

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1893
Wednesday, July 22, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Selph	Gardner	Linker, Legal
Broussard		Hester	Counsel
Secretary		Matthews	
Buerge		Stump	
2nd Vice		Wilmoth	
Chairman			
Carnes			
Doherty, Chairman			
Horner			
Midget, Mayor's			
Designee			
Neely			
Parmeale, 1st Vice			
Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, July 21, 1992 at 11:23 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of July 8, 1992, Meeting No. 1891:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Selph "absent") to **APPROVE** the minutes of the meeting of July 8, 1992 Meeting No. 1891.

REPORTS:

Chairman's Report

Mr. Doherty announced that on July 23, 1992 the City Council Development Committee will hear presentations from the Planning Commission and the Sign Advisory Board on the recommended changes to the sign provisions of the Zoning Code.

Director's Report

Mr. Gardner advised that it was brought to staff's attention through an appeal to the County Board of Adjustment of a decision of the County Building official that there is a discrepancy in the ordinance that needs to be rectified in both the City and County

Zoning Codes. Section 207 of the ordinance indicated, that not more than one single-family dwelling may be constructed on a lot. Mr. Gardner noted that, by definition, a manufactured home is not a single-family dwelling, but is a one unit dwelling. Mr. Gardner explained the ordinance suggests that it would be possible to have several mobile homes on a lot with a single-family dwelling even though there is only one lot of record. Mr. Gardner noted that this was not the intent of the code. He suggested a public hearing be held August 19, 1992 to amend the provision of the Zoning Code so that it applies not only to single-family dwellings, but manufactured homes as well.

Chairman Doherty directed staff to advertise for public hearing on the above-mentioned subject for August 19, 1992.

SUBDIVISIONS
FINAL APPROVAL AND RELEASE

Wood Niche II (PUD-327-A (1183) (PD-18) (CD-8) RM-1
7705-7711 E. 81st Street South

Staff Comments

Mr. Wilmoth advised 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, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Wilson "absent") to **APPROVE** the Final Plat of Wood Niche II and **RELEASE** same as having met all conditions of approval as recommended by staff.

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WAIVER REQUEST; Section 213 & 1107-E & approval of PUD Documents

Z-6338 Jennings-Robards Addn. (PUD 476) (3093) (PD-6) (CD-9)
1317 E. 41st Place CS, RS-2

Nordic General Partnership (PUD 476) (3093) (PD-6) (CD-9)
1317 E. 41st Place (RM-2 to CS)

This PUD consists of 3 platted lots, Lots 18-20, Block 1, Jennings-Robards Addition which will be used for a small mini-storage facility and off-street parking, as per plan submitted. Improvements and utilities are in place. The Board of Adjustment had approved all three lots for off-street parking on 10/1/87, but that had not been utilized and expired 10/1/90. (BOA-14625). The plat requirement was previously waived on these three lots 4/7/82, with no conditions. (Z-5678).

PUD restrictions will be filed by separate instrument and a detailed site plan review submitted at a later date. A waiver of plat application would be processed prior to seeking a building permit. Since plat requirement had been waived on these lots previously TAC had no objection as submitted.

The applicant was not represented.

On MOTION of KOCH, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the WAIVER OF PLAT on PUD-476 and Z-6338, subject to the following conditions:

- (a) Grading and drainage plan approval by the Department of Public Works through the permit process.
- (b) Provide PUD restrictions by separate instrument.
- (c) Check availability of fire hydrants in the area (Advisory Fire Department)

* * * * *

STAFF UP-DATE 7/22/92

Approval of PUD Documents for PUD-476

In compliance with (b) above the applicant has submitted the PUD documentation for review and approval, along with the site plan review and plat waiver application. It is recommended the documents be approved, subject to approval of format by the City Legal Department.

Recommendations on site plan review are elsewhere in this agenda.

Staff Comments

Mr. Wilmoth advised this request also includes approval of the PUD documents. Mr. Wilmoth stated that staff was in receipt of PUD restrictions and are in the process of reviewing them. Staff is recommending the PUD restrictions be approved subject as to format by the City Legal Department.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Selph "absent") to recommend **APPROVAL** of the Waiver of Plat for Jennings-Robards Addition and PUD documentation.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL

L-17562 Gilbert (2093) 3730 S Delaware Ave. (PD-6) (CD-9) RS-2

Staff Comments

Mr. Wilmoth reported that this application meets all subdivision and zoning regulations. Sewer plans have been submitted and approved by the water and sewer department and staff recommends approval.

Chairman Doherty added that the Planning Commission is not approving this application; they are either finding it in conformance with Subdivision Regulations or finding it not to be in conformance.

Interested Parties

Steve Schuller

525 S Main 74103

Mr. Schuller, attorney for neighborhood residents and a neighborhood association in the vicinity of this property, expressed their concerns over the lot split not meeting approval guidelines, particularly in connection with access to public sanitary sewers. At the time of the continuance, July 8, 1992, it was hoped that they would be furnished copies of the plot plan for the proposed lot split and development contemplated, as well as sewer connections, easements, etc. Mr. Schuller noted that none of this information has been submitted for their review. Mr. Schuller added the environmentally sensitive aspect of the lot split application has also not been addressed. He took exception to the manner in which the approval guidelines were written, especially to topographical and stormwater management issues, and emphasized that in this case those issues should be considered. Mr. Schuller went on to describe in detail the tract on which the proposed new lot would be created. He suggested the Planning Commission reconsider this lot split application to determine whether it really does meet the approval guidelines, particularly with respect to adequate buildable space and whether the guidelines should be examined more thoroughly.

Chairman Doherty asked legal council for advice over which of the above-mentioned factors the Planning Commission can take into account for the lot split.

Mr. Linker stated that the only issue the Planning Commission can consider on a lot split is whether or not it complies with the Subdivision Regulations. Mr. Linker reminded the Planning Commission that their position, when the lot split complies, is administrative.

There was discussion among the Planning Commission as to the requirements the lot split must meet.

Mr. Wilmoth explained the paving, drainage, and sewer plans are analyzed by Public Works.

Chairman Doherty acknowledged that Mr. Schuller has valid points as to the adequacy of the Subdivision Regulations to deal with lot splits in sensitive areas, especially in in-fill areas. Chairman Doherty advised the Subdivision Regulations update is in the Work Program and welcomed Mr. Schuller's participation.

TMAPC Action; 10 members present:

On MOTION of PARMELE, the TMAPC voted 10-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Selph "absent") to RATIFY the lot split for L-17562 having received prior approval.

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CONTINUED PUBLIC HEARING

**Public Hearing on Amendment to District 26 Plan
(Map and Text) to Extend Harvard Avenue
from 96th Street to 101st Street**

Chairman Doherty declared that he will not impose a time limit on interested parties wishing to address this issue. He asked that remarks be kept brief and to the point and not too redundant.

Interested Parties

Councilor Darla Hall

Councilor Hall expressed opposition to the extension of Harvard since it was not on the Comprehensive Plan when area residents purchased their homes. She feels residents bought homes in the area because there would not be traffic through the neighborhood. Councilor Hall pointed out Delaware Avenue is only four blocks to the west of Harvard and ties in to the Creek Turnpike. Councilor Hall believes the extension would be a waste of money, an infraction on the neighborhood and miscarriage of justice.

