ground sign along Memorial Drive is permitted which shall not exceed 8' in height and 100 SF of display surface area. The ground sign shall be setback at least 110' from the centerline of 66th Street. Wall or canopy signs are permitted only on the west and south sides of the building and shall not exceed 1 SF of display surface area for each linear foot of the building wall to which the sign is affixed.

4. Parking areas shall be screened from the residential area to the north and Memorial Drive by peripheral berms and/or landscaping.

5. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, 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.
6. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, and mechanical equipment areas shall be screened from public view.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards in Area B shall be limited to a maximum height of 20 feet.*
10. 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 serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
11. 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 beneficiary to said Covenants.

*As amended at the public hearing.

Applicant's Comments:

Mr. Roy Johnsen was present representing the applicant. He stated that they were in agreement with staff's recommendation regarding the zoning. The applicant did have a few changes in staff's conditions of approval.

The maximum height of 12' is overly restrictive. The applicant requested this condition be amended to 20'. The parking area is quite removed from the residential (duplex) area. The height of the lighting in the cinema and bank parking are much higher.

Next, Mr. Johnsen asked that the TMAPC consider the condition regarding signage. He asked that the bank be allowed to keep their existing wall signs. Mr. Stump advised that it was staff's intention to bring the bank back into conformance with the code. The code states that one sign is allowed per street frontage. Now that the bank is selling one lot, they only have two street frontages, therefore they are allowed two signs.

Interested Parties:

Jane Freeman, District 26 Co-Chair 5842 East 98th Street
Ms. Freeman commented that part of the sign code was to get rid of the "junk". If TMAPC approves the three signs they will be setting a precedent.

TMAPC ACTION, 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Draughon, Wilson, Woodard "absent") to **RECOMMEND** to the City Council **APPROVAL** of CS zoning as recommended by staff for Z-6320 Johnsen (Woodland Bank) and **APPROVAL** of PUD 470 subject to the conditions as recommended by staff and amended to limit the maximum height of light standards in Area B to 20' and to permit the existing signs in Area A.

Legal Description:

CS zoning: East 32' of the s 605.32' of Lot 1, Block 3, Woodland Hills Mall, Blocks 2, 3, 4, and 5, Tulsa County, Oklahoma.

PUD 470: Lot 1, Block 3, Woodland Hills Mall, Blocks 2, 3, 4 and 5, Tulsa County, Oklahoma

* * * * *

Application No.: **Z-6321** Present Zoning: RS-3
Applicant: **Johnsen** Proposed Zoning: CS
Location: South of the SW/c of S. 33rd W. Ave. and I-44
Expressway
Date of Hearing: May 22, 1991
Presentation to TMAPC: Mr. Roy Johnsen, 324 Main Mall

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium-Intensity Commercial and Special District "B" for commercial uses.

along 33rd W. Ave. was to be left alone. It seems that TMAPC was now contradicting itself. Chairman Parmele clarified that the study was to change the entire length of 33rd W. Ave. to medium intensity and that was what was denied.

Vernon Dye

5198 S. 33rd W. Ave.

Lupe Johnsen

5183 S. 33rd W. Ave.

Mr. Dye and Ms. Johnsen spoke reiterating Mr. Parker's comments.

TMAPC Review Session:

Mr. Horner stated that he has known both companies for a number of years. He felt they were very responsive to neighbors and would take immediate action if the problems were made known.

Mr. Doherty encouraged the interested parties present to make a contact with Git-N-Go and to let that contact know when problems with the store arise.

TMAPC ACTION, 7 members present:

On MOTION of HORNER, the TMAPC voted 7-0-0 (Ballard, Carnes, Doherty, Harris, Horner, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Draughon, Midget, Wilson, Woodard "absent") to RECOMMEND to the City Council APPROVAL of CS zoning for Z-6321 as recommended by staff.

Legal Description:

CS Zoning: Lot 1, Block 1, Valley Homes Addition, City and County of Tulsa, Oklahoma.

* * * * *

Application No.: Z-6322

Present Zoning: AG

Applicant: Dodson

Proposed Zoning: RS-2

Location: East of the SE/c of E. 101st St. S. and S. Hudson Ave.

Date of Hearing: May 22, 1991

Presentation to TMAPC: Mr. Adrian Smith, 5157 E. 51st

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan area, designates the subject property *Special District 2 "Sump Area"*.

According to the Zoning Matrix the requested RS-2 District is **not** found in accordance with the Plan Map unless accompanied by a PUD.

