

# TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2000

Wednesday, December 14, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

## Members Present

Carnes, 2nd Vice  
Chairman  
Doherty  
Gray  
Horner  
Midget, Mayor's  
Designee  
Neely, 1st Vice  
Chairman  
Parmele  
Chairman  
Wilson

## Members Absent

Ballard  
Harris  
Pace

## Staff Present

Gardner  
Hester  
Jones  
Stump

## Others Present

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, December 13, 1994 at 12:02 p.m., as well as in the Reception Area of the INCOG offices.

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

## Minutes:

Approval of the minutes of November 30, 1994, Meeting No. 2000:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes Doherty, Gray, Horner, Midget, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Harris, Neely, Pace, Wilson "absent") to **APPROVE** the minutes of the meeting of November 30, 1994 Meeting No. 2000.

\* \* \* \* \*

## REPORTS:

### Chairman's Report:

Chairman Parmele announced receipt of a letter regarding construction on the southwest corner of 21st Street and Utica Avenue. The letter alleges that commercial construction at this corner encroaching into residentially-zoned land to the south. Chairman Parmele instructed Staff to contact Code Enforcement and Urban Development and requested a written response informing them as to what is occurring at this corner.

Committee Reports:

Rules and Regulations Committee

Mr. Doherty announced that the Rules and Regulations Committee met today at 11:40 a.m. to discuss Bed & Breakfast establishments and he will give his report at the public hearing.

Director's Report:

TMAPC & BOA receipts for November 1994

Mr. Stump presented the report of TMAPC receipts for November 1994.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Harris, Neely, Pace, Wilson "absent") to **ACCEPT** the report of TMAPC receipts for November 1994 as presented.

Approval of 1995 Meetings Calendar

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Harris, Neely, Pace, Wilson "absent") to **ADOPT** the 1995 Meetings Calendar as presented.

\* \* \* \* \*

**SUBDIVISIONS:**

**FINAL APPROVAL AND RELEASE:**

Delta Place (794)

**(PD-5)(CD-5)**

South of the southwest corner of East 16th Street South & South 101st East Avenue.

Staff Comments

Mr. Stump announced that all release letters have been received, and Staff recommends **APPROVAL** subject to approval of the Legal Department.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Midget, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Harris, Neely, Pace "absent") to **APPROVE** the FINAL PLAT of Delta Place and **RELEASE** same as having met all conditions of approval as recommended by Staff.

\* \* \* \* \*

**ZONING TEXT PUBLIC HEARING:**

Consider proposed amendments to the City of Tulsa and Tulsa County Zoning Codes relating to where and under what conditions Bed and Breakfast establishments might be allowed.

Mr. Doherty announced that Staff presented a revised recommendation to the Rules and Regulations Committee at their 11:50 meeting today which places Bed & Breakfast use in Use Unit 2. This would require Board of Adjustment review and approval for all such establishments. He informed that Staff presented a list of conditions that the Board of Adjustment should consider when reviewing Bed & Breakfast establishments. The Committee recommended that Staff draft the changes into final language and present at the public hearing. In the absence of public comment, Mr. Doherty recommended that the public hearing be continued for one week to allow Staff to draft changes made at the Committee meeting.

Chairman Parmele instructed Staff to disseminate changes to the amendment to interested parties.

Interested Parties

**Rosita Galz-Martin**  
**Beverly A. Bridand**

**3344 East 83rd Place 74137**  
**14701 N. Trenton Skiatook 74070**

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Midget, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Harris, Neely, Pace "absent") to **CONTINUE** consideration of proposed amendments to the City of Tulsa and Tulsa County Zoning Codes relating to where and under what conditions Bed and Breakfast establishments might be allowed to December 21, 1994.

\* \* \* \* \*

## **CONTINUED ZONING PUBLIC HEARING:**

The below-listed items Z-6452/PUD 526, Z-6453/PUD 527, and Z-6454/PUD-528 were heard simultaneously.

Application No.: **Z-6452 & PUD 526**

Present Zoning: RS-1

Applicant: Jack C. Cox

Proposed Zoning: CS, RM-0

Location: Northwest corner of East 121st Street South & South Yale Avenue.

Date of Hearing: December 14, 1994

Presentation to TMAPC:

### **Relationship to the Comprehensive Plan:**

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low/Medium Intensity - No Specific Land Use within the 660' x 660' Type II node of E. 121st Street S. and S. Yale Avenue, and Low Intensity - No Specific Land Use on the remainder of the subject tract.

According to the Zoning Matrix the requested CS **is in** accordance with the Plan Map, as is the requested RM-0 district if the node is considered to be Medium Intensity.

### **Staff Comments:**

**Site Analysis:** The subject property for Z-6452 contains approximately 11.62 acres and the PUD tract contains 13.16 acres. The property is nonwooded, gently sloping, vacant, and zoned RS-1.

**Surrounding Area Analysis:** The subject tract is abutted on the east and west by vacant property, zoned RS-1; to the southeast by a nursery, zoned AG; to the south by an abandoned residential dwelling, zoned AG; and to the north by a single-family dwelling, zoned RS-1.

**Zoning and BOA Historical Summary:** A single-family PUD development was approved with private streets and RS-1 standards from AG zoning, on property located north and east of the northeast corner of E. 121st Street S. and S. Yale. The subject tract has been zoned RS-1 since 1970.

**Conclusion:** Staff recommends the south 467' of the east 467' of the section be **APPROVED** for CS and the balance of the tract to remain RS-1, subject to approval of PUD-526.

**AND**

**PUD-526:** Northwest corner of East 121st Street South and South Yale Avenue

The applicant is requesting approval of a 13.16-acre commercial and residential PUD at the northwest corner of East 121st Street South and South Yale Avenue. It is accompanied by rezoning request, Z-6452, which covers the south 11.62 acres of the PUD and is requesting 5 acres of CS and 6.62 acres of RM-0 zoning. The subject tract contains a quarter of a Type II Medium Intensity Node (40 acres). The applicant is proposing a commercial development

area on the southern portion of the tract and a row of single-family residential lots on the northern boundary of the tract.

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-526 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-526 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): 13.16 acres

**DEVELOPMENT AREA A:**  
*(All of the PUD except the north 150')\**

* Permitted Uses:	Use Units 10, 11, 12, 13, 14, 16 and 18 and customary accessory uses
Maximum Building Floor Area:	109,044 SF
Maximum Building Height:	1-story
Flat roof buildings	25'
Gabled roof buildings	35'
Minimum Building Setbacks	
North boundary of development area:	50'
West boundary of PUD:	50'
Centerline of E. 121st St. S.:	120'
Centerline of Yale Ave.:	100'
* Minimum Lot Frontage:	150'
Minimum Landscaped Open Space:	10% of lot **

Screening and Buffering:

A 20'-wide landscaped buffer strip along the north and west boundaries of the development area shall be provided. On the edge of this buffer strip closest to the commercial development, a 6' high masonry wall shall be provided which has a brick, stucco, or broken concrete block facade or other facade which is approved by TMAPC.

\* *Standards added or modified by Staff*

\*\* *The 20'-wide landscaped buffer strips shall not be counted as landscaping to meet this requirement*

\* Signage:

Ground signs -- One sign per lot is permitted with a maximum height of 25' and a maximum display surface area of 1 SF per linear foot of building wall to which it is attached. If a lot is greater in size than 5 acres and has at least 150' of frontage on both 121st Street and Yale Avenue, one sign per street frontage is permitted at the above listed size.

Wall or Canopy signs -- One square foot of display surface area per foot of building wall to which it is attached. No wall or canopy signs are permitted on the north or west facing walls within the west 150' and the north 150' of the development area.