Staff Recommendation

Mr. Gardner made a presentation of the following staff recommendation which had been distributed earlier.

STAFF RECOMMENDATION (Revised 7-20-92)

Harvard Avenue Collector Street Extension

The purpose of the public hearing is to consider whether there is a public need to extend Harvard Avenue as a residential collector street, from the Creek Turnpike south to 101st Street, as a part of the adopted Tulsa City/County Major Street and Highway Plan. TMAPC had previously recommended to the City Council that the District 26 Comprehensive Plan Map and Text include the extension of Harvard Avenue as a residential collector street to 101st Street. The City Council, at the request of several interested parties, referred this item back to TMAPC for further study and recommendation. Staff has assembled the following items of information which we feel TMAPC will need to consider in arriving at a decision on the matter. These findings are:

1. The Major Street and Highway Plan (MSHP) was amended by TMAPC December 6, 1978 by Resolution #1240:486 removing Harvard Avenue, a Secondary Arterial Street, from the MSHP for that portion south of 96th (Creek Turnpike) extending to 101st Street South.
2. The MSHP was amended by TMAPC November 20, 1985 by resolution #1581:613 reclassifying Harvard Avenue from a Secondary Arterial Street to a Residential Collector Street. (This was also the resolution that deleted the Creek Freeway, but was never approved by the City Commission).
3. Crown Pointe Plat #4622 was approved by TMAPC November 20, 1985 at which time South Jamestown Avenue (stub street) was not required to extend north through the subdivision to Harvard Avenue. Staff recommended this connection be required.
4. The MSHP was amended by TMAPC September 17, 1986 by Resolution #1618:627 reclassifying Harvard Avenue from 91st to 96th Street from a Secondary Arterial Street to a Residential Collector Street.
5. The MSHP sets forth the standards for right-of-way width, number of lanes and pavement width for a residential collector street (60' 2 lanes and 36' width) and, therefore, the proposed extension could not become a four-lane street.
6. The proposed residential collector street extension would not follow the section line south of the Creek Turnpike because of the topography and drainage constraints.

7. The proposed collector street can be designed and constructed in a southwesterly direction utilizing acceptable street grades based on the existing topography.
8. The proposed residential collector street would function as a residential collector street if located within 300 or 400-feet of the section line and there are no residences fronting this proposed route.
9. The proposed Harvard Avenue extension would generate 1,800 vehicles per day (INCOG Transportation Computer Modeling).
10. The proposed Harvard Avenue extension is not required to meet public safety standards (Police and Fire Department).
11. The proposed Harvard Avenue extension would be a convenient route for parents living south of the Creek Turnpike to take their children to school at 91st and Harvard.
12. The cost of the proposed Harvard Avenue extension would be the responsibility of the property owner when the land is subdivided for future development, as would the cost of building the bridge over the creek.

Staff believes the proposed street would serve a legitimate need in terms of public convenience. We made this same argument when Crown Pointe was being considered for platting. TMAPC is now being asked to approve an alternate route since Crown Pointe was given a waiver of the subdivision regulations when it was approved without connecting the two residential collector streets (Harvard Avenue and Jamestown). Staff would, however, emphasize that the proposed extension of Harvard Avenue is not a public safety issue, but rather one of convenience.

Staff Comments

Mr. Gardner noted that there are two issues on this proposal. Mr. Gardner pointed out the MSHP shows an interchange at Sheridan and the Creek Turnpike which needs to be removed. Staff recommendation is to remove it. This is basically an administrative action.

Discussion ensued as to whether or not the Planning Commission could take action since the posted agenda does not include an amendment to the Major Street and Highway Plan.

Mr. Gardner advised that it was advertised as a proposed amendment to the Major Street and Highway Plan.

Chairman Doherty determined that the Planning Commission would hear from those present today and determine later what action should be taken.

Mr. Linker expressed agreement with the point that the Planning Commission could not take action to amend the MSHP under the Open Meeting law since it was not posted properly.

Mr. Gardner suggested since the issues were before the Planning Commission and were part of the issues of the District 26 Plan that the hearing be held, decisions made, and if necessary, placed on the next meeting's agenda.

Mr. Parmele stressed that all present understand that action taken today will be implemented when the proper posting is made.

Chairman Doherty assured Mr. Parmele that when this is returned as an amendment to the MSHP he will vote to implement the majority wish of this commission.

Vickie Cleveland

Ms. Cleveland asked that if the extension is approved, how many houses will be affected, and questioned if there would be enough space for good buffering.

Chairman Doherty explained final alignment is determined by the engineers. He added that the City Council will ultimately review this and elected officials will have the final say.

Chairman Parmele added the Planning Commission would be reviewing specific locations of the road through the platting process.

Interested Parties in Support of the Proposed Extension

Judy Armstrong	3704 E 99th St	74137
Don Bixler	10015 S Jamestown	74137
Robert Clark	10809 S Louisville Avenue	74137
Gail Gillock	9801 S Knoxville	74137
Mary Mihelich	9819 S Louisville	74137
Carol Oxley	10900 S Louisville	74137
Cindy Park	2431 E 61st St, Ste 800	74136
Property Co. of America		
Grant Smith	3734 E 108th St So	74137
Greg Symons	9808 S Knoxville	74137
Representative of Silver Chase HOA		
Maurine Turner	10218 S Sandusly	74137

The above-listed individuals made the following comments:

The Silver Chase HOA reached a consensus, which was presented in the District 26 Plan Amendments acknowledging support of the Harvard extension subject to conditions listed in a letter of November 6, 1991. This lists preservation of a buffer in excess of 300' along the entire western border of the neighborhood in the

form of an unmaintained greenbelt or linear neighborhood park, and placement of Harvard extension is to the west of the proposed greenbelt/linear neighborhood park.

At the time homes were purchased the MSHP indicated that Harvard Avenue would be extended.

Approval of the extension would provide driving convenience for area residents.

There is much delay and frustration in attempting to access properties south of 96th Street.

The welfare of those living south of 96th & Harvard was not fairly considered when the Harvard extension was removed from the MSHP.

The number of families that would benefit from access to Harvard Avenue from 101st Street far outnumbers those in opposition to the extension.

It was pointed out that this extension will definitely be needed in the future for access.

There is no street available for north-south travel between Yale and Delaware Avenues south of 96th Streets.

There is not one similar elimination of a mile section line road in the middle of a suburban area elsewhere in the City of Tulsa.

One individual cited examples of three emergency situations in the past year where fire and ambulance services were delayed in reaching her neighborhood due to lack of access.

Additional vehicle exhaust is being added to the air each day by traffic congestion due to lack of extension.

School children are spending 45 minutes on the bus daily due to lack of the extension.

Additional delay is expected as traffic on the Creek Turnpike increases.

Development of the Grupe property will additionally burden northbound routes.

Homeowners believe their property values are negatively impacted by lack of access to schools, retail outlets and businesses which are nearly all north of this part of Tulsa.

It was noted that the natural terrain present would allow for a greenbelt between the western boundaries of existing neighborhoods and a potential roadway.

Residents feel that a residential collector would be adequate and would conform to the Harvard bridge, which is two lanes wide.

Businesses, notably in Walnut Creek at 81st and Harvard, are suffering loss of potential customers by having traffic detoured away from their location.

