

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1881  
Wednesday, April 22, 1992, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard	Neely	Gardner	Linker, Legal
Broussard	Selph	Hester	Counsel
Buerge		Stump	
Carnes		Wilmoth	
Doherty, 1st Vice Chairman			
Horner			
Midget, Mayor's Designee			
Parmeale, Chairman			
Wilson, Secretary			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, April 21, 1992 at 1:11 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 1:35 p.m.

**Minutes:**

Approval of the minutes of April 8, 1992, Meeting No. 1879:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Ballard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; Broussard "abstaining"; Midget, Neely, Selph "absent") to **APPROVE** the minutes of the meeting of April 8, 1992 Meeting No. 1879.

**REPORTS:**

Chairman's Report:

Chairman Parmele announced the appointment of Jill Tarbel as the TMAPC representative to the Riverparks Authority. He commented Ms. Tarbel will be replacing Jack Zink who has served as the TMAPC appointment for the past six years. Ms. Tarbel's name will be forwarded to the City Council for confirmation.

Chairman Parmele asked the Planning Commissioners to be present during the elections of the District Planning Team Chairs and Co-Chairs to be held May 5, 1992.

**Committee Reports:**

**Rules and Regulations Committee:**

Mr. Doherty announced the Rules and Regulations Committee met last week to discuss the Parking Study and advised staff will continue to work with interested parties in an attempt to resolve points of differences. It is anticipated the Committee will meet next month to review these issues.

Mr. Doherty announced the City Council Transmission Towers Committee has voiced concern over setback of towers within AG zoned areas and has asked the Rules and Regulations to review this issue. The interested party's attorney, Eric Bolusky, has requested that he be allowed to work with staff to present ideas.

Chairman Parmele instructed staff to work with Mr. Bolusky on a limited basis regarding this item.

Chairman Parmele announced the entire TMAPC met for a briefing on the "Outer Loop" concept and it was decided staff would present a briefing on the conceptual Outer Loop for review in late June. If the Planning Commission decides to endorse this they will then set a series of regional meetings for late summer with the affected communities.

**CONTINUED PUBLIC HEARING**

Chairman Parmele requested the public hearing to consider the Parking Study be continued to May 20, 1992.

**TMAPC Action; 8 members present:**

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Neely, Selph "absent") to CONTINUE the Public Hearing to consider the Parking Study to May 20, 1992.

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ZONING PUBLIC HEARING

Application No.: PUD 486 Present Zoning: RS-2  
Applicant: Roy Johnsen Proposed Zoning: PUD/RS-2  
Location: South Side of East 101st Street South, East of South Hudson Avenue (Forest Meadows).  
Date of Hearing: April 24, 1992  
Presentation to TMAPC: Roy Johnsen

The subject tract is approximately 30 acres in size, has an underlying zoning of RS-2, and contains a platted residential

subdivision which is currently under construction. The applicant has requested the PUD for the sole purpose of deviating from the RS-2 required 10' and 5' side yards to permit 5' and 5' side yards.

After review of the applicant's proposal, staff is not supportive of the PUD and does not find the request to meet the purposes of the PUD chapter of the Zoning Code. Staff can find no innovative development which would necessitate the flexibility of the PUD.

Staff recommends **DENIAL** of PUD 486.

Applicant's Comments

Roy Johnsen, representing the applicant, disclosed there are a number of larger house plans the developers have market interest in that cannot be constructed on an RS-2 lot with 75' frontage. He pointed out that many of the subdivisions in the city have 5' side yards. Mr. Johnsen explained why the applicant decided not to take this matter before the Board of Adjustment. Mr. Johnsen declared that in today's market buyers are inclined to have larger houses on smaller lots. He explained why the 10' and 5' side yards would not be sufficient. Mr. Johnsen advised that most of the opposition is from Camelot Park Addition, a subdivision to the west, and pointed out that Camelot Park was also a PUD, and received approval for 5' side yards in some instances. He presented an exhibit to support this. Mr. Johnsen commented that he did not feel this request would adversely affects public interest in any way, nor does it adversely affect Camelot Park. He reported that the developer spoke with Steeple Chase and Forest Park II representatives and those individuals had no objections to this request. Mr. Johnsen addressed concerns of access to the rear yard and advised the developer would be willing to establish an easement over the adjoining property which will allow access for necessary maintenance or construction access to be permitted by the 5' which is adjoining. The individual needing access would be responsible for replacement costs.

Mr. Johnsen answered questions from the Planning Commission as to the number of lots in Camelot Park that have the 5' side yards and the benefit of access to the rear yards for future property owners.

Interested Parties

<b>Dick Posewitz</b>	<b>5607 E. 101st Place</b>	<b>74137</b>
<b>Doug Vincent</b>	<b>10530 S Urbana</b>	<b>74137</b>

The above listed individuals expressed the following concerns:

Residents are opposed to the proposal because they questioned the developer's intent to build larger houses. It was revealed the largest display home is 2,900 SF. They believe the intent is to build single story homes that would cause a decrease in the value of the Camelot Park homeowners' properties.

Opposition was expressed because residents did not have the opportunity to review the plans.

Residents believe the need to change up to 50% of the future homes conveys poor planning.

It was suggested the Planning Commission condition approval on mandating the applicant construct 3,500 SF homes on all property with a 5' side yard.

Concerns over future development in the area were expressed.

Protestants believe this is not in accordance with the Comprehensive Plans.

#### Applicant's Rebuttal

Mr. Johnsen reiterated the request is motivated by the desire to build larger houses. Mr. Johnsen offered to accept the requirement that no dwelling on a lot having a 5' side yards shall be less than 2,800 SF.

#### TMAPC Review Session

There was discussion as to the number of lots in the subdivision which would have 5' and 5' side yards with mutual easements among the residences where there would be abutting 5' side yards.

Mr. Doherty acknowledged there is no zoning classification to accommodate individuals who do not wish to have a large amount of open space. He stated altered design is not as important as the quality of the house that would be built there and ensuring the compatibility with surrounding developments. With the conditions the applicant has agreed to with the larger houses, setback reduction, with the limitation that only a limited percentage be that large, and with the mutual access agreement, he acknowledged his support of this application.

Mr. Carnes reported his calculations indicate that Camelot Park contains approximately 26% of the larger homes with the 5' side yards.

Chairman Parmele declared he would not be in favor of the entire subdivision to be approved for 5' side yards. However, he concedes they should be given the same consideration that Camelot Park was given, which was in excess of the cul-de-sac lot.

Mr. Broussard voiced concern over the Planning Commission choosing what is appropriate for RS-2 and RS-3. He feels the Zoning Code is very clear on these standards and is concerned that the Planning Commission should decide what is of importance within the Zoning Code.

**TMAPC Action; 9 members present:**

On MOTION of CARNES , the TMAPC voted 6-2-1 (Ballard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; Buerge, Broussard "nays"; Midget "abstaining"; Neely, Selph "absent") to recommend APPROVAL of PUD 486 with the amendment to accept a maximum of 30 lots to have 5' and 5' side yards and the houses on these lots have a minimum of 2,800 SF of livable area, excluding garages, with a mutual easement agreement among the parties where there are abutting 5' side yards.

**LEGAL DESCRIPTION**

Forrest Meadows, an Addition to the City of Tulsa, OK

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ZONING PUBLIC HEARING

Application No.: CZ 197 Present Zoning: AG  
Applicant: John L. Madewell Proposed Zoning: IL  
Location: Northeast corner of West 61st Street and South 113th West Avenue  
Date of Hearing: April 22, 1992  
Presentation to TMAPC: Ron Cane

**Relationship to the Comprehensive Plan:**

The District 23 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Commercial.