\* *Standards added or modified by Staff*

\*\* *The 20'-wide landscaped buffer strips shall not be counted as landscaping to meet this requirement*

**DEVELOPMENT AREA B:**  
***(The north 150' of the PUD)\****

Permitted Uses:	Use Units 6 and customary accessory uses
Maximum Number of Dwelling Units:	6
* Bulk & Area Requirements:	Same as required in the RS-2 District

- \*3. The rear of buildings in development area A shall have a similar architectural facade to the front of the buildings.
- \*4. Mutual access shall be provided between lots in development area A.
- 5. No Zoning Clearance Permit shall be issued for development area A 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.
- 6. A Detail Landscape Plan for development area A shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
- 7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

\* *Standards added or modified by Staff*

\*\* *The 20'-wide landscaped buffer strips shall not be counted as landscaping to meet this requirement*

8. All trash, mechanical and equipment areas in development area A shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 25 feet.
10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving development area A have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
11. No Building Permit shall be issued until the requirements of Section 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.
12. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

Application No.: **Z-6453 & PUD 527**

Applicant: Jack C. Cox

Location: Northeast corner of East 121st Street South & South Yale Avenue.

Date of Hearing: December 14, 1994

Presentation to TMAPC:

Present Zoning: RS-1

Proposed Zoning: CS, RM-0

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low/Medium Intensity - No Specific Land Use within the 660' x 660' Type II node of E. 121st St. S. and S. Yale Avenue; Low Intensity - No Specific Land Use to the north and east; and Special District 1 on the balance of the tract to the north.

According to the Zoning Matrix the requested CS **is in** accordance with the Plan Map as is the RM-0 zoning if the node is considered to be Medium Intensity.

Staff Comments:

**Site Analysis:** The subject property for Z-6453 contains approximately 11.62 acres and the PUD tract contains 20.70 acres. The property is nonwooded, gently sloping, vacant, and zoned RS-1.

**Surrounding Area Analysis: AREA:** The subject tract is abutted on the north and west by vacant property, zoned RS-1; to the east by single-family dwellings, zoned RS-1/PUD-358; and to the south by a nursery, zoned AG.

**Zoning and BOA Historical Summary:** A single-family PUD development was approved with private streets and RS-1 standards abutting the property on the north and east in 1984. The subject tract was rezoned from AG to RS-1 at that time. In 1989 the subject tract was denied CS and RM-0 zoning.

**Conclusion:** Staff recommends the south 467' of the west 467' of the section be **APPROVED** for CS zoning and the balance remain RS-1, subject to approval of PUD-527.

**AND**

**PUD-527:** Northeast corner of East 121st Street South and South Yale Avenue

The applicant is requesting approval of a 20.70-acre commercial and residential PUD at the northeast corner of East 121st Street South and South Yale Avenue. It is accompanied by rezoning request, Z-6453, which covers the south 11.62 acres of the PUD and is requesting 5 acres of CS and 6.62 acres of RM-0 zoning. The subject tract contains a quarter of a Type II Medium Intensity Node (40 acres). The applicant is proposing a commercial development area on the southwest corner of the PUD and single-family residential on the remainder of the tract.

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-527 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-527 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): 20.70 acres

**DEVELOPMENT AREA A:**  
*(The south 840' of the west 480' of the Section)\**

* Permitted Uses:	Use Units 10, 11, 12, 13, 14, 16 and 18 and customary accessory uses.
Maximum Building Floor Area:	109,044 SF
Maximum Building Height:	1-story
Flat roof buildings	25'
Gabled roof buildings	35'
Minimum Building Setbacks	
North boundary of development area:	50'
East boundary of PUD:	50'
Centerline of E. 121st St. S.:	120'
Centerline of Yale Ave.:	100'
* Minimum Lot Frontage:	150'

\* *Standards added or modified by Staff*

*\*\* The 20'-wide landscaped buffer strips shall not be counted as landscaping to meet this requirement*

Minimum Landscaped Open Space: 10% of lot \*\*

Screening and Buffering:

A 20'-wide landscaped buffer strip along the north and east boundaries of the development area shall be provided. On the edge of this buffer strip closest to the commercial development, a 6' high masonry wall shall be provided which has a brick, stucco, or broken concrete block facade or other facade which is approved by TMAPC.

\* Signage:

Ground signs -- One sign per lot is permitted with a maximum height of 25' and a maximum display surface area of 1 SF per linear foot of building wall to which it is attached. If a lot is greater in size than 5 acres and has at least 150' of frontage on both 121st Street and Yale Avenue, one sign per street frontage is permitted at the above listed size.

Wall or Canopy signs -- One square foot of display surface area per foot of building wall to which it is attached. No wall or canopy signs are permitted on the north or east facing walls within the east 150' and the north 150' of the development area.

\* *Standards added or modified by Staff*

\*\* *The 20'-wide landscaped buffer strips shall not be counted as landscaping to meet this requirement*

**DEVELOPMENT AREA B:**

*(All of the PUD except development area A)\**

Permitted Uses: Use Units 6 and customary accessory uses

Maximum Number of Dwelling Units: 42

\* Bulk & Area Requirements: Same as required in the RS-2 District

\*3. The rear of buildings in development area A shall have a similar architectural facade to the front of the buildings.

\*4. Mutual access shall be provided between lots in development area A.

5. No Zoning Clearance Permit shall be issued for development area A 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.

\* *Standards added or modified by Staff*

\*\* *The 20'-wide landscaped buffer strips shall not be counted as landscaping to meet this requirement*

6. A Detail Landscape Plan for development area A shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas in development area A shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 25 feet.
10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving development area A have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
11. No Building Permit shall be issued until the requirements of Section 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.
12. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

\* \* \* \* \*

Application No.: **Z-6454 & PUD 528**

Present Zoning: AG

Applicant: Jack C. Cox

Proposed Zoning: RS-3, RM-0, CS

Location: Southwest corner of East 121st Street South & South Yale Avenue.

Date of Hearing: December 14, 1994

Presentation to TMAPC:

## **Z-6454**

### Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low/Medium - No Specific Land Use within the 660' x 660' Type II Node of the intersection of 121st Street and S. Yale Avenue, and Low Intensity - No Specific Land Use - Development Sensitive on the remainder of the tract.

According to the Zoning Matrix the requested CS is in accordance with the Plan Map as are the RM-0 zoning and the RS-3 zoning if the node is considered to be Medium Intensity.

### Staff Comments:

**Site Analysis:** The subject property contains approximately 43.45 acres. The property is flat, non-wooded, has an abandoned farm house on it, and is zoned AG.

**Surrounding Area Analysis: AREA:** The subject tract is abutted on the north by vacant property zoned RS-1; to the south by the Arkansas River, zoned AG; and to the east by a nursery, zoned AG.

**Zoning and BOA Historical Summary:** In 1989 a request to rezone 13.5 acres of the subject tract from AG to CS and RM-0 was denied. The property was zoned AG in 1970.

**Conclusion:** Staff recommends the north 467' of the east 467' of the section be **APPROVED** for CS zoning and the balance of the tract be rezoned RS-2.

**AND**

**PUD-528:** Southwest corner of East 121st Street South and South Yale Avenue

The applicant is requesting approval of a 43.45-acre commercial and residential PUD at the southwest corner of East 121st Street South and South Yale Avenue. It is accompanied by rezoning request, Z-6454, which covers same area as the PUD and is requesting 5 acres of CS, 8.50 acres of RM-0, and 29.95 acres of RS-3 zoning. The subject tract contains a quarter of a Type II Medium Intensity Node (40 acres). The applicant is proposing a commercial development area on the northeast corner of the PUD and single-family residential on the remainder of the tract.