Staff Recommendation:

Site Analysis: The subject tract is approximately 30 acres in size and is located 1700' west of the southwest corner of East 101st Street South and South Sheridan Road. It is nonwooded,

gently sloping, contains a single-family dwelling and accessory buildings and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by a developed single-family subdivision zoned RS-1; on the east by a developing single-family subdivision zoned RS-1 and PUD 337; on the south by a developing single-family subdivision zoned RS-2; and on the west by a mostly developed single-family subdivision zoned RS-2 and PUD 420.

Zoning and BOA Historical Summary: The surrounding area has been developed in accordance with the Comprehensive Plan.

Conclusion:

Section 3.3.1 of the Comprehensive Plan states, "Uses allowed in Special District shall be limited to low intensity residential (RS-1) if conventional zoning is requested, but medium intensity land use, consistent with the Development Guidelines, may be accommodated under a PUD application." It also provides that "Development intensities shall be consistent with the ability to provide adequate on-site drainage and retention of stormwater runoff within the sump area." These requirements were imposed on this sump area primarily because of generally poor drainage and lack of a stormwater outlet. Since the construction of a major detention facility at the center of the section and the adoption of ordinances mandating proper stormwater detention and drainage structures, the requirement of a PUD for RS-2 zoning seems to be superfluous.

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

Comments & Discussion:

Mr. Adrian Smith, Hammond Engineering Company, was present representing the applicant. He requested an early transmittal of the minutes.

Interested Parties:

Jane Freeman, District 26 Co-Chair 5842 East 98th Street
She presented a District 26 plan map. She was concerned with the drainage of stormwater and did not feel the proposed zoning district is consistent with the Comprehensive Plan. It was her understanding that uses allowed in the special district sump area be limited to low intensity RS-1. She inquired whether the pond on the property will remain. Mr. Gardner advised that the pond that will be on-site in the development will be a detention pond. It will meter stormwater out to the retention pond to the south.

Frank Hill 10117 South Hudson Avenue
His concern regarded the infrastructure and drainage involved. The Pecan Chase property has expanded the water problem at the corner of 101st and Maplewood Avenue and 101st and Norwood Avenue. The traffic congestion and standing water is enormous.

Comments & Discussion:

Mr. Gardner advised that the agreement between Pecan Chase, the church and the City of Tulsa was a three-way deal. Drainage will be taken from where it ponds on 101st and be piped to down Sheridan at the expense of Pecan Chase and the church.

TMAPC ACTION, 6 members present:

On MOTION of DOHERTY, the TMAPC voted 6-0-0 (Ballard, Carnes, Doherty, Horner, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Midget, Wilson, Woodard "absent") to RECOMMEND to the City Council APPROVAL of RS-2 zoning for Z-6322 South Tulsa Properties as recommended by staff and to APPROVE an early transmittal.

Legal Description:

RS-2 Zoning: The W/2 of the NW/4 NE/4 and the W/2 of the E/2 of the NW/4 NE/4, Section 27, T-18-N, R-13-E, City and County of Tulsa, Oklahoma

* * * * *

Application No.: CZ-190 Present Zoning: RE, IL
Applicant: Helscel Proposed Zoning: IL, IM
Location: North of the NE/c of 60th St. N. & U.S. Highway 169
Date of Hearing: May 22, 1991
Presentation to TMAPC:

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject property as *High Intensity - Industrial -- Special District 4* on the west half of the tract, *Recreation -- Open Space* on the eastern half of the tract and *Development Sensitive* on all areas except the southeast corner of the tract. Special District 4 recommends industrial PUDs in this area. The Development Sensitive Area is the result of storm water flooding which is categorized by FEMA as Zone B.

Staff Recommendation:

Site Analysis: The subject tract is approximately 11 acres in size and is located 600' north of the northeast corner of East 69th Street North and U.S. Highway 169. It is nonwooded, gently sloping, vacant and is zoned IL and RE.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned IL and RE; on the east by vacant property and scattered single-family dwellings zoned RE; on

the south by both industrial uses and single-family dwellings zoned IL and RE; and on the east by U. S. Highway 169 zoned AG.

Zoning and BOA historical Summary: Industrial zoning, limited to IL, has been approved in the immediate area of the subject tract.

Conclusion:

Based on the Owasso Comprehensive Plan, Staff is NOT supportive of the requested rezoning without an accompanying PUD which assures appropriate transition to single-family residential uses to the east and southeast.