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

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately 4 acres in size and is located at the northeast corner of 113th West Avenue and 61st Street South. It is wooded, flat, vacant, and is zoned RS.

**Surrounding Area Analysis:** The tract is abutted on the north and east by single-family dwellings zoned RS; on the south by single-family dwellings zoned C2 (Creek County) and on the west across 113th West Avenue and State Highway 95, an industrial park zoned IL.

**Zoning and BOA Historical Summary:** The only industrial zoning, (IL) on the east side of 113th W. Avenue is one-half mile to the north. Creek County allowed commercial zoning on the south side of 61st Street adjacent to this tract.

**Conclusion:**

There is no industrial development on the east side of Highway 97 and 113th W. Avenue near this tract. The Plan calls for commercial development on this tract not industrial. Industrial uses are only planned on the west side of Highway 97. Existing single-family dwellings immediately north and east of this tract would be adversely impacted by industrial development.

Therefore, Staff recommends **DENIAL** of CZ-197.

Applicant's Comments

Ron Cane, real estate broker, was representing the applicant and gave a detailed description of the surrounding properties. He presented photographs of the view from the subject property. Mr. Cane advised the applicant and purchaser have long term plans to construct a building on the property for lease or investment purposes.

Interested Parties

A. Clint Higgins	P.O. Box 70098, Tulsa, OK	70098
Dell Phillips	Box 1780, Oakhurst, OK	74050
Charles Anderson	5955 S. 113th West Avenue	74050

Chairman Parmele announced receipt of a letter from A. Clint Higgins, 5801 South 113th West Avenue, P.O. Box 70098, Tulsa, OK 74170 stating opposition of this application. Mr. Higgins' concerns were noise pollution, increased traffic of large vehicles and the aesthetic impact on the neighborhood.

Those present advised having no protest to the application, but wished to know what the plans for development on the lot.

Interested parties voiced concern as to whether the proposed change would cause their property values to decline.

Chairman Parmele explained what IL zoning would permit.

TMAPC Comments

Mr. Doherty explained that this tract is not a platted part of Buford Colony, but has always been considered a part of the area. He stated the Comprehensive Plan, in this case, does not allow for light industry. Because of surrounding area it is unlikely anyone would wish to develop a residence on this corner. Because of the industrial use immediately across the highway to the west and the mixed use along Highway 97 this area is in transition and Mr. Doherty believes it is in the long term best interest of the area to begin quality develop in the area to stabilize it.

Mr. Carnes questioned whether this application should be considered for a PUD rather than a blanket zoning.

Mr. Doherty advised this is a small tract and the cost of putting a PUD on it would probably not be worth it and since IL has been used as buffer and requires screening it should serve well.

In response to a question from Mr. Midget, Mr. Cain advised light manufacturing/warehousing is being considered.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-1-0** (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; Buerge "nay"; no "abstentions"; Neely, Selph "absent") to recommend **APPROVAL** of CZ-197 for IL zoning.

In line with this decision Chairman Parmele directed staff to review possible modification of the Comprehensive Plan in this area, since it appears there is more industrial use in this area.

Mr. Doherty suggested conferring with Sands Springs on this issue.

**LEGAL DESCRIPTION CZ 197**

The West 420' of the South 420' of the Southwest Quarter of the Southwest Quarter (SW/4, SW/4) of Section 35, Township 19 North, Range 11 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

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**ZONING PUBLIC HEARING**

Application No.: **Z-6355** Present Zoning: **RS-2**  
Applicant: **Clayton Edwards** Proposed Zoning: **CG or CS**  
Location: Northwest corner of East 31st Street South and South  
Memorial Drive  
Date of Hearing: **April 22, 1992**  
Presentation to TMAPC: **Clayton Edwards**

**Relationship to the Comprehensive Plan:**

The District 5 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 CS District is in accordance with the Plan Map and the requested CG District may be found in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 2.97 acres in size and is located at the northwest corner of East 31st Street South and South Memorial Drive. It is nonwooded, flat, contains the former Oklahoma Highway Patrol Office building which is now vacant and is zoned RS-2.

**Surrounding Area Analysis:** The tract is abutted on the north and west by the Skelly Drive Expressway I-44 zoned RS-2; on the east by a service station and automobile sales facilities zoned CS; on the south by a service station and mixed commercial use zoned CS.

**Zoning and BOA Historical Summary:** CS zoning has been approved on two of the four corners of the intersection in the past.

**Conclusion:**

Based on the Comprehensive Plan and existing zoning pattern in the area, Staff is supportive of the requested commercial zoning, but only at the CS intensity. Since no CG zoning exists in the area, Staff feels that designation would not be appropriate. With the proposed use being automobile sales, the applicant should make application to the Board of Adjustment for the special exception use.

Therefore, Staff recommends **DENIAL** of CG zoning and **APPROVAL** of CS zoning for Z-6355.

Interested Parties

**Richard W. Gable** 2000 4th National Bank Bldg., Tulsa, OK 74119

Mr. Gable, attorney for the protestant, Swinson Chevrolet, which is across Memorial Drive to the east of the subject property, distributed packets of information to the Planning Commission. He pointed out the limited access to the property, gave a detailed description of the surrounding area, and described the street and highway systems surrounding the subject tract. Mr. Gable also expressed concern over the current traffic congestion problems in that area and concerns of further traffic problems should this application be approved. Other concerns Mr. Gable stated objection for change to CS zoning are:

Injurious to the neighborhood and detrimental to the public welfare.

SW corner is already zoned CS and will be so developed thereby making worse an already unacceptable traffic situation on 31st Street at the subject property and for the neighborhood.

CS for the subject property will make worse the unacceptable traffic situation - especially (but not limited to) west of Memorial on 31st (for east and west flow) at and surrounding the I-44 exit.



accident rates. Mr. Edwards requested approval of the rezoning application.

TMAPC Review Session

Mr. Buerge asked if staff reviewed the alternative zoning of OL for this property.

Mr. Gardner explained this intersection, with the exception of residential at the southwest corner, is designated as a commercial node. The only reason it was not treated as commercial was that a public agency was utilizing this property. In staff's opinion the type usage that is appropriate is commercial. Mr. Gardner pointed out that a car lot would generate less traffic than a medical office.

Mr. Horner commented that he has lived within two blocks of this location for a number of years and is well acquainted with the traffic situation in the area. He believes a car lot at this location will not endanger any lives or add anymore traffic to the area than what exists at present.

TMAPC Action; 8 members present:

On MOTION of HORNER, the TMAPC voted 8-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Neely, Selph "absent") to recommend APPROVAL of Z-6355 for CS zoning and DENY CG zoning.

LEGAL DESCRIPTION

A parcel of land lying in part of the SE/4 of Section 14, T-19-N, R-13-E, Tulsa County, Oklahoma, beginning at the SE corner of said Section 14, thence North along the East line of said SE/4 a distance of 474.09' to a point, thence S 48°34'30" W a distance of 720.77' to a point on the South line of said SE/4, thence East along the South line of said SE/4 a distance of 545.93' to the point of beginning.

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ZONING PUBLIC HEARING

Application No.: Z-6356/PUD327-A Present Zoning: RS-3  
Applicant: J. Donald Walker Proposed Zoning: RM-1  
Location: East of the northeast corner of East 81st Street South  
and South 77th East Avenue.  
Date of Hearing: April 22, 1992

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix the requested RM-1 District may be found in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 0.8 acres in size and is located east of the northeast corner of East 81st Street South and South 77th East Avenue. It is wooded, gently sloping, vacant, and is zoned RS-3 and PUD 327.

**Surrounding Area Analysis:** The tract is abutted on the north and east by a reserve area drainage easement zoned RS-3 and PUD 327; on the south by an apartment complex zoned RS-3 and PUD 215; and on the west by a condominium development zoned RS-3 and PUD 250.