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-528 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-528 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): 43.45 acres

**DEVELOPMENT AREA A:**  
*(The north 660' of the east 705' of the Section)\**

\* Permitted Uses: Use Units 10, 11, 12, 13, 14, 16 and 18 and customary accessory uses

Maximum Building Floor Area:	109,044 SF
Maximum Building Height:	1-story
Flat roof buildings	25'
Gabled roof buildings	35'
Minimum Building Setbacks	
South boundary of development area:	50'
West boundary of PUD:	50'
Centerline of E. 121st St. S.:	120'
Centerline of Yale Ave.:	150'
* Minimum Lot Frontage:	150'
Minimum Landscaped Open Space:	10% of lot **

Screening and Buffering:

A 20'-wide landscaped buffer strip along the south and west boundaries of the development area shall be provided. On the edge of this buffer strip closest to the commercial development, a 6' high masonry wall shall be provided which has a brick, stucco, or broken concrete block facade or other facade which is approved by TMAPC.

\* Signage:

Ground signs -- One sign per lot is permitted with a maximum height of 25' and a maximum display surface area of 1 SF per linear foot of building wall to which it is attached.

Wall or Canopy signs -- One square foot of display surface area per foot of building wall to which it is attached. No wall or canopy signs are permitted on the south or west facing walls within the west 150' and the south 150' of the development area.

\* *Standards added or modified by Staff*

\*\* *The 20'-wide landscaped buffer strips shall not be counted as landscaping to meet this requirement*

**DEVELOPMENT AREA B:**  
*(All of the PUD except development area A)\**

Permitted Uses: Use Units 6 and customary accessory uses  
Maximum Number of Dwelling Units: 154  
\* Bulk & Area Requirements: Same as required in the RS-3 District

- \*3. The rear of buildings in development area A shall have a similar architectural facade to the front of the buildings.
- \*4. Mutual access shall be provided between lots in development area A.
- 5. No Zoning Clearance Permit shall be issued for development area A 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.
- 6. A Detail Landscape Plan for development area A shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
- 7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 8. All trash, mechanical and equipment areas in development area A shall be screened from public view by persons standing at ground level.
- 9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 25 feet.
- 10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving development area A have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
- 11. No Building Permit shall be issued until the requirements of Section 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.

\* *Standards added or modified by Staff*

\*\* *The 20'-wide landscaped buffer strips shall not be counted as landscaping to meet this requirement*

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

Chairman Parmele declared a conflict of interest and announced that he will be abstaining from discussion and the vote. He then left the meeting.

Mr. Gardner noted conditions which address the character of each particular area of the PUD. In response to area residents' concerns over drainage, he pointed out the standard condition which addresses drainage. Mr. Gardner informed that it is Staff's understanding that in order to develop this intersection, the water that ponds at this intersection must be channeled to the Arkansas River to allow development, part of the condition regarding drainage approval. Mr. Gardner advised that these PUDs are unique since there is no multifamily buffer between commercial and single-family. That is why Staff imposed additional conditions of spacing, landscaping and setback in order to protect those single-family homes expected to be constructed in the future to the north, west and southwest of the proposed development.

Applicant's Comments

**Jack Cox**

**7935 East 57th Street 74145**

Mr. Cox thanked Staff for their assistance with this application and the Homeowners Associations (HOA) and interested parties who attended neighborhood meetings. He informed that Staff made changes to satisfy the HOAs, i.e., deletion of multifamily, increased buffer areas, etc., all with which he concurs.

Ms. Wilson inquired as to resolution of the drainage issue.

Mr. Cox informed of meeting with Jack Page, Public Works Department, in which Mr. Cox agreed to install drainage, routing water all the way to the river, if the City has not installed drainage prior to construction.

Interested Parties

**D.E. Blaser**

**4610 East 118th 74137**

**J.P. & Emma Coffey**

**4609 East 119th Street 74137**

**Don Maney, President Hunters Hills HOA**

**11749 South Canton 74137**

**Keith Sprik**

**4619 East 119th Street 74137**

**David Tracy, Vice Chair D 26 Planning Team**

**1701 South Boston Avenue 74119**

**Willis Thompson**

**4990 East 114th Place 74137**

The above-listed individuals made the following comments:

Area residents were especially concerned over existing flooding problems in the area. Photographs were presented depicting the flooding problems adjacent areas experience.

Interested parties want to ensure that the subject properties are developed in a manner that will not cause flooding of the surrounding properties and will not themselves be flooded in the future.

Area residents want to ensure that development is compatible with the neighborhood and is complementary to the area.

Residents complimented Staff on balancing homeowners' concerns with the needs of development in the area.

TMAPC Comments

Mr. Doherty assured interested parties that the drainage issue will be addressed during the development process and that a building permit cannot be obtained unless the runoff water can be accommodated without causing additional flooding.

Mr. Doherty announced receipt of a letter from Larry D. Hogue, P.E., Acting Chief, Operations Division, Corps of Engineers, regarding review of PUD 526, 527 and 528. Mr. Hogue concluded that no Section 404 of the Clean Water Act Permit would be required for these PUDs.

Ms. Wilson wants to ensure that the Planning Commission will be able to review the masonry fence to ensure that it will not impede stormwater runoff.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-1** (Carnes, Doherty, Gray, Horner, Midget, Neely, Wilson "aye"; no "nays"; Parmele "abstaining"; Ballard, Harris, Pace "absent") to recommend **APPROVAL** of Z-6452 and PUD 526 as recommended by Staff.

**LEGAL DESCRIPTION PUD 526**

The E/2, SE/4, SE/4 less N/2, NE/4, SE/4, SE/4 and less the South 50' and less the West 25' and less the East 25', all in Section 33, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, containing 13.16 acres, more or less, and located on the northwest corner of South Yale Avenue and East 121st Street South, Tulsa, Oklahoma.

**LEGAL DESCRIPTION Z-6452**

CS Zoning: The east 467' of the south 467' of Section 33, T-18-N, R-13-E, City of Tulsa, Tulsa County Oklahoma, containing 5.0 acres, more or less.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-1** (Carnes, Doherty, Gray, Horner, Midget, Neely, Wilson "aye"; no "nays"; Parmele "abstaining"; Ballard, Harris, Pace "absent") to recommend **APPROVAL** of Z-6453 and PUD 527 as recommended by Staff.

**LEGAL DESCRIPTION PUD 527**

A tract of land lying in the SW/4, SW/4, Section 34, T-18-N, R-13-E in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the Southwest corner of the W/2, SW/4, SW/4 of said Section 34; thence North along the West line thereof to the Northwest corner of said W/2, SW/4, SW/4; thence East along the North line of said SW/4, SW/4 to a point in the West line of Hunter's Hills, an Addition to the said City of Tulsa; thence Southerly along the Westerly line of said Hunter's Hills to the Southeast corner of said W/2, SW/4, SW/4; thence West along the South line thereof to the point of Beginning, containing 20.70 acre, more or less, and located at the northeast corner of South Yale Avenue and East 121st Street South, Tulsa, Oklahoma.

**LEGAL DESCRIPTION Z-6453**

CS Zoning: The west 467' of the south 467' of Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma containing 5.0 acres, more or less.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-1** (Carnes, Doherty, Gray, Horner, Midget, Neely, Wilson "aye"; no "nays"; Parmele "abstaining"; Ballard, Harris, Pace "absent") to recommend **APPROVAL** of Z-6454 and PUD 528 as recommended by Staff.

**LEGAL DESCRIPTION PUD 528**

A tract of land described as: Government Lots 1, 2, and 6, Section 4, T-17-N, R-13-E of the IBM, according to the U. S. Government survey thereof containing 43.5 acres, more or less, being more particularly described as that part of the NE/4 of said Section 4 lying Northerly of the Arkansas River, and located on the southwest corner of South Yale Avenue and East 121st Street South, Tulsa, Oklahoma.