An individual presented a petition of 412 signatures supporting approval of the Harvard extension.

Residents are experiencing severe backup of traffic daily.

Residents were appalled that the emergency situation is not considered to be of importance.

Concerns were expressed over additional development at 101st St. & Harvard Avenue which will add to the existing traffic problem.

A representative of the company managing the Walnut Creek Shopping Center voiced support of the extension to benefit the businesses in place at that location on behalf of the tenants and retailers.

The need to accommodate the increased traffic flow due to development at this location should be considered.

Future development will add to already overly-congested streets.

Interested Parties Opposed to the Proposed Harvard Extension

Patrick Cotter	9710 S Oswego	74137
Member of the Board of Crown Pointe		
Lindell Gardner	3315 E. 98th St	74137
Carl Hudgins	3242 E. 93rd	74137
Jarl Johnson	9627 S Indianapolis	74137
Ellen Reeds	9332 S Florence	74137
President of the HOA for Sycamore Hills		
Ken Stowell	3228 E 93rd Street South	74137
President of the HOA for Harvard Pointe South		

The above listed individuals made the following comments:

All homeowners in Crown Pointe are opposed to the Harvard extension.

Home purchasing decisions were based on the fact that the extension had been removed from the MSHP.

Concerns were expressed over homes that backup to Harvard and the lack of buffering that would exist.

Concerns were expressed over safety, criminal activity, and increased traffic should the extension be approved.

Residents believe the protection and safety of residents and value of their property and neighborhoods is more important than making driving a little more convenient.

All residents of Sycamore Hills Addition, consisting of seven homes, are opposed to the extension of Harvard.

All residents of Harvard Pointe South are opposed to the extension of Harvard.

The intersection danger will increase at Delaware and the bridge.

Residents expressed concern that the increase of noise pollution which will affect the peace and well-being of residents.

To construct a street for convenience sake only was questioned.

Concern was expressed that stormwater run-off would be adversely affected, as would the wildlife population in the area.

Should the extension be approved concern was expressed that others wishing to reduce driving distances by adding additional through streets in any grid would occur.

Tax dollars could be more effectively used in improving the existing highway network, i.e. rebuilding dangerous intersection, or in widening already existing overloaded roadways.

An individual cited an instance where police had to be called and stated that they were on site within ten minutes; therefore, he feels extending Harvard is not a safety issue.

Concerns that the extension would disrupt the wilderness area to the west of Crown Pointe, this serves as a buffer, and is the habitat of numerous wildlife.

Concerns were expressed that the Harvard extension, which is intended to be a collector street, will be used as an arterial.

Others Present

Gene Alvord	10202 S Richmond Ave	74137
Nancy Barton	3238 E. 93rd St So	74137
Monte Dunham	3918 E 96th Pl	74137
Joe Kidwell	3232 E 93rd St So	74137
Bryan McCracken	3501 E 31st St Ste 101	74135
Mike Scott	3209 E 93rd St So	74137

The above listed individuals were present but did not address the Planning Commission.

J.C. Winters 3505 E 99th St 74137

Mr. Winters requested that no action be taken since it is uncertain exactly where the proposed road will actually be located.

William B. Jones

3800 1st National Tower 74103

Mr. Jones, attorney for Grupe Development Co. and El Capitan Development Co., advised that he was concerned that should this extension come to pass he will be responsible for donating the land, building the bridge, and road. Mr. Jones pointed out this proposed residential collector seems to be a compromise between zero extension and a secondary arterial street. Mr. Jones noted that, should Harvard be extended; it would be a section line road and declared that it would be the only section line road in Tulsa paid for by a private developer. Mr. Jones questioned the accuracy of the study and whether enough study has been made. Mr. Jones encouraged the Planning Commission to consider if there is really a need and what is the extent of the need. Mr. Jones stated that when Grupe obtained the PUD, extending Harvard was not a part of that PUD as submitted.

Mr. Midget asked legal counsel the liabilities the Planning Commission would face in imposing this condition on him.

Mr. Linker advised that the Planning Commission could not impose that condition on the PUD applicant after the fact. Since the tract has not been platted, however, it might be possible to make that requirement during the platting process.

Mr. Gardner noted that since that PUD was approved, the Creek Turnpike has bisected it and the street patterns originally approved are no longer applicable. Also, there is the possibility the applicant will ask the Planning Commission for approval of land use different from what was approved originally.

Ms. Wilson asked if it was Groupe's intention to connect near Harvard.

Mr. Jones replied the original plan did not contemplate Harvard at all.

Roy Johnsen, attorney

201 W 5th St 74013

Roy Johnsen, representing Crown Pointe Corporation, advised that this corporation is concerned that just recently they sold vacant lots to individuals in the belief that this was a minor street and function. Mr. Johnsen pointed out that technical experts in traffic have advised in writing that there is no need for this facility as a collector, for safety or traffic needs. Mr. Johnsen pointed out that under a normal collector situation, the street goes through the neighborhood and residents of that neighborhood use the street to get to an arterial street. In this situation Silver Chase will have no direct tie to the extension. They are seeking all the benefits of this convenience, but are paying none of the burden a neighborhood normally does that will use it. Mr. Johnsen gave an explanation of how the proposal to extend Harvard has come back under consideration. Mr. Johnsen concluded that no traffic statistics have been presented that suggest this street is needed.

Eric Bolusky, District 18 Planning Chair, 1839 E. 63rd St 74136
Mr. Bolusky, a former Transportation Planner for the City at that time, explained why the Harvard extension was removed from the MSHP in 1978. He pointed out that the only function this extension would serve would be to enhance movement from 101st Street to the school at 91st and Harvard. Mr. Bolusky addressed the traffic problem in the area and noted that there are plans to upgrade Yale, Delaware and the extension of Riverside Drive, which he believes is the way to handle traffic problems. Mr. Bolusky questioned the appropriateness of the residential collector classification on this street, since it will not serve that purpose. Mr. Bolusky stressed that there is no need for this street. Mr. Bolusky reminded the Planning Commission the District 18 Comprehensive Plan states that there should be no through streets through residential areas.

Doug Vincent, District 26 Planning Chair 10530 S Urbana 74137
Mr. Vincent voiced support of the proposed Harvard extension. He pointed out that there are many residents south of 101st Street that would make use of the street. He acknowledged this does bring the question of whether the street should be an arterial or collector street. Mr. Vincent noted that convenience is another matter of consideration. He pointed out that while it may not necessarily be required or recommended for safety it will, however, enhance safety. Mr. Vincent reported that a project is being started for a bridge to be constructed over Vensel Creek, at 93rd Street. This will be a 36' wide collector street bridge, and it should be available for all residents not just those in the three streets it will serve currently, but it should be accessed further south. In conclusion, Mr. Vincent stated that the money being spent on the half-mile section now should benefit many people throughout the area.

TMAPC Comments

Ms. Wilson pointed out that residential collector streets are paid for by the private sector during development not by tax dollars.

Ms. Wilson asked a resident living along the portion of Harvard that is currently to a residential collector street if he would be inconvenienced by having the extension.

The resident replied he would view it as an inconvenience since it would make it more difficult for ingress and egress from his neighborhood with the additional traffic on the roadway.