**Zoning and BOA Historical Summary:** Attached single-family dwelling and multifamily developments have been approved in the immediate area when a companion PUD was processed.

**Conclusion:**

Based on the Comprehensive Plan and existing land uses in the area. Staff is supportive of the requested RM-1 rezoning.

Therefore, Staff recommends **APPROVAL** of RM-1 zoning for Z-6356 subject to the approval of accompanying PUD 327-A.

AND

**PUD 327-A** East of the northeast corner of East 81st Street South and 77th East Avenue

The applicant is proposing a major amendment for a portion of PUD 327. The area is presently approved for 12 dwelling units and contains less than one acre. The property is presently zoned RS-3, but the applicant has filed an accompanying rezoning request for RM-1 (Z-6356). This would allow his proposal to replace the

dwelling units allowed with two single story office buildings. The Comprehensive Plan designates the property Low Intensity-No Specific Land Use. To the east and north of the tract is a very large drainage way which has been dedicated to the city. To the west are condominiums and to the south across 81st Street are apartments. Because of the surrounding uses staff can support the amendment and is of the opinion that two 4,000 SF one story office buildings will be as compatible or more compatible with the condominiums to the west as the planned 12 dwelling units.

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 327-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends APPROVAL of PUD 327-A subject to the following conditions:

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

2. **Development Standards**

<b>Land Area (Gross)</b>	
(Net)	35,500 SF

<b>Permitted Uses</b>	Use Unit 11 with the following uses not allowed:
	Abstract Company
	Advertising Agency
	Broadcasting or Recording Studio
	Copying Service
	Employment Agency
	Funeral Home
	Dance, Drama & Music Schools
	Transportation Ticket Office
	Pharmacy

<b>Maximum Building Floor Area</b>	8,000 SF
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<b>Maximum Building Height</b>	1 story
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<b>Minimum Off-Street Parking</b>	As required for the applicable Use Unit of the Tulsa Zoning Code
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**Minimum Building Setbacks**

From west boundary of PUD	10'
From centerline of 81st Street	100'
From east boundary of PUD	0'
From north boundary of PUD	50'
From another building within PUD	20'

**Minimum Parking Space Setbacks From West Boundary of PUD**

In south 100'	10'
Remainder of PUD	40'

**Minimum Landscaped Open Space** 7,300 SF

**Signs:** No ground signs are permitted. One wall sign per lot, not to exceed 32 SF each and only on the south wall of the building.

**Curb Cuts** Only one curb cut is permitted on 81st Street which is to serve the entire PUD.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan , which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view.
7. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12' feet.

8. The Department of 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.
9. No Building Permit shall be issued until the requirements of Section 1107E 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.
10. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

There were no interested parties present wishing to speak  
 The applicant expressed agreement with staff recommendations.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Neely, Selph "absent") to recommend **APPROVAL** of RM-1 for Z-6356 and PUD 327-A subject to conditions as recommended by staff.

**LEGAL DESCRIPTION FOR Z-6356 AND PUD 327-A**

Lot 2 and Lot 3, and Reserves "A" and "B" Wood Niche, an Addition to the City of Tulsa, Oklahoma.

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ZONING PUBLIC HEARING

Application No.: **PUD 488** Present Zoning: CH, OL, RS-3  
 Applicant: Charles Norman Proposed Zoning: PUD  
 Location: Northeast corner of South Peoria Avenue and East 33rd Street South  
 Date of Hearing: April 22, 1992  
 Presentation to TMAPC: Charles Norman

The applicant is proposing an office PUD (bank with drive-in) that does not require any change in the underlying zoning which is CH, OL and RS-3. The PUD proposes an addition to the existing bank building of a seven teller lane drive-in banking facility. Primary access to the drive-in facility would be from East 33rd Street at the east end of the development. The area which would contain the new drive-in banking facility presently contains two residences and is designated on the Comprehensive Plan as low intensity

residential. The Brookside Study calls for these two lots to be potentially used for off-street parking. These two residences presently face a parking lot on the south side of East 33rd Street.

An 8' to 20' wide landscape buffer with a 6' wood fence with brick columns is proposed to minimize any adverse affect to the abutting residences to the east and north. Additional buffering is provided by the location of the abutting residences. The abutting residence to the east has a garage located between the proposed drive-in facility and the living area of the dwelling. The abutting residences to the north, has additional buffering produced by the depth of its rear yard. The present drive-in facility provides poor vehicle stacking and circulation. The sidewalk along East 33rd Street, as well as the street itself, are frequently blocked by waiting cars.

Staff finds the uses and intensities of development as modified to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 488 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 488 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:**

<b>LAND AREA</b> (Gross)	2.38 acres	103,676 SF
(Net)	1.72 acres	74,985 SF

**PERMITTED USES:**

Within 230' of the centerline of Peoria Avenue:

Uses permitted as a matter of right in the CS-Commercial Shopping District, except Entertainment and/or Drinking Establishments.

Remainder of PUD:

Drive-in banking facility and cueing area and open space only. (Off-street parking may be allowed by minor amendment approved by TMAPC.)

**MAXIMUM BUILDING FLOOR AREA:** (14,850 SF existing)

Within 230' of the centerline  
of Peoria Avenue 20,000 SF  
East 190 feet: Existing utility building  
and drive-in canopy only

**MAXIMUM BUILDING HEIGHT:** 18'

**MINIMUM BUILDING SETBACKS:**

From the S. Peoria Avenue property line--existing 3'

From the E. 33rd Street property line  
Within 180' of centerline of Peoria Avenue 5'  
Remainder of PUD 20'

From east boundary of Lot 5, Block 1, Cedar Haven 120'

From other PUD boundaries abutting an R district (for new buildings) 30'

From the PUD boundary abutting 32nd Pl. 75'

No automatic teller machine shall be within 80' of an R district

**OFF-STREET PARKING:**

As required for the applicable Use Unit by the Tulsa Zoning Code.

**MINIMUM SCREENING AND INTERNAL LANDSCAPED OPEN SPACE:**

As shown on the Site Plan, Exhibit A and Landscape and Screening Plan, Exhibit B and Landscape and Screening elevations, Exhibit C, except the landscaped strip at the east boundary of Lot 5, Block 1 Cedar Haven shall be a minimum of 25' in width and trees shown shall be of at least 2½" to 3" caliber in size.

**SIGNS:**

Within 180' of centerline of Peoria Avenue  
Two ground signs not exceeding 18 feet in height and 150 square feet of display surface area shall be permitted along the South Peoria Avenue frontage. Wall signs shall not exceed 1½ square feet of display surface area for each lineal foot of building wall to which attached.

Remainder of PUD

Directional and informational signage for automated teller machines and the drive-in banking facility entrance, exit and lanes may be erected as permitted by the TMAPC in the sign plan review.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan [for that development area] has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view.
7. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet.
8. The Department of 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.
9. No Building Permit shall be issued until the requirements of Section 1107E 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.
10. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Applicant's Comments

Mr. Norman gave a detailed description of difficulties the bank's customers incur in waiting for access to a drive-in teller and the shortage of stacking space. He described the proposed changes to be made in the access to the new drive-in facility and teller lanes and stations. Mr. Norman advised the abutting residential properties were considered when proposing a detailed and intensive landscaping proposal. He reported meeting with Mrs. Culver, owner of the property to the east, and she expressed approval of the proposal to her west boundary so long as her existing cyclone fence is removed and she is allowed to use the applicant's double faced wooden fence with brick columns as the fence for both properties. The applicant has also agreed to this. Mr. Norman advised the

applicant has agreed to increase the pear trees to 2½" caliber at planting. Mr. Norman expressed concern over noise levels and screening to the two properties to the north. He explained the nearest teller station will be moved to approximately 140' away from the northern property, belonging to Mr. Ender, and with new teller equipment the sound problem is much reduced from what is presently installed. Mr. Norman advised that Mr. Ender has requested that a screening fence of 8' be installed. Mr. Norman expressed disagreement with staff recommendation in that staff has recommended the landscaped area on the east side be increased from 12' to 25' which reduces the interior function of the drive-in facility. He expressed willingness to amend this application to satisfy Mr. Ender's concerns by proposing that the screening fence be increased to 8' in height and asked that the Planning Commission not require the green area be increased to 25' since it would be of no benefit to adjacent properties because of the fence height.