**LEGAL DESCRIPTION Z-6454**

CS Zoning: The east 467' of the north 467' of Section 4, T-17-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, containing 5.0 acres, more or less.

RS-2 Zoning: Government Lots 1, 2 and 6, Section 4, T-17-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey thereof containing 43.5 acres, more or less, being more particularly described as: that part of the NE/4 of said Section 4 lying Northerly of the Arkansas River, less and except the east 467' of the north 467' thereof. All in the City of Tulsa, Tulsa, County Oklahoma.

\* \* \* \* \*

Application No.: **PUD 435-B**

Applicant: Roy D. Johnsen

Location: East of the southeast corner of East 66th Street South & South Yale Avenue.

Date of Hearing: December 14, 1994

Presentation to TMAPC: Roy Johnsen

Major Amendment  
to allow a physical performance center

The Laureate Psychiatric Clinic and Hospital is requesting approval to construct a physical performance center on the south side of their existing complex. The center is proposed to be relocated from its existing location in the Warren Medical Center. The Center is proposed as an accessory use to the Laureate Clinic and Hospital, but would serve the general public as well as patients. A number of other hospitals in Tulsa have similar-type facilities. The use is compatible with the existing surrounding development, and Staff's only concern has to do with adequate parking. The Laureate Complex's approved detail site plan called for 602 parking spaces to be constructed to meet the complex's parking needs. A significant number of these spaces were never constructed. However, some of the buildings in the complex may never have been occupied. At this time, additional information is needed from the applicant to determine the current parking situation. The proposed physical performance center will place significant additional parking demand on what may already be sub-standard parking facilities. Therefore, Staff would recommend **APPROVAL** of PUD-435-B subject to the following conditions:

1. Prior to site plan approval of any new buildings, the applicant will demonstrate that they are currently in compliance with the off-street parking requirements.
2. Additional off-street parking shall be provided for the physical performance center at a ratio of one space per 150 SF of building floor area devoted to the center. (This is the same parking ratio as required of health clubs.)

Applicant's Comments

Mr. Johnsen distributed an aerial photograph of the area depicting existing parking and the proposed expansion. He declared that Laureate is an underutilized facility, originally approved for 135 beds. Mr. Johnsen explained that the trend in psychiatric treatment has been for out-patient care and he informed that this facility has opened 60 beds, of which an average of only 20 are occupied. Mr. Johnsen informed that the facility was built larger than immediately necessary to accommodate not only the original approval, but future approvals, leaving much of the space unoccupied and all spaces underutilized. He informed that at the south end of the facility is what is referred to as the activity building, which is proposed to add less than 25,000 SF and establish a physical performance center. After meeting with the Laureate Staff and administrators, they concluded after considerable study that additional parking is not needed, since there is sufficient parking around the structure that is available and near enough to be functional. He related their reluctance to build additional parking unless it is proved to be needed. Mr. Johnsen presented a parking lot analysis of the area which revealed that 582 spaces are needed for daily operations with 725 spaces available. He explained that his clients do not want to create a problem; however, they do not want to build parking they do not need. He assured the Planning Commission that should the need for additional parking occur, they will accommodate that need, but they need time to see

what actually transpires on demand. Mr. Johnsen pointed out that the collector street dead-ends at this facility and could be used during peak period use if necessary without causing inconvenience to surrounding properties. Mr. Johnsen was agreeable to a condition that no additional beds would be opened without appearing before the Planning Commission to serve as a check, or if the Planning Commission should impose a limited trial period.

Chairman Parmele informed that Mr. Johnsen has demonstrated that there is sufficient parking.

Mr. Stump advised that there may be office space and other buildings in the area that may be utilized more fully in the future and increase the demand for parking. He informed that Staff would be amenable to the condition that the applicant appear before the Planning Commission if they decided to use the existing shell buildings at the hospital. The applicant should also appear before the Planning Commission in one year to allow the Planning Commission to review the area to ensure that there are no parking problems and consider making it permanent at that time.

Mr. Johnsen expressed agreement with the one-year conditional approval of the application.

Ms. Wilson feels that use will be from people already parked at the facility for work and the applicant may end up with a covered parking structure to accommodate the employees.

Mr. Johnsen disclosed options open to the applicant, such as directing Staff parking, providing a shuttle service and scheduling events at off-peak times.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-1-0** (Doherty, Gray, Horner, Midget, Parmele, Wilson "aye"; Neely "nay"; none "abstaining"; Ballard, Carnes, Harris, Pace "absent") to recommend **APPROVAL** of PUD 435-B **MAJOR AMENDMENT** as presented by the applicant with a condition that the parking be reviewed one year after occupancy of the facility to determine if it is sufficient..

**LEGAL DESCRIPTION**

Lot 1, Block 1, Laureate Extended Addition to the City of Tulsa, according to the recorded Plat thereof, and located east of the southeast corner of E. 66th Street South and South Yale Avenue.

\* \* \* \* \*

## ZONING PUBLIC HEARING:

Application No.: Z-6474

Applicant: James S. Bales

Location: West of southwest corner of South 99th East Avenue & East 15th Street South.

Date of Hearing: December 14, 1994

Presentation to TMAPC: Charles Norman

Present Zoning: AG

Proposed Zoning: PK

### Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested PK **may be found** accordance with the Plan Map.

### Staff Comments:

**Site Analysis:** The subject property is approximately 0.69 acres in size. It is non-wooded, gently sloping, vacant, and zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north by single-family dwellings, zoned RS-2; to the east by a parking lot and office complex, zoned CS; to the south and west by the Mingo Creek channel and vacant land, zoned AG.

**Zoning and BOA Historical Summary:** Both north and south of 16th Street, west of 101st East Avenue have been approved for CS zoning and developed for office use.

**Conclusion:** The PK zoning is consistent with the office development to the east but special consideration should be given to the existing single-family development to the north. Therefore staff can recommend **APPROVAL** of PK zoning for Z-6474 except the north 5' of the subject tract.

### Applicant's Comments

Mr. Norman, attorney for the applicant, concurred with Staff recommendation. He informed that this application is for the purpose of providing additional parking, exceeding that required for the existing office building immediately east. Mr. Norman advised that access will be from 16th Street at the cul-de-sac and agreed with Staff recommendation that the north 5' not be rezoned in order to preclude any future access to 15th Street.

### Interested Parties

**Susan Campbell**

**9739 East 15th Street 74128**

Ms. Campbell resides directly across the street from the subject property and expressed concern over adequate drainage for the parking lot and that drainage will be toward the creek and away from existing residences. She described existing problems with insufficient drainage and bar ditches filling with debris.

Mr. Doherty stated that under plat review, drainage and grading will be shown and suggested that the grade slope away from existing residences. He also indicated that landscaping could be placed to minimize water flow toward the residences.

Mr. Norman expressed satisfaction that drainage concerns have been addressed in the planning for 16th Street and the carriage of water that drains to 16th Street directly west. Mr. Norman noted that this application will go before the TAC December 15, and he is requesting a plat waiver because the only use permitted for this property is parking. Any drainage concerns will be appropriately addressed before the TAC.

Mr. Doherty instructed Staff to flag this application at the TAC review to watch the fall of water and see if it is possible to sheet flow to the west and away from the residences.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Harris, Pace "absent") to recommend **APPROVAL** of Z-6474 as recommended by Staff.