Jon Eshelman, City Engineering Department

Mr. Eshelman reported that there is a project for \$450,000 to construct a bridge over Vensel Creek at 93rd Street. He advised the primary purpose of the bridge is to alleviate a storm water problem. Mr. Eshelman explained that water goes over the road frequently at this location and blocks off the only route of access to three neighborhoods. He described the bridge as being 36' wide because the current plan indicates Harvard as a collector street.

Chairman Doherty asked that if Harvard were to be downgraded would plans be made to down-size the bridge?

Mr. Eshelman responded that a 26' bridge would be less expensive; however, current plans are nearly complete and the contract will be let shortly.

In response to a question from Chairman Doherty, Mr. Eshelman replied that there are no programmed improvements for Harvard between the Creek Expressway and 91st Street at present.

There being no further comments Chairman Doherty closed the public hearing.

Review Session

Mr. Midget advised that he could not support this extension of Harvard since he feels information is lacking to do so. He pointed out that even if this were approved there is no knowledge of when the street may be built. Mr. Midget pointed out that this street would be used as an arterial and this should be taken under consideration.

Mr. Midget made the motion that no action be taken on the MSHP and to, in effect, overturn previous recommendation to the City Council recommending extension of Harvard.

Mr. Buerge voiced support of the motion and commented that there is an overriding principal involved, that is the commitment that has been made to all the people who have built homes in this area. He believes they will see a lessening in value of their properties if Harvard were to become wider.

Mr. Broussard expressed support of the motion and stated that after studying staff recommendations, he realized the extension would be more convenient for those living in the southern portion of the area. As far as planning is concerned, he feels the Planning Commission must rely on the decision made in 1978 to down-grade Harvard.

Mr. Parmele declared support of the Harvard extension. He feels the Planning Commission unanimously agreed to include the extension when approving the District 26 Plan Update Resolution. Mr. Parmele noted the Planning Commission now has an opportunity to provide access to an area of Tulsa which has little access. He feels that it would not serve primarily as a residential collector street, but it would serve the purpose of moving traffic north and south which will be needed because of planned improvements. Mr. Parmele affirmed that safety is a concern. He expressed disagreement that the extension would be detrimental to property values and cited examples of homes built backing up to major arterials. Mr. Parmele stated the Planning Commission should take advantage of the opportunity for potential of access in this area.

Ms. Wilson clarified that being in support of the District 26 Comprehensive Plan, of which the proposed Harvard extension was one small section of an entire update, did not necessarily indicate support of all of the District 26 Plan. She pointed out that District Plans cannot plan streets for the City of Tulsa; the MSHP covers that. Ms. Wilson noted that voting in favor of the plan did not necessarily indicate favor of this particular proposal. Ms. Wilson referred to the removal of Harvard as a secondary arterial from the MSHP in 1978 and pointed out that it could have been downgraded to a residential collector, but rather it was removed. Now coming back and naming it one thing and using it another way is a great injustice to not only those living in the area, but all those using the roads.

Mr. Carnes voiced support of the Harvard extension and noted that he opposed it being removed from the MSHP. Mr. Carnes declared that approving this extension is planning for the future.

Mr. Neely noted that when this was supported through the District 26 Plan Update, the main reason was for future growth in the area and the need for access. His major concern is that this street will be built to residential collector standards and it will serve as an arterial. Mr. Neely believes there may be ways to impede traffic flow along the street. Mr. Neely declared that he believes access is critical.

Mr. Horner voiced support of the Harvard extension.

Mr. Doherty advised that he cannot support a collector street in this location; it would not serve as a collector under current Subdivision Regulations. At the same time he is unable to ignore the need for a connection and for completion of the transportation infrastructure. Mr. Doherty acknowledged that a connection should have been provided when Crown Pointe was developed. Mr. Doherty declared that he will not be able to support this motion nor a motion to put this on as a residential collector street, since it will be unfair to have a developer building what amounts to a secondary arterial.

Mr. Parmele pointed out the Planning Commission is voting today to extend Harvard south to 101st Street in the District 26 Plan and does not believe they are to determine the type of connection that will be. He agrees that a residential collector may not be enough, yet a secondary arterial is too much.

Mr. Linker pointed out that the Planning Commission has already adopted this in updating the District 26 Plan. Secondly, he is unsure of the motion since it has already been approved earlier.

Mr. Doherty recounted the Planning Commission approved this extension as part of the District 26 Comprehensive Plan. The City Council then approved all but the amendment pertaining to the Harvard extension.

Mr. Gardner explained the City Council denied the Harvard extension portion of the plan. This was done on the advice of legal council so the amendment would not become effective in 45 days. The Council and sent the issue back to the Planning Commission for discussion. Mr. Gardner noted the Planning Commission is rediscussing an issue that was previously approved by the Planning Commission.

Ms. Cleveland explained the City Council's concern was that the public hearing process had not transpired properly. City Council wished for the Planning Commission to rehear citizens comments and then make a recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **4-6-0** (Broussard, Buerge, Midget, Wilson "aye"; Ballard, Carnes, Doherty, Horner, Neely, Parmele "nay"; no "abstentions"; Selph "absent") to **TAKE NO ACTION** on the Amendment to extend Harvard from 96th Street to 101st Street.

MOTION FAILED

Mr. Parmele made the motion to recommend to the City Council the District 26 Comprehensive Plan remain indicating the Harvard extension, as originally submitted.

There was much discussion among the Planning Commission over the function of a residential collector and how this street will be used.

Mr. Gardner cautioned the Planning Commission not to become overly critical about how they think a residential collector functions versus how they perceive it will be used. He pointed out that Louisville Avenue, south of 101st Street, takes the place of Harvard, connects 111th with 101st Street. Mr. Gardner noted that on the MSHP it is indicated as a residential collector.

Concerns over the size of the street and responsibility for development was discussed at length. It was noted that the Planning Commission is expected to present to City Council changes in Subdivision Regulations which may affect this street.

It was suggested that the Planning Commission recommend extension of the street and leave the details to be worked out later.

Mr. Doherty asked if this is placed on the MSHP as a residential collector, would the developer be responsible for providing that connection?

Mr. Linker advised that it is possible for the City to put it in; however the Planning Commission has been advised City funds are not available for such construction.

TMAPC Action; 10 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **6-4-0** (Ballard, Carnes, Doherty Horner, Neely, Parmele "aye", Broussard, Buerge, Midget, Wilson "nay"; no "abstentions"; Selph "absent") to **RECOMMEND** to the City Council the Amendment to the District 26 Comprehensive Plan to provide for the extension of Harvard from 96th Street to 101st Street as a residential collector.

Chairman Doherty suggested that action be deferred on the MSHP until such time as the City Council takes action on this matter.

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CONTINUED ZONING PUBLIC HEARING

CZ-199 Cates (Water Products of OK) (PD-15) RE to IL
South of the southwest corner of 76th St. North & 117th East Ave.

Chairman Doherty announced receipt of a letter from the applicant advising that he is unable to obtain the proper access to the frontage road as advised by the Planning Commission and is withdrawing his application. Chairman Doherty struck the item from the agenda.

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Z-6363 Terral Pittman-Poe (PD-26) (CD-8) AG to RE
Southwest corner of S. Sheridan Road & E. 131st Street

Chairman Doherty announced receipt of a timely request for continuance by the applicant to September 23, 1992. There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Selph "absent") to **CONTINUE** Z-6363 to September 23, 1992.