Interested Parties

<b>John Ender</b>	<b>1318 E. 32nd Pl.</b>	<b>74105</b>
<b>John Evans</b>	<b>1330 E. 33rd Street</b>	<b>74105</b>
<b>Mike Judd</b>	<b>7410 S Elm St, Broken Arrow</b>	<b>74012</b>

The above listed individuals expressed the following concerns:

That this is further encroachment into residential areas.

Loss of the buffer zone between backyard and the bank.

Mr. Ender feels an 8' fence would give his residence more privacy and feels the proposed landscaping will aesthetically soften this look.

Concerns over increased traffic flow on 33rd Street were expressed.

Concern was voiced over the effect this might have on abutting residential property values.

The following listed individuals wish to be notified on any action regarding this PUD.

<b>Dallas Shane</b>	<b>1331 E. 33rd Street</b>	<b>74105</b>
<b>Joyce Allen</b>	<b>1330 E. 33rd Street</b>	<b>74105</b>

Applicant's Rebuttal

Mr. Norman stated the history of Brookside has been that when there is a good transition, landscaping and screening, the effect on adjacent properties is minimal and may improve a situation. The benefit to Brookside by placing this property into a PUD, is it restricts any future use of this property only to CS uses, rather than the CH zoning which is allowed at present. In effect, this is a down zoning of the CH portion of the tract with more restrictions on signage and other use conditions. These positive aspects tend to stabilize and protect the property values.

TMAPC Comments

Chairman Parmele announced that Jill Tarbel, District 6 Planning Team Chair, informed him she has received no opposition to this proposal. Chairman Parmele commented that Brookside State Bank has been a good neighbor for the entire area and the quality of their present landscaping and of the proposed landscaping will be an asset and not a detriment to the other properties in the area.

TMAPC Action; 8 members present:

On **MOTION** of **BUERGE** , the TMAPC voted **8-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Neely, Selph "absent") to recommend **APPROVAL** of PUD 488 subject to staff conditions as amended.

- 1) Increase the screening fence height to 8', and
- 2) Width of landscaped area on the east boundary of the PUD to be a minimum of 12'.

LEGAL DESCRIPTION PUD 488

Lots 2, 3, 4, and 5 Block 1, Cedar Haven Addition and Lots 1 and 2, Rogers Resubdivision of Lot 1, Block 1, Cedar Haven Addition, less the East 25' of Lot 2, Tulsa County, Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.:	Z-6357	Present Zoning:	CO
Applicant:	William B. Jones	Proposed Zoning:	CS
Location:	East of the northeast corner of East 71st Street South and South Mingo Road		
Date of Hearing:	April 22, 1992		
Presentation to TMAPC:	William B. Jones		

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 Corridor.

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 5.41 acres in size and is located approximately 550' east of the northeast corner of East 71st Street South and South Mingo

Road. It is partially wooded, gently sloping, vacant and is zoned CO.

**Surrounding Area Analysis:** The tract is abutted on the north and east by vacant property zoned CS and CO; on the south across East 71st Street South by vacant property zoned CS and CO; and on the west by vacant property zoned CS.

**Zoning and BOA Historical Summary:** commercial zoning CS, has been approved in the area but up until recently it was limited to the nodes at 71st and Mingo and 71st and the Mingo Valley Expressway.

Conclusion: Although the Comprehensive Plan does not support the request, the existing zoning pattern would. Staff is supportive of the requested rezoning finding the CS zoning and proposed use in the companion PUD consistent for the area.

Therefore, Staff recommends **APPROVAL** of Z-6357 as requested conditioned upon approval of PUD 489.

**NOTE:** If CS zoning is approved by the City Council, Staff would recommend an amendment to the Comprehensive Plan to reflect the change.

AND

#### ZONING PUBLIC HEARING

Application No.: **PUD 489** Present Zoning: CS, CO  
Applicant: William B. Jones Proposed Zoning: CS, CO & PUD  
Location: Northeast corner of East 71st Street South and Mingo Road  
Date of Hearing: April 22, 1992  
Presentation to TMAPC: William B. Jones

The applicant is proposing a shopping center on land zoned CS and CO and as part of this request the frontage along 71st Street is proposed to be rezoned from CO to CS in case Z-6357. In addition, at the corner of 71st and Mingo, an area for stand-alone restaurants and other commercial establishments is provided. The Comprehensive Plan designates the PUD Corridor, Medium Intensity and Low Intensity No Specific Land Use. The PUD contains 34 net acres and is proposed to allow 385,000 SF of building floor 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 489 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 489 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:**

DEVELOPMENT AREA A

<b>LAND AREA (Gross)</b>	282,269 SF
(Net)	217,364 SF

<b>PERMITTED USES</b>	Principal and accessory uses permitted by right in a CS Shopping Center-Commercial District
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<b>MAXIMUM BUILDING FLOOR AREA</b>	30,000 SF
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<b>MAXIMUM BUILDING HEIGHT:</b>	24'
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<b>MINIMUM BUILDING SETBACK</b>	
From Centerline of South Mingo	100'
From Centerline of East 71st St.	120' for a distance of 320' from the west boundary line of Development Area "A" and 110' for the remainder of the 71st Street frontage of Development Area "A"

From North and East boundary lines of Development Area "A"	10'
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<b>MINIMUM OFF-STREET PARKING</b>	That number of parking spaces required for the applicable Use Unit of the Tulsa Zoning Code.
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<b>MINIMUM LANDSCAPED OPEN SPACE PER LOT</b>	10% of net land area
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<b>WALL AND GROUND SIGNS</b>	As permitted by Section 1103.B.2 of the Tulsa Zoning Code. Outdoor advertising signs are prohibited.
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DEVELOPMENT AREA B

<b>LAND AREA (Gross)</b>	961,805 SF
(Net)	913,889 SF

<b>PERMITTED USES</b>	Principal and accessory uses permitted by right in a CS Shopping Center-Commercial District
<b>MAXIMUM BUILDING FLOOR AREA</b>	210,000 SF
<b>MAXIMUM BUILDING HEIGHT:</b>	35'
<b>MINIMUM BUILDING SETBACK</b>	
From centerline of South Mingo	500'
From north boundary line	60'
From east boundary line	60'
From centerline of East 71st Street	110'
<b>MINIMUM OFF-STREET PARKING</b>	That number of parking spaces required for the applicable Use Unit by the Tulsa Zoning Code.
<b>MINIMUM LANDSCAPED OPEN SPACE</b>	10% of net land area of Development Area B
<b>WALL AND GROUND SIGNS</b>	As permitted by Section 1103.B.2 of the Tulsa Zoning Code for a CS zoned area. Outdoor advertising signs are prohibited.

DEVELOPMENT AREA C

<b>LAND AREA (Gross)</b>	377,665 SF
(Net)	349,787 SF
<b>MAXIMUM BUILDING FLOOR AREA</b>	145,000 SF
<b>MAXIMUM BUILDING HEIGHT:</b>	35'
<b>MINIMUM BUILDING SETBACK</b>	
From Centerline of South Mingo	200' for principal structures and 100' for accessory open air structures
<b>MINIMUM OFF-STREET PARKING</b>	That number of parking spaces required for the applicable Use Unit of the Tulsa Zoning Code.