Therefore, Staff recommends DENIAL of IM and IL zoning for the subject tract as requested or continuance of the application until a PUD application can be presented concurrently.

Comments & Discussion:

Mr. Steve Compton, City of Owasso, explained why the Owasso Planning Commission was recommending approval of the zoning change. The Owasso Planning Commission had two concerns. First, there needs to be a separation of traffic. Non-residential traffic has occurred on S. 117th E. Ave. A second concern was that since the plan calls for high intensity industrial in the area, it didn't seem appropriate to go immediately from IH or IM right to residential development. Some type of transition should occur.

Applicant's Discussion:

The applicant, Mr. Helscel, was present. He stated that when he entered into contract on the property their intent was to get IL and IM zoning. He operates a business on abutting property but it is not his intention to expand that business. Access to 117th is not being requested and is not desired.

Interested Parties:

The following people spoke in opposition to the rezoning request.

Ronald Nance	7205 N. 119th E. Ave.
David Reeder	7202 N. 117th E. Ave.
Jim Lane	7104 N. 117th E. Ave.
Andrea Reeder	7202 N. 117th E. Ave.
Robert Barnes	7413 N. 119th E. Ave.
Joyce Schneider	11618 E. 69th St. N.

They stated the following concerns. Most of them moved into the area looking for large lots and neighbors with large lots. An industrial zoning will depreciate the value of their property. Traffic is a problem as is noise from the industry that is already there. Several stated that they hear compressors, trucks, etc. during all hours of the day or night. The county uses 117th E. Ave. as a short-cut and this would add more traffic to this street. A pond is located on the property which many people use for

horseback riding. Mrs. Reeder advised that many types of wildlife live on the property and she would like to see it preserved. There was concern regarding no notice of the Owasso Planning Commission meeting. They were also concerned about watershed problems.

Ronald Young

7272 N. 117th E. Ave.

Mr. Young was present in support of the request. He stated that the industrial use would add to the value of the property. He did not feel it would impact the residential area.

Applicant's Rebuttal:

Mr. Helscel commented that due to the access problems, bad repair of roads, etc. nothing else would be compatible on the property. They ask OSHA to come out annually and review their operation. It is their practice to conform to the recommendations of OSHA.

TMAPC ACTION, 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Ballard, Carnes, Doherty, Horner, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Midget, Wilson, Woodard "absent") to **RECOMMEND** to the County Commission **APPROVAL** of IL zoning for CZ-190 Helscel.

Legal Description:

IL Zoning: The E/2 S/2 SW/4 NW/4 less the east 431', Section 32, T-21-N, R-14-E, Tulsa County, Oklahoma.

* * * * *

OTHER BUSINESS:

PUD 464-1: South of the SW/c of S. Harvard & 85th Pl. S.
Minor Amendment

PUD 464 is a 44.6 acre single-family development with private streets and is located approximately 1,100 feet north of the northwest corner of East 91st Street South and South Harvard Avenue. The applicant is requesting a minor amendment to reduce both the minimum lot size from 22,500 Sf to 18,800 SF and the minimum side yard from 10 feet to 10 feet on one side and 5 feet on the other side. The applicant is not requesting any additional changes in the development standards and the maximum number of lots will remain 66.

After review of the applicant's proposal, staff finds the request to be minor in nature and consistent with the original PUD. Staff would note the requested amendments meet or exceed lot size and side yard requirements of surrounding developments. Staff is

supportive of the reduced lot size for all lots within the subdivision and the reduced side yard for interior side yards only. Side yards abutting a private drive would continue to be 30 feet as measured from the private street easement.

Therefore, staff recommends APPROVAL of minor amendment PUD 464-1.

Comments & Discussion:

Mr. Neely commented that he was concerned about the side yard setbacks. Mr. Johnsen advised that the original PUD required 7 1/2 on each side. Now they were asking for what the ordinance normally permits (10' and 5'). The combined side yard space is the same.

TMAPC ACTION, 6 members present:

On MOTION of DOHERTY, the TMAPC voted 6-0-0 (Ballard, Carnes, Doherty, Horner, Neely, Parmele, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Midget, Wilson, Woodard "absent") to APPROVE the minor amendment to PUD 464-1 to reduce minimum lot size from 22,500 to 18,800 and side yard setbacks to 10' and 5'.

There being no further business, the Chairman declared the meeting adjourned at 6:21 p.m.

Date Approved: 6/5/91

James J. Doherty
Chairman

ATTEST:

Marilyn A. Wilson
Secretary