**LEGAL DESCRIPTION**

A tract of land in Government Lot 3, Section 7, T-19-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows: Beginning at the Northwest corner of Professional Office Park Addition; thence S 0°03'46.5" E on the West line of Lot 1, Block 1 a distance of 271.05' to the Southwest corner of said Lot 1, Block 1; thence S 89°56'13.5" W a distance of 0.00'; thence on a curve to the right having a radius of 13' a distance of 12.00'; thence on a curve to the left having a radius of 50' a distance of 124.71' to the projection of the centerline of East 16th Street South; thence continuing on said projection S 89°56'13.5" W a distance of 307.74' to a point 260.00' East of the West line of said Government Lot 3; thence N 0°08'44" W on a line parallel with and 260.00' East of the West line of said Government Lot 3 a distance of 296.83' to a point on the North line of said Government Lot 3; thence S 89°57'13" E on the North line of said Government Lot 3 a distance of 408.41' to the Point of Beginning, less and except the north 25' thereof, and located west of the southwest corner of 101st East Avenue and South 15th Street.

\* \* \* \* \*

Application No.: **PUD-431-3 Minor Amendment**

Applicant: Troy Gudgel

Location: West of the southwest corner of East 101st Street South & South Sheridan Road.

Date of Hearing: December 14, 1994

Presentation to TMAPC:

Chairman Parmele announced that the applicant has withdrawn this application.

There were no interested parties in attendance.

\* \* \* \* \*

Application No.: **PUD-525/Z-6473**

Present Zoning: RS-2

Applicant: Robert J. Nichols

Proposed Zoning: RM-1/PUD

Location: South of the southwest corner of East 53rd Street South & South Sheridan Road.

Date of Hearing: December 14, 1994

Presentation to TMAPC: Robert J. Nichols

Z-6473: South of the southwest corner of 53rd Street S. & S. Sheridan Road

Relationship to the Comprehensive Plan:

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

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

Staff Comments:

**Site Analysis:** The subject property is approximately 2.57 acres in size. The tract is partially wooded and slopes north to a creek which bisects the north portion of the property; there is a single-family dwelling on the south end of the property, and the property is zoned RS-2. The area north of 54th Street South is within the 100-year floodplain.

**Surrounding Area Analysis:** The subject tract is abutted on the north by and west by single-family dwellings, zoned RS-2; to the east across S. Sheridan by single-family dwellings, zoned RS-3; and to the south by vacant property zoned RM-T and single-family dwellings, zoned RS-2, are south of the RM-T zoned tract.

**Zoning and BOA Historical Summary:** RM-T zoning has been granted on the property abutting the subject tract to the south and OL zoning was granted northeast of the tract across Sheridan Road. A request to rezone the property from RS-2 to RM-1 and PUD for office use was denied in 1985 and a request to rezone the property from RS-2 to RM-T zoning was denied in 1986 and again in 1987.

**Conclusion:** Although the requested RM-1 zoning is a “may be found” in accordance with the Comprehensive Plan, the existing land use and physical facts do not support the requested zoning. Office zoning on the subject tract has been denied on numerous occasions in the past and the OL buffer zoning located east across Sheridan north of this area, should not be considered as a precedent for granting this application. This case is submitted with a companion PUD which proposes to spread the office uses across the entire tract which has an east/west depth of approximately 234 feet. This tract has access from the residential area to the west and offers the owners the option of developing a cul-de-sac on the east end of East 54th or extending East 54th through to Sheridan; neither of these options requires upgrading the existing zoning to RM-1. Numerous examples of single-family homes on cul-de-sac streets backing to Sheridan Road exist in this particular mile between 51st and 61st Streets. In addition, if approved, the Commission would be setting a precedent for similar uses on all of the frontage lots located north and south of the subject lots.

Therefore, the Staff recommends DENIAL of Z-6473 for RM-1 zoning.

### **PUD 525**

The subject tract has a gross area of approximately 2.6 acres and is located south of the southwest corner of East 53rd Street South and South Sheridan Road. The Staff is not supportive of the requested *RM-1* underlying zoning and, therefore, is not supportive of the PUD as proposed. The owner/developer of this tract has the option of constructing a cul-de-sac on the east end of East 54th Street and developing this tract for uses consistent with that of existing development to the west and north -- this option is recommended. A further consideration is the need to extend East 54th Street through to Sheridan (East 54th is proposed to be a dead-end at the west boundary of the PUD). The TAC indicated support of this option if it was also selected by the TMAPC. However TAC also indicated they could support development of this location without this extension. The PUD is requested for an office development with underlying zoning of *RM-1* on the east 140' of the subject tract. The concept of the development is to construct the office buildings in such a manner that they will have a residential appearance with landscaped yards to reduce the impact upon adjacent residential uses.

A total of 18,550 SF of floor area is proposed in four buildings. The Outline Development Plan indicates that parking areas will be constructed in front of, and north and south of the two buildings on Sheridan Road. Two other buildings will back into the adjacent single-family residential area. The rear building setback is 20'. The applicant is proposing a high-pitched gable roof for the buildings, with approval of office areas on the second floor -- no windows are to be permitted on the rear or west side of the building roofs that abut the residential area. The Plan indicates that two points of access are proposed on Sheridan Road. One of these two points will be shared access with possible developments to the south. The Staff recommends that no shared access be permitted with adjacent *RM-T* development. Property to the south of this area is zoned *RM-T* and to the north is zoned *RS-2*. The proposed parking is adequate for general office uses only.

In summary, the Staff is not supportive of the requested *RM-1* zoning per Z-6473 and is therefore not supportive of the proposed PUD. Therefore, the Staff recommends **DENIAL** of PUD-525. If the TMAPC is supportive of the requested *RM-1* zoning and associated PUD, the following development standards are suggested:

1. That the applicant's Outline Development Plan be made a condition of approval, as revised herein.

2. **Development Standards:**

Land Area (Gross):	111,486 SF	2.56 acres
(Net):	91,686 SF	2.10 acres

Permitted Uses: Restricted to general office uses only within Use Unit 11, excluding funeral homes and drive-in bank facilities.

Maximum Total Building Floor Area: 18,550 SF

Maximum Building Floor Area

Building A: 6,800 SF

Building B: 5,250 SF

Building C: 3,928 SF

Building D: 2,572 SF

Maximum Building Height: 26', no office space shall be permitted above the 1st floor level.\*

Minimum Landscaped Area: 35%\*\*

Minimum Off-Street Parking: As required for Use Unit 11 in the Tulsa Zoning Code

Minimum Building Setbacks

From centerline of Sheridan Rd.: 85'

From north boundary: 100'

From south boundary: 20'

From west boundary: 20'

Minimum Lot Frontage: 75'

Signage:

One business sign is permitted. If a ground sign, it shall abut Sheridan Road and not exceed 6' in height nor 65 SF of display surface area. If a wall sign, it shall be on an east facing wall and not exceed 65 SF of display surface area.

\* *Maximum height shall be limited to 1-story (roof line beginning at top plate of first story, and total building height to ridge shall not exceed 26').*

\*\* *A heavily landscaped buffer with trees and a screening fence shall be required where this development abuts an "R" District.*

3. All building shall be residential in architectural style and all doors, windows, roofing materials, and building facades shall be of a type customarily used in residential construction.

4. The number of access points onto Sheridan Road shall meet the requirements of the Traffic Engineer and no access shall be permitted to 54th Street South.

5. A screening fence with brick columns no more than 16' apart shall be provided on the south, west, and north portions of the subject tract at locations determined by TMAPC during the Detail Site Plan Approval process.

6. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, 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.
7. 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.
8. No sign permits shall be issued for erection of a sign in 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.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
10. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 8 feet.
11. 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.
12. 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.
13. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

#### TMAPC Comments

Ms. Gray announced a conflict of interest and removed herself from the proceedings.

Mr. Gardner informed that under the ordinance and with a PUD, RM-1, although it is multifamily, equates to OL zoning. The applicant can ask for light-office use, which is their proposal for this property even though they are requesting RM-1 zoning.

Ms. Wilson asked if the current application is similar to the application submitted November, 1985.

Mr. Gardner informed that is the same as the November 1985 application.