**WALL AND GROUND SIGNS**

As permitted by Section 1103.B.2 of the Tulsa Zoning Code for a CS zoned area. Outdoor advertising signs are prohibited.

3. 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.
4. 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.
5. 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.
6. All trash, mechanical and equipment areas shall be screened from public view.
7. 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.
8. No Building Permit shall be issued until the requirements of Section 1107E 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.
9. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

There were no interested parties present.

Applicant's Comments

Mr. Jones expressed agreement with staff recommendation.

TMAPC Action; 8 members present:

On MOTION of , the TMAPC voted 8-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no recommend "nays"; no "abstentions"; Midget, Neely, Selph "absent") to recommend APPROVAL of Z-6357 for CS zoning and PUD 489 subject to staff conditions.

LEGAL DESCRIPTION PUD 489

A tract of land that is part of Government Lot 7, (SW, SW) of Section 6, T-18-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Starting at the Southwest corner of Section 6, T-18-N, R-14-E; Thence N 00°06'00" E along the Westerly line of said Section 6 for 1320.06' to the Northwest corner of said Lot 7; Thence S 89°42'09" E and along the Northerly line of Lot 7 for 50.00' to the Point of Beginning of said tract of land; Thence continuing S 89°42'09" E along said Northerly line for 1177.42' to the Northeast corner of Lot 7; Thence S 00°00'19" W along the Easterly line of Lot 7 for 1260.32' to a point, said point being 60.00' Northerly of the Southeast corner of Lot 7; Thence N 89°41'28" W and parallel with as measured 60.00' perpendicular from the Southerly line of Section 6 for 856.71'; Thence N 00°06'00" E and parallel with the Westerly line of Section 6 for 12.00'; Thence N 89°41'28" W and parallel with as measured 72.00' perpendicular from the Southerly line of Section 6 for 302.79'; Thence N 44° 47'44" W for 28.34' to a point, said point being 50.00' Easterly of, as measured perpendicular from the Westerly line of Section 6; Thence N 00°06'00" E and parallel with the Westerly line of Section 6 for 1228.07' to the Point of Beginning of said tract of land, containing 33.9991 acres.

LEGAL DESCRIPTION Z-6357

A tract of land that is part of the S/2 of the SW/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 Southeast corner of the SW/4 of the SW/4, thence northerly along the easterly line thereof for 330.00'; thence westerly parallel with the southerly line of Section 6 for 714.53' to a point, thence southerly parallel with the easterly line of said SW/4 of the SW/4 of the SW/4 for 330.00' to a point on the southerly line of Section 6; thence easterly along said southerly line for 714.80' to the point of beginning of said tract of land

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: **Z-6358** Present Zoning: OL  
Applicant: Kenneth M. Southard Proposed Zoning: OM  
Location: North of the Northeast corner of South Canton Avenue and  
East 71st Street South  
Date of Hearing: April 22, 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 Special District 2 -- Development Complex and Linear Development Area.

According to the Comprehensive Plan the requested OM District is in accordance with the Special District 2 guidelines. It is not in accordance with the Linear Development Area Guidelines.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .3 acres in size and is located approximately 240' north of the northeast corner of East 71st Street South and South Canton Avenue. It is nonwooded, flat, contains a single-story office building zoned OL.

**Surrounding Area Analysis:** The tract is abutted on the north, south, and east by office use zoned OL; and on the west by vacant property zoned CS.

**Zoning and BOA Historical Summary:** Medium intensity zoning designations have been approved in the area.

**Conclusion:**

The Comprehensive Plan is contradictory where this tract is concerned. The Special District 2 guidelines would permit OM. The Linear Development area guidelines would only allow OL. It is staff's opinion that the Linear Development Area designation was incorrectly extended into Special District 2. We therefore recommend that the boundaries of the Linear Development Area be adjusted accordingly. With that adjustment, staff can support OM on this tract.

Therefore, Staff recommends **APPROVAL** of OM zoning for Z-6358 as requested.

There were no interested parties present.

Staff Comments

Mr. Stump commented this tract represents an oversight in the Comprehensive Plan. This area is included in a special district which would allow OM zoning. However, when the low intensity linear development area was added this tract was included. It would only allow OL. Staff believes the linear development area was drawn into this special district in error and asked that it be corrected in the Comprehensive Plan should the Planning Commission approve this application.

TMAPC Action; 8 members present:

On **MOTION** of **BUERGE**, the TMAPC voted **8-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Neely, Selph "absent") to recommend **APPROVAL** of Z-6358 for OM zoning as recommended by staff.

LEGAL DESCRIPTION

The South 88' of the West 150' of the North 220' of the South 470' of Lot 1, Block 3, Burning Hills, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: **Z-6359** Present Zoning: RS-3  
Applicant: William H. Hulet, Jr. Proposed Zoning: IL  
Location: North of the Northwest corner of East 61st Street South and South 107th East Avenue  
Date of Hearing: April 22, 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 Special District 1 -- Industrial.

According to the Zoning Matrix the requested IL 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 north of the northwest corner of East 61st Street South and South 107th East Avenue. It is partially wooded, flat and contains two single-family dwellings and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property zoned IL; on the east by vacant property

zoned IL and RS-3; on the south by mostly vacant property zoned IL; and on the west by the Mingo Valley Expressway zoned AG.

**Zoning and BOA Historical Summary:** Several rezoning applications have been approved for IL zoning in the immediate area.

**Conclusion:**

Based on the Comprehensive Plan and transitional nature of the area, Staff is supportive of the requested IL rezoning. This application is an example of orderly transition from residential to a high intensity land use.

Therefore, Staff recommends **APPROVAL** of IL zoning for Z-6359 as requested.

There were no interested parties present.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Neely, Selph "absent") to recommend **APPROVAL** of Z-6359 zoning to IL as recommended by staff.

**LEGAL DESCRIPTION Z-6359**

The south 95.4' of the east 228.3' of Lot 9, Block 2, Golden Valley Addition and part of Lots 10 and 11, Block 2 Golden Valley Addition described as follows: Beginning at the northeast corner of Lot 10 thence west 302.57' thence southeasterly 321.28' thence east 280.09' thence north 320.46' to the point of beginning. All in the City of Tulsa, Oklahoma.

\* \* \* \* \*

**OTHER BUSINESS:**

**PUD 417-B:** Detail Sign Plan review (Development Area "L")  
Located north of the northeast corner of East 21st Street South and South Wheeling Avenue

Staff has reviewed the submitted detail sign plan which proposes a 22.5 SF building identification sign on an existing brick wall. The sign is located on an island of the drop-off area of the building and is consistent with both the PUD and existing signage in the development.

Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan.

**TMAPC Action; 8 members present:**

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Neely, Selph "absent") to APPROVE the Detail Sign Plan for PUD 417-B as recommended by staff.

\* \* \* \* \*

**PUD 282-3**            Minor Amendment to reduce landscaped open space - Southwest corner of South Lewis Avenue and East 71st Street

The applicant has revised his request from the previous meeting and now only wants amendments to the landscape open space requirement on Tracts I and II. At the time the PUD was adopted the requirement was 16.5% and 13.6% of gross land area for Tract I and II respectively. Gross landscaped area includes the area between the street and the property line. When this PUD was approved 71st Street was only two lanes wide and there was approximately a 48' wide strip of landscaped open space between the street and the property line. Since 71st Street has been widened to 7 and 8 lanes there is only 6 to 10 feet of area between the property line and the street. Because of this there has been a major reduction in landscaped open space (approximately 60,000 SF).