* * * * *

PUD 490 Terral (Pittman-Poe) (PD-26) (CD-8)

AG to PUD 490

Southwest corner of S. Sheridan Road & E. 131st Street

Chairman Doherty announced receipt of a timely request for continuance by the applicant to September 23, 1992. There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Selph "absent") to **CONTINUE** PUD 490 to September 23, 1992.

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ZONING PUBLIC HEARING

Application No.: **PUD 284-A** Present Zoning: RM-1, RS-2, PUD
284

Applicant: James E. Graber

Location: Northwest Corner of East 53rd Street South and South
Vandalia Avenue

Date of Hearing: July 22, 1992

Presentation to TMAPC: Tom Birmingham

The applicant is requesting to increase the permitted number of dwelling units from 168 to 176. The proposed 176 units would be permitted by the underlying zoning. The additional units are proposed to be constructed above some of the existing units. The PUD presently requires a maximum of 92 off-street parking spaces. This is 36 spaces fewer than required by the current code. The 8 additional units would require 6 more off-street parking spaces to be built.

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 284-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 284-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:**
All the same development standards as existed for PUD 284 except as modified below.

Maximum Number of Dwelling Units	176
Minimum Off-street Parking Spaces	98
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. 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.
5. All trash, mechanical and equipment areas shall be screened from public view.
6. 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.
7. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

There were no interested parties present.

Applicant's Comments

Tom Birmingham, attorney

1141 E. 37th Street 74105

Mr. Birmingham expressed agreement with staff recommendation.

TMAPC Action; 10 members present:

On MOTION of CARNES, the TMAPC voted 10-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Selph "absent") to recommend APPROVAL of PUD 284-A as recommended by staff.

LEGAL DESCRIPTION

Urbana Heights 2, Being PW W/2, NE/4, NE/4, Section 33-19-13 and Resub Lot 1, Block 1, Urbana Heights Addition, Tulsa County Oklahoma

* * * * *

ZONING PUBLIC HEARING

Application No.: **PUD 276-A** Present Zoning: CS, OM, PUD 276
Applicant: Kevin Coutant
Location: Northeast Corner of 41st Street South and Hudson Avenue
Date of Hearing: July 22, 1992

The applicant, the Pearl M. and Julia J. Harmon Foundation, is proposing a major amendment to PUD 276 to allow CS uses in Development Area A. In addition, the minimum building setbacks would be reduced as follows:

	<u>Existing</u>	<u>Proposed</u>
From the centerline of 41st Street	170'	110'
From the north property line	400'	25'
From the centerline of Hudson Ave.	140'	60'
From the east property line	80'	10'

The maximum building height would be reduced from 10 stories to 50' and the minimum internal landscaped open space would be reduced from 31.3% to 15%. Finally, the maximum building floor area would be reduced from 120,000 SF of office uses to 90,000 SF of which up to 29,900 SF could be commercial uses.

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 276-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 273-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:**

Land Area (Gross)	227,546 SF
(Net)	190,203 SF

Permitted Uses:

In the north 250' of PUD	As permitted by right in the OM district.
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In the remainder of PUD	As permitted by right in the CS district,
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Maximum Building Floor Area:

excluding sexually oriented businesses. 90,000 SF of which up to 29,900 SF may be for uses permitted by right in a CS district which are not allowed by right in an OM district.

Maximum Building Height:

In the north 250' of PUD *50'
In the remainder of PUD 50'

Minimum Building Setbacks:

From the centerline of 41st Street 110'
From the north property line 25'
From the centerline of Hudson 60'
From the East property line 10'

Minimum Off-Street Parking:

As required for the applicable use by the Tulsa Zoning Code.

Minimum Internal Landscaped Open Space (net):

In north 250' of PUD 30%
In remainder of PUD 15%

Signs:

In north 250' of PUD - Only one ground or wall sign is permitted. If it is a ground sign, it shall not exceed 6' in height nor 50 SF of display surface area and be setback at least 200' from the north boundary of the PUD. If a wall sign is used it shall be placed on the south side of the building and not exceed 100* SF of display surface area. Illumination of either type of sign shall be by constant light.

In the remainder of the PUD ground and wall sign shall conform to the requirements of Section 1103B.2 of the Tulsa Zoning Code.

Access:*

The existing and one additional access point are the only accesses permitted to Hudson Avenue. Subject to approval of Traffic Engineering

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. Such a Detail Site Plan for a

portion of the PUD may be approved in accordance with this provision.*

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 30 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.

*Amended by staff at the TMAPC public hearing.

Staff Comments

Mr. Gardner advised the application is to allow a two-story children's science museum to the north of the existing drive providing for any future building or parking expansions to be on the southern portion of the tract.

Mr. Neely inquired as to parking requirements for bus parking.

Mr. Gardner responded that there are none addressed in the Zoning Code. He noted that there is adequate access to this property and that there is a large existing drive on the south boundary wide enough to accommodate parking of those types of vehicles and allow for traffic flow.

Applicant's Comments

Kevin Coutant

320 S Boston Ste 500

Mr. Coutant, attorney for the applicant, gave a detailed description of the property location and surrounding properties. Mr. Coutant informed the purpose of this application is to allow commercial zoning in the northern portion of the PUD. He noted the tract to the west has CS zoning which is as deep as this parcel and extends 120' farther north than the northerly boundary of the subject property. Mr. Coutant is requesting the CS uses be allowed over the entire parcel.

Mr. Coutant distributed a handout which listed variations from the staff recommendation. Mr. Coutant requested that the tract be permitted uses allowed by right in the OM portion or in the CS portion (excluding sexually-oriented businesses) over the entire parcel. He pointed out that there is RS zoning across the property line to the north. Mr. Coutant revealed that in conversations with a representative from Bishop Kelly High School they have expressed their enthusiasm for this application. Mr. Coutant added that a landscape buffer would be provided on the northern and western portion of the property. Mr. Coutant declared that any additional buffer by scaling down from potential commercial, to office, and into the open area of the Bishop Kelly High School property is not necessary.

Mr. Coutant requested the minimum building height be 50' for the entire PUD. He pointed out that the height allowed under the current PUD is 120'.

Mr. Gardner advised staff could agree to the 50' height limitation.

Mr. Coutant next requested the Minimum Internal Landscaped Open Space (Net) be 15% overall; however, if this cannot be approved the next consideration be:

- In the North 250' of PUD 20%
- In the remainder of PUD 10%

Mr. Coutant asked that a wall sign not to exceed 100 sq. ft. of surface area be permitted in the north 250' of the PUD.

Mr. Gardner advised staff could agree with this request.

Mr. Coutant asked consideration of the possibility of a second access point on Hudson to be located to the south, between the current access drive and 41st Street.

Mr. Doherty declared this should be subject to approval by Traffic Engineering.

Mr. Coutant expressed agreement.

Mr. Coutant requested the following sentence be added to condition #3.

Such a Detail Site Plan for a portion of the PUD area may be approved in accordance with this provision.

Staff was in agreement.

Mr. Coutant requested the maximum height of light standards be 30'. He explained the applicant is requesting this lighting match the height, profile, and look of existing lighting to the east.