#### Applicant's Comments

Mr. Nichols, attorney representing the property owners, expressed agreement with Staff suggested standards for the PUD should the Planning Commission approve the application for RM-1 zoning. He reserved comment until after the interested parties have addressed the Planning Commission.

Ms. Wilson asked if this application is similar to the 1985 application.

Mr. Nichols disclosed that it is nearly identical. He informed that the difference is not in the application, but rather in the physical facts that now exist. Mr. Nichols related that in 1985 Sheridan was a two-lane road and improvements to the creek had not yet been made.

Mr. Doherty recalled that much discussion in the 1985 public hearing centered on drainage and impact of developing this tract on the downstream portion. He asked Mr. Nichols if he believes this has been addressed.

Mr. Nichols informed that if the tract cannot be developed consistent with the current drainage requirements, his client is prepared to comply with all conditions imposed by the Public Works Department, or Corp of Engineers, such as onsite detention, etc.

Mr. Midget asked if RT zoning was considered as suitable development for this property.

Mr. Nichols informed that he represented the property owners in 1987 and made an application for RT, townhouse zoning. He recalled that the Planning Commission recommended approval of RT zoning; however, it was denied by the City Commission.

Mr. Midget asked if RT was considered at this date instead of RM.

Mr. Nichols advised that RT was considered, but the suggestion that it be developed as a single-family cul-de-sac is stretching reality. He challenged anyone to find a similar development that has been developed out some 20 years after the original subdivision was put into place. He deemed that a cul-de-sac being developed would be unsuccessful. He challenged anyone to demonstrate that this would be a viable alternative. He deemed that RT development on this tract would be, from an impact standpoint and certainly from a physical construction standpoint, almost identical to what is being proposed. Mr. Nichols pointed out that in this application, the applicant is proposing allowing the Planning Commission to set conditions on the actual physical construction of the property so the development would look like large homes adjacent to the residential subdivision. He informed that a townhouse development may look exactly the same, but without a PUD those construction standards could not be imposed.

Interested Parties PUD 525/Z-6473

**Lisa Friedemann**

**Pearl R. Thurston**

**Virgil & Virginia Johnson**

**Jim Elder**

**C.E. Small**

**Howard Ferrill**

**Ralph Dawson**

**John Bauers**

**Henry Merrill**

**5320 South Sheridan Road 74145**

**6130 East 53rd Street 74135**

**6005 East 55th Street 74135**

**6042 East 56th Place 74135**

**5908 South 68th East Avenue 74145**

**5813 South Lakewood Avenue 74135**

**6030 East 52nd Place 74135**

**6017 South Lakewood Avenue 74135**

**6012 East 56th Place 74135**

**Julia Back  
James Lamb  
Glenn Solomon  
L.E. Hobbs  
Norman Riser  
Harold Bockelken  
Jana Mahoney  
Barbara Long  
Sue Scott  
Jack Hamilton**

**5923 East 53rd Street 74135  
5435 South Oxford 74135  
6410 East 53rd Street 74135  
5846 south Hudson Place 74135  
5917 East 54th Street 74135  
5411 South Oxford 74135  
6127 East 52nd Place 74135  
5417 South Oxford 74135  
6403 East 54th Street  
5425 South Oxford 74135**

The above-listed individuals spoke in opposition of the application for the following reasons. They saw no compelling reason why these owners should be granted any exception to the current zoning.

Interested parties declared that the proposed change is inconsistent with the intended use of the area, which is designated low-intensity, residential and development sensitive and this proposal will be detrimental to area property values.

Residents declared that the fact that the street has been widened and the flood control channel has alleviated some, but not all, of the flooding should have no impact on this decision.

Residents believe that the owners of this tract made a speculative real estate investment and are asking area residents and the Planning Commission to bail them out by allowing commercial use in a decidedly residential area. It was declared to be unfair and irresponsible to expect the other residential property owners to pay the economic consequences of someone else's unwise speculative investment.

One individual cited an instance of flooding west of the subject area July 14, 1994 and that on October 19, 1991 the Little Joe Creek Basin Drainage Study recommended this property be turned into a stormwater detention property.

Residents were concerned that the proposed development will increase the probability of flooding and that this is spot zoning.

Concern was expressed over additional traffic into an already congested area.

Residents expressed that no matter what conditions are imposed on this property to give it a residential appearance, it will still be a business with trash dumpsters, a parking lot, advertising signs, etc., and is not compatible with the single-family residences in the area.

Residents questioned why this area has not been developed residentially and concluded that the developer wants more profits which office development will provide.

Residents stated that they made investments in their homes based on surrounding zoning and the applicant purchased this property knowing that it was zoned for single-family.

Residents declared that single-family homes are the only feasible and appropriate answer to maintaining the integrity of the residential neighborhood which completely surrounds the subject tract.

Residents voiced opposition to the numerous applications the applicant has made in attempting to change the zoning so that the owners can get a better return at the expense of the property owners in the neighborhood.

Ms. Sue Scott, whose property adjoins the subject property, informed that her lot is significantly lower than the subject lot. She reported currently experiencing significant drainage problems from this lot and presented photographs taken in July, 1994 depicting the water line from that rainfall.

Responding to inquiry from Mr. Midget, residents expressed opposition to RT zoning in the area. They urged the Planning Commission to not deviate from zoning practices in conformance with the original plan. One resident stated that when the Planning Commission has departed from the Master Plan, it has created problems for homeowners.

A petition was presented signed by numerous area residents opposed to the rezoning request.

#### Applicant's Rebuttal

Mr. Nichols informed that the applicant is sensitive to the concerns expressed by interested parties and that they want to be good neighbors. He declared that flooding and drainage issues are not appropriate for discussion at this level, and noted that the applicant is prepared to comply with any drainage requirements made by the Department of Public Works. Regarding concern that dumpsters may be visible in the residential area, he advised that any condition that the Planning Commission would impose in the PUD to ensure that the dumpsters are not visible or anything else inconsistent with residential use would be appropriately screened from the residential area. With regard to concerns that the proposed use is inconsistent with residential use immediately to the west and north, Mr. Nichols stated that it was his understanding that since this has been advertised as an RM-1 rezoning, the Planning Commission can consider an RT zoning rather than RM-1 that has been requested. This being the case, he advised that his client would be willing to withdraw the application for the PUD and RM-1 rezoning and submit the application based on RT zoning. Mr. Nichols informed that when his client took title of this property, the then-RT zoning immediately to the south was in place. His investment into this tract was made by virtue of the Planning Commission action and the then City Commission action to put that RT zoning in place adjacent to the property. Mr. Nichols requested that the Planning Commission consider this application for RT or townhouse zoning.

Chairman Parmele informed that the Planning Commission can consider zoning intensities less than the RM-1 which was advertised, as confirmed by Mr. Linker.

#### **Jack Hamilton**

**5425 South Oxford 74135**

Mr. Hamilton's property abuts the townhouse-zoned property and he advised that the owners of the property informed him that they are attempting to acquire funding for a HUD low-income townhouse arrangement. He informed that his property receives a considerable amount of water from the tract and the related flooding problems. Mr. Hamilton objected to Mr. Nichols' new proposal and was concerned that it may cause increased runoff.

### TMAPC Review

Chairman Parmele informed that the Planning Commission has the authority to consider any zoning category less than what was applied for, so long as it is within the same residential use. He noted that Staff reviewed the application in 1986 and 1987 and recommended approval of what was then RMT and now is in the Zoning Code as RT, single-family attached. He asked Mr. Gardner's opinion of RT zoning for this tract.

Mr. Gardner informed that Staff took that position and made those recommendations in the past on the basis that that was the maximum intensity and land use that Staff could support. The same is true today. He informed that Staff has stated that it could be developed otherwise, but acknowledged that is a judgment call. Mr. Gardner saw no changes in the physical facts that would cause Staff to conclude that RT would not be something that they could support. Had Staff been faced with that recommendation they would have reviewed existing zoning patterns and made the same recommendation.