Staff has no way of knowing if the applicants for the PUD originally assumed 71st Street would be widened to its present configuration, but it is quite likely that their landscaped area calculations included a sizable amount of area in the street right-of-way. Staff calculated what equivalent net landscaped open space would be required in Tract I if the original PUD assumed a 4-lane 71st Street. Staff found that 12% of net land area would produce the same amount of internal landscaped open space as the 16.5% of gross land area that was approved. Tract II would need 10% of net area to have the same amount of landscaped open space as previously approved as 13.6% of gross land area.

Staff recommends that to avoid the difficulty in calculation and the potential for changes in the amount of open space when a street is widened, that the amount of landscaped open space required for Tracts I and II be converted to a percentage of net land area rather than gross and the following percentages be required.

Tract I	12% (net)
Tract II	10% (net)

These percentages should require approximately the same amount of landscaped open space within the tract as previously required.

Staff Comments

Mr. Stump explained staff tried to determine the equivalent net landscaped/open space percentage versus the one that was adopted in the PUD which was for gross land area. He went into great detail describing how the calculation was arrived at.

Applicant's Comments

Mr. Norman commented that the conversion does not require an amendment to the PUD, but deletes calculation of the area included 10-12 years ago from the property line out to the curb. He disclosed the open space requirement was proposed on the basis of a 4-lane street and not the present 8-lanes. Mr. Norman advised there is virtually no landscaping outside the property line, but there is much inside the property line. As a result, inside the property line this conversion would maintain the status quo.

Mr. Norman explained he believes the system was converted from gross to net because there was no assurance that the gross area would remain available for landscaping and it was difficult to calculate what was outside your own property.

Mr. Gardner explained the same amount of landscaping is being proposed on this lot, it is just to be in different locations.

There was much discussion among the Planning Commission as to the change in calculation and its effects and whether this should be considered as a minor or major amendment.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 6-2-1 (Ballard, Buerge, Doherty, Horner, Parmele, Wilson "aye"; Broussard, Midget "nay"; Carnes "abstaining"; Neely, Selph "absent") to ALTER the method of calculating required landscaped open space from gross land area to net land area as recommend by staff.

\* \* \* \* \*

**PUD 282-3**

**Detail Site and Landscape Plans**

Staff has reviewed the proposal to convert some of the landscaped area north of the entrance to the Sheraton Hotel to a parking lot and recommends **APPROVAL** of the Detail Site and Landscape Plans with the following revisions:

1. The parking lot should be only 60' wide rather than the proposed 66' and the resultant 6' should be landscaped area immediately south of the sidewalk on 71st Street.
2. Trees proposed on the north side of the parking lot should be moved to the new 6' strip on the southside sidewalk to protect them from street traffic.

3. All existing trees in this area should be transplanted to the remaining open space around the new parking lot.

#### Staff Comments

In response to a question from Mr. Doherty, Mr. Stump explained that by internal calculations there is sufficient interior area in existence to meet the landscaping requirements.

#### Applicant's Comments

Mr. Norman explained the design feature at the entrance to the Sheraton Kensington Hotel and noted this is the only area in the periphery of the shopping center that had any depth of this size. The shopping center itself has extensive tree plantings throughout the center and the hotel patrons and restaurant patrons are required to park to the west. This has been a difficult marketing and operating problem for many years. He pointed out that nowhere else in the area is there this amount of depth of landscaping. The proposed amendment will permit the addition of 70 parking spaces directly in front of the hotel area and conform with the tree plantings indicated to anything being proposed for landscaping of parking areas. He explained this proposal takes existing trees and transplants them creating the same character of landscaping and tree planting within the Kensington Center as there is now, and create a more functional and efficient parking operation for patrons of the hotel.

#### TMAPC Comments

Mr. Buerge advised having concerns about relinquishing the green belt. He acknowledged that while the other areas have a lesser amount of greenery, the hotel is the only building in this corridor that is of this height.

Mr. Norman responded that there is an office building within the center that is higher than this project. He added that the periphery of Kensington is multifamily on the south and west sides and this was not designed as a feature for adjacent properties, but an internal feature for the design originally of the hotel which has not worked. Mr. Norman declared staff requirements will carry out the theme of the center that has trees along the Boulevards and exterior of the center.

The Planning Commission acknowledged the need for additional parking in front of the hotel; however, the consideration of this application as a major versus minor amendment was of primary concern. A lengthy discussion ensued over this concern.

Mr. Linker pointed out that this does not meet with the site plan that was originally submitted to the City indicating open space and does not comply with the text that was submitted that required this area to be open space. The City was led to believe this would be open space and now it is being requested this be changed without getting City approval. Mr. Linker recommended the Planning Commission present this application to City or County when there is

a change of use on a property, such as this, in going from open space to a parking lot. He asked that his comments not be taken as disagreeing with the merits of the application.

Mr. Norman explained the PUD text was transmitted to the City; however, the site plan came to the Planning Commission only.

Mr. Stump read from the outline development plan that was submitted to the City Council under "Kensington Center Open Space and Landscape Plan" ..a major open area adjacent to the principal entrance to the Kensington-Sheraton Hotel will be located on East 71st Street north of the hotel entrance.

There was lengthy discussion as to whether this item should be transmitted to the City Council.

Mr. Doherty advised the question before the Planning Commission is not whether this is a major or minor amendment, but an amendment to the detail site plan. He advised of his reluctance to send this to the City Council and believes it is within the Planning Commissions authority and it is their responsibility to decide this on its merits as an amendment to the detail site plan.

Mr. Gardner explained this is a zoning change and the ordinance says the Planning Commission can make minor changes in the PUD even to the extent of replatting an area.

Mr. Doherty maintained the Planning Commission is not proposing to change any of the uses of this PUD, but rather change the physical location and distribution within the guidelines originally approved by the PUD.

Mr. Carnes questioned where the location of open space is being changed.

Chairman Parmele explained there is adequate open space within the entire development in excess of what is required.

**TMAPC Action; 8 members present:**

On **MOTION** of **BUERGE**, the TMAPC voted **4-4-0** (Ballard, Broussard, Buerge, Horner, aye"; Carnes, Doherty, Parmele, Wilson "nay"; no "abstentions"; Midget, Neely, Selph "absent") to **DENY** the Detail Site Plan and Landscape Plan for PUD 282-3.

**MOTION FAILED**

Mr. Doherty advised this is an amendment to the detail site plan, which was never approved by the City and believes the intent of open space is being met. Mr. Doherty believes it is the Planning Commission's responsibility to decide this application on the basis of its merits.

Chairman Parmele added this meets the intent and purpose of the original PUD which provides for substantial landscaping in front of the hotel.

Mr. Broussard expressed concerns of going against legal counsel's advice because there is ambiguity here.

Chairman Parmele advised this is being addressed in other work programs.

Mr. Doherty stated this is an adjustment to the detail site plan, not to the concept of the development.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **4-5-0** (Carnes, Doherty, Parmele, Wilson "aye"; Ballard, Broussard, Buerge, Horner, Midget "nays"; no "abstentions"; Neely, Selph "absent") to **APPROVE** the Amendment to the Detail Site Plan and Landscape Plan with modifications requested by staff as presented and per staff recommendation

**MOTION FAILED**

Mr. Norman inquired if there is an area of modification of this plan which would meet Planning Commission approval, as to satisfying the concept, by reducing it somewhat, he would appreciate their consideration since there is the practical problem of having a hotel and shopping center having great difficulty trying to do something to improve their service. He asked for any alternate approach that would be some relief for the hotel.

Chairman Parmele asked legal counsel if the Planning Commission could approve this item subject to City Council review.

Mr. Linker advised that it would be a better alternative.

There was discussion as to proper notification for a major amendment.