Mr. Gardner noted that staff can review the plan as to the height of the light standards on the northern boundaries that encroaches the residential area.

Mr. Gardner explained why staff could not support commercial zoning on the northern boundary. He stated that if the applicant wants more commercial zoning, a public hearing should be held to change the commercial zoning on the northeast corner to zone it all commercial or to consider a greater depth of commercial. By allowing commercial in the northern area in effect, the Planning Commission would be rezoning the entire area commercial. Mr. Gardner pointed out that there were many protests from residents to the north on Hudson to making this entire tract commercial when the original PUD was approved.

Mr. Coutant pointed out the applicant is not requesting more commercial zoning, but only to shift it to another area.

Mr. Carnes made a motion on the permitted use in favor of the applicant. Mr. Carnes advised he feels the Planning Commission should not tell an applicant where development should be done when there is not any more commercial zoning requested than what is in existence at present.

Motion died for lack of a second.

Mr. Neely asked why the applicant needs commercial uses in the northern portion of the PUD.

Mr. Coutant explained the property is under contract. The concern of the Foundation, as a purchaser, is that it not be locked in, but that there is some flexibility in the future. Of main concern is to place this property in a proper position for appropriate utilization in the future.

Mr. Doherty stated that, given the campus to the north, he questions abutting commercial use against a school campus.

Mr. Coutant advised that signage can and should be limited; the applicant is not requesting commercial type signage on that part of the property. He pointed out it is being oriented away from the northerly end with a good bit of landscaping along that northerly and westerly property line. A number of concessions are being made to the concern Mr. Doherty is addressing.

Mr. Coutant replied, in response to a question from Ms. Wilson, that the applicant wants to exclude sexually oriented businesses and has not discussed what other limitations might be appropriate. If there are specific areas of sensitivity in regard to specific CS uses, the applicant could consider those now.

There was much discussion among the Planning Commission of the signage provisions.

Mr. Stump stated the most appropriate place for more intensive uses would be adjacent to the arterial street, not closer to the neighborhood. Also, if a museum is built, that is often a large open building. If it should be sold for another use, a teen dance hall likes large open areas. This would be a permitted commercial use, with the activity and noise closer to the residential area. These uses would be more appropriate near 41st Street where they would not be incompatible.

Mr. Buerge asked how far north the applicant could go if applying for a commercial shopping center.

Mr. Gardner noted that previous applications to commercialize the entire tract were protested by area residents along Hudson and the area to the northwest. Mr. Gardner advised the Planning Commission is allowing that to occur even though it appears a museum is being constructed. Mr. Gardner advised it would be best to have a commercial application for all of this property. Then staff can evaluate it and there would be no PUD restrictions on commercial uses.

In response to a question from Mr. Parmele, Mr. Coutant advised that at the present time, the plan is to build a children's science museum.

Mr. Parmele stated that if the use should be changed in the future, it might be better to appear before the Planning Commission again and ask for a major amendment.

Mr. Coutant advised that it is not efficient to set up a circumstance where the applicant must continuously return for reapplication, when this should be an entitlement.

Mr. Coutant noted that detention would be at the northern end of the property and will take up a large portion of the northwestern part of the parcel. Concern over the setback is that should there be expansion to the museum, expansion to the north is most probable.

Mr. Gardner pointed out that if the Planning Commission allows the applicant to spread that commercial back to the north then, in effect, the entire tract has been committed to commercial. Mr. Gardner cautioned against considering what the applicant hopes to do, but look at the land use permitted.

There was much discussion among the Planning Commissioners over the amount of setback required on the north property line.

Mr. Gardner explained that staff wants a transition, to go from commercial to office to school to residential.

Mr. Parmele asked legal counsel if the Planning Commission can approve the spread of commercial and reserve the right to approve those uses that go in the PUD.

Mr. Linker advised that it was possible to approve only the museum use and make it a condition that the applicant must return with a minor amendment for commercial uses on the northern 250'.

This would give the applicant the flexibility of possible uses, gives the Planning Commission final say on those uses, and allows the adjacent school input on that use where appropriate.

Mr. Doherty suggested commercial use allowed in the northern 250' be subject to minor amendment approval by the Planning Commission at the time of application. This would allow the applicant, if at such time as the museum were to be moved to the front of the tract and there was a commercial use for the back, to bring it back in with input from the school or whoever owned the adjacent property at that time, and allow review by the Planning Commission.

Mr. Gardner added that there should be a requirement added that those residents within 300' be given notice of any commercial usage to be built in the north 250'.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to recommend APPROVAL of PUD 276-A per the amended staff recommendation and further amended as follows:

Permitted Uses:

In north 250' of PUD

As permitted by right in the OM district. Additionally uses allowed by right in a CS district, except sexually oriented businesses, may be permitted if appropriate by minor amendment of the PUD.

In remainder of PUD

As permitted by right
in the CS district
excluding sexually oriented
businesses.

Minimum Internal Landscaped Open Space (net)

In north 250' of PUD	20%
In remainder of PUD	15%

LEGAL DESCRIPTION

Lot 1, Block 1, Amended Mid-America Office Park and being approximately located at 41st Street and Hudson Avenue.

* * * * *

ZONING PUBLIC HEARING

Application No.: **PUD 298-A** Present Zoning: RS-3, PUD 298
 Applicant: Leslie K. Peterson Proposed Zoning: RS-3, PUD 298
 Location: North of the northwest corner of 91st Street South and
 92nd East Avenue
 Date of Hearing: July 22, 1992
 Presentation to TMAPC: Jack Cox, Attorney

The applicant is proposing a major amendment to PUD 298 to change the use allowed on a 33,617 SF tract in the PUD from multifamily residential to a children's nursery. The tract is located on 92nd East Avenue, a collector street, just north of an undeveloped flood plain area. To the north of the tract is a proposed single-family subdivision. The proposal is to allow up to 9,100 SF of building with a minimum of 35% in open space.

After evaluation of the concept plan submitted with the request, staff finds that the site is too small for the intensity of use requested. One of the outside play areas would be located as close as twenty feet from proposed single-family dwellings to the north. Also the site does not have room for a child drop-off and pick-up area of sufficient size to accommodate the demand a 9,100 SF facility might produce. If the drop-off area is inadequate, congestion would spill out onto 92nd Avenue and impede access to the residential area to the north.

The applicant is proposing a metal building with brick or rock veneer to the window sill level on the south side and brick or rock veneer to ceiling height on the east side. Staff feels this commercial style of building is not appropriate for this residential area. In order to make this compatible with the surrounding area, staff would recommend the following changes:

- 1) reduce the maximum floor area allowed;
- 2) require residential types of external construction materials;
- 3) set the play areas back from the proposed residences to the north;
- 4) require an enlarged drop-off and pick-up area.

With these changes, 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 298-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 298-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:**

Land Area (Net) 33,615 SF

Permitted Uses: Children's Nursery

Maximum Building Floor Area 5,000 SF

Maximum Building Height 35'

Minimum Building Setbacks

From North property line	25'
From centerline of 92nd E. Ave.	60'
From south property line	11'

Minimum Open Space 16,000 SF

Minimum Off-street Parking 1 space per 500 SF of building floor area or fraction thereof.

Signs:

One wall sign on the east face of the building not to exceed 50 SF of display surface area.

3. The exterior of the building including the roof shall be covered with customary residential building materials. Metal exterior wall or roof coverings are prohibited.

4. No children's play area or parking area shall be located within 25' of the north property line.
5. A screening fence meeting the requirements of Section 212 of the Zoning Code shall be installed along the entire north property line.
6. A drop-off and pick-up area shall be provided of sufficient size to accommodate the peak demand for such a facility.
7. 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.
8. 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.
9. 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.
10. All trash, mechanical and equipment areas shall be screened from public view.
11. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 15' feet.
12. 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.
13. 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.

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

Staff Comments

Mr. Gardner reported that day care centers of this nature, that are not on a major street, usually wish to erect a sign on the major street. Mr. Gardner pointed out the conditions on the sign would be very restrictive on the subject property. Mr. Gardner noted that day care facilities are special exception uses by the Board of Adjustment or PUD, as in this case, and are allowed in residential areas, but are very restricted as to signage and type of construction.

Applicant's Comments

Jack Cox

7935 E. 57th St.

Jack Cox, attorney representing the owner, gave a detailed history of the subject tract of land and surrounding area. Mr. Cox noted the subject tract is not suitable for dividing into single-family lots due to its configuration. Mr. Cox reported that other day care centers (Mingo between 41st St. and 51st St., 71st St. near Yale, and Heatheridge Addition) have building floor areas of approximately 6,900 sq. ft. The applicant is requesting a 7,500 sq. ft. building be allowed and that the minimum building setback from the north property line be 20' for a greenbelt area. Mr. Cox expressed agreement with the remainder of staff's conditions.

Mr. Stump reported receiving a revised conceptual plan from Mr. Cox today using a 7,500 sq. ft building; he advised the new plan still had difficulties in providing adequate parking, maneuvering and drop off areas. Mr. Stump perceives that 6,500 sq. ft. would allow sufficient setback to provide a wide enough dropoff area to make it work. Mr. Stump added that staff could agree to a building setback of 20' on the northern boundary as long as the building was constructed of residential character walls and roof.

Interested Parties

Mary Frances Deibert

8919 E. 88th St. 74133

Representing the Shadow Ridge Homeowners Assn. and some homeowners in the Woodland Glen Addition

Ms. Deibert advised having a petition signed by 135 homeowners opposing the amendment. Ms. Deibert expressed opposition to building a children's nursery on the only access road into and out of the neighborhood. She stated concerns over increased traffic on an already overburdened 91st Street, increased threat to safety for motorists and pedestrians, and the undesirability of having a large commercial venture housed in the neighborhood. Ms. Deibert quoted statistics provided by the Tulsa Police Department, citing the number of vehicles using 91st Street between Mingo and Memorial. The use is 142% over its existing capacity. Ms. Deibert presented photographs to support evidence of traffic back-up and of an accident which occurred. Ms. Deibert estimated that the proposed center would increase traffic by 100-200 vehicles at this intersection during the heaviest traffic times of the day. Much

concern was voiced over the increased potential for accidents. Ms. Deibert expressed concerns that emergency vehicles may be unable to respond to calls from the neighborhood, school buses may have difficulty completing routes, school children waiting on buses may be exposed to more traffic and resulting accidents may prove deadly for those utilizing the stretch of 91st Street. Ms. Deibert declared that any type of commercial structure is inappropriate for this location and believes the site is suited for residential structures.

Steve Harris

9222 S 91st E. Ave 74133

Mr. Harris, PMC Homes, primary builder for the two new subdivisions currently under construction in the area, advised the subject tract could be incorporated in the proposed single-family usage occurring to the north of it. Mr. Harris described how the tract could be used for single-family dwellings. Mr. Harris expressed that the use of the tract for day care would be detrimental.

Cheryl Powell

8636 S 89th E. Pl 74133

Ms. Powell voiced concerns over traffic and the single entrance into the neighborhood. Ms. Powell expressed concerns over the creek in the rear of the subject tract and the danger it could pose to children in the day care center. Ms. Powell declared that a commercial business would not be appropriate for this area and that it would encourage encroachment of other commercial entities.

Councilor Vickie Cleveland

200 Civic Center

Councilor Cleveland advised that she has examined the subject tract and expressed concern over the single point of access into the neighborhood and resultant traffic problems it would create should this application be approved. Councilor Cleveland encouraged the Planning Commission to carefully consider this request.

Applicant's Rebuttal

Mr. Cox advised that his client would agree to 7,000 sq ft. for the building floor area. Mr. Cox advised to get approval from the Small Business Administration his client would need at least 7,000 sq. ft. to comply with SBA regulations. Mr. Cox addressed the traffic problem and acknowledged that 91st Street is experiencing severe problems. Mr. Cox pointed out that there are approximately 25 acres on the other side of 91st Street zoned RM-1 and this will also increase traffic flow.

TMAPC Review Session

Mr. Parmele asked the maximum number of units allowed under the existing PUD.

Mr. Stump estimated the number of units per acre was 12-14. This tract is approximately 3/4 of an acre.

Mr. Stump explained a single-family development is being developed to the north of this development, to the south is flood-plain.

In response to a question from Mr. Parmele, Mr. Gardner explained the Zoning Code allows day care centers by exception. Mr. Gardner explained part of the rationale is that they are needed near residential areas.

Chairman Doherty questioned Mr. Gardner as to access into the area.

Mr. Gardner responded that 92nd East Avenue is the only access; however, there is a stub-out in the north half of this section.

Mr. Buerge noted the property is currently zoned multi-family and remarked that a day care center would be less disruptive to the neighborhood than if it were multi-family.

Ms. Wilson advised that she is not in favor of the recommendation. She feels the application is intrusion of commercial usage in a residential area.

Mr. Parmele commented that he would rather see a day care center at this location than apartments, which the owner can do under current zoning. Mr. Parmele sees this as an acceptable compromise with the conditions staff has placed on the application.

Mr. Carnes voiced support of the motion because he feels day care centers are needed in neighborhoods. Mr. Carnes believes there will be less traffic and a better planned PUD by the day care center being at this location than if apartments were to be constructed.

TMAPC Action; 9 members present:

On MOTION of BUERGE, the TMAPC voted 6-4-0 (Ballard, Broussard, Buerge, Carnes, Horner, Parmele, "aye"; Doherty, Midget, Neely, Wilson "nays"; no "abstentions"; Selph "absent") to recommend APPROVAL of PUD 298 as recommended by staff except the Maximum Building Floor Area would be increased to 7,000 SF and the Minimum Building Setback from the north property line would be increased to 20'.