Chairman Parmele asked if there is some reason, if that option is considered favorably, that a zoning pattern could be imposed that would require a PUD development.

Mr. Gardner informed that in the past Staff has taken the position that if it is to be developed in something other than detached traditional single-family, RT or duplex, that street patterns should not be connected. He advised that the only way to prohibit that is to retain the PUD and make a condition that access not be permitted. Mr. Gardner informed that since the applicant has filed a PUD and amended his application, the Planning Commission can consider it as part of his application.

Mr. Doherty stated that the PUD calls for office use, and he is unsure whether nonresidential is appropriate. However, he is sure that RS-2 development against Sheridan will deny reasonable use of the property. He deemed that nonresidential use is not appropriate along this area ; however, a properly developed PUD with townhouses might be appropriate.

Mr. Midget pointed out that when he asked Mr. Nichols about RT zoning, he seemed less supportive and yet now has changed his mind. Mr. Midget was concerned about protecting the integrity of the neighborhood and at the same time trying to maximize use of the land.

Chairman Parmele outlined the options available. These were to deny the zoning application and the PUD; approve a lesser zoning with no PUD; approve a lesser zoning subject to basic PUD conditions approved today and subject to Staff review of detailed development standards to present to the Planning Commission.

It was the consensus of the Planning Commission to continue this item to allow Staff time to work on development standards and allow area residents time to review those standards.

Mr. Stump reminded the Planning Commission that there is a large portion of this tract that is in the floodplain, and under a PUD that land could be counted toward dwelling units that would be attributed to the PUD. He informed that under current zoning, they would be allowed approximately ten units on that tract.

Mr. Gardner advised that the City has denied RT zoning twice, but no one has ever reviewed a specific proposal to develop that by cutting off the access, a building plan, etc.

Mr. Midget made a motion to continue this item to allow Staff to work on development standards, afford the residents time to review the proposal and work out a plan to maintain the integrity and character of the neighborhood. Ms. Wilson seconded the motion.

Mr. Doherty indicated he was comfortable with the direction they are going because it preserves the residential use in the area. He is not comfortable with the nonresidential use that office would have been. Mr. Doherty is convinced that since this tract is against a major traffic arterial that holding it to RS-2 standards, given the depth of the tract, is unrealistic. He expressed hope that the interested parties and applicant will enter into reasonable discussion recognizing that trying to impose RS-2 standards abutting Sheridan probably will not work out.

Ms. Wilson added that the hearing started out with office and it was in review session that the applicant's attorney decided to amend the application. She believes it behooves the Planning Commission to continue the whole package. She favors the continuance.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-1** (Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; Gray "abstaining"; Ballard, Harris, Pace "absent") to **CONTINUE** PUD-525/Z-6473 to January 11, 1995.

Chairman Parmele urged Mr. Nichols and the applicant to contact Mr. Hobbs and the interested parties when writing the development standards for proposed residential townhouse development to see if there is any way they will agree with any part of the proposal.

\* \* \* \* \*

Application No.: **PUD-529/Z-6475**

Applicant: Roy D. Johnsen

Location: North of the northwest corner of East 91st Street South & South Memorial Drive.

Date of Hearing: December 14, 1994

Presentation to TMAPC: Roy Johnsen

Present Zoning: AG

Proposed Zoning: CS/PUD

### **Z-6475**

#### **Relationship to the Comprehensive Plan:**

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

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

#### **Staff Comments:**

**Site Analysis:** The subject property is approximately 4.17 acres in size. It is non-wooded, gently sloping, vacant, and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north by a vacant drainage way, zoned RS-3/PUD-215; to the west is a vacant tract, owned by ONG, zoned AG; to the south is a Homeland grocery, zoned RM-0/CS/PUD-360-A; and to the east across S. Memorial are office and commercial uses, RM-1/CS/PUD-448 and PUD-386.

**Zoning and BOA Historical Summary:** The history of zoning in this area indicates that commercial development has been approved on the intersection of E. 91st Street S. and Memorial Drive with multifamily uses buffering the commercial uses from the single-family developments on the north and west. All the developments within this particular area have been approved with Planned Unit Developments.

**Conclusion:** The Comprehensive Plan does not support CS zoning on the subject tract, even with the PUD which is also proposed (PUD-529). The only use proposed in the PUD is mini-storage, which staff thinks would be an appropriate use on this site. Staff is now developing a proposal to present to the TMAPC which would amend the Zoning Code to possibly allow mini-storage in Office or Multifamily Residential districts. Therefore staff recommends continuing this request for three months to allow this zoning text amendment to be considered.

### **PUD 529**

The applicant is proposing a PUD with mini-storage as the only permitted use. There is an accompanying rezoning request for CS zoning (Z-6475). Staff cannot support CS zoning on the tract which under the current zoning code is the least intensive classification needed for mini-storage. Because a revision to the zoning text is now under study which might allow mini-storage in low intensity districts, Staff would recommend this PUD be **CONTINUED** for 3 months to allow time to consider such amendments.

If the TMAPC wishes to approve CS zoning for the tract, Staff would recommend the following PUD development standards:

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

2. **Development Standards:**

Land Area (Net):	3.38 acres
* Permitted Uses:	Mini-storage and customary accessory uses
Maximum Building Floor Area:	68,000 SF
Maximum Building Height	
Storage buildings:	15'
* Storage building walls:	10'
Manager's apartment:	2-story
Minimum Building Setbacks	
From Memorial right-of-way:	35'
From north boundary:	5'
From west boundary:	5'
From south boundary:	5'
Minimum Landscaped Open Space:	10% of lot **

- \*3. Permitted signage:  
One business sign is permitted which can be a ground sign on the Memorial Drive frontage with a maximum height of 20' and a maximum display surface area of 64 SF, or a wall sign on the east facing walls of the buildings which does not exceed 64 SF of display surface area.
- \*4. The exterior building walls of the development which can be seen from outside the PUD shall have a masonry or stucco facade, except a smooth concrete block wall shall not be used.
- \*5. No outside storage of vehicles, boats, or other items is permitted.
- \*6. Doors to storage areas shall not be visible from Memorial Drive or nearby residential areas when viewed by a person standing at the edge of the street right-of-way or the edge of the residentially-zoned areas.
7. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, 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.

\* *Conditions added or modified by Staff*

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 by persons standing at ground level.
- \*11. 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.
- \*12. 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.
- \*13. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

*\* Conditions added or modified by Staff*

#### Applicant's Comments

Mr. Johnsen requested that the applicant be allowed to remove one of the middle buildings and use that space for outside storage.

Mr. Doherty suggested that no outside storage be visible from off the tract. Mr. Johnsen expressed agreement.

Mr. Johnsen asked that the applicant be allowed a sign of 12' X 8', 96 SF.

Chairman Parmele stated that a 96 SF monument sign or a 64 SF pole sign would be appropriate.

Mr. Stump stated that if it is 96 SF and it is rezoned back to residential, it will be a nonconforming sign.

Mr. Gardner suggested a condition that if the tract is approved for commercial and the ordinance is amended, a new condition be imposed to change it back to RM category that will still allow their use.

There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Carnes Harris, Pace "absent") to recommend **APPROVAL** of Z-6475 and PUD 529 per Staff recommendation with the condition that no outside storage will be visible off site.

