TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2000
Wednesday, November 30, 1994, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Neely	Gardner	Linker, Legal
Carnes, 2nd Vice Chairman		Hester	Counsel
Doherty		Jones	
Gray		Stump	
Harris			
Horner			
Midget, Mayor's Designee			
Pace			
Parmele Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, November 29, 1994 at 11:45 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:40 p.m.

Minutes:

Ms. Wilson questioned whether it was clear in the November 9, 1994 minutes that TMAPC wants to ensure review of the detail site plan for PUD 519.

Mr. Gardner informed that condition #6 of the PUD states that TMAPC shall review the site plan. He noted that there was discussion over Staff reviewing the site plan; however, that condition was not made a part of the motion.

Ms. Wilson was satisfied with this explanation.

Approval of the minutes of November 9, 1994, Meeting No. 1998 and November 16, 1994, Meeting No. 1999:

On **MOTION** of, **CARNES** the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **APPROVE** the minutes of the meeting of November 9, 1994, Meeting No. 1998 and November 16, 1994, Meeting No. 1999.

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REPORTS:

Chairman's Report:

Chairman Parmele announced that the Planning Commission needs to discuss those Planning Districts which had fewer than five individuals present for the elections. He decided to postpone discussion to another meeting.

Committee Reports:

Budget and Work Program Committee

Ms. Wilson announced that the Spring Workshop will held Tuesday, January 10, 1995, 6:30 p.m. to 8:30 p.m. at the Helmerich Center.

Rules and Regulations Committee:

Mr. Doherty informed that the Rules and Regulations Committee will meet December 7, at 11:30 a.m., at City Hall, Room 1101 to discuss Bed and Breakfast establishments.

Mr. Doherty reported that at the November 16, Rules and Regulations Committee, they voted unanimously to call for public hearing on the West Dawson neighborhood for blanket rezoning. He requested that Chairman Parmele instruct Staff to set this item for public hearing.

Chairman Parmele instructed Staff to set the public hearing on January 11, 1995 to consider rezoning to *RS-4* area previously blanket-zoned *RM-1* in the West Dawson neighborhood.

.Director's Report:

Certification that TDA Plan amendments for Kendall-Whittier Redevelopment Area Plan are in accord with the Comprehensive Plan for District 4, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Ms. Matthews informed that the properties in question lie within the acquisition area and are in accord with that plan.

Certification that NDP Plan amendments for the year XX CDBG are in accord with the Comprehensive Plan for the Tulsa Metropolitan Area

Ms. Matthews informed that this is an update to the acquisition and relocation and status maps and financing plan. She informed that this is in accord with the Comprehensive Plan.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **CERTIFY** that the TDA Plan amendments for Kendall-Whittier Redevelopment Area Plan are in accord with the Comprehensive Plan for District 4, a part of the Comprehensive Plan for the Tulsa Metropolitan Area and to **CERTIFY** that the NDP Plan amendments for the year 20 CDBG are in accord with the Comprehensive Plan for the Tulsa Metropolitan Area as recommended by Staff.

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SUBDIVISIONS:

PRELIMINARY PLAT:

Memorial Crossing (PUD-378)(2683) **(PD-26)(CD-8)**
Southwest corner of East 101st Street South & South Memorial Drive.

Staff Comments
Mr. Jones informed that the Planning Commission initially approved this plat on December 15, 1993; since that time the plat has been amended and there are now five internal lots. He noted that all PUD conditions remain the same, as do the original subdivision conditions.

TMAPC Action; 10 members present:

On **MOTION** of **WILSON**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **APPROVE** the REVISED PRELIMINARY PLAT for Memorial Crossing as recommended by Staff.

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PLAT WAIVER, SECTION 213:

Z-6447 (Metro Park)(3294) **(PD-18)(CD-5)**
7701 South Xenophon Avenue.

Staff Comments
Z-6447 rezoned an existing building with 3.7 acres from CS to IL in June 1994. This administrative (no TAC review) plat waiver request is to waive the platting requirement to permit an interior remodeling. Since the property is platted and no additional buildings are proposed, Staff can see no benefit for the City in a replat.

Staff recommends **APPROVAL** of the plat waiver for Z-6447.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **APPROVE** the PLAT WAIVER for Z-6447 as recommended by Staff.

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LOT-SPLITS FOR WAIVER:

L-17957 George Waddington (1082) **(PD-8)(CD-2)**
7701 S. Xenophon Ave. *AG*

Staff Comments
It is proposed to split an approximate 300′ X 295′ lot from a 990′ X 990′ tract. The proposed lot will meet current zoning standards, and has obtained Health Department approval for septic (due to an existing sand filter). However, the proposed lot will have more than three side lot lines. The proposed lot has 25′ of frontage where South Xenophon ends. To meet the requirement for 30′ of frontage on a public street, the applicant has created a 10′ strip that extends 5′ along the east side of South Xenophon.

Mr. Jones informed that the TAC reviewed this lot-split and imposed no conditions.

TMAPC Comments
Mr. Doherty questioned whether the 10′ panhandle constitutes frontage or is just a subterfuge to evade regulations.

Mr. Jones informed that Traffic Engineering mentioned this same concern. He explained that the property would be affected should Xenophon be extended to the north or if 77th Street is extended to the east. Mr. Jones disclosed that there are no plans for extending those streets and that Traffic Engineering saw no problem with the lot-split. He informed that TAC realized that the applicant was circumventing the required 30′ of frontage on a public or dedicated right-of-way by creating the wrap-around, but conceded that in this area it is not anticipated to be a problem.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-1-0** (Ballard, Carnes, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; Doherty "nay"; none "abstaining"; Neely "absent") to **APPROVE** the PLAT WAIVER for L-17957 as recommended by Staff.

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L-17989 Virgil Floyd Miller, Jr. (2913) **(PD-12)(County)**
7701 N. Florence Ave. *RE*

Staff Comments

It is proposed to split an approximate 150' X 150' lot from an approximate 330' x 330' tract. Both lots resulting from the split will meet current zoning standards for the RE district. Both lots have existing houses and septic systems. Tulsa City-County Health Department has deemed the lot-split acceptable for approval with conditions (see attached memorandum).

The soil percolation test on the 150' x 150' tract resulted in a rate of one inch in 35 minutes. According to the Subdivision Regulations (Section 4.11.2(a)), a percolation rate over 31 minutes requires the minimum lot size to be 43,560 SF. The remainder of the 330' x 330' tract is over 43,560 SF but the proposed 150' x 225' lot is only 22,500 SF. Since the application has already been approved by Tulsa City-County Health Department, the applicant asks for waiver of Subdivision Regulations (Section 6.3.5(c)) requiring the Technical Advisory Committee to review the application as well as a waiver of the minimum lot size set forth in Section 4.11.2(a)(2).

In response to Ms. Wilson's question regarding future expansion, Mr. Jones informed that Health Department regulations are such that if the house should be expanded for bath or extensive square footages that would generate more water usage, then the owners would have to meet the Health Department requirement at that time.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **APPROVE** the WAIVER of Subdivision Regulations requiring the Technical Advisory Committee to review the application and WAIVER of Subdivision Regulations for a percolation test of 31 minutes to have less than the minimum lot size required.

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CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD 435-B**
Applicant: Roy D. Johnsen
Location: Lot 3, Block 1, Flynn Plaza - west of the northwest corner of East 71st Street South and South Mingo Road.
Date of Hearing: November 30, 1994

Mr. Doherty announced that the applicant has requested a continuance to December 7, 1994.

There were no interested parties in attendance.

TMAPC Action; 10 members present:

On **MOTION** of, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **CONTINUE** PUD 435-B MAJOR AMENDMENT to December 7, 1994.

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ZONING PUBLIC HEARING:

Application No.: **Z-6467** Present Zoning: AG and CO
Applicant: Charles E. Norman Proposed Zoning: CO
Location: Northeast corner of Mingo Valley Expressway & South Mingo Road.
Date of Hearing: November 30, 1994
Presentation to TMAPC: Charles Norman

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Corridor.

According to the Zoning Matrix, the requested CO is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 20.12 acres in size. It is non-wooded, sloping, is vacant and is zoned AG and CO.

Surrounding Area Analysis: The subject tract is abutted on the north by a single-family dwelling, zoned CO; to the west by vacant property, zoned RM-1; and to the south and east by the Mingo Valley Expressway, zoned RS-3.

Zoning and BOA Historical Summary: There has been no recent zoning action in the immediate area.

Conclusion: Therefore, Staff recommends **APPROVAL** of CO zoning for Z-6467 as requested.

AND

Application No.: **Z-6467-SP-1**
Applicant: Charles Norman
Location: Northeast corner of the Mingo Valley Expressway and South Mingo Road.
Date of Hearing: November 30, 1994
Presentation to TMAPC: Charles Norman

Corridor Site Plan

The applicant is proposing a golf center on a twenty-acre tract which will include a driving range, areas for golf lessons, a new building for sale of products found in a pro shop, and a concession and eating area. Two existing buildings, a dwelling and a barn will be retained for security and maintenance personnel as well as for storage of maintenance equipment. The initial phase of development proposes 64 tee sites which produces a need for 64 required parking spaces and 76 spaces are proposed. One ground sign is proposed adjacent to the Mingo Valley Expressway which would be 35' high and would contain 180 SF. Another ground sign would be placed along the Mingo Road frontage which would be 20' high and would contain 64 SF of display surface area. Wall signs would be permitted at a rate of 1.5 SF of display surface area per linear foot of building wall to which they are attached, not to cover more than 75% of the frontage of the building.

The building setback from the centerline of Mingo Road is 125' rather than the 200' required in a Corridor district. Also, primary access to the tract is directly off of Mingo Road which is prohibited by Section 804. The applicant has requested a variance of both these requirements (BOA-16848). Due to the topography, the use proposed, and the isolated location, being bordered by an expressway on two sides, Staff is not opposed to either variance.

Staff can support the proposed use and the development standards so long as the Board of Adjustment grants the required variances and TMAPC has an opportunity to approve the actual signage and landscaping that is installed. Therefore, Staff recommends **APPROVAL** of Z-6467-SP-1 as presented by the applicant with the following conditions:

1. 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 has been installed in accordance with the approved Landscape Plan prior to the 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.

2. No sign permits shall be issued for erection of signs until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan standards.

Applicant's Comments
Mr. Norman advised that the Board of Adjustment approved the required variances without opposition or interested parties at their meeting of November 23, 1994 and he asked that the Planning Commission grant approval.

There were no interested parties in attendance.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to recommend **APPROVAL** of Z-6467 and Z-6467-SP-1 as recommended by Staff.

LEGAL DESCRIPTION Z-6467

Part of Government Lots 1 & 2, Section 19, T-18-N, R-14-E of the IB & M, according to the U.S. Government Survey thereof , City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at the Southwest corner of said Government Lot 1; thence North 1°09'35" West along the West line thereof a distance of 260.09' to a point; thence North 88°50'25" East a distance of 50.00' to a point; thence North 1°09'35" West a distance of 69.80' to a point; thence North 88°58'08" East a distance of 1,169.43' to a point on the East line of said Lot 1; thence South 1°21'18" East along the said East line a distance of 210.43' to a point; thence South 43°40'29" West a distance of 0.00' to a point of curve; thence along said curve to the right, said curve having a radius of 3,549.72', a central angle of 2° 47'59", a distance of 173.45' to a point; thence South 43°31'32" East a distance of 70.00' to a point; thence South 46°28'28" West a distance of 0.00' to a point of curve; thence along said curve to the right, said curve having a radius of 3,619.72, a central angle of 19°39'41", a distance of 1,242.13' to a point; thence North 12°28'12" West a distance of 203.96' to a point; thence North 1°09'33" East a distance of 264.68' to a point; thence South 88°50'25" West a distance of 60.00' to a point on the West line of said Lot 2; thence North 1°09'35" West along said West line a distance of 254.94' to the Point of Beginning, containing 20.12 Acres, more or less and located on the northeast corner of Mingo Valley Expressway and South Mingo Road.

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Application No.: **Z-6468**
Applicant: Joe Westervelt
Location: East of the southeast corner of East 71st Street South & South Union Avenue.
Date of Hearing: November 30, 1994

The applicant was not in attendance; however, there were interested parties present.

Mr. Stump informed that the applicant has requested a one week continuance.

Interested Parties
Denise Westfall **7500 South Union 74132**

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **CONTINUE** Z-6468 to December 7, 1994.

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Application No.: **Z-6469/PUD-521** Present Zoning: CO, OL
Applicant: Charles E. Norman Proposed Zoning: RM-2, CS
Location: West & south of the southwest corner of East 71st Street South & Mingo Valley Expressway.
Date of Hearing: November 30, 1994
Presentation to TMAPC: Charles Norman

TRACT 1: South of the southwest corner of East 71st Street South & Mingo Valley Expressway

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix, the requested RM-2 is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject tract is approximately 390' x 659'. The tract is non-wooded, flat, vacant and zoned CO.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned CS; to the west by vacant property, zoned RM-2; to the south is vacant land, zoned CO; and to the east is the Mingo Valley Expressway, zoned AG.

Zoning and BOA Historical Summary: The most recent rezoning in this area approved the rezoning of a tract located west of the southwest corner of East 71st Street and the Mingo Valley Expressway from CO to CS/PUD.

Conclusion: The Comprehensive Plan and existing development patterns in this area support rezoning the property as requested, and Staff recommends **APPROVAL** of RM-2 zoning for Tract 1 of Z-6469 with the accompanying PUD.

AND

TRACT 2: West of the southwest corner of East 71st Street South and 103rd East Avenue

Relationship to the Comprehensive Plan:

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

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

Staff Comments:

Site Analysis: The subject tract is approximately 330' x 329'. The tract is gently sloping, non-wooded, has a vacant single-family dwelling on it and is zoned OL.

Surrounding Area Analysis: The subject tract is abutted on the north across E. 71st Street, by commercial businesses, zoned CS; to the west is vacant property zoned CS; to the south is vacant property, zoned RM-2; and to the east is vacant property, zoned CS.

Zoning and BOA Historical Summary: A request to rezone the property abutting the subject tract to the west from CO to CS/PUD was approved for commercial development in 1993.

Conclusion: The Comprehensive Plan and existing development patterns in this area support rezoning the property as requested and Staff recommends **APPROVAL** of CS zoning for Tract 2 of Z-6469 with the accompanying PUD.

AND

PUD-521: Southwest corner of East 71st Street South and the Mingo Valley Expressway

The applicant is proposing a retail shopping and restaurant development at the southwest corner of East 71st Street South and the Mingo Valley Expressway. The tract is abutted to the west, north, and northwest by major retail and restaurant developments. The primary access to 71st Street would be 101st East Avenue at the existing signalized intersection. 101st East Avenue would be extended through the development to its southern boundary. It would also connect with 73rd Street which is an existing east-west collector street. Two existing commercial buildings at the northeast corner of the tract would remain. The vast majority of the new building floor area would be contained in a strip shopping center at the southern end of the PUD which would contain a major anchor tenant.

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-521 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-521 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:**

AREA A:

Land Area (Gross):	2.2395 acres	97,552 SF
(Net):	1.4542 acres	63,345 SF
Permitted Uses:	Use Units 11, 12, 13, 14, and 16 and customary accessory uses	
Maximum Building Floor Area:		8,000 SF
Maximum Building Height:		one story not exceeding 25'

Architectural elements and business logos may exceed maximum building height with detailed site plan approval

Off-Street Parking: as required by the applicable Use Unit of the Tulsa Zoning Code

Minimum Building Setbacks

From centerline of East 71st Street:	110'
From South 101st East Avenue right-of-way:	25'
From west boundary of Area A:	17.5'

Landscaped Area: 10% of lot area

Signs:

1) Ground signs shall be limited to one with a maximum of 160 SF of display surface area and 25' in height
2) Wall signs shall be permitted not to exceed 1.5 SF of display surface area per linear foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

AREA B:

Land Area (Gross):	1.9075 acres	83,091 SF
(Net):	1.1748 acres	51,173 SF
Permitted Uses:	Use Units 11, 12, 13, 14 and 16 and customary accessory uses	
Maximum Building Floor Area:		6,500 SF
Maximum Building Height:		one story not exceeding 25'

Architectural elements and business logos may exceed maximum building height with detailed site plan approval

Off-Street Parking: as required by the applicable Use Unit of the Tulsa Zoning Code

Minimum Building Setbacks
- From centerline of East 71st Street South: 110'
- From South 101st East Avenue right-of-way: 25'
- From the east boundary Area B: 25'
- From the north boundary of Area D: 25'

Landscaped Area: 10% of lot area

Signs:
1) One Center and tenant identification ground sign shall be permitted with a maximum of 280 SF of display surface area and 35' in height if setback an additional 10' as required by the Zoning Code.
2) Wall signs shall be permitted not to exceed 1.5 SF of display surface area per linear foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
3) One monument sign shall be permitted with a maximum of 64 SF of display surface area and 6' in height.

AREA C:

Land Area (Gross):	3.1396 acres	136,759 SF
(Net):	2.2765 acres	99,165 SF

Permitted Uses: Use Units 11, 12, 13, 14, 16 and existing carpet installation business and customary accessory uses

Maximum Building Floor Area: 25,000 SF
(existing buildings approximately 22,000 SF)

Maximum Building Height (Future Buildings): 25'
Architectural elements and business logos may exceed maximum building height with detailed site plan approval

Off-Street Parking: as required by the applicable Use Unit of the Tulsa Zoning Code

Minimum Building Setbacks:
- From centerline of East 71st Street: 110'
- From easternmost boundary of Area C: 17.5'
- From west boundary of Area C: 25'
- From northern boundary of Area D (Future Buildings): 25'

Landscaped Area: 10% of lot area

Signs:

1) Two ground signs shall be permitted with a maximum height of 25' and a maximum display surface area of 150 SF each.
2) Wall signs shall be permitted not to exceed 1.5 SF of display surface area per linear foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

AREA D:

Land Area (Gross):	22.4664 acres	978,638 SF
(Net):	21.3321 acres	929,225 SF

Permitted Uses: Use Units 11, 12, 13, 14 and vehicular repair and service except body repair or painting and customary accessory uses

Maximum Building Floor Area: 285,000 SF

Maximum Building Height: 26'
Architectural elements and business logos may exceed maximum building height with detailed site plan approval

Maximum Parapet Wall Height: 38'
(no more than 250 linear feet per detailed site plan)

Off-Street Parking: as required by the applicable Use Unit of the Tulsa Zoning Code

Minimum Building Setbacks:

From South 101st East Avenue right-of-way:	25'
From easterly boundary of Area D:	40'
From south boundary of Area D:	40'
From southerly boundaries of Areas B and C:	300'

Landscaped Area: 10% of lot area

Signs

1) One Center and tenant identification ground sign shall be permitted at the southeast corner of Area D with a maximum of 280 SF of display surface area and 35' in height.
2) Wall signs shall be permitted not to exceed 2.0 SF of display surface area per linear foot of building wall to which attached. The length of a tenant wall sign shall not exceed 75% of the frontage of the tenant space.

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 required 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 by persons standing at ground level.

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

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 serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.

9. A roadway open to the public (private or publicly maintained) shall be provided from the southeast corner of the PUD to an access point on East 71st Street South.

10. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have 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 and making the City beneficiary to said covenants.

11. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

Applicant's Comments

Mr. Norman expressed agreement with Staff recommendation regarding Development Areas A, B, and D. However, he addressed items within Area C for which he requested modification. Mr. Norman informed that this PUD involves several property owners and one of the main features is to close 103rd East Avenue. This would realign the street system to establish 101st East Avenue at the existing traffic signal and 101st East Avenue at the north side of the street. He informed that Area C is currently occupied by two buildings. Mr. Norman advised that Area C will continue to use the property as permitted in the existing CS-zoned district. He requested that Area C permitted uses include those in Use Unit 21. Mr. Norman informed that business sign provisions would then permit outdoor advertising, as is presently permitted under the CS district. He noted that the proposal for the entire PUD complies with the requirements of the ordinance for landscaping, and noted that Staff recommendation does not make clear that the requirement would not apply to existing buildings unless they are reconstructed, expanded, or new construction takes place. Mr. Norman requested that an asterisk be added to Area C landscaped area to read as follows:

"Required when new buildings are constructed or existing buildings are expanded". He revealed that Area C will be platted as a separate lot or lots within the plat when submitted. Regarding signage, Mr. Norman requested that both paragraphs be stricken and replaced with the following: "As permitted in 1103.B.2 of the PUD Chapter." He explained that this change would refer signage to Use Unit 21 and would be subject to all restrictions now applicable to the property in the CS-zoned district. This would leave Area C in the same condition subject to the same restrictions as it now is, but gain the other advantages of the PUD.

Mr. Stump informed that Staff has reviewed the proposed changes and is in agreement with the applicant's requested modifications.

Mr. Doherty asked if there is currently a billboard on the property.

Mr. Norman explained that a billboard is presently on the property that will become a part of Area C.

Mr. Doherty noted that if Use Unit 21 is not added, it will become a nonconforming use.

Mr. Norman noted that presently the remaining area presently has business signs as a matter of right in the CS district. He noted that they are not requesting business signs as a principal use in Areas A, B, or D, which comprise approximately 80% or more of the development.

Mr. Stump informed that Staff is not endorsing the combination or subdividing of those lots containing the billboard because the applicant may wish to rearrange it in such a way that there may be insufficient frontage to support that amount of existing sign display surface area. Should that be the case, it could not be subdivided.

Mr. Doherty expressed concern with including Use Unit 21 under permitted uses. He informed that he could support the existing sign remaining; however, further development and conversion of an existing billboard to a business sign is not in the best interest of this area.

Mr. Norman related that the nonconforming use aside, the frontage of Area C will have a maximum frontage of 421′ and there are three existing signs on the frontage which are conforming under CS zoning. He informed that a new billboard would not be permitted without removal of existing signs. Mr. Norman has asked Staff to concur that, with respect to this parcel, which is cooperating in order to gain other advantages of the street relocation, the existing right be continued in the PUD.

Mr. Carnes expressed agreement with Mr. Doherty that it is not appropriate for the sign to remain, and he will be voting against the application.

Chairman Parmele noted that the sign is existing, and if the application is not approved, the sign will be allowed to remain.

Mr. Doherty informed that he is not opposed to the sign remaining; however, he is concerned with a use-by-right for a billboard on that tract that could become an on-premises business sign.

There was discussion over imposing a condition that the billboard not be an on-premises business sign.

Mr. Norman disclosed that frontage limitations in the area would not permit the sign to be a billboard because of size limitations. He informed that if the existing billboard is removed, the property would have a total sign area to allocate as the property owner would choose, subject to returning to the Planning Commission.

Mr. Midget asked if the billboard would be used.

Mr. Norman informed that the owner has sufficient signage for the present uses; there are two existing signs and one is under construction. He related that the owner is limited by the spacing requirements. A ground sign is permitted only every 100' and there are also area limitations.

There were no interested parties in attendance.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-2-0** (Ballard, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; Carnes, Doherty "nay"; none "abstaining"; Neely "absent") to **APPROVE** Z-6469 and PUD 521 as recommended by Staff with the following modifications to Development Area C standards as agreed to by Staff:

Permitted Uses:	Use Units 11, 12, 13, 14, 16, 21 and existing carpet installation business and customary accessory uses
Landscaped Area:	10% of lot area*

*Required when new buildings are constructed or existing buildings are expanded.

Signs
As permitted in 1103.B.2 of the PUD Chapter.

Mr. Carnes and Mr. Doherty both stated that their opposition is only to Use Unit 21.

LEGAL DESCRIPTION Z-6469 Tract 1:RM-2

A tract of land lying in the E/2, NW/4, Section 7, T-18-N, R-14-E, being a part of Block 1 of Chancellor Acres, an Addition in the City of Tulsa, Tulsa County, Oklahoma, and also a part of South 103rd East Avenue, said tract of land being more particularly described as follows, to-wit: Starting at the Northwest corner of said E/2, NW/4; thence S 89°46'10" E along the Northerly line of said Section 7 for 659.13'; thence S 00°09'47" W along the centerline of said South 103rd East Avenue for 700.00' to the Point of Beginning of said tract of land; thence S 89°46'10" E for 570.68' to a point on the Westerly right-of-way line of Mingo Valley Expressway; thence S 19°52'36" E along said Westerly right-of-way line for 258.21'; thence S 00°09'37" W continuing along said Westerly right-of-way line for 147.53'; thence N

89°46′10″ W for 659.17′ to a point in the centerline of South 103rd East Avenue right-of-way; thence N 00°09′47″ E along said centerline for 390.00′ to the Point of Beginning of said tract of land.

LEGAL DESCRIPTION TRACT 2:CS

A tract of land that is part of the E/2, NW/4, Section 7, T-18-N, R-14-E, and also part of Block 2 of Chancellor Acres, an Addition in the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the Northwest corner of said E/2, NW/4; thence S 89°46′10″ E along the Northerly line of said Section 7 for 329.97′; thence S 00°09′50″ W 12.91′ Easterly of and parallel to the Westerly line of Lot 1 of said Block 2 of Chancellor Acres for 330.00′; thence N 89°46′10″ W parallel with the Northerly line of Section 7 for 329.98′ to a point on the Westerly line of said Block 2; thence N 00°09′54″ E along said Westerly line for 330.00′ to the point of beginning of said tract of land.

LEGAL DESCRIPTION PUD 521

A tract of land lying in the E/2 of the NW/4 of Section 7, T-18-N, R-14-E, being a part of Blocks 1 and 2 of "Chancellor Acres", Block 1 of "Sooner Electrical Supply Addition", Block 1 of "Union Building Addition", all being additions to the City of Tulsa, Tulsa County, Oklahoma, and also a part of S 103rd E. Ave., said tract of land being more particularly described as follows, to-wit: "Beginning at a point" that is the NW/c of said E/2 of the NW/4 thence S 89° 46′10″ E along the northerly line of Section 7 for 1097.08′; thence S 00°20′53″ E along a northerly extensionof and along the westerly right-of-way line of Mingo Valley Expressway for 344.71′; thence S 19°52′36″ E continuing along said westerly right-of-way line for 636.58′; thence S00°09′37″ W along said right-of-way for 147.53′; thence N 89°46′10″ W parallel with the northerly line of Seciton 7 for 1318.34″ to a point on the westerly line of said Block 2 of "Chancellor Acres"; thence N 00°09′54″ E along said westerly line for 1090.00′ to the POB of said tract of land. This tract of land contains 29.753 acres.

* * * * * * * * * * * *

Application No.: **Z-6472/PUD-524** Present Zoning: RS-1
Applicant: James R. Gotwals Proposed Zoning: CS and PUD
Location: Southwest corner of East 71st Street South & South Harvard Avenue.
Date of Hearing: November 30, 1994
Presentation to TMAPC: James R. Gotwals and Ralph Jones

Chairman Parmele announced that 108 individuals have signed up to speak. He asked for a show of hands from individuals who would like to address the Planning Commission. After a visual count, it was revealed that approximately 30 individuals actually wished to address the Planning Commission. Chairman Parmele asked that interested parties limit comments to five minutes.

Staff Recommendation

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan, designates the subject tract as Low Intensity - Residential.

According to the Zoning Matrix the requested CS **is not** accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 3.39 acres in size. It is partially-wooded, sloping, presently being utilized as the staging area for heavy equipment during the construction and widening of E. 71st Street, and zoned RS-1.

Surrounding Area Analysis: The subject tract is abutted on the north, south and west by single-family dwellings, zoned RS-1 and to the east by duplex dwellings, zoned RS-2.

Zoning and BOA Historical Summary: There has been little rezoning activity in this area. The most recent case approved a single-family development with RS-1 zoning on property that is located west of the subject tract and on the south side of E. 71st Street S. between Columbia Avenue and Delaware Avenue.

Conclusion: The Comprehensive Plan and existing development patterns do not support a commercial node at E. 71st Street S. and Harvard. Therefore, Staff recommends **DENIAL** of CS zoning for Z-6472.

AND

PUD-524: Southwest corner of East 71st Street South and South Harvard Avenue

The applicant is proposing a 3.2-acre commercial PUD at the southwest corner of East 71st Street South and South Harvard Avenue. Accompanying this request is rezoning case Z-6472, which is requesting *CS* zoning over the entire PUD. The Comprehensive Plan designates the subject tract as Low Intensity Residential. The proposed *CS* zoning would not be in accordance with the Plan. Existing development to the north, south, and west of the subject tract is large-lot single-family dwellings. Across Harvard Avenue to the east and northeast are duplexes. There are no medium intensity uses in the area. Because of the Comprehensive Plan and the existing development patterns, Staff cannot support the *CS*

zoning. The *CS* zoning is a classic example of spot zoning; therefore, Staff recommends **DENIAL** of PUD-524.

Applicant's Comments

Mr. Jones presented a history of street development in the subject area and related competing differences among the Federal Highway Administration, Oklahoma Department of Transportation and Public Works. He informed that his family lived on this property for ten years until construction of the parkway rendered it unlivable. He declared that the two lots, totaling about three acres on the southwest corner, are not suitable for residential use due to high traffic flow caused by the recent construction which widens the street to six lanes. Mr. Jones presented photographs taken two years ago of his family football field on the property, which is now underneath the two new lanes of 71st and Harvard. He declared that all individuals living near the construction have been affected. Mr. Jones gave a detailed description of how his home was removed from the property and recounted how bulldozers destroyed trees which provided a natural buffer by shielding his home from 71st Street. He disclosed that construction equipment has been parked on the property for the last year and described the destruction wrought from the equipment. Mr. Jones explained the problems experienced such as accessing this property due to heavy traffic, the safety hazard to children and pets, and litter thrown from vehicles. He referred to the Comprehensive Plan which provides for a quality living environment and declared that a quality living environment is not possible for this property. Mr. Jones referenced other items on the agenda where Staff deemed applications to not be in accordance with the Comprehensive Plan and yet recommend approval of the plan. He questioned why his application should not receive the same consideration. Mr. Jones declared that his property is located at a node and that commercial zoning is permitted within a node. He cited examples where residential and commercial development within the city share the same intersection.

Mr. Jones distributed copies of the PUD submitted. He pointed out that the rendering depicts the isolation of the tract, noting that three corners of the intersection have noise barrier walls ranging from 6′ to 26′ in height. Mr. Jones noted that the subject property has no walls. He revealed that the property is screened on the south property line from the neighborhood and that screening is also planned on the west property line. Mr. Jones informed that the property will be graded flat and will drain from the southwest to the northeast so that drainage from this property does not enter into the drainage area shared by the neighborhood.

Mr. Jones referred to an Environmental Impact Study (EIS) conduced in 1989 which concluded that noise impacts caused by the expansion of 71st Street to a six-lane parkway that, *"most houses in the first row along the project will experience noise levels in excess of the maximum noise level established by the Federal High Administration..."* He disclosed that the noise barrier walls were planned to surround the 71st and Harvard retail development area and after determining that the cost of construction of these walls (approximately $500,000) was not cost effective and the City of Tulsa elected to work with him to eliminate noise barrier walls and lower the property elevation. Mr. Jones declared that he and the property owners did not suggest that alternative. He informed that the change came about because the Department of Public Works recognized what the EIS said, foresaw road development, that the City of Tulsa could save $460,000 by eliminating the walls, and made this recommendation to property owners. Mr. Jones informed that the EIS recognized the possibility of commercial development and that they anticipated that this intersection would experience commercial development regardless of the alternate chosen (four or six lanes). Mr. Jones declared that as a result of site excavation and filling of low elevations on the

property, the property is unsuitable for residential development. He revealed that construction of noise barrier and retaining walls on the other three corners of the intersection has served to isolate his property. Mr. Jones reviewed development standards he proposed for the PUD.

TMAPC Comments
Mr. Midget asked if the property would be suitable for other development if the noise barrier walls were erected.

Mr. Jones informed that because of changes anticipated in the EIS, this proposal is the best use of the property.

Commissioner Harris inquired as to discharge of drainage water from the subject site and if the plan has been developed with the City of Tulsa to ensure sufficient capacity there to handle drainage from the subject site.

Mr. Jones assured the Planning Commission that he has entered into a written agreement with the City's Engineering Department for adequate drainage.

There was considerable discussion over adequate drainage of the subject tract, with Mr. Jones explaining in detail drainage plans and elevation for the property.

Ms. Wilson inquired regarding Mr. Jones' statement that the Public Works Department wanted to delete noise barrier walls and asked if he wanted the walls erected.

Mr. Jones informed that when the proposal was presented, they decided that this site was not conducive to quality of life, and after reading the EIS, which anticipated that commercial development would occur at this intersection, that it would be best not to have walls.

Chairman Parmele asked, based on the number of years experience in the real estate business, if Mr. Jones has considered other uses for this property.

Mr. Jones replied that consideration was given to how offices could impact the site, and he decided that office use was not a workable environment because of traffic and access, and because of the glut of office space available in Tulsa.

Interested Parties
Charles Hardt **Public Works**
Mr. Hardt, present on behalf of the City of Tulsa to speak to the issues he deems were misrepresented in the application and the presentation made today, informed that he was present at discussions relating to this parcel. He informed that there was only one plan for road improvement, the Major Street and Highway Plan (MSHP) which has been in effect for over twenty years at this intersection. It calls for a primary arterial, a six-lane street. Mr. Hardt declared that there never were differences among the Federal Highway Administration, Oklahoma Department of Transportation or Public Works. Mr. Hardt revealed that in 1989 the Department of Public Works conducted an appraisal of the subject property and it was identified as rental property. The tract to the west was vacant and Mr. Jones did live on the property. Regarding the devastation of the property, Mr. Hardt reported that Mr. Jones and the group of owners were paid $373,560.52 for both the temporary and permanent uses of the property, and Mr. Jones was a negotiator of that value. Mr. Hardt informed that the EIS

represents a worst-case scenario. He informed that the Public Works Department did not initiate negotiations involving removing retaining walls and lowering elevation, but rather Mr. Jones presented a letter addressing the benefits and savings which would result by this. Mr. Hardt informed that the City agreed to delete retaining walls and noise barriers from both tracts 22 and 23, and he read from correspondence between his office and Mr. Jones. Mr. Hardt informed that residential use can exist on the subject property. He pointed out that there are subdivisions within the City which are built on top of solid limestone and that this tract is not nearly as severe. He informed that for a minimal amount of money, sound walls could easily be restored, and since tracts 22 and 23 have been combined, there is no reason this property could not continue as residential property and still meet the noise abatement requirement. He reported that appraisers identified the existing and potential uses, and in addressing potential use they met with the property owners, who indicated that there was hope of rezoning the property for light-intensity office.

J.D. Metcalfe, former Street Commissioner **1341 East 26th Street 74114**
Mr. Metcalfe informed that as Commissioner of Streets and Public Property from May 1984 to May of 1990, he participated in the planning, design and future construction of East 71st Street between Lewis and Harvard. Mr. Metcalfe disclosed that in numerous public hearings as well as at City Commission meetings he attended in connection with that project, he voiced his opposition to any commercial zoning on 71st Street between Lewis and Yale. He urged the Planning Commission to deny this application for commercial zoning.

Darla Hall **City Councilor**
Councilor Hall commented on the change from a four-lane to six-lane road in the subject area and that area residents were promised that there would be no commercial development. Councilor Hall deemed that to allow commercial zoning would be in violation of the Comprehensive Plan and would be spot zoning.

Chairman Parmele asked for representatives from Neighborhood Associations (NA) and Homeowner Associations (HOA) to speak.

Paul Swain **6830 South Delaware 74136**
Mr. Swain, speaking on behalf of several NAs and HOAs, informed that petitions were circulated in the area for individuals to sign voicing opposition to the proposed rezoning and presented petitions signed by 588 individuals. He displayed an aerial photograph of the subject intersection depicting no commercial development within one mile of the subject tract. Mr. Swain deems the rezoning request would not be in the best interest of the City. He perceives that the property could be designed as a residential PUD if it must be changed. Mr. Swain declared that there is nothing about this property making it different from the other corners and concluded that if the other three corners can be developed residentially, this property can also. He informed that there are other areas in the City that do not have commercial development at every major intersection. Mr. Swain pointed out that allowing commercial development at this intersection will adversely affect existing traffic congestion.

Gene Kaefer **4214 East 74th Street 74136**
Mr. Kaefer, Project Chairman of South Ridge Estates HOA which is southeast of 71st and Harvard, declared that this HOA supports Staff recommendation that the tract should remain residential. He discerns that this area can regain its previous esthetics if allowed. Mr. Kaefer discerns that if commercial zoning is allowed the ad valorem tax base in the area will be reduced.

Steve Schuller **525 South Main 74103**
Mr. Schuller, attorney for Guier Woods HOA, expressed opposition to the proposed commercial zoning, declaring that the proposed intensity of use would not be appropriate for this location and would be harmful to the surrounding neighborhood. Mr. Schuller recounted one of the purposes of the PUD provisions of the Zoning Code is to assure compatibility with adjoining uses, and proclaimed that this proposed development provides no such assurance, and in fact would harm the surrounding area.

John Briggs **3130 East 70th Street 74136**
Mr. Briggs presented photographs of the view from his home of the subject property and noted that he has an unobstructed view of the entire property. He pointed out that existing homes are at road level and the only difference between these homes and the subject property is existence of a sound barrier wall. Mr. Briggs commented on how a commercial development would negatively affect adjacent property owners, i.e. lights, excessive traffic, noise from delivery trucks, etc. Mr. Briggs pointed out that the subject property is no different from the other properties at the corners of this intersection, and that they face the same problems of noise and overcoming soil problems. He noted that the applicant was compensated for loss of trees, as have been other residents who settled property damages from road construction. Mr. Briggs declared that there are other development alternatives which are achievable, for example a real estate development comparable to Guier Woods.

Vernon Mudd **3117 Columbia Circle 74136**
Mr. Mudd, represented the interests of the Mudd family, who have been developers and owners of residential properties in the immediate area for the past twenty-five years and own properties between 70th and 73rd on South Indianapolis. He declared that as a residential area, property has been in high demand and remains in high demand for premier residential use. Mr. Mudd addressed the appropriateness and suitability of the subject property for residential use. He has thirty-three years experience developing and building residential, commercial, industrial and office properties in the Tulsa area. Mr. Mudd declared that change should be compatible with and not degrade the history and tradition of the area impacted. He informed that his family chose not to deter or impede needed traffic improvements in the area, and the inconveniences of these improvements' construction does not justifiy compounding the problems the widening was intending to solve.

Charles Gilmore **7435 South Gary Place 74136**
Mr. Gilmore's property is on the corner of 75th and Harvard. He developed Guire Woods I, II and III and informed that he has been a builder and developer in Tulsa for thirty-five years. He informed of building homes in all four sections that abut this intersection. Mr. Gilmore presented petitions signs by property owners in Guire Woods III opposing the application. Mr. Gilmore avidly stated that this property can and should be developed residentially and be commercially viable.

Chris Knapp **4120 East 38th Street**
Mr. Knapp, who formerly lived on the subject property, described the nuisances experienced while living there, such as the noise from traffic, loud car radios and sirens from emergency vehicles. He pointed out that most of the area residents live near 71st Street in neighborhoods and not 32' from the edge of 71st Street as he did when he lived on the property. Mr. Knapp recounted experiences egressing the property.

Bill Cox **3116 East 71st Street 74136**
Mr. Cox resides immediately west of the subject property. He disputed that a football field was on the property the fourteen years he has been a resident, and informed that the applicant never resided on the property during that time. Mr. Cox explained that the noise wall will help greatly in abating noise from street traffic. He was opposed to the proposed rezoning.

Bo Kaczmarek **6730 South Louisville**
Mr. Kaczmarek was opposed to commercial development because of the potential for increased crime in the area. He revealed that the applicant knew that the street was planned to be widened when the property was purchased and was adequately compensated from the City. Mr. Kaczmarek urged the Planning Commission to deny the application.

Gail Reynolds **7224 South Gary Place 74136**
Mr. Reynolds, a resident of Guire Woods, declared that this application is blatant spot zoning; and listed other intersections in the City where commercial zoning has not been allowed. He voiced concern of a "strip out" with substantial commercial uses developing where before only residences were permitted. He said commercialization of 71st Street will add to the character change that a six-lane arterial will impose on a residential neighborhood. Commercial development on the subject tract will serve to exacerbate a traffic problem that six-lane plans will not solve. There is sufficient commercial development nearby to meet area residents' needs. The property is suitable for development other than commercial and the applicant has already profited substantially having been compensated for what most developers are required to donate to the City. The applicant has used required sound barrier walls against the City to enhance their development plans. Mr. Reynolds urged the Planning Commission to deny the application.

Janet Hasegawa **3208 East 69th Street 74136**
Ms. Hasegawa informed that at the time she purchased her home that she was advised that the area was to remain residential and urged denial of the application.

Jim Frasier **7204 Sleepy Hollow Drive**
Mr. Frasier resides approximately two blocks from the subject property. He asked the Planning Commission to consider the increased drainage problems the area will experience should this tract be developed. Mr. Frasier noted that current drainage studies do not take into account the road expansion.

John Stewart **6843 South Florence 74136**
Mr. Stewart informed that the proposed zoning is not in the best interest of the area and requested that the Planning Commission deny the application.

The below-listed individuals were present as interested parties.

Leonard & Elizabeth
Kindred
7268 S Jamestown
Tulsa OK 74136

Jon R Stuart
6843 S Florence
Tulsa OK 74136

Ivan & Helen Ellsworth
2906 E 74th St
Tulsa OK 74136

Catheline K Tatum
6921 S Jamestown
Tulsa OK 74136

Diane Victory
9002 E 99th St
Tulsa OK 74133

Sara & David Burton
7250 S Gary
Tulsa OK 74136

Elizabeth Peterson
2848 E 67th Pl
Tulsa OK 74136

Donna Briggs
3130 E 70th St
Tulsa OK 74136

George Navotny
7315 S Gary Pl
Tulsa OK 74136

Jean B Kelley
7160 S College
Tulsa OK 74136

Weldon M Grind
3452 E 75th Pl
Tulsa OK 74136

L L & Marilyn Narwold
7116 S College
Tulsa OK 74136

Harrell D Price
7205 S College
Tulsa OK 74136

C Jack & Sue Maner
3626 E 70th Pl
Tulsa OK 74136

Nancy Paul
6920 S Gary
Tulsa OK 74136

Mary E Sumpter
7203 S Gary
Tulsa OK 74136

Hannah Robson
6565 S Timberlane
Tulsa OK 74136

Patty Cappy
6699 S Timberlane
Tulsa OK 74136

Emma Lee Gains
3110 E 71st St
Tulsa OK 74136

Thomas & Beverly Blackwell
7201 S Gary Pl
Tulsa OK 74136

Ken & Pat Campbell
7425 S Gary Pl
Tulsa OK 74136

Ed Stuart
7010 S Atlanta
Tulsa OK 74136

Rick Hugh
1538 E 49th Pl
Tulsa OK 74136

Barbara Suleren
7525 S Gary Pl
Tulsa OK 74136

Vivian F Correa
2911 E 70th Ct
Tulsa OK 74136

Dr & Mrs Nevinny
6903 S Gary Ave
Tulsa OK 74136

W Earl Mead Jr
7315 S College Ave
Tulsa OK 74136

Charles & Peggy Garretty
3417 E 76th St
Tulsa OK 74136

James H Morrison
2909 E 74th Pl
Tulsa OK 74136

Bill VanMeter
7424 S Gary Pl
Tulsa OK 74136

Linda Swain
6830 S Delaware Ave
Tulsa OK 74136

Donald Mauritson
7225 S Gary
Tulsa OK 74136

Kenneth & Geraldine L Kemper
7227 S Jamestown
Tulsa OK 74136

Wilma Crow
7308 S College
Tulsa OK 74136

Margaret Carpenter
7262 S Jamestown
Tulsa OK 74136

S W Wells
2918 E 70th Ct
Tulsa OK 74136

Barbara Nonwaler
3360 E 77th St
Tulsa OK 74136

Julie Hollenbeck
3543 E Virgin St
Tulsa OK 74115

Kurt & Priscilla Iba
3353 E 77th St
Tulsa OK 74136

Bogdan Kaczmaruk
6730 S Louisville
Tulsa OK 74136

Janet Hasegawa
3208 E 69th St
Tulsa OK 74136

Barbara Dunn
7468 S Marion
Tulsa OK 74136

Belinda Phillips
7444 S Marion
Tulsa OK 74136

Darrin Wandtraan
3524 E 70th Pl
Tulsa OK 74136

Terri Duncan
6983 S Oswego
Tulsa OK 74136

France Payne
7770 S Harvard Pl
Tulsa OK 74136

Charles J O'Rear
7022 S Birmingham Ct
Tulsa OK 74136

Helen Sue Price
7215 S Gary
Tulsa OK 74136

Barbara M Pollard
7448 S Jamestown
Tulsa OK 74136

Jay G Patchett
6918 S Evanston
Tulsa OK 74136

Larry J Brown
7209 S Gary Pl
Tulsa OK 74135

Thomas & Patricia Payton
2911 E 68th St
Tulsa OK 74136

Bobbie Ridgeway
3343 E 77th St
Tulsa OK 74136

Frank Spiegelberg
9032 E 67th St
Tulsa OK 74133

Carol Lyons
7904 S Florence Ave
Tulsa OK 74136

Rebecca Wlusinkut
3409 E 76th St
Tulsa OK 74136

Doris R McGrath
6834 S Florence
Tulsa OK 74136

James & Frances Treacy
2963 E 75th St
Tulsa OK 74136

Anne Rice
2919 E 70th Ct
Tulsa OK 74136

Frances L Patterson
7207 S Gary Pl
Tulsa OK 74136

Donald & Fern Honn
2922 E 70th Ct
Tulsa OK 74136

Oren Davenport
7233 S Jamestown
Tulsa OK 74136

Joe Deger
7307 S Gary Pl
Tulsa OK 74136

Stu Forren
7429 S Indianapolis
Tulsa OK 74136

Earnest Wrenecke Sr
3408 E 75th Pl
Tulsa OK 74136

Robert & Lynn Fisher
7434 S Jamestown
Tulsa OK 74136

Patsy Savage
7248 S Gary
Tulsa OK 74136

R G Muhlberger
3332 E 67th Pl
Tulsa OK 74136

J D Metcalfe
1341 E 26th St
Tulsa OK 74114

Robert L Franzese
7114 S 92nd E Ave
Tulsa OK 74133

Chris A Knapp
4120 E 38th St
Tulsa OK 74135

Denise Westfall
7500 S Union
Tulsa OK 74132

Marion Mayer
7840 S College Pl
Tulsa OK 74136

Dorothy Meyer
2920 E 80th Pl
Tulsa OK 74136

Judith K Craig
2957 E 69th St
Tulsa OK 74136

Virginia A Wood
2956 E 69th St
Tulsa OK 74136

Helen Cotron
2983 E 69th St
Tulsa OK 74136

Moon Harvra
7006 S Evanston
Tulsa OK 74136

Lee & Auri Keeling
7205 S Gary
Tulsa OK 74136

Stuart D Campbell
7429 S Knoxville
Tulsa OK 74136

Marcia Heronemus Pate
3420 E 76th St
Tulsa OK 74136

Joyce Richardson
3306 E 73rd St
Tulsa OK 74136

Mr & Mrs W G Fox
3202 E 69th St
Tulsa OK 74136

Marilyn O Bruhardt
7531 S Knoxville
Tulsa OK 74136

Loretta Lowe
3204 E 73rd St
Tulsa OK 74136

Jean Sanditen
7217 S Gary
Tulsa OK 74136

Mr & Mrs James H Moore
7127 S Columbia
Tulsa OK 74136

Glenn A Riley
3515 E 74th St
Tulsa OK 74136

Mona & Radford Miller

Charles Hardt
City of Tulsa

Mary Carolyn Hoag
6959 S Columbia
Tulsa OK 74136

Joe H Danbar
7449 S Knoxville
Tulsa OK 74136

Bob Vassa
6886 S Florence
Tulsa OK 74136

Bob & Marjorie Phillips
7226 S Gary
Tulsa OK 74136

Chuck & Patty Felber
7839 S College
Tulsa OK 74136

Patty Cox
2822 S 116th E Ave
Tulsa OK 74129

Gene J Kaefer
4214 E 74th St
Tulsa OK 74136

William R Cox Jr
3116 E 71st St
Tulsa OK 74136

Edith E Chat
3430 E 75th St
Tulsa OK 74136

Phil Guylain
6830 S Delaware
Tulsa OK 74136

John Briggs

Vernon Mudd

Steve Schuler

Edmund R Patterson
7207 S Gary
Tulsa OK 74136

Ed Richards
3419 E 75th Pl
Tulsa OK 74136

Ralph Hutgrass
7818 S Evanston
Tulsa OK 74136

Joann Hind
3511 E 70th Pl
Tulsa OK 74136

Willie Guy
3512 E 70th Pl
Tulsa OK 74136

Carl & Phylis Beyerheem
7439 S Jamestown
Tulsa OK 74136

Mackie Hunter
3510 E 71st Pl
Tulsa OK 74136

Ben Beckam
7213 S Jamestown
Tulsa OK 74136

Bill & Peggy Enlow
7308 S Gary Pl
Tulsa OK 74136

Jay Apurnuik
7934 S Florence
Tulsa OK 74136

Jodi LeMaster & Virginia Waddington
7701 S Xenophon
Tulsa OK 74132

Virgil Floyd Miller
7701 N Florence
Sperry OK 74073

Daphne Wise
7503 S Knoxville
Tulsa OK 74136

Willie C Schmidt
3314 E 68th St
Tulsa OK 74136

E M Behnton
4349 E 72nd St
Tulsa OK 74136

Janelle H Steltzen
6636 S Jamestown Pl
Tulsa OK 74136

Gail R Runnels
7224 S Gary Pl
Tulsa OK 74136

Leonard & Patty Eaton
3224 E 73rd St
Tulsa OK 74136

Applicant's Rebuttal

Mr. Gotwals presented the rebuttal and asked that the Planning Commission take into consideration the 71st Street parkway corridor rather than only the adjacent neighborhood in reaching a decision. He did not perceive that the proposed development would exacerbate traffic since the road is expected to accommodate 55,000 vehicles per day when completed. Mr. Gotwals declared that zoning must stem from a hardship as it relates to the subject property and makes the existing use able to be attained. He addressed the cost of erecting sound barrier walls and declared that the property is beyond the federal guidelines on noise levels. Mr. Gotwals informed that the tract does not have good access for a residential property, is barricaded on all sides by sound barrier walls and is not suitable for residential housing. He assured that the development will not be aesthetically displeasing and the Planning Commission can ensure this since they must approve site plans, etc. Mr. Gotwals does not believe that this property can be used for residential development and the most reasonable use is that which was suggested by the EIS, that commercial development of 71st and Harvard is likely to occur whether the road is four-lane or six-lane. Mr. Gotwals requested that the Planning Commission approve the application.

There being no other interested parties wishing to address the Planning Commission, Chairman Parmele declared the public hearing closed and opened the TMAPC review session.

Review Session

Ms. Wilson pointed out that the physical facts, residential zoning on the remaining three corners of the intersection, support that should this tract be zoned commercial this would be spot zoning and would not be good planning or prudent zoning action. She expressed support of the Staff recommendation for denial.

Ms. Pace deemed that to continue to discuss this issue would be redundant and made a motion for denial of the application. Mr. Midget seconded the motion.

There was lengthy discussion among the Planning Commissioners with several commissioners agreeing with the applicant that the land was not livable, but they said they

did not know what would be an appropriate use of the land. Some of the Commissioners declared that it was unfortunate that the applicant choose to make his plans based on comments in the EIS rather than the Comprehensive Plan and declared that the proposal is incompatible with surrounding development.

Ms. Gray informed that she would like to see a potential plan for residential development in the area before the tract is approved for commercial development.

Mr. Doherty pointed out that regardless of the outcome of this application an area has been created on this corner of a primary and secondary arterial that has no access to the surrounding neighborhoods. The only access is directly onto the arterials. Mr. Doherty encouraged that when future plats are presented, the Planning Commission not create similar conditions.

Chairman Parmele does not believe that the highest and best use is single-family residential and is not sure that the proposed developed is the best. He deemed that the six-laning of 71st Street and the major improvement of the intersection is a substantial material change in the physical facts concerning this corner. Chairman Parmele said commercial development might be appropriate if certain uses were eliminated. He informed of being opposed to the motion for denial.

TMAPC Action; 10 members present:

On **MOTION** of **PACE**, the TMAPC voted **7-3-0** (Ballard, Carnes, Gray, Harris, Midget, Pace, Wilson "aye"; Doherty, Horner, Parmele "nays"; none "abstaining"; Neely "absent") to **DENY** Z-6472 and PUD 524 as recommended by Staff.

LEGAL DESCRIPTION

Starting at the northeast corner of Section 8, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; thence South along the East line of said Section 8 a distance of 321.65′; thence West along the North line of Guier Woods Addition a distance of 31.25′, to a point of beginning; thence N 01°09′18″ W parallel to the East line of said Section 8 a distance of 202.41′; thence N 46°17′15″ W a distance of 57.40′; thence S 88°37′57″ W parallel to the centerline of East 71st Street South a distance of 219.32′; thence S 0°11′40″ W a distance of 268.69′; thence East along the North line of Guier Woods Addition a distance of 284.75′ to the point of beginning, said tract containing 1.4368 acres more or less, and all that part of the NE/4, NE/4, Section 8, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Starting at a point on the North boundary of said NE/4, NE/4, 316.00′ from the Northeast corner thereof; thence S 01°09′18″ E a distance of 24.75′, said point being on the South 24.75 foot statutory right-of-way for East 71st Street South; thence S 01°09′18″ E a distance of 53.46′ to the point of beginning; thence S 88°37′57″ W parallel to the centerline of East 71st Street South a distance of 24.59′; thence N 71°53′46″ W a distance of 52.50′; thence S 88°37′57″ W parallel to the centerline of East 71st Street South a distance of 278.45′; thence S 70°11′52″ W a distance of 18.97′; thence S 88°37′57″ W parallel to the centerline of East 71st Street South a distance of 61.30′; thence N 72°55′57″ W a distance of 12.65′; thence S 88°37′57″ W parallel to the centerline of East 71st Street South a distance of 35.83′; thence N

47°29'20" W a distance of 54.08'; thence S 46°38'38" E a distance of 66.01'; thence S 63°04'07" E a distance of 95.70'; thence S 36°44'07" E a distance of 257.03'; thence due East a distance of 228.00'; thence N 00°11'19" E a distance of 243.44' to the point of beginning; containing 1.96212 acres more or less and being located on the southwest corner of East 71st Street South and South Harvard Avenue.

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Application No.: **PUD-128-4**
Applicant: Charles E. Norman
Location: Block 16, Kensington Addition - north of East 81st Street South, west of South Wheeling Avenue
Date of Hearing: November 30, 1994

Minor Amendment

The applicant is requesting approval of minor amendments to the PUD. The subject property is fully developed as student housing for ORU. The purpose of the amendments is to "satisfy contractual and title requirements" to facilitate the sale of the property. The property is to be renovated and made available as rental units to the general public. These amendments include:

1. A deletion of the opaque wall, sidewalk, and landscaping requirement along South Wheeling Avenue,

2. Off-street parking to be in compliance with the current requirements of Section 1303 of the Zoning Code,

3. Project signage to be in compliance with the current provisions of Section 1103.B.2 (PUD Chapter) of the Zoning Code,

4. Allowing of project identification signs on the South Wheeling Avenue frontage, and

5. Reduction of minimum setbacks by less than one foot at each of eight separate locations.

Staff has reviewed the request and finds that a similar request deleting the wall, sidewalk, and landscaping requirements (128.3) was approved for Blocks 10, 11, and 12 of Kensington on July 11, 1990.

Staff also supports the applicant's contention that the turn (approximately 90°) in South Wheeling Avenue creates two streets with each allowed one entry sign by the Code.

The requests to permit signage and parking in accordance with current standards are in compliance with the intent of the PUD.

Staff recommends **APPROVAL** of the requested amendments.

There were no interested parties in attendance.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **APPROVE** PUD 128-4 MINOR AMENDMENT as recommended by Staff.

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Application No.: **PUD-128-B-1**
Applicant: Charles E. Norman
Location: Block 17, Kensington Addition - north of East 81st Street South, east of South Wheeling Avenue
Date of Hearing: November 28, 1994

Minor Amendment

The applicant is requesting approval of minor amendments to the PUD. The subject property is fully developed as student housing for ORU. The purpose of the amendments is to "satisfy contractual and title requirements" to facilitate the sale of the property. The property is to be renovated and made available as rental units to the general public. These amendments include:

1. A deletion of the opaque wall, sidewalk, and landscaping requirement along South Wheeling Avenue,

2. Off-street parking to be in compliance with the current requirements of Section 1303 of the Zoning Code,

3. Project signage to be in compliance with the current provisions of Section 1103.B.2 (PUD Chapter) of the Zoning Code, and

4. Allowing of project identification signs on the South Wheeling Avenue frontage subject to approval by the Board of Adjustment.

Staff has reviewed the request and finds that a similar request deleting the wall, sidewalk, and landscaping requirements (128.3) was approved for Blocks 10, 11, and 12 of Kensington on July 11, 1990.

Staff also finds that the project frontage is approximately 1100'. A request for two project entry signs is in conformance with the original intent of the PUD.

NOTE: Two project entry signs on the South Wheeling Avenue frontage will require Board of Adjustment approval.

The requests to permit signage and parking in accordance with current standards are in compliance with the intent of the PUD.

Staff recommends **APPROVAL** of the requested amendments.

There were no interested parties in attendance.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **APPROVE** PUD 128-B-1 MINOR AMENDMENT as recommended by Staff.

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Application No.: **PUD-190-E-2**
Applicant: Jack Arnold
Location: Lot 19, Block 4, Charter Oak Amended - 7509 South Joplin Avenue.
Date of Hearing: November 30, 1994
Presentation to TMAPC: Jack Arnold

Minor Amendment

The applicant is requesting approval of a minor amendment to reduce a portion of the required rear yard from 15 feet to 8 feet. The purpose of the amendment is to allow the construction of a covered deck in the rear yard setback.

Staff has reviewed the request and finds that the subject property backs up to a private drive, East 75th Place South. This particular drive has a right-of-way of 30 feet and a paved width of 26 feet. The subject property slopes down toward East 75th Place South and drops approximately 28' from front to rear. Two lots directly across East 75th Place South face the rear of this subject parcel and will be impacted by development on it. The parcel is abutted on the northwest by common open area, making it highly usable for a considerable distance along the street.

Based on the review of the proposed project, Staff finds that construction of the covered patio area as shown will have significant impact to the East 75th Place South street scene, particularly when approaching from the northwest. The reduced width of the street, increase in elevation, exposure created by proximity to open space, and reduced rear yard setback combine to create impacts that are not, in Staff's opinion, in conformity with the intent of the original PUD development standards. Staff can find no substantial hardship in this proposal.

Therefore, Staff recommends **DENIAL**.

Applicant's Comments

Mr. Arnold, representative for the property owners, is the architect who designed this home for the owners. He informed of meetings with the Architectural Review Committee of Charter Oaks at which he discussed this proposal and which the Committee approved in concept. Mr. Arnold advised that to the west of the property is a common area owned by Charter Oaks HOA and the penetration of the proposed deck would not obstruct the view or

sight line of other units in the area. He presented a letter signed by the President of Charter Oaks informing of their support of the variance request.

Mr. Midget asked if the owners of the property facing the deck have been contacted.

Mr. Arnold replied that all the property across the street is vacant.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **HARRIS**, the TMAPC voted **7-1-0** (Carnes, Gray, Harris, Horner, Midget, Pace, Parmele, "aye"; Doherty "nay"; none "abstaining"; Ballard, Neely, Wilson "absent") to **APPROVE** PUD 190-E-2 MINOR AMENDMENT, Lot 19, Block 4.

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Application No.: **PUD-206-12**
Applicant: R.L. Reynolds
Location: A portion of Lot A of Sheridan South - southwest corner of East 91st Street South and South Sheridan Road
Date of Hearing: December 8, 1994

Minor Amendment

The applicant is requesting a determination of floor space allocation for the Boatmen's Bank portion of Lot A. Staff has reviewed the request and finds that the proposed lot contains 15.45% of the total area of Lot A. Total square footage allocated to Lot A equals 200,000 SF.

Staff recommends **APPROVAL** of the allocation of 30,900 SF of floor area to the Boatmen's parcel, this figure being 15.45% of the area allotted to Lot A.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **HARRIS**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, "aye"; no "nays"; none "abstaining"; Ballard, Neely, Wilson "absent") to **APPROVE** PUD 206-12 MINOR AMENDMENT as recommended by Staff.

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Application No.: **PUD-235-A-1**
Applicant: Keith Franklin
Location: Lot 3, Block 1, Flynn Plaza - west of the northwest corner of East 71st Street South and South Mingo Road
Date of Hearing: November 30, 1994

Minor Amendment

The applicant is requesting approval to allow occupancy permits to be issued for "Media Play" prior to the completion of approved landscape installation.

Staff has reviewed the request and recommends **APPROVAL** subject to the following:

1. Landscape installation shall be completed prior to March 1, 1995, and

2. This approval pertains specifically to the "Media Play" establishment and does not impact the landscaping requirements for other facilities in the PUD. All other establishments are subject to standard occupancy requirements.

There were no interested parties in attendance.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Neely "absent") to **APPROVE** PUD 235-A-1 MINOR AMENDMENT as recommended by Staff.

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PUD-507-3: Minor Amendment - Lots 2 and 3, Block 1, Woodland Hills Plaza - 8900 East 71st Street South

The applicant is requesting approval of an amendment to the signage standards of the PUD to increase the height and area of the allowed monument sign and to decrease the distance between ground signs. The proposed height increase is from 6' in height and 32 SF in area to 10' in height and 54 SF in area. The proposed decrease in separation would allow two ground signs separated by approximately 10 feet.

Staff has reviewed the request and finds that this PUD was recently approved (January 1994) and is now entering construction. Staff review has also determined that the Outline Development Plan text called for an 8' sign with 32 SF of display area for the multifamily project and that Staff's subsequent recommendation was for a 6' sign of 32 SF. The Outline Development text defers to the PUD Ordinance for spacing requirements and was recommended for approval by Staff as submitted. The PUD Ordinance calls for a minimum of 100' between ground signs.

Review of the minutes of the meeting shows that the Commission approved the signage standards without comment from the public, the applicant, or the Commission.

Staff is of the opinion that in a PUD this recently approved, the conditions surrounding the approval have not significantly changed and that the designated process has been accurately observed. Staff can determine no significant hardship caused by complying with the existing PUD standards and that the proposed amendments are not in keeping with the original intent.

Therefore, Staff recommends **DENIAL**.

NOTE: Sign separation is determined by the PUD section of the Zoning Code. Variations from the code must be approved by the Board of Adjustment.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, "aye"; no "nays"; none "abstaining"; Ballard, Neely, Wilson "absent") to **DENY** PUD 507-3 MINOR AMENDMENT as recommended by Staff.

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Chairman's Report

Chairman Parmele announced receipt of a letter from Roger Robbins requesting a meeting with the Planning Commission to discuss the situation of construction at 44th and Harvard and a second request from Bruce McKenna to discuss PUDs, tree clearing, etc. He suggested that these two individuals be invited to attend the appropriate committee meeting concerning these items.

There being no further business, the Chairman declared the meeting adjourned at 5:10 p.m.

Date Approved: 12/14/94

Chairman

ATTEST:

Secretary