LEGAL DESCRIPTION

A tract of land in the SW/4, SE/4 of Section 13, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to-wit: Commencing at the Northwest corner of said SW/4, SE/4; thence S 0°13'57" W along the West boundary of said SW/4, SE/4, a distance of 326.89'; thence S 45°19'13" E a distance of 490.24'; thence S 39°27'22" E a distance of 211.12'; thence S 45°50'00" E a distance of 50.00'; thence Southeasterly on a curve to the left having a radius of 390.84', a central angle of 13°11'37" for a distance of 90.00' to the point of beginning; thence N 62°34'48" E a distance of 229.98' to a point in the West right-of-way line of South 92nd East Avenue; thence Southeasterly along said right-of-way as

follows: S 28°26'37" E a distance of 0.00'; thence Southeasterly along said right-of-way line on a curve to the left, having a radius of 180.00', a central angle of 30°27'23" for a distance of 95.68'; thence S 58°54'00"E along said right-of-way line a distance of 40.00'; thence Southeasterly along said right-of-way line on a curve to the right, having a radius of 120.00', a central angle of 58°40'00" for a distance of 123.36'; thence due South along said right-of-way line a distance of 2.79'; thence N 73°24'06" W a distance of 115.37'; thence due West a distance of 50.00'; thence Northwesterly on a curve to the right, having a radius of 390.84', a central angle of 30°58'23" for a distance of 211.28' to the point of beginning, containing 0.7717 acres, more or less and being approximately located north of the northwest corner of 91st Street and S. 92nd East Avenue.

* * * * *

OTHER BUSINESS

PUD 357-A-5: Minor amendment to increase sign area and height -- east of the southeast corner of E. 71st Street S. and S. Quincy Avenue

The applicant is requesting to increase permitted display surface area of a ground sign on Lot 1B from 75 SF to 161 SF. They are also requesting to increase the sign height from 18' to 20'. The present standards were adopted in December 18, 1991 when the TMAPC approved minor amendment PUD 357-A-4. This minor amendment allowed an increase from one to two ground signs. As part of this approval, the ground sign that had previously been permitted was reduced to 75 SF and 18' in height. A letter from the owner of Alfredo's which was affected by the reduced ground sign standards was presented to staff and TMAPC stating agreement with the change. This reduction in the permitted size of this ground sign was a major factor in staff supporting the additional ground sign for Tulsa Regional Medical Center. Now the owner of Alfredo's is requesting a sign more than twice as large as previously agreed to and two feet taller. Staff cannot support this amendment and recommends **DENIAL**.

Applicant's Comments

5198 N Redbud, Broken Arrow, OK

The applicant advised that Tulsa Regional Medical Center misrepresented their intent when Alfredo Herrera agreed to proposed changes for the signage in December, 1991.

Chairman Doherty advised that to allow two large signs in this PUD would be contrary to all signage standards. He suggested the applicant approach Tulsa Regional Medical Center in an attempt to convince them to return to the original standard. If that were

accomplished the Planning Commission might be able to agree to the signage being requested.

The applicant explained that they would like the larger sign to be the same size as signs that exist at other Alfredo's Restaurants. He questioned why the Planning Commission would reduce Alfredo's signage in order to increase signage at Tulsa Medical Center.

Chairman Doherty explained that they had received a letter of support for reduction from Alfredo Herrera.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Selph "absent") to **DENY** the Minor Amendment and Detail Sign Plan for PUD 357-A-5.

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PUD 481-1 Minor Amendment to change number, display surface area and height of signs - northwest corner of 71st Street South and the Mingo Valley Expressway.

The applicant is requesting approval of two shopping center identification signs which are 40' in height and contain 500 SF each in display surface area. The Board of Adjustment granted a variance of sign height to 40' at their June 9, 1992 meeting. In addition, the applicant is requesting to establish specific standards for the ground sign for the 4 out-parcels in the PUD. These would be allowed a maximum of 25' in height and 75 SF of display surface area each. Staff finds the request to be in keeping with the original standards of the PUD and, therefore, recommends the ground sign standards for PUD 481 be amended as follows:

- Lot 1, Block 1 One shopping center identification ground sign with a maximum height of 40' and display surface area of 500 SF located in the northeast corner of the lot.
- Lots 2 and 3, Block 1 No ground signs.
- Lots 4, Block 1 Two ground signs, one a shopping center identification sign with a maximum height of 40' and display surface area of 500 SF and one Lot 4 tenant sign with a maximum height of 25' and display surface area of 75 SF.
- Lots 5, and 6, Block 1 and One ground sign per lot having a

Lot 1, Block 2

maximum height of 25' and display surface area of 75 SF.

Detail Sign Plan Two shopping center identification ground signs, one at the northeast corner of Lot 1, Block 1 and one at the southwest corner of Lot 4, Block 1. If PUD 481-1 is approved, staff would recommend **APPROVAL** of the Detail Sign Plan for these two ground signs.

The applicant was present and expressed agreement with staff recommendation.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **BUERGE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Parmele, Selph "absent") to recommend **APPROVAL** of the Minor Amendment PUD 481-1 to revise sign standards, Detail Sign Plan, and Detail Site Plan Revision for PUD 481 .

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PUD 476: Detail Site Plan -- East of the northeast corner of S. Peoria Avenue and 41st Place

The applicant has submitted a Detail Site Plan for off-street parking and a mini-storage development. After review of the plan, Staff finds it to be in compliance with the PUD standards with the following conditions:

1. The wrought iron fence shown on the southeast portion of the tract does not meet the requirements of a screening fence. A screening wall or fence meeting the requirements of Section 212 of the Zoning Code shall be provided to a point even with the front of the apartment building to the east.
2. Parking on the southwest portion of the PUD shall be redesigned to provide sufficient maneuvering space.
3. Outdoor overhead lights shall be setback at least 35' from the east boundary of the PUD.
4. No outside storage; including RV's, boats, or other vehicles, is allowed within 100' of the east boundary of the PUD.
5. The maximum height of building is 14'.

TMAPC Comments

Mr. Carnes commented that if residents did not object to the wrought iron fence he could be supportive since he feels that it would be aesthetically more pleasing.

Mr. Stump noted that vegetative plantings and the wrought iron fence could provide sufficient screening.

Since there was no representation from the neighborhood it was the consensus of the Planning Commission to approve the site plan with the condition that there be agreement from residents as to fencing. The screening fence could then be revised with a minor amendment if it became necessary to do so.

Applicant's Comments

Max Heidenreich **4129 S Peoria**
Mr. Heidenreich explained the wrought iron fence would be for aesthetics and landscaping purposes. Mr. Heidenreich disclosed that it would provide better security along with a better look for the neighborhood.

In response to inquiry from Chairman Doherty, Mr. Heidenreich advised that Pam Deatherage, District 6 Planning Team Chair, reviewed the plans and no comments were made.

Chairman Doherty noted that since a screening fence was a condition of the PUD, and a Minor Amendment is not posted on this agenda, that item will have to be dealt with at a later time.

The applicant expressed agreement with the remainder of the conditions.

TMAPC Action; 10 members present:

On MOTION of BUERGE, the TMAPC voted 10-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Selph "absent") to recommend APPROVAL of the Detail Site Plan for PUD 476 as recommended by staff, noting the wrought iron fence will require a minor amendment.

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PUD 179 C-11 Minor Amendment to Increase Permitted Wall Signage
7201 S Memorial Drive

Mr. Stump advised staff is recommending a continuance to August 12, 1992 on this item to allow the Board of Adjustment to hear this request on August 11, 1992 for a variance.

TMAPC Action; 10 members present:

On MOTION of CARNES, the TMAPC voted 10-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Selph "absent") to recommend CONTINUANCE of PUD 179-C-11 to August 12, 1992.

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There being no further business, the Chairman declared the meeting adjourned at 6:10 p.m.

Date Approved: 8-5-92



Chairman

ATTEST:



Secretary