**LEGAL DESCRIPTION**

A tract of land that is part of the SE/4, SE/4, Section 14, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, being described as follows, to-wit: Commencing at the Southeast corner of the SE/4 of said Section 14; thence N 0°04'10" E along the Easterly line of said Section 14 a distance of 933.90' to the Point of Beginning of said tract of land; thence due West along the North line of Lot 1, Block 1, Homeland, an Addition to the City of Tulsa, Tulsa County, Oklahoma, a distance of 525.00'; thence N 0°04'10" E and parallel with the Easterly line of Section 14 a distance of 346.17'; thence N 89°59'58" E, parallel to as measured 40.00' perpendicularly from the Northerly line of the SE/4, SE/4, Section 14 a distance of 525.00' to a point on the Easterly line of Section 14; thence S 0°04'10" W along said Easterly line of the SE/4, SE/4, a distance of 346.17' to the Point of Beginning of said tract of land, containing 4.1721 acres, more or less and located north of the northwest corner of E. 91st Street and South Memorial Drive, Tulsa, Oklahoma.

\* \* \* \* \*

**OTHER BUSINESS:**

**PUD-405:** Detail Site Plan - Lot 1, Block 2, 9100 Memorial - northwest corner of East 91st Street South and South 78th East Avenue

The applicant has requested site plan approval for a used car dealership at the above-described location. The request as proposed complies with access, landscaped area, building coverage and setback requirements.

Staff recommends **APPROVAL**.

There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Harris, Pace "absent") to **APPROVE** PUD 405 DETAIL SITE PLAN as recommended by Staff.

\* \* \* \* \*

Roger Robbins and others in his neighborhood to speak to the Planning Commission concerning complaints about the office development at 4433 South Harvard (PUD-351-A).

Mr. Gardner reviewed conditions of the PUD. He stated that the detail site plans did not reflect the ground slope to the south of approximately 4'. Mr. Gardner noted that the first level of the office area that has windows places it taller than a one-story building, resulting in abutting residences to lose their privacy. He informed that the ordinance required an 8' fence, but is not tall enough to cover the windows because of the additional elevation.

Mr. Doherty noted that the minutes from this case do not make a distinction between the ground floor and second floor; they just refer to the south and east side of the structure. He recalled that TMAPC amended Staff recommendation to add the prohibition on second-floor windows and when it was recorded in the motion that was not included.

Interested Parties

**Roger Robbins**

**3311 East 45th Street**

Mr. Robbins informed that he and his wife initiated this request to address the Planning Commission and update them on what is happening on the subject site. Mr. Robbins informed that he and the neighbors in attendance are concerned and affected by this construction. He expressed regret that he was unable to attend the meeting last spring at which this construction was approved. Mr. Robbins informed that his residence fronts on 45th Street, and this property affects the rear of four lots in the Villa Grove Heights addition. He informed that the abutting properties have been subjected to water and property damage since construction began in late spring. Mr. Robbins advised that the architect gave area residences assurances that the windows on the south side of the building would be removed, and he thinks the east side was also referred to. He asked the owner of the building to address the windows on the south and east side to prevent building occupants from overseeing his backyard and the neighbors on each side of his house. He also asked that a retaining wall be installed to prevent drainage from the subject tract onto neighboring properties. The commercial property to the north of the subject property has retaining walls to prevent damage to the adjoining property. The owner asked Mr. Robbins to trust him and gave assurances that he would be a good neighbor. Mr. Robbins informed that he has demonstrated that so far. He informed that abutting property owners are facing the prospect of continually receiving excess drainage from the property and the prospect of looking at a fence approximately 11' to 12' high due to the increase of the buildings' elevation. Abutting property owners have asked the owner of the building how he intends to address this problem and have asked that he put his intent in writing, which he adamantly refuses to do. Mr. Robbins asked the Planning Commission to provide any assistance in the resolution of the situation. He presented photographs depicting elevation and drainage spouts. Mr. Robbins expressed concerns over drainage, noting that downspouts at the rear of the structure are lower than the parking lot it was originally intended to drain to.

Ms. Wilson asked how many windows are on the south and east sides of the structure.

Mr. Robbins informed that there are four on the south and six on the east.

Ms. Wilson expressed concern since the PUD states that no windows are allowed on the south and east sides of the buildings. She also was concerned over the drainage issue.

Mr. Doherty noted that one of the conditions of the PUD was for the engineer to work with Stormwater Management and the residents regarding drainage concerns. According to the residents, no one has contacted them about those concerns and the engineer has not worked with them; therefore, there appears to be a violation of the PUD conditions. He advised that if there are violations of the PUD conditions then a Certificate of Occupancy could be withheld. He suggested having Paula Hubbard investigate the situation.

Mr. Stump informed that in June of this year, the applicant filed a minor amendment of the prohibition against windows on the south and east sides of the building. The consensus of the Planning Commission was that concern was over windows on the second floor and the interpretation of the minutes must have been that these would be on the south and east. It was decided that no action was needed. At that same meeting the Planning Commission approved a site plan that had conditions that the applicant would meet with Public Works and work out acceptable drainage plans and meet with residents to determine an acceptable screening fence up to 8' tall.

#### Applicant's Comments

##### **Sue Gerkin**

**2453 East 22nd Place**

Ms. Gerkin informed that her husband is one of the doctors who are preparing to occupy this building next week. She informed of only discovering that there was a meeting from the building contractor when she was at the building site earlier today. Ms. Gerkin informed that Doctors Gerkin and Vincent have worked with Mike Dwyer and the City for the past six months, as well as having met with area residents on a number of occasions. She informed that three or four residents have complained to the City regularly about this construction site. Ms. Gerkin informed that regarding water management, that there were meetings with City representatives and Mr. Dwyer, and a special drainage system was installed underground at the owners' expense. With regard to the fence Ms. Gerkin informed that a fence taller than 8' has been ordered to block the view of the residents' rear yards, which was done after meeting with the residents. She informed being appalled by the constant letters of harassment to the City and the Mayor. Ms. Gerkin advised that the building is within the code. The doctors want to be good neighbors and would not do anything to cause problems to the neighborhood.

Chairman Parmele informed that it appears the windows are in conformance with the PUD as amended and the problem appears to be primarily one of drainage and screening. He suggested that the Planning Commission contact Paula Hubbard, Zoning Officer, and have her flag this application and not issue the Certificate of Occupancy until all conditions of the PUD are met. Chairman Parmele suggested that the architect, contractor and perhaps the doctors meet with area residents to see if there is anything they can do to ease their concerns. He informed that he did not think the Certificate of Occupancy would be issued until all conditions have been met.

Mr. Doherty expressed concern regarding landscaping, noting that from photographs that over a foot of dirt has been placed over the roots of a mature tree which will cause it to die.

Ms. Gerken informed that the doctors intend to preserve all the existing trees.

Ms. Gerken informed that the building was elevated because of Stormwater Management.

Mr. Doherty noted that by their nature, construction sites are messy and there are runoff problems and the sites are an eyesore for a time, which needs to be taken into account by area residents.

**Kathy Borchardt**

**3331 East 45th Street**

Ms. Borchardt was concerned that there is no oversight of the PUD. She expressed the frustrations of homeowners not being able to contact Stormwater Management.

Chairman Parmele announced that the Planning Commission will request that the issuance of an Occupancy Permit be withheld until all conditions of the PUD are met.

Interested Parties

**Ed Monnet, Jr  
Carole Engman**

**3323 East 45th Street 74135  
45th & Harvard (Corner) 74135**

\* \* \* \* \*

Recommendation on street closing of E. 13th St. S. between 129th E. Ave. and 131st E. Ave.

Mr. Doherty informed that Staff recommends approval.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Doherty, Gray, Midget, Neely, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Harris, Horner, Pace "absent") to recommend **APPROVAL** of the above-listed street closing to the City Council.

\* \* \* \* \*

Ms. Wilson asked Staff to transmit the standard letter regarding budget items to the District Chairs and Homeowners' Associations, etc. She suggested getting a time frame from Jerry Lasker.

There being no further business, the Chairman declared the meeting adjourned at 4:50 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary