

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1869
Wednesday, January 29, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Buerge	Ballard	Gardner	Linker, Legal
Broussard	Selph	Hester	Counsel
Carnes		Stump	
Doherty, 1st Vice Chairman		Wilmoth	
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, January 28, 1992 at 11:39 a.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 1:34 p.m.

Minutes:

Approval of the minutes of January 15, 1992, Meeting No. 1867:
On **MOTION** of **CARNES**, the TMAPC voted **9-0-1** (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson, "aye"; no "nays"; Neely "abstaining"; Ballard, Selph "absent") to **APPROVE** the minutes of the meeting of January 15, 1992 Meeting No. 1867.

REPORTS:

Chairman's Report:

Chairman Parmele presented a plaque of appreciation to Art Draughon in recognition of nine (9) years of service.

Mr. Draughon expressed his thanks to the Planning Commission for the plaque acknowledging with appreciation his years of service. He stated when former County Commissioner Mel Rice appointed him to TMAPC he was disappointed to learn it was primarily involved in acting as a zoning commission. However, being involved in three accomplishments that took place during his tenure has made his hours of service worthwhile. First is the requiring of notice to prospective home buyers by real estate developers and real estate agents of planned or scheduled expressways adjacent to or nearby the property being sold, plus a small map in the corner of the one

mile section map of the subdivision indicating the path of the planned expressway. Secondly, is having worked with Mayor Terry Young, Street Commissioner J.D. Metcalf, and Robert Nelson, now City Councilor, to establish the Stormwater Management Department. Thirdly, having the opportunity to protect the health, safety, and welfare of residential homeowners by voting against real estate developments he sincerely believed would have been harmful to the established neighborhoods. Mr. Draughon declared the creation of elected planning district teams to aid, both the TMAPC and City government, in presenting the needs of their neighborhoods has proven to be a wise decision. He understands Mayor Randle is supportive of their activities and has encouraged their input to improve the quality of life in Tulsa. Mr. Draughon personally commended some of the district chairmen with whom he is familiar and have been active such as Jill Tarbel, District 6, Fran Pace, District 4, and David Brown, District 17. In leaving, he wished to express his sincere appreciation to Bob Gardner and all others on the INCOG staff who have been unfailing and generous in providing guidance and support throughout his tenure. Mr. Draughon expressed his best wishes to all.

Chairman Parmele added engineers and attorneys present will recall Mr. Draughon's middle name was "stormwater".

Committee Reports:

Rules and Regulations

In light of the full agenda Mr. Doherty asked that his report be continued to the end of the agenda.

Budget and Work Program Committee

Ms. Wilson reported the Budget and Work Program met today and reviewed the requests for new budget and work items for the fiscal 1993 year. The next meeting is set for February 12, at 11:30, in the INCOG conference room. At that time the committee will review the draft of the 1993 budget.

Chairman Parmele added that all are welcome to attend if they wish to have additional input before the recommendation comes before the Commission.

SUBDIVISIONS:

Lot Split for Reconsideration of Compliance with Subdivision Regulations:

L-17455 Hills (2093) (PD-6) (CD-9)

RS-1

2660 East 38th Street
Lot split for approval:

Staff has determined that L-17455 meets all Subdivision Regulations and is recommended for approval.

The proposed lot is 119.33' wide, 145' deep and contains 17,302.85 square feet of buildable area. This rectangular lot meets all the subdivision regulations. A 10' strip was added to the back of this lot to satisfy Department of Public Works (Water & Sewer) requirements of land ownership of utility access. The 10' will be yard and will not be discernible from the adjoining yard.

	<u>RS-1 Requirements</u>	<u>Proposed Lot without 10' strip at rear</u>
Lot Width	100 feet	119.33 feet
Lot Area	13,500 sq. ft.	17,302.85 sq. ft.
Land Area	16,000 sq. ft.	20,286.10 sq. ft.

Chairman Parmele reminded those in attendance that several weeks ago on a motion to approve this lot split, the motion failed on a 5-5 split vote. Two weeks ago the Planning Commission voted to return it for reconsideration. The Planning Commission decided to notify interested parties that were present at the original meeting so they could be present at the reconsideration.

Staff was asked to prepare the above information listing subdivision regulations and whether the proposed lot split is in compliance with subdivision regulations. Mr. Parmele understands from Mr. Linker that all the Planning Commission may consider is whether or not the lot split is in compliance.

Chairman Parmele advised he will allow interested parties to speak if they wish, but asks that discussions be limited only to the fact of whether or not the proposed lot split is in compliance with the subdivision regulations. He declared all other matters, as to compatibility, restrictive covenants, etc. have no bearing on the Planning Commission's decision.

The applicant was not present.

Mr. Mendenhall, advised this lot split meets requirements and should be approved.

Interested Parties

Steve Schuller

525 South Main, Ste. 111 74103-4522

Mr. Schuller, an attorney representing approximately eight (8) of the surrounding property owners, expressed disagreement with staff. He advised the lot split does not meet requirements of subdivision regulations. Mr. Schuller stated subdivisions regulations specifically provide in approval guidelines that lot dimensions in a proposed lot split must conform to existing zoning regulations. He advised this lot does not. He reminded the Planning Commission of Zoning Code Provisions that require lot splits to conform to zoning requirements for that zoning district. He pointed out that lot width is not defined in the Zoning Code as frontage, but as the average horizontal distance between the side lot lines. Mr. Schuller reported the average horizontal distance between these side lot lines comes to just under 70 3/4 feet. Therefore, the proposed lot split in tract two is a violation of the Zoning Code since it does not contain the minimum lot width as those terms are defined in the Zoning Code. Mr. Schuller discerned for this reason the lot split must be denied and because it does not meet the approval guidelines in the subdivision regulations. Also it does not meet the requirements of the Comprehensive Plan for District 6. Mr. Schuller advised to approve the lot split allows a violation of the Zoning Code and this lot split must, therefore, be denied.

The following people addressed the Planning Commission:

Harrison Townes	2685 E. 38th St.	74105
President, Greater Oakview Estates Homeowners Association		
Richard Sevenoakes	2648 E. 38th St	74105
Maj Smith	2633 E. 38th St.	74105
Darrell Smith	2633 E. 38th St.	74105
Becky Ellsworth	2621 E. 38th St.	74105
Leboy Ellsworth, Jr.	2621 E. 38th St.	74105
Harleen Greywall	2646 E. 38th St.	74105
Fred Wetzal	2652 E. 38th St.	74105

The primary issues addressed were:

Mr. Schuller has advised there are substantial legal issues to be resolved and requested a continuance to not allow a lot split until legal issues have been settled.

The lot split would be out of conformance with existing neighborhood lot line and distance of homes from the streets.

Mr. Sevenoakes expressed concern that INCOG staff would not release address and phone numbers of Planning Commission members. He expressed concerned that citizens are treated poorly in gaining access to Planning Commission.

Appreciation was expressed for the opportunity to return and address the Planning Commission and for notification received.

An appeal for foresight in long range planning for the neighborhood was expressed

Interested parties asked the Planning Commission to recognize there are zoning problems with this lot split even though they may meet city regulations, but zoning codes should be followed also.

Chairman Parmele advised he feels the Planning Commission has allowed for more than enough opportunity for all interested parties to review the lot split. Additionally, regardless of the outcome today he advised there is an appeal process available to both sides.

Staff Comments

Mr. Gardner explained the 10' handle required by the city in terms of ownership to supply utilities to this lot is the issue being raised. Subdivision regulations state that a dedicated easement for utility purposes is all that is necessary to satisfy subdivision regulations. What is being required by the city in terms of an ownership handle goes above and beyond what the subdivision regulations say is necessary to meet them. This is the issue that needs to be debated.

TMAPC Review

Mr. Midget stated in light of Mr. Schuller's statements, and since there is a difference of interpretation, it may be helpful to postpone this lot split pending review of the legal interpretation of this particular issue. He made the motion to continue for two weeks.

Mr. Parmele stated he was opposed to the motion since there is an obvious difference of opinion in interpretation of the Subdivision Regulations and Zoning Code. He sees nothing to be gained by another delay, of any length of time, to make this same decision, whether or not this lot split in compliance with subdivision regulations.

Mr. Doherty declared the Planning Commission owes all parties involved a decision.

Mr. Midget advised the question of interpretation was never discussed, and if there is a question of interpretation of the subdivision regulations, it is worth reviewing.

Ms. Wilson commented the Planning Commission has received their professional staff's recommendation, based on thorough knowledge of the Zoning Code and Subdivision Regulations.

Mr. Carnes ask Mr. Linker if it in his legal opinion that this lot split meets all the subdivision regulations.

Mr. Linker replied he has never given an opinion that it met subdivision regulations. He pointed out that is why the

recommendation is before the Planning Commission, to determine whether or not it meets subdivision regulations. He stated that staff has advised the Planning Commission that it does meet the subdivision regulations. However, if it did not meet subdivision regulations, that does not mean that the Planning Commission could not approve the lot split. It would just mean the Planning Commission would have to grant a waiver. First the Planning Commission must determine if it does meet subdivision regulations, and if it does then they must approve it.

Mr. Doherty asked if Mr. Linker would ever be prepared to give his opinion on whether or not it met subdivision regulations.

Mr. Linker advised he should not be making Planning Commission decisions for them and he would be doing that should he give an opinion.

TMAPC Action; 9 members present:

On MOTION of MIDGET, the TMAPC voted 1-6-2 (Midget "aye"; Carnes, Doherty, Horner, Neely, Parmele, Wilson "nay"; Broussard, Buerge "abstaining"; Ballard, Selph "absent") to CONTINUE Lot Split L-17455 for two weeks.

MOTION FAILED

* * * * *

Mr. Carnes commented he believes this is the poorest lot split that has come before the Planning Commission since he has been a member, and he hates to vote for it, but since it meets subdivision regulations he must vote for the lot split.

TMAPC Action; 9 members present:

On MOTION of DOHERTY, the TMAPC voted 6-1-2 (Carnes, Doherty, Horner, Neely, Parmele, Wilson, "aye"; Midget "nay"; Broussard, Buerge "abstaining"; Ballard, Selph "absent") to APPROVE Lot Split L-17455 as in accordance with the subdivision regulations.

Chairman Parmele advised there is an appeal process and notice must be filed within 10 days. He expressed appreciation to the interested parties for appearing.

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ZONING PUBLIC HEARING

Application No.: **Z-6345**/PUD 481 Present Zoning: CO
Applicant: Roy Johnsen Proposed Zoning: CS
Location: NW/c 71st & Mingo Valley Expressway
Date of Hearing: January 29, 1992
Presentation to TMAPC: Roy Johnsen

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix the requested CS District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2.5 acres in size and is located west of the northwest corner of Mingo Valley Expressway and 71st Street South. It is nonwooded, gently sloping, vacant and is zoned CO.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned CO; on the east by vacant property zoned CS; on the south by a single family dwelling zoned OL; and on the west by vacant property zoned CO.

Zoning and BOA Historical Summary: CS and CO zoning has been approved in the area.

Conclusion: The extension of CS zoning to the west is in accordance with the Plan and if under the added control of PUD 481 should be appropriate for this tract.

Therefore, Staff recommends **APPROVAL** of Z-6345 for CS zoning.

PUD 481 Northwest corner of 71st Street South and the Mingo Valley Expressway

Staff Recommendation

The applicant is proposing a shopping center and four peripheral commercial sites on this 35 acre site at the northwest corner of East 71st Street South and the Mingo Valley Expressway. The shopping center would contain up to 365,000 SF and the peripheral sites a total of 29,000 SF. The southeast third of the tract is zoned CS with the remainder zoned CO. The applicant has also requested that an additional 2 1/2 acres be rezoned from CO to CS along the 71st Street frontage (Z-6345). The Comprehensive Plan Map designates the subject tract as Medium Intensity-No Specific Land Use and Corridor.

There are approximately 150 acres of undeveloped land zoned either CO or CS at the northwest corner of 71st Street and the Mingo Valley Expressway. This tract is the first to be proposed for development and the internal street system established by this development will dictate the level of intensity allowed on the interior 80 acres of this area. The Development Guidelines require that access to a corridor development be principally from corridor collector streets and that the collector street system provide access to all tracts in the corridor. In addition, corridor collector/arterial street intersections would be the only non arterial intersections which would be signalized. Because this proposed development only has access to 71st Street and has only two major access points on 71st Street, it is critical that one of these be a signalized intersection. According to the Corridor Development Guidelines, signalized collector streets should be near the midpoint between the arterial and the expressway and shall not be within 600' of a freeway exit ramp, nor the intersection of arterial streets. To meet this criteria the corridor collector street should intersect 71st Street at the western most existing median break. This collector should then be extended north to the northwest corner of the tract to service the undeveloped 80 acres of corridor zoning to the north. In addition, a frontage road should be provided along the eastern edge of the tract which ultimately would be extended north to the existing frontage road. The frontage road should connect to the corridor collector street at its western end. This frontage road could be either a public street or a private street with guaranteed public access. If both the corridor collector and the frontage road are constructed, staff can support the nearly 400,000 SF of building floor area proposed. Without either of these streets and the potential for a signalized intersection, the tract does not have adequate access to serve a shopping center of this size.

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 481 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 481 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:**

Land Area (Net)

35.00 acres

Development Area A

Permitted Uses	As permitted by right in a CS District.
Maximum Building Floor Area	365,000 SF
Maximum Building Height	35'
Minimum Building Setbacks	
From centerline of 71st Street	200'
From Expressway right-of-way	75'
From west boundary	75'
From north boundary	50'
Minimum Off-street Parking	As required for the applicable Use Unit in the Tulsa Zoning Code.
Minimum Interior Landscaped Open Space	10% of net area

Development Areas B thru D

Permitted Uses:	As permitted by right in a CS District.
Maximum Floor Area:	
Area B	5,000*SF
Area C	8,000 SF
Area D1	8,000*SF
Area D2	<u>8,000*SF</u>
	29,000 SF

*Reallocation of floor area may be done by TMAPC concurrently with the review of a Detail Site Plan of each peripheral development area.

Maximum Building Height	35'
Minimum Building Setbacks:	
From centerline of 71st Street	110'
From Expressway right-of-way	50'
From west boundary	40'
From north boundary	10'
Minimum Required Off-street Parking	As required for the applicable Use Unit in the Tulsa Zoning Code.

Minimum Interior Landscaped

Open Space

10% of net lot area

3. Signs
No outdoor advertising signs shall be allowed in the PUD. Signs accessory to principal uses within the development shall be permitted and shall comply with Section 1103.B.2. of the Tulsa Zoning Code.
4. Access
A corridor collector street shall be provided on the western portion of the PUD extending from 71st Street to the north boundary of the PUD. The corridor collector shall be designed to accommodate the anticipated traffic generated on site and from future development on tracts to the north. It should also intersect 71st Street near the midpoint between Mingo Road and the Mingo Valley Expressway. In addition, a frontage road should be provided extending from the northeast corner of the property to an intersection with the corridor collector street.
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 for areas zoned CS.
6. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval for areas zoned CS. 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 for areas zoned CS.
8. For areas zoned CO a Corridor Site Plan and subdivision plat must be approved as prescribed in Section 805 of the Tulsa Zoning Code prior to issuance of any building permits.
9. All trash, mechanical and equipment areas shall be screened from public view.

10. The Department of Public Works 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 1107 E 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.
12. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Staff Comments

Mr. Gardner advised the purpose for CS zoning (Z-6345) is for reduced setback, the corridor will allow everything the applicant wants, but the corridor requires a 200' setback from the centerline of 71st Street for retail or commercial type uses. CS will require 110' setback from the centerline of 71st Street. This has been treated as a linear development area, 330' depth along the major arterial.

Mr. Gardner advised the Public Works Department, transportation section, is being represented by John Eshelman should the Planning Commission have questions regarding traffic lights and access, and other technical points.

Applicant's Comments

Mr. Johnsen advised he is representing Hawkins and Smith, the proposed developers of this site. He reported there have been a series of meetings during the past weeks with the Technical Advisory Committee, TMAPC staff, and traffic engineering department. Most of that discussion revolved around access and corridor concepts of internal collector street system. Mr. Johnsen stated the initial site plans submitted showed access off of 71st Street with private drives through the project. Staff and traffic engineering became concerned that more of a collector street system was needed through the project as contemplated by the development guidelines and required by written provisions in the Zoning Code pertaining to corridor development. Mr. Johnsen displayed a site plan indicating primary arterial, median point cuts, etc. He gave a detailed description of the street access to the proposed development. Mr. Johnsen advised the applicant has accepted staff recommendation to put in the collector on the west boundary.

Interested Parties

Charles Norman

Mr. Norman, representing Sanditen Investments and Saffa Interests which own the property to the west of the subject property advised they are not protestants to the proposed development; however, they

did become concerned when the issue of the collector street arose. When the PUD was first filed there was no collector street indicated nor any indication that one would be required. Subsequently, that became an issue and an amended site plan was filed which indicated the commencement of a collector street and bending it sharply over to the property to the west. With acceptance by the applicant of staff conditions they have no objections to the proposal and asks the Planning Commission to support the proposal.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to APPROVE staff recommendation of CS zoning for Z-6345 and PUD 481 subject to staff conditions.

Legal Description Z-6345

A tract of land that is part of the SW/4 of the SE/4 of the SW/4 of Section 6, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: "Beginning at a point" that is the southwest corner of said SW/4 of the SE/4 of the SW/4; thence northerly along the westerly line thereof for 330.00'; thence easterly parallel to the southerly line of section 6 for 329.83' to a point on the easterly line of the W/2 of the W/2 of the SE/4 of the SW/4; thence southerly along the easterly line thereof for 330.00' to a point on the southerly line of said section-6; thence westerly along said southerly line for 329.83' to the "point of beginning of said tract of land.

The above described tract of land contains approximately 2.50 acres.

Legal Description PUD 481

A tract of land that is part of the E/2 of the SW/4 of Section 6, T-18-N, R-14-E, in the City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at a point that is the Southeast corner of the SW/4 of said Section 6; thence N 89°-41'-28" W along the southerly line of said SW/4 for 1319.32' to the southwest corner of the E/2 of the SW/4; thence N 00°-00'-19" E along the Westerly line of said E/2 for 60.00' to the "point of beginning" of said tract of land; thence continuing N 00°-00'-19" E along said westerly line for 1318.37'; thence S 89°-41'-28" E parallel to the southerly line of said E/2 for 1300.72' to a point on a westerly right-of-way line of the Mingo Valley Expressway (Highway 169); thence southerly along said westerly right-of-way line as follows: S 04°-38'-57" W for 458.35'; thence S 14°-14'-04" W for 697.22'; thence S 74°-47'-05" W for 540.21'; thence S 63°-44'-38" W for 89.45' to a point on the northerly right-of-way line of east 71st Street South; thence N 89°-41'-28" W along

said northerly right-of-way line 60.00' northerly of and parallel to the south line of said E/2 for 490.75' to the "point of beginning" of said tract of land.

The above described tract of land contains 35.00 acres.

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ZONING PUBLIC HEARING

Application No.: **Z-6347** Present Zoning: AG
Applicant: Chancler Proposed Zoning: IH
Location: 13615 E. Apache
Date of Hearing: January 29, 1992
Presentation to TMAPC: Frank Rowell

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District Number 2.

According to the Zoning Matrix the requested IH District **may be found** in accordance with the Plan Map. All zoning districts are considered **may be found** in accordance with Special Districts guidelines.

Staff Recommendation:

Site Analysis: The subject tract is approximately 5 acres in size and is located west of the northwest corner of Apache Street and North 141st East Avenue. It is nonwooded, flat, vacant and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by auto salvage zoned AG; on the east by vacant property zoned IM; on the south across Apache by an auto parts and salvage business zoned IM; and on the west by auto salvage zoned IM.

Zoning and BOA Historical Summary: IM zoning has been approved on three sides of the subject tract.

Conclusion: The requested IH zoning does not appear to be in keeping with the IM zoning in the area, but Staff can support a transition to IM zoning.

Therefore, Staff recommends **DENIAL** of IH and **APPROVAL** of IM for Z-6347.

Applicant's Comments

Mr. Rowell advised his client has entered into an agreement to sell this property to Mingo Auto Salvage, subject to zoning for an auto salvage which requires heavy industrial zoning. In 1972 Mingo Salvage went into their present location and at that time property was zoned for auto salvage. Since that time there are three additional auto salvages in the immediate area. He presented photographs of the businesses in the area. The only businesses within a square mile area are auto salvages, strip mining, concrete plant, asphalt plants. Using the property for an auto salvage is not inconsistent with the area. Mr. Rowell presented photos of Mingo Salvage indicating that anywhere it abuts Apache is screened from the public. He advised there is nothing inconsistent with using the property for an auto salvage and feels IH zoning is compatible and is the best use for the property.

In response to a question from Mr Doherty, Mr. Rowell advised he would accept IM, but they would then have to go to the Board of Adjustment hoping to get a special exception to use the property for salvage. If they can not get IH zoning the applicant would reluctantly accept staff's recommendation.

Mr. Parmele explained his hesitance to approve IH zoning when there is none in the area. He is opposed to other uses that might be permitted under IH

Mr. Doherty stated they can not deny IM zoning since there is IM zoning on both sides of the property. To approve IH would be spot zoning and there are too many uses available under IH that should not go in such a small tract.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **DENY** IH zoning and **APPROVE** IM zoning for Z-6347.

Legal Description

The South Half (S/2) of the West Half (W/2) of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4), of Section 21, Township 20 North, Range 14 East, of the Indian Base and Meridian Tulsa County Oklahoma according to the United States survey thereof.

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ZONING PUBLIC HEARING

Application No.: **Z-6348**

Present Zoning: RS-3

Applicant: Jack Cox

Proposed Zoning: CS & CG

Location: Southwest corner of 33rd West Avenue and 57th Street
South

Date of Hearing: January 29, 1992

Presentation to TMAPC: Jack Cox

Relationship to the Comprehensive Plan:

The District 8 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 CS and CG Districts are not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 4.4 acres in size and is located at the southwest corner of 33rd West Avenue and 57th Street South. It is partially wooded, gently sloping, contains two single-family dwellings and an auto repair garage and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by single-family dwellings zoned RS-3; and on the west by single-family dwellings zoned RS.

Zoning and BOA Historical Summary: The entire surrounding area has remained RS-3 in the City and RS in the County. The applicant has also applied for a PUD on this property (PUD 483) and CS and PUD 483 on a tract in the County immediately west of the subject tract.

Conclusion: The request is contrary to the Comprehensive Plan and is not compatible with the surrounding development. It would produce commercial spot zoning almost 2000' away from the intersection of two arterial streets.

Therefore, Staff recommends **DENIAL** of Z-6348.

CZ-196 West of the southwest corner of 33rd West Avenue and 57th Street South

Relationship to the Comprehensive Plan:

The District 8 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 CS District is not found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 1.1 acres in size and is located west of the southwest corner of 33rd West Avenue and 57th Street South. It is partially wooded, gently sloping and contains a single-family dwelling and is zoned RS

Surrounding Area Analysis: The tract is abutted on the north by a single-family dwelling zoned RS; on the east by a single-family dwelling zoned RS-3 which is in proposed PUD 483 and Z-6348; on the south by vacant land zoned RS; and on the west by single-family dwellings zoned RS.

Zoning and BOA Historical Summary: The area surrounding the tract has been RS in the County and RS-3 in the City for many years.

Conclusion: The proposed zoning would be a commercial intrusion into an older residential neighborhood developed at low density on large lots. It would face directly into an existing residence. Staff feels the Comprehensive Plan is appropriate in this area and should not be changed.

Therefore, Staff recommends **DENIAL** of CZ-196

PUD 483 Southwest corner of 33rd West Avenue and 57th Street South

Since staff cannot support the underlying rezoning requests (Z-6348 and CZ-196), which are contrary to the Comprehensive Plan and incompatible with the surrounding existing development, staff cannot support the proposed PUD. Therefore, staff recommends **DENIAL** of PUD 483.

There was discussion of the effect on the application should the City approve the rezoning application and County deny it.

Mr. Parmele reported receipt of a letter of recommendation from District 8 Planning Team Chairman, Mr. Jon Ferris, urging support of these zoning and PUD applications.

Applicant's Comments

Jack Cox, representing the applicant, displayed exhibits. He gave a brief history of the area and presented pictures of the area.

Mr. Doherty expressed hesitation in modifying a PUD slightly without more in depth information from staff. Mr. Doherty explained it was unconventional, but he was prepared to move approval of the underlying zoning and withhold transmission pending approval of the PUD to get staff's input in more depth on this. He anticipates staff would make constructive suggestions on the design

and he would like to have these suggestions before approving the PUD and feels we are not prepared to do this at this time.

Mr. Cox advised staff has the PUD text, but is not aware if they have reviewed or made any comments.

Mr. Doherty advised staff's recommendation is for denial, and that usually means it has not been reviewed to the depth needed to get their comments.

Mr. Parmele advised, Mr. Doherty is suggesting is there may be some consideration given to a favorable approval. He asked if staff would review and return next week with a recommendation.

Mr. Gardner responded a review of about two (2) weeks before making a recommendation would be needed.

Mr. Doherty advised a PUD of this nature and scope in this area as sensitive as it is given the history of the tract, he suggested giving staff as much time as needed to formulate some good recommendations and to allow the dialog that goes on as part of the PUD process. He feels this will be useful.

Mr. Cox expressed concern over zoning due to the fact the district presented essentially what they are looking at. Previously they were turned down.

Mr. Parmele remarked that he would not consider the zoning without the PUD. They are considering approval of the necessary zoning and withholding transmittal of that approval, but legal has a problem with that, until the Planning Commission reviews and attaches conditions to the PUD.

Mr. Cox advised having no problem with staff working out a favorable PUD.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **CONTINUE** Z-6348, CZ-196, and PUD 483 to February 12, 1992.

* * * * *

PUD 484 SE/c of East 11th Street and South Delaware Place

Chairman Parmele announced the District Planning Team Chair has requested a two (2) week continuance. The applicant concurs.

Mr. Doherty reported he attended a neighborhood meeting in relation to this and the consensus was two weeks would be appropriate and would serve the interest of planning in that area.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **CONTINUE** PUD 484 to February 12, 1992.

* * * * *

ZONING PUBLIC HEARING

Application No.: **Z-6349** Present Zoning: **RS-3**
Applicant: **T. Mann** Proposed Zoning: **OL**
Location: Northwest corner of East 56th Street and South Peoria Avenue
Date of Hearing: January 29, 1992
Presentation to TMAPC:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Linear Development Area.

According to the Zoning Matrix the requested OL District is found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 0.4 acres in size and is located at the northwest corner of East 56th Street and South Peoria Avenue. It is partially wooded, flat, contains a daycare facility and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the west and north by single-family homes zoned RS-3; on the east by offices zoned OL and on the south by an elementary school zoned RS-3.

Zoning and BOA Historical Summary: OL zoning has been approved east and north of the tract.

Conclusion:

OL zoning would be in keeping with the developing zoning pattern in the area and compatible with surrounding uses.

Therefore, Staff recommends **APPROVAL** of Z-6349 for OL zoning.

There were no interested parties present wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **APPROVE** Z-6349 for OL zoning.

Legal Description

Lot 13 and the South 41' of Lot 14, Block 5, Houstonia Homesites, an addition to the City of Tulsa, OK.

* * * * *

ZONING PUBLIC HEARING

Application No.: **Z-6350/PUD 485** Present Zoning: **AG**
Applicant: **John Moody** Proposed Zoning: **CS**
Location: **West side of South Memorial Drive and East 109th Street**
Date of Hearing: **January 29, 1992**
Presentation to TMAPC: **John Moody**

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Linear Development Area.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately 2.5 acres in size and is located on the west side of South Memorial Drive at East 109th Street. It is nonwooded, gently sloping, vacant and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by a miniature golf course and driving range zoned AG; on the east by vacant property zoned CS; on the south by vacant property zoned OL and RS-3 and on the west by vacant property which is the remainder of proposed PUD 485 zoned AG.

Zoning and BOA Historical Summary: On the east side of Memorial Drive in the City Limits of Bixby CS or CG has been approved from 101st to 111th Streets. The Board of Adjustment approved the golf related commercial recreation facility immediately north of the subject tract.

Conclusion: Since this request is accompanied by PUD 485, which proposes indoor and outdoor recreational facilities it should be complementary to the development to the north and compatible with surrounding zoning.

Therefore, Staff recommends **APPROVAL** of Z-6350 for CS zoning subject to approval of PUD 485.

PUD 485: West side of South Memorial Drive at 109th Street

This PUD is being submitted concurrently with rezoning request Z-6350 which is for 2 1/2 acres of CS zoning. A 330' wide strip beginning at the centerline of Memorial is designated a Medium Intensity Linear Development Area. The proposed use of the PUD is for an athletic training center which consists of a 27,300 building containing various basketball and volleyball courts, batting cages and a small retail area. In addition, there would be outdoor volleyball courts and a softball diamond. The applicant is proposing to provide access between this development and the golf center immediately to the north.

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 485 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 485 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:**

Land Area (Net) 217,750 SF

Permitted Uses Use Units 13, and 14; Use Unit 19 except excluding Hotel, Motel and Rifle or Pistol Ranges; and Use Unit 20 uses including only Tennis and Volley Ball Courts, Baseball and Softball Fields and other outdoor recreation fields or courts.

Maximum Building Floor Area
 Use Units 13 and 14 uses 3,000 SF
 All uses combined 30,000 SF

Maximum Building Height 40'

Minimum Off-street Parking As required by the
 Tulsa Zoning Code

Minimum Building Setbacks
 East boundary 50'
 South boundary 20'*
 West boundary 325'
 North boundary 20'*

*or one foot for every foot of building height
 whichever is greater

Minimum Bleacher or Stands Setbacks 50'
 (all boundaries)

Minimum Off-street Parking Lot Setback
 North and south boundaries (west 435' only) 10'
 West boundary 115'

Maximum Height of Free Standing Lights 24'

Minimum Setback of Free Standing Lights
 From exterior boundaries of PUD 2' for every foot
 (west 435' only) of light height

Signs:

One ground sign with a maximum height of 25' and a
 maximum display surface area of 150 SF is permitted.

Wall signs are permitted, but only on the east side
 of the building with a maximum total display surface
 area of one SF for each foot of building wall to
 which they are attached.

Hours of Operation for Outdoor Activities: 8:00 a.m.
 to
 11:00 p.m.

3. All Use Units 13 and 14 uses shall be conducted within
 the main building.

4. In the west 435' of the PUD, no building entrance or exit
 (except emergency exit) shall be within 50' of a PUD boundary.

5. 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.

6. 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.

7. All exterior lighting shall be directed downward and away from adjacent residential areas.

8. A screening wall or fence meeting the requirements of Section 212 of the Tulsa Zoning Code shall be constructed on any PUD boundary which now or in the future abuts an R district. Construction shall be completed within 120 days of the recording of a residential subdivision Final Plat on abutting property.

9. The Department of Public Works 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.

10. No Building Permit shall be issued until the requirements of Section 1107 E 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.

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

Staff Comments

Mr. Gardner commented staff sees the frontage as ultimately commercial, but in the future the rear portion which is devoted to outdoor recreation, may develop residentially. Therefore, the buildings and improvements are proposed for the eastern portion along the major street. He added, another concern was that lighting be controlled in such a manner that it would not affect residential further to the west now or in the future. There are height limitations and setback limitations for the lighting and where bleachers, etc. can be built in relationship to the surrounding tract.

TMAPC Comments

Mr. Neely inquired as to minimum landscaping in the parking area.

Mr. Gardner responded 20% of the developed area, is to be landscaped and most of the western portion will be open space. The applicant will submit the usual detailed landscape plan and trees in the parking lot.

Applicant's Comments

Mr. Moody acknowledged agreement with staff recommendation; however, there is one area where he proposed parking on the western portion of the property, which staff has asked be setback and remove within the west 115' of the property. They are in agreement with that restriction at this time; however, in the eventuality they do put in the softball field, as shown in the western portion of the property and there is no residential development occurring in the area staff is concerned about, we want the Planning Commission to know of the record that at some point in time they will return and ask to amend the PUD for additional parking on the western part of the property. Secondly, to address the question of landscaping Mr. Moody indicated there are significant landscaped areas along the frontage of Memorial, far greater than is required by code or what might ordinarily be seen within this particular area. He advised having met with abutting property owners and they all fully support the application. One of the owners of property in the area, **Alan Carlton, 10770 South 77th East Avenue, 74133**, has reviewed the site plan and supports it; however he does wish to be notified if there is any other matter that arises on this particular property in the future.

Mr. Doherty asked legal counsel, regardless of the merits of the proposal to extend the parking lot to the west and without ever committing to vote for it, how can the Planning Commission, at this point, provide that he can bring this back as a minor amendment without having to go through the entire process, how can a minor amendment be considered at a future point to use parking on the western part.

Mr. Linker advised it could be made a condition of approval.

Ms. Wilson asked if Mr. Moody anticipated any soccer fields in the area.

Mr. Moody replied no, only volley ball and inside there will be indoor volley ball and basketball courts and batting cages and training facilities for youth team sports.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **APPROVE** Z-6350 and PUD 485 subject to staff conditions and with the provision that a change in the parking setback from the western boundary could be considered in the future as a minor amendment to the PUD.

Legal Description Z-6350

The East 330' of the South 335' of the Northeast Quarter of the Southeast Quarter of Section 26, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Legal Description PUD 485

Commencing at the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 26, Township 18 North, Range 13 East, Tulsa County, Oklahoma; thence, West 115 feet to a point on the West right-of-way line of South Memorial Drive to the point of beginning; thence West 650.15 feet; thence North 335 feet; thence East 650.15 feet to the West right-of-way line of South Memorial; thence South 335 feet to the point of beginning.

* * * * *

OTHER BUSINESS:

PUD 473 Detail Site Plan SW/c of East 26th Place South and South Boston Avenue Detail Site Plan

Chairman Parmele announced the applicant is requesting continuance to February 5, 1992 in order to meet with area residents.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **CONTINUE** PUD 473 Detail Site Plan to February 5, 1992.

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PUD 261-A: Amended Detail Site Plan to permit temporary office
Located east of the northeast corner of East 71st
Street South and South Riverside

Chairman Parmele announced the applicant has withdrawn this request.

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PUD 190 Amended Detail Site Plan -- Southwest corner of East 71st
Street and South Sheridan Road

The Price Mart grocery store would like to add a temporary 48' X 20' greenhouse in the shopping center parking lot to sell garden supplies. By staff calculations the greenhouse will occupy 12 required off-street parking spaces.

Therefore, Staff must recommend **DENIAL** of the amendment to the Detailed Site Plan.

Applicant's Comments

Buddy Carmichael, a representative of Horner Foods, advised tents and greenhouses, such as this, have been erected during the past few years, and have just been advised they need to be in compliance with the PUD. In past years, they have incurred no problems with this setup.

In response to a question from Mr. Parmele, Mr. Carmichael advised the temporary greenhouse would be in existence for 90-120 days.

Mr. Doherty stated under the shared use concept this center is not going to be quite large enough to fall under this as discussed under the parking study. However, peak hours of operation for the various uses in the center, such as restaurants may well be staggered enough so there is not a parking problem at the moment.

Mr. Stump advised, if the Planning Commission is so inclined this calculation includes an assumption that the vacant spaces would be filled with retail establishments as if the shopping center were full.

Mr. Doherty advised there was a recent consideration on a temporary use of an unsightly mobile home. Esthetics do enter into a PUD and asked for a description of the tent.

Mr. Carmichael advised this is a metal frame with plastic covering, and looks like a greenhouse. He reported its primary use is to protect the plants from frost.

TMAPC Action; 9 members present:

On MOTION of MIDGET, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to APPROVE an Amended Detail Site Plan for a temporary greenhouse for 120 days from March 1, to June 1.

Mr. Carnes declared he was adamant about the mobile office that was proposed for a parking lot. This greenhouse is part of the normal sales, like any other promotion that the Planning Commission has in the past allowed to move into a parking lot. He feels the two do not compare.

* * * * *

Rules and Regulations Committee

Mr. Doherty announced the Rules and Regulations Committee met last week to discuss the problems the Planning Commission has experienced with lot splits. The Committee unanimously recommended that for 90 days the policy of notifying abutting property owners be suspended prior to the approval of the Planning Commission, but to provide for post notice. That is, immediately upon Planning Commission action the abutting property owners be notified that the split has occurred and notifying them of the appeals process, should they so require.

Mr. Midget requested that the Homeowners Associations also be included in the notification.

Mr. Doherty amended the motion to include Mr. Midget's request.

Mr. Parmele added, also discussed was that within that 90 day period the Planning Commission would explore various alternatives in dealing with these in-fill lots.

Mr. Stump advised INCOG has a list of registered Homeowners Associations and asked Mr. Midget to have the Mayor's staff to send their listing to INCOG to coordinate the two lists.

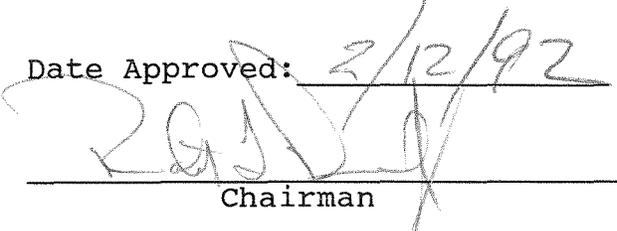
Ms. Wilson suggested that any correspondence with the Homeowners Associations, should include language that instructs the recipient that if they are not the current person that is working with this to please transmit the notice on and contact the Mayor's Office of Neighborhoods or INCOG.

TMAPC Action; 9 members present:

On MOTION of DOHERTY, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to AMEND the lot split policy for 90 days to suspend notification of abutting property owners prior to the approval of the Planning commission, but to provide for post notice and to notify Homeowners Associations

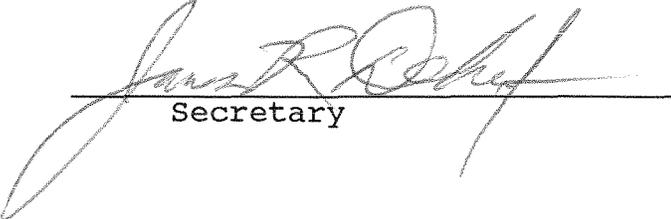
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There being no further business, the Chairman declared the meeting adjourned at 3:13 p.m.

Date Approved: 2/12/92


Chairman

ATTEST:



Secretary