Mr. Norman advised having no concern with the notification process.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-1-1** (Ballard, Carnes, Doherty, Horner, Midget Parmele, Wilson "aye"; Buerge "nay"; Broussard "abstaining"; Neely, Selph "absent") to **APPROVE** the Detail Site Plan and Land Landscape Plan as presented and modified by staff subject to final approval by the City Council.

\* \* \* \* \*

**SUBDIVISIONS**

**FINAL APPROVAL AND RELEASE:**

Mingo Marketplace (PUD 481) (684) (PD-18) (CD-8) (CO, CS)  
NW corner of E. 71st St. & Mingo Valley Expressway

**Staff Comments**

Mr. Wilmoth advised that all releases have been received and staff recommends approval.

**TMAPC Action; 9 members present:**

On MOTION of BUERGE, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Neely, Selph "absent") to APPROVE the Final Plat of Mingo Marketplace and RELEASE same as having met all conditions of approval as recommended by staff.

\* \* \* \* \*

**REVISED SKETCH PLAT AND PRELIMINARY APPROVAL:**

Southern Pointe Third (1583) (PD-18) (CD-8) (RS-3)  
East 91st Street & South Hudson Avenue

A separate summary of the activity on this plat has been provided and arranged in order by date, similar to an "abstract" of title. This has been condensed from over 100 pages and 15 or more maps.

After many reviews, meetings, and continuances, the plat now being reviewed (Map #15) is basically in compliance with previous Staff recommendations. However, it is not in compliance with the sketch plat approved by TMAPC on 8/21/91 (Map #10). Therefor, this submittal is for a "Revised Sketch" and Preliminary Plat approval. The only issues are again the right-of-way widths, paving widths, and sidewalks.

The plat submitted is acceptable in that a consistent 12 feet behind the curb is provided along with the corresponding rights-of-way. Consistent with previous recommendations of the TAC, sidewalks are recommended on both sides of the collector street.

The Staff presented the plat with the applicant represented by Mr. Perkins, Mr. Schermerhorn, Mr. Breedlove, and Mr. Morris.

It was requested that Signal Hill II Subdivision be added to the location map if it has been recorded. A lengthy discussion then ensued over the need for and proper design of a collector street through the subdivision. Participants in this discussion included Mr. Perkins, Mr. Schemerhorn, Mr. P. Smith, Mr. French, Mr. Garner

and Mr. Stump. As a result of the discussion, there was agreement among TAC members on accepting the alignment of the proposed street system and Mr. French stated Public Works also could support the width of the streets and right-of-way as shown on the plat. TMAPC Staff (Mr. Stump) stated he recommends one change; that East 89th Place between Granite Avenue and Hudson Avenue be increase to 30' of paving and 54' of right-of-way. It was then decided that dual recommendations on streets would be sent to TMAPC.

On MOTION of HERBERT, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the REVISED SKETCH and PRELIMINARY PLAT of *Southern Pointe Third*, subject to the following conditions:

1. That sidewalks shall be provided on both sides of Hudson and on both sides of 89th Place from Granite to Hudson.
2. Street Rights-of-way And Paving Recommendations:  
The Department of Public Works Recommendation -- That all street right-of-ways be as shown on the Preliminary Plat and that Hudson Avenue have 30' of paving between 89th Place and 90th Street and at least 36' of paving between 90th Street and 91st Street and that the Subdivision Regulations' standards for collector streets be waived to accommodate the street design.  
TMAPC Staff Recommendation -- The same as The Department of Public Works recommendation, except 89th Place between Granite Avenue and Hudson Avenue should have 54' of right-of-way and 30' of paving.
2. On face of plat identify the adjacent land to the east as "UNPLATTED -- CITY OF TULSA" and show the approximate high bank as directed by the Department of Public Works (Stormwater). This is to show that purchasers of adjacent lots are not buying the open space and drainage area behind the platted lots.)
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.
4. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants.
5. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.

7. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. (Also see #2 above)
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering).
12. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
13. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
14. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.
17. Provide sight distance data for the intersection of 90th and Hudson as well as the entry median at 91st and Hudson. (Required by DPW, Traffic Engineering).
18. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
19. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC Comments

Chairman Parmele announced this item will be conducted in the same manner as a zoning public hearing, allowing the applicant twenty minutes to present his case, allowing all interested parties to

speak, limited to three to five minutes each, and allow the applicant up to ten minutes for rebuttal.

Interested Parties

**Pierre Smith**

**8815 South Lakewood 74137**

Based on the late hour and loss of some of the Planning Commission members Mr. Smith requested this item be continued for two weeks.

Chairman Parmele reminded Mr. Smith the last time this item appeared on the agenda he notified all parties present that there would be no further continuances. Chairman Parmele declared loss of a Planning Commission member is not a valid reason for continuance.

TMAPC Action; 8 members present:

On MOTION of BUERGE, the TMAPC voted 7-0-1 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele "aye"; no "nays"; Midget "abstaining"; Neely, Selph, Wilson "absent") to DENY the request for Continuance of Southern Pointe Third.

\* \* \* \* \*

Staff Comments

Mr. Wilmoth reviewed the TAC recommendations. He pointed out the major area of difference remains at East 89th Place between Granite Avenue and Hudson Avenue to be increased to 30' of paving and 54' of right-of-way.

Applicant's Comments

**Lindsey Perkins**

**4735 South Atlanta Place, 74105**

Mr. Perkins advised that the plan before the Planning Commission is a refined version of the previous plat. It has been scrutinized and accepted as meeting the needs of the area being dealt with. It has been reviewed and accepted by the TMAPC staff, Department of Public Works, Traffic Engineering, and TAC. He feels this plat takes into consideration the desires and views of homeowners in Southern Pointe II. Mr. Perkins believes the street layout promotes safety. He gave a detailed description of the street system in the proposed addition. Mr. Perkins referred to publications addressing design of residential streets, specifically collectors and subcollectors. He proceeded to define the purpose of collectors and subcollectors. Mr. Perkins illustrated his point with regard to traffic anticipated needs in the area referring to March 9, 10, and 11, when the developers had *Delta Technologies, Inc.*, an engineering firm, conduct traffic counts on Lakewood and the entrance into Southern Point I. Copies of this study were distributed to Planning Commission members. (Exhibit 19) He disclosed that according to the study less than 1,000 cars per day use these two access points into Southern Pointe II. Mr. Perkins declared that when a third point of access is provided, Southern

Pointe III, this will further dilute the traffic on Lakewood and the entrance into Southern Pointe I. Mr. Perkins believes the physical facts support relief from the standard subdivision regulations. He feels evidence of what is proposed meets the needs of the area.

Mr. Perkins addressed the issue of sidewalks. He perceives that placing sidewalks on the west side of Hudson would create a safety hazard. Mr. Perkins pointed out there would be three streets that would have to crossed within 600' of each other and there are not enough people in this area to require sidewalks on both sides of Hudson. The developers feel sidewalks on the east side of Hudson being continuous and a smooth flow on to 91st Street would be sufficient.

**Jon Eshelman, City Traffic Engineer**

Mr. Eshelman explained he was not in attendance to make a presentation but to answer questions regarding this proposal. He advised Public Works Department reviewed the proposal and it was found to be acceptable.

The Planning Commission questioned Mr. Eshelman as to right-of-way and street width and if the proposed are sufficient to handle the traffic in the area. He advised this development plan seems reasonable and acceptable to Public Works. Mr. Eshelman explained their concern is to create a reasonably direct access to the center of this square mile, the interior development, without creating a street that will invite speeding. He went on to explain benefits of curviliner streets versus right angle intersections.

Interested Parties

<b>Douglas M. Chernovetz</b>	<b>5530 E. 87th Street</b>	<b>74137</b>
<b>Thomas McKeon</b>	<b>5461 E. 88th Street</b>	<b>74137</b>
<b>Linda Holler</b>	<b>6435 E. 89th St.</b>	<b>74137</b>
<b>Tim Trump</b>	<b>8625 S. Erie</b>	<b>74137</b>
<b>Rose M. Ruff</b>	<b>5427 E. 89th St.</b>	<b>74137</b>
<b>William Ruff</b>	<b>5427 E. 89th St.</b>	<b>74137</b>
<b>Helen Vaslavsky</b>	<b>5014 E. 88th St.</b>	<b>74137</b>
<b>Bill Ramsey</b>	<b>8727 S Hudson</b>	<b>74137</b>
<b>Kevin Walktell</b>	<b>5601 E. 89ths ST.</b>	<b>74137</b>

Listed below is a summary of the general concerns and areas addressed by the interested parties listed above providing input.

A petition was presented to the Planning Commission in support of the submitted plat. (Exhibit 19)

Residents felt wider streets than what are being proposed would promote speeding and encourage cut-through traffic into the neighborhood.

Residents feel a wider straighter street coming off 91st Street accessing Granite will cause more speeding.

It was the consensus that the new plat supports the safety factor for the addition.

Residents voiced opposition to a 36' collector street.

Concerns over slowing traffic and safety of children in the area were voiced.

Residents feel Lakewood will not be utilized as a collector street, as it is currently is, when the new addition is opened.

Residents feel sidewalks on the east side of the street would be sufficient.

Residents assured the Planning Commission when Southern Pointe III is open Southern Pointe II homeowners will use those streets and thereby relieve Lakewood of excessive traffic.

Residents assured the Planning Commission they will use the access road and that a collector road is much too wide for the amount of traffic anticipated.

Chairman Parmele announced receipt of a letter from Thomas McKeon, 5461 E. 88th Street, urging support of the developer's plan.

Interested Parties

Dudley Tenney	5903 East 88th Street South	74137
Richard Polishuk	3309 E. 66th Street	74136
Pierre Smith	8815 South Lakewood	74137
Kathy Fortner	8606 S. Joplin	74137
Bill Eworthing	8717 S Lakewood	74137

Listed below is a summary of the general concerns and areas addressed by the interested parties listed above providing input.

Concerns were expressed that the residents in Wood Hill Estates and Wood Hill Heights, additions abutting Southern Pointe III, are not being considered concerning traffic problems.

Support of a collector street in Southern Pointe III was voiced to allow for equalization of traffic on Lakewood to be funnelled off.

Concerns were expressed the Planning Commission was encouraging Southern Pointe II residents to continue to use Lakewood as a collector by allowing this proposal.

The Planning Commission was urged to be consistent with subdivision rules and keep in mind long range planning of collector streets throughout subdivisions.

The Planning Commission was encouraged to be consistent in requiring all collector streets be of 36' width.

Mr. Smith advised that Public Works has reversed their recommendations completely from the TAC meeting prior to the August 21, meeting. At that point City Traffic Engineering's recommendations were for standard collector streets down through this area.

Residents declared that Lakewood has become the collector street for this section.

Concerns were expressed over safety, security, and value loss in homes on Lakewood.

It was brought up that at the previous meeting the Planning Commission promised to put a collector street from Southern Pointe II south to 91st Street to balance the traffic flow to the south. This would off-load the Lakewood pressure onto the arterial going south being a collector street.

Residents do not believe this plat meets subdivision regulations for a collector street, nor does it meet the 8 node directive of the August 21 meeting.

Concerns were expressed that this design will cause a bottle-neck to keep traffic from flowing.

This plan does not encourage or collect traffic in flowing from the area.

Residents along Lakewood have experienced increased traffic causing concern for the safety and security of the children in the Woodhill addition.

Residents reported that there are streets in the Woodhill area that are collapsing due to excess weight caused by construction traffic.

It was expressed that a collector street would be used to permit Southern Point II residents to ingress and egress more efficiently and will not put more traffic into their neighborhood.

Woodhill residents are seeking relief from excessive traffic caused by Southern Pointe residents using Lakewood as a means of access and egress.

Residents expressed support of a street exiting Southern Pointe to give Woodhill residents relief from excessive traffic.

#### Applicant's Rebuttal

Ed Schermerhorn, applicant, commented that anytime a street is made wider and straighter, which is what the curvilinear does, it will promote speed. The comments from the professional engineers, Public Works Department, and others support the street design as presented. Mr. Schermerhorn asked that this be transmitted to City Council with the preliminary plat for action. He revealed the applicants will agree to increase right-of-way an additional 4' and

provide 30' of paving on 89th Place and will install sidewalks on the east side of the street.

TMAPC Comments

Chairman Parmele advised it is his understanding that even though this is a preliminary plat approval it is being requested that this be transmitted to the City Council for their review prior to the developer proceeding based on Planning Commission approval.

Mr. Doherty expressed his hesitation to approve a sidewalk on the west side across 89th Court with small children traveling this area and crossing that street since 89th Court could bear some traffic exiting Southern Pointe II.

Mr. Stump advised it is a requirement of the subdivision regulations and it is safer to have sidewalks on both sides. He pointed out dangers to the facing the child attempting to cross over to the sidewalk.

Mr. Schermerhorn offered to compromise by planting trees on the west side in place of sidewalks.

Chairman Parmele explained the misunderstanding at the August 1991 meeting between staff and the Planning Commission. There was erroneous information put out in the packets as to street widths. He feels the purpose of residential streets is to move traffic. Traffic Engineering, Public Works Department, TAC, and staff advises the recommended street and right-of-way widths will move the traffic existing and the traffic proposed to exist. He advised this is not a fully developed section. Chairman Parmele questioned constructing a complete 36' street when it is not needed. He advised the issues to be decided are the right-of-way widths, street widths, and sidewalks. Chairman Parmele believes relief will be provided to those living east of the creek when this street is completed and open, and the majority of Southern Pointe residents will use Hudson to access 91st Street.

Mr. Broussard commented that under the subdivision regulations there seems to be conflicting problems under the purposes under the regulations. One of the purposes is to provide adequate access to the subdivision and collector streets and also the question of safety is to be provided. He feels compromise is appropriate here. Mr. Broussard expressed having concerns over the configuration and would like to see more curvature and not such a sharp angle at the turn off to the collector street in order to increase the traffic flow, which he believes is the purpose of the collector street. At the same time there is the safety issue. He feels that 36' all the way across this collector street would be appropriate in this situation.

**TMAPC Action; 8 members present:**

On **MOTION** of **BUERGE**, the TMAPC voted **7-1-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Parmele, "aye"; Midget "nay"; no "abstentions"; Neely, Selph, Wilson "absent") to **APPROVE** the Revised Sketch Plat and Preliminary Approval of Southern Pointe Third as recommended by staff with the recommendation that sidewalks be installed on the entire north side of 89th Street and the east side of South Hudson only and the developer to plant trees on the west side of Hudson and to waive subdivision regulations as to the right-of-way width.

Parmeles clarified motion: 60' of right-of-way, 36' of paving to 90th Street and from there north and around to the west to where Granite stubs south be 54' of right-of-way and 30' paving.

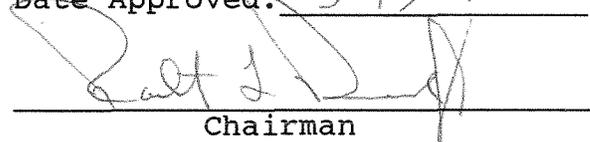
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**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Parmele "aye"; no "nays"; no "abstentions"; Neely, Selph, Wilson "absent") to **APPROVE** transmittal to the City Council for approval of the Preliminary Plat.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 5:55 p.m.

Date Approved: 5-13-92  
  
Chairman

ATTEST:

  
Secretary

