

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2032

Wednesday, August 9, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle, 2nd Vice
Chairman
Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Midget, Mayor's
Designee
Pace
Taylor

Members Absent

Selph

Staff Present

Gardner
Hester
Jones
Matthews
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, August 8, 1995 at 11:06 a.m., in the office of the County Clerk at 11:00, as well as in the Reception Area of the INCOG offices.

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

Minutes:

Approval of the minutes of July 26, 1995, Meeting No. 2030:

On **MOTION** of **TAYLOR**, the TMAPC voted **6-0-3** (Boyle, Carnes Doherty, Gray, Ledford, Taylor "aye"; no "nays"; Ballard, Horner, Pace "abstaining"; Selph, Midget, "absent") to **APPROVE** the minutes of the meeting of July 26, 1995 Meeting No. 2030.

SUBDIVISIONS:

PRELIMINARY PLAT:

The Metroplex (PUD-312-A)(3094)

(PD-18)(CD-5)

Northwest corner of East 51st Street South and South Garnett Road

Jones presented the plat with Ted Sack in attendance at the TAC meeting.

Pierce recommended the PSO easement along the west side be shown to be 50' extending to East 51st Street. Pierce recommended that the easement be identified with specific language which was given to Ted.

Matthews asked if the sanitary sewer would be crossing the creek channel and Ted stated it would.

Considerable discussion was given to vacation of the underlying plat.

The Metroplex is a 12.8 acre commercial subdivision plat which is Development Area "D" of PUD-312-A. The PUD was approved by the TMAPC on June 28th and is in the process of being transmitted for City Council approval.

Staff would offer the following comments and/or recommendations:

1. The underlying plat, Garnett Park Industrial, should be properly vacated. (Not a condition of approval, but advisory.)
2. Since the property is a replat, the developers should assure themselves that Title 11, Oklahoma Statutes, 42-106, has been met.
3. All conditions of PUD-312-A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
5. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
10. Street names shall be approved by the Department of Public Works and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
13. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
15. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
16. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

17. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
21. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
22. This plat has been referred to Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.

- 23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
- 24. All other Subdivision Regulations shall be met prior to release of final plat.
- 25. The applicant should coordinate the expected date the rezoning ordinance will be published with Staff in order to meet the required 15 day notice requirement of the plat.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **THE METROPLEX**, subject to all conditions listed above. In addition, the TAC voted unanimously to recommend the underlying plat be vacated by separate instrument in accordance with accepted legal procedures and in accordance with City of Tulsa procedures.

TMAPC Action; 9 members present:

On **MOTION** of **TAYLOR**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the **PRELIMINARY PLAT** of The Metroplex as recommended by Staff.

CHANGE OF ACCESS ON RECORDED PLAT:

Towne Centre (3094)
South Garnett Road at East 45th Street South.

(PD-17) (CD-5)

Staff Comments

Mr. Jones informed that the access change is for an existing apartment complex and the proposed access is to shift the access point to the south approximately 50'. He informed that Traffic Engineering has signed off on the proposed access change, and Staff recommends **APPROVAL** subject to Exhibit "A" in the agenda packet.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Pace, Taylor "aye"; no "nays"; Ledford "abstaining"; Midget, Selph "absent") to **APPROVE** the **CHANGE OF ACCESS ON RECORDED PLAT** subject to Exhibit "A" in the TMAPC agenda packet.

LOT-SPLIT FOR WAIVER:

L-18133 Tracy Properties, Inc. (J. Tracy)(162)
1012 East 181st Street South.

(PD-21)(County)
AG

It is proposed to split a 4.6 acre tract from a 60 acre tract. Both tracts meet the zoning standards for the AG District. There is an existing dwelling that will be on the smaller tract after the split. It is served by public water and a sewer lagoon. Right-of-way will be dedicated by the applicant on the 4.6 acre tract. Applicant is asking for waiver of right-of-way dedication on the 55.4 acre tract. The applicant is also requesting waiver of the requirement to take this application before the Technical Advisory Committee (TAC).

Staff feels that since the intensity of use is not increased on the remaining 55.4 acre tract, requesting right-of-way from this tract is not warranted at this time. At such time as the intensity of development increases on this tract, right-of-way will be requested. Therefore, Staff recommends approval of said waivers.

Mr. Jones informed that although he has no objection to waiving the requirement to take this application before TAC, he cautioned against routinely waiving this requirement due to the valuable input given regarding septic systems, easement, etc.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Ledford, Carnes, Doherty, Gray, Horner, Pace, Taylor "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the **LOT SPLIT WAIVER** for L-18133 as recommended by Staff.

Mr. Boyle noted that such waiver is the exception rather than the rule.

* * * * *

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD 432-D Major Amendment** (Continued from July 12, 1995)

Applicant: Charles Norman

Location: Generally between Utica and Xanthus Avenues and 11th and 13th Streets. South.

Date of Hearing: August 9, 1995

Presentation to TMAPC: Charles Norman

The applicant is proposing to expand the existing PUD to the east and allow additional medical office and hospital buildings to be built on the area currently covered by PUD-432-C. The Hillcrest Medical Center has now acquired all the property bounded by 12th and 13th Streets and Utica and Wheeling Avenues. They are now proposing to close Victor Avenue and to construct two new medical buildings and two parking garages in the area east of the Utica Park Clinic and west of Wheeling Avenue. Two new surface parking lots are proposed between Wheeling and Xanthus Avenues and 12th and 13th Streets. Staff can support all of the changes proposed except the signage standards, parking lot setbacks and the increase in the height of the southern office building in Development Area A. This building has single-family residences facing directly into it, and an increase in height would, in Staff's opinion, adversely affect these residences.

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-432-D 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-432-D subject to the following conditions:

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

DEVELOPMENT AREA A:

Land Area (Gross):	130,240 SF
Permitted Uses:	Use Unit 11 and customary accessory uses
Maximum Building Floor Area:	144,936 SF
<i>(Includes existing buildings plus 16,104 SF approved for a one-story addition to the north building.)</i>	
Maximum Building Height	
Between 85' and 110' from centerline of 13th Street:	42'
Greater than 110' from centerline of 13th Street:	60'

- Minimum Building Setback
- From centerline of South Utica Avenue: 50'
 - From centerline of East 12th Street South
 - Northwest corner of existing building: 45'
 - Northeast corner of existing building: 90'
 - From centerline of East 13th Street South: 85'
- Off-Street Parking: As required for the applicable Use Unit in the Tulsa Zoning Code. Required Off-Street Parking for Area A uses may be provided in Areas B and D.
- Minimum Landscaped Open Space: 15% of the Development Area exclusive of street right-of-way.
- Maximum Signage:
- 1) Two ground signs are permitted not to exceed 8' in height nor 48 SF each in display surface area and shall be consistent in design with other medical center signage.
 - 2) Two wall signs are permitted not to exceed 40 SF each of display surface area. No more than one wall sign is permitted on the southern building and it shall not be on the south or east facing walls.

DEVELOPMENT AREA B:

Development Standards as proposed in the applicant's outline development plan with the following exceptions:

- Maximum Permitted Signage:
- 1) Two ground signs are permitted not to exceed 12' in height nor 96 SF each in display surface area and shall be consistent in design with other medical center signage. These ground signs are not permitted in front of the building setback line from 13th Street.
 - 2) Two wall signs are permitted not to exceed 50 SF each in display surface area. No wall signs are permitted on the parking structures, and no signs are permitted on the south facing walls of buildings if visible from the residential area on 13th Street.

DEVELOPMENT AREA C:

Development standards as proposed in the applicant's outline development plan except as follows:

- Maximum Building Floor Area
- Existing physicians office buildings: 173,693 SF
 - Available for future construction: 80,000 SF
- (NOTE: 32,208 SF of floor area previously transferred to Area F from Area C is now being transferred to Area B.)*

DEVELOPMENT AREA D:

Development Standards as proposed in the applicant's outline development plan.

DEVELOPMENT AREA G:

Area (Gross):	127,050 SF
Permitted Uses:	Use Units 10*, 6, 7, 7a and 8
Minimum Bulk and Area Requirements	
For Use Units 6, 7, 7a and 8 uses:	As required in the RM-2 district.
Minimum Off-Street Parking Setbacks	
From the centerline of Wheeling Avenue:	30'
From the centerline of 13th Street:	50'
From the centerline of Xanthus Avenue	**40'
From abutting residential properties:	**5'
Minimum Landscaped Open Space:	10%
A landscaped strip to a depth of 50' from the centerline of 13th Street, 40' from the centerline of Xanthus Avenue and 30' from the centerline of Wheeling Avenue shall be provided.**	

* *Only off-street parking serving uses within the PUD or Hillcrest Medical Center are permitted*

** *Changes agreed to at the Planning Commission meeting.*

3. The design of the parking garages shall be such that vehicle headlights do not shine into residential areas when in the garage. Also, the facade of these garages shall be compatible with the design of the other medical buildings in Development Areas A and B. The TMAPC approval of the design of these garages shall be required as part of Detail Site Plan approval.
4. 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.
5. 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.
6. 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.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

8. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 16 feet on surface parking lots.
9. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
10. No Building Permit shall be issued until the requirements of Section 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 during the subdivision platting process which are approved by TMAPC.

TMAPC Comments

Mr. Boyle revealed ex parte communication with parties on both sides of the issue.

Applicant's Comments

Mr. Norman informed of meetings held with the Terrace Drive Neighborhood Association (NA) which resulted in an agreement between Hillcrest and the NA. He presented the Planning Commissioners with copies of the letter of July 26, 1995 from Gary Wood, Vice President, Master Facilities & Real Estate Development, agreeing to cooperate with the NA on a number of issues and adding conditions to PUD 432-D:

- 1) Hillcrest will support and assist the Association in securing approval from the City of Tulsa for the installation of four-way stop signs on East 13th Street at the intersection of South Wheeling Avenue, and if the Association requests, at South Xanthus Avenue and other intersections between South Lewis Avenue and South Utica Avenue.
- 2) Hillcrest will participate in and support the efforts of the Association to obtain the closing of the existing Broken Arrow Expressway off-ramp located at approximately Xanthus and the closing of the on-ramp to the Broken Arrow located at approximately Wheeling, and the construction of a new exit ramp located west of Wheeling so that traffic leaving the Broken Arrow Expressway will be required to use the traffic signal at East 13th Place and South Utica Avenue for access to the medical center.
- 3) The maximum height of the proposed parking structure above the grade of the existing surface parking area on the north side of East 13th Street will be reduced from the proposed 14' to a maximum of 10' by an amendment to PUD 432-D.
- 4) The parking structure on the north side of East 13th Place and south of the proposed Hillcrest Health Park office and clinic building will not be designed to permit the addition of additional parking levels above 10' above the grade of the existing surface parking.

- 5) During the development of the design for the Hillcrest Health Park, the project architect and landscape architect will consult with the Association on the specific design and construction and landscaping materials for the visible exterior walls of the south parking structure adjacent to East 13th Street. Consideration will be given to design and architectural elements and landscaping which will add interest to the south wall of the garage structure, including berms; preserving, however, the existing mature trees along the north side of East 13th Street.
- 6) A security fence will be installed along the north side of East 13th Street during the construction period.
- 7) Project contractors will be instructed to order all construction traffic to use streets other than East 13th Street and South Xanthus Avenue.
- 8) The contractor will be required to repair any damage to the neighborhood streets and to periodically clean the streets during construction and upon completion of the buildings.
- 9) Mini-blinds will be installed in the windows along the south wall and the southeast corner of the Hillcrest Exercise and Lifestyle facility on the second floor of the William H. Bell south office building at the northeast corner of East 13th Street and South Utica Avenue. The blinds in the windows facing the south and southeast will be closed thirty minutes after sunset.
- 10) Hillcrest Medical Center will make available to the NA twenty family memberships to the Hillcrest Exercise and Lifestyle facility, to be allocated to neighborhood residents by the NA. Memberships will be provided on the same basis as they are made available to employees of Hillcrest Medical Center and will be subject to the same rules and regulations as are imposed on other users of the facility. Currently, no monthly charges to Hillcrest employees are made.
- 11) Hillcrest will assign a senior member of its administrative staff to attend meetings and participate in the affairs of the Terrace Drive Neighborhood Association and, if permitted by your bylaws, Hillcrest will become a corporate member of the NA.

Interested Parties

Bill Satterfield

One West 81st Street 74037

Mr. Satterfield informed that his family owns an apartment building adjacent to the proposed project. He gave a history of negotiations with Hillcrest to acquire the property since 1946, and determined that Hillcrest has not dealt in good faith in the past. Mr. Satterfield believes that Hillcrest is attempting to keep property values depressed in the area so they can purchase property at low costs for future expansion. He expressed opposition to the proposed project.

Kristen MacArthur

1904 East 13th Street 74104

Ms. MacArthur, spokesperson for the Terrace Drive Neighborhood Association, informed that the NA voted to offer Hillcrest membership in their association to encourage continued communication with area residents in the future. She informed that the Department of

Transportation has funded the changes to the Broken Arrow Expressway on the entrance and exit ramps.

Applicant's Comments

Mr. Norman reminded the Planning Commission of modification of Staff recommendation regarding landscaping width in Area "G" to reduce landscaping from 50' to 40' on the exterior boundary on the Xanthus side and on the interior boundary from 10' to 5', which will be fenced to retain the extra row of parking. With this change and the amendments filed today he asked that Staff recommendation be approved.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to recommend **APPROVAL** of the request subject to Staff recommendation and adding the following conditions proposed by the applicant:

- 1) The maximum height of the proposed parking structure above the grade of the existing surface parking area on the north side of East 13th Street will be reduced from the proposed 14' to a maximum of 10' by an amendment to PUD 432-D.
- 2) The parking structure on the north side of East 13th Place and south of the proposed Hillcrest Health Park office and clinic building will not be designed to permit the addition of additional parking levels above 10' above the grade of the existing surface parking.
- 3) During the development of the design for the Hillcrest Health Park, the project architect and landscape architect will consult with the Association on the specific design and construction and landscaping materials for the visible exterior walls of the south parking structure adjacent to East 13th Street. Consideration will be given to design and architectural elements and landscaping which will add interest to the south wall of the garage structure including berms; preserving, however, the existing mature trees along the north side of East 13th Street.
- 4) A security fence will be installed along the north side of East 13th Street during the construction period.
- 5) Project contractors will be instructed to order all construction traffic to use streets other than East 13th Street and South Xanthus Avenue.
- 6) The contractor will be required to repair any damage to the neighborhood streets and to periodically clean the streets during construction and upon completion of the buildings.
- 7) Mini-blinds will be installed in the windows along the south wall and the southeast corner of the Hillcrest Exercise and Lifestyle facility on the second floor of the William H. Bell south office building at the northeast corner of

East 13th Street and South Utica Avenue. The blinds in the windows facing the south and southeast will be closed thirty minutes after sunset.

LEGAL DESCRIPTION

Area A - a tract of land that is part of Block 2 of Ridgedale Terrace Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the southeast corner of said Block 2; thence N 89°40'00" W along the southerly line of Block 2 for 110.00' to the point of beginning of said tract of land; thence continuing N 89°40'00" W along said southerly line for 147.22'; thence N 44°50'00" W for 14.35'; thence N 00°19'45" E for 522.38'; thence due north for 0.00' to a point of curve; thence northerly, northeasterly and easterly along a curve to the right with a central angle of 88°39'35" and a radius of 20.12' for 31.13' to a point of reverse curve; thence northeasterly along a curve to the left with a central angle of 30°52'24" and a radius of 156.00' for 84.06' to a point of reverse curve; thence northeasterly and easterly along a curve to the right with a central angle of 32°04'07" and a radius of 104.00' for 58.21'; thence due south parallel with the easterly line of said Block 2 for 593.50' to the point of beginning; and

Area B - a tract of land that is all of Block 1 of Ridgedale Terrace Addition, all of South Victor Avenue between Blocks 1 and 2 of Ridgedale Terrace Addition, and part of Block 2 of Ridgedale Terrace 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 southeast corner of said Block 1; thence N 89°40'00" W along the southerly line of Block 1 and the southerly line of Block 2 for 437.34'; thence due north parallel with the easterly line of said Block 2 for 593.50'; thence N 89°51'17" E for 0.00' to a point of curve; thence easterly along a curve to the right with a central angle of 00°28'43" and a radius of 104.00' for 0.87'; thence N 88°28'41" E for 109.17' to a point on the easterly line of said Block 2; thence due north along said easterly line for 2.97' to the northeast corner of said Block 2; thence S 89°40'00" E along an easterly extension of the north line of said Block 2 and along the northerly line of said Block 1 for 327.34' to the northeast corner of said Block 1; thence due south along the easterly line of Block 1 for 600.00' to the point of beginning; and

Area C: a tract of land that is part of Block 2 of Perryman Heights 2nd Addition, and also part of vacated East 12th Street and vacated Utica Place, in the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the southwest corner of Block 1, of Perryman Heights 2nd Addition; thence due North along the Westerly line of said Block 1 for 10.00' to the Point of Beginning of said tract of land; thence N 89°40'00" W parallel with an Easterly extension of the South line of said Block 2 and the Southerly line of Block 2 for 56.68' to a point of curve; thence Southwesterly along a curve to the left with a central angle of 09°08'12" and a radius of 164.00' for 26.15' to a point of reverse curve; thence Southwesterly along a curve to the right with a central angle of 28°18'12" and a radius of 96.00' for 47.42' to a point of compound curve; thence Northwesterly along a curve to the right with a central angle of 21°27'51" and a radius of 15.00' for 5.62'; thence due North parallel with the Easterly line of Block 2 for

351.69' to a point on the Southerly line of Lot 6 of said Block 2; thence S 89°40'00" E along said southerly line for 80.00' to the Southeast corner of Lot 6; thence due North along the Easterly lines of Lots 5 and 6 of said Block 2 for 100.00' to the Northeast corner of Lot 5; thence N 89°40'00" W along the Northerly line of Block 5 for 94.00'; thence due North parallel with the Easterly line of Lot 2 for 188.50'; thence S 89°40'00" E for 94.00' to a point on the easterly line of said Block 2; thence due South along said Easterly line for 4.50'; thence S 89°40'00" E for 50.00' to a point on the Westerly line of said Block 1; thence due South along said Westerly line for 609.25' to the Point of Beginning of said tract of land; and,

Area D: a tract of land that is part of Block 1 Perryman Heights 2nd Addition, and also part of Perryman Heights Addition, in the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the southwest corner of Block 1 of Perryman Heights 2nd Addition; thence due north along the westerly line of said Block 1 for 10.00' to the point of beginning of said tract of land; thence continuing due north along said westerly line for 609.25'; thence S 89°40'00" E for 140.00' to a point on the easterly line of said Block 1 of Perryman Heights 2nd Addition; thence due south along said easterly line for 189.00'; thence S 89°40'00" E for 145.00' to a point on the easterly line of Lot 7 of said Perryman Heights Addition; thence due south along the westerly right-of-way line of South Victor Avenue and the easterly line of Lots 8, 9, 10, 11, 12, 13, and 14 of Perryman Heights Addition for 430.25' to a point on the northerly right-of-way line of East 12th Street; thence N 89°40'00" E along the southerly line of Perryman Heights Addition for 145.00'; thence due North along the westerly line of Perryman Heights Addition for 10.00'; thence N 89°40'00" W 10' northerly of as measured perpendicularly to and parallel with the southerly line of Block 1 of Perryman Heights 2nd Addition for 140.00' to the point of beginning; and

Area G: a tract of land that is part of Block 1 of Regina Addition to 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 southwest corner of said Block 1; thence due north along the westerly line of Block 1 for 350.00' to the northwest corner of Lot 19 of Block 1; thence S 89°40'00" E along the northerly line of Lot 19 for 140.00' to the northeast corner of Lot 19; thence due north along the easterly lines of Lots 20, 21, 22, and 23 for 200.00' to the northwest corner of Lot 2 of Block 1; thence S 89°40'00" E along the northerly line of Lot 2 for 140.00' to the northeast corner of Lot 2; thence due south along the easterly line of said Block 1 for 300.00' to the northeast corner of Lot 8; thence N 89°40'00" W along the northerly line of Lot 8 for 140.00'; thence due south for 100.00' to the northwest corner of Lot 10; thence S 89°40'00" E along the north line of Lot 10 for 140.00' to the northeast corner of Lot 10; thence due south along the easterly line of said Block 1 for 90.00'; thence N 89°40'00" W for 140.00' to a point on the easterly line of Lot 14; thence due south along the easterly line of Lots 14 and 13 for 60.00' to the southeast corner of Lot 13; thence N 89°40'00" W along the southerly line of Block 1 for 140.00' to the point of beginning, and all being located between South Utica Avenue, South Xanthus Avenue and East 12th Street South and East 13th Street South, Tulsa, Oklahoma.

* * * * *

Application No.: **Z-6497 B**
Applicant: Wayne Alberty
Location: 1345 South 129th East Avenue.
Date of Hearing: August 9, 1995

Present Zoning: RS-2
Proposed Zoning: RD

Applicant's Comments

Mr. Alberty informed that his client is requesting that the application be withdrawn.

Hearing no objection, Chairman Carnes declared the item withdrawn from the agenda.

* * * * *

Application No.: **Z-6498/PUD-538**
Applicant: Charles Norman
Location: Northeast corner of East 101st Street South and South Yale Avenue.
Date of Hearing: August 2, 1995
Presentation to TMAPC: Charles Norman

Present Zoning: RM-2
Proposed Zoning: CS/RM-2/PUD

Z-6498

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the 450' node at the intersection as Medium to Low Intensity - No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 5 acres in size. It is gently sloping, partially wooded, vacant and zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north and east by single-family dwellings, zoned RS-2; to the south by vacant property zoned OL, CS, and RS-4 under PUD-516; to the southwest by a school, zoned RM-2; and to the west by a vacant lot and a church that is presently under construction, zoned AG.

Zoning and BOA Historical Summary: The subject tract was zoned RM-2 in 1983.

Conclusion: The Comprehensive Plan designates the property as Low Intensity - No Specific Land Use. The Comprehensive Plan also recommends development be designed and maintained so as to be compatible with surrounding land uses and existing development. A zoning pattern similar to that approved in Z-6451 (PUD-516) appears appropriate for this development as well. Therefore, Staff recommends **APPROVAL** of CS zoning for Z-6498 except on the west 150' and the south 150' of the subject tract, which should be rezoned OL.

AND

PUD-538

The applicant is proposing a mixed use development of commercial, office and single-family dwellings at the northeast corner of East 101st Street South and South Yale Avenue. The PUD is accompanied by rezoning request Z-6498 for CS zoning on the south 467' of the west 467' of the PUD which is presently zoned RM-2. The PUD has single-family dwellings fronting a private street on its east side (Dev. Area C) and office development on its north (Dev. Area B). The area at the intersection of 101st and Yale (Dev. Area A) is proposed for office and commercial development.

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-538 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-538 subject to the following conditions:

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

DEVELOPMENT AREA A:

Land Area (Gross):	209,019 SF
(Net):	160,836 SF
Permitted Uses:	Use Units 10, 11, 12*, 13*** and 14 except convenience grocery or store, automobile parts and accessory stores, pawn shops, building materials sales and self-service laundromats

* *Use Unit 12 uses are only permitted within the shopping center building and shall not exceed 5,000 SF**. No Use Unit 12 uses are permitted in stand-alone buildings. Also, Use Unit 12 uses are not permitted in the south 200' of the west 200' of the development area. Use Unit 12 uses shall close no later than 11:00 p.m., except they may serve customers arriving prior to that time.** No live entertainment shall be provided after 11:00 p.m.***

** *Changes made at the Planning Commission meeting.*

*** *Retail liquor stores shall not exceed 2,000 SF of building floor area.***

Minimum Landscaped Area:	13%**
Maximum Permitted Signage:	
Maximum Building Floor Area:	45,000 SF
Maximum Building Height	
Within 100' of Area C:	1 story
More than 150' from Area C:	**40'
Minimum Building Setbacks	
From the centerline of 101st Street:	100'
From the centerline of Yale Avenue:	100'
From the internal boundary of Area C:	35' with pharmaceutical pick up window permitted 22' from Area C**
From the internal boundary of Area B:	20'

Ground Signs shall not exceed one on each arterial street frontage with a maximum of 100 SF of display surface area and 8' in height; and one monument style sign at the arterial street intersections with a maximum of 45 SF of display surface area and 5' in height.

Wall Signs shall not exceed 1 SF of display surface area per linear foot of building wall to which attached. No wall signs are permitted on the east, northeast or north facing walls that are within 200' of and existing or planned residential area.

* *Use Unit 12 uses are only permitted within the shopping center building and shall not exceed 5,000 SF**. No Use Unit 12 uses are permitted in stand-alone buildings. Also, Use Unit 12 uses are not permitted in the south 200' of the west 200' of the development area. Use Unit 12 uses shall close no later than 11:00 p.m., except they may serve customers arriving prior to that time.** No live entertainment shall be provided after 11:00 p.m.***

** *Changes made at the Planning Commission meeting.*

*** *Retail liquor stores shall not exceed 2,000 SF of building floor area.***

DEVELOPMENT AREA B:

Land Area (Gross):	60,078 SF
(Net):	51,534 SF
Permitted Uses:	Use Unit 11
Maximum Building Floor Area:	**18,000 SF or 35% FAR
Maximum Building Height:	30' (not to exceed 2 stories)*
Minimum Building Setbacks	
From the centerline of Yale Avenue:	100'
From the north boundary of Area B and the boundary of Area C	
One-story buildings:	20'
Two-story buildings:	65'
Minimum Landscaped Area:	15%
Signs: Only one business sign is permitted (either wall or ground sign) which shall not exceed 32 SF in display surface area and if a ground sign, not more than 5' in height. No wall signs are permitted on east or north facing walls and ground signs must be setback at least 100' from the north boundary of Area B.	

* No north-facing second story windows that would extend below 6' above the second floor are permitted. **

** Changes made at the Planning Commission meeting.

DEVELOPMENT AREA C:

Land Area (Gross):	166,503 SF
(Net):	156,633 SF
Permitted Uses:	Use Unit 6
Maximum Number of Dwelling Units:	16
Minimum Land Area Per Dwelling Unit (entire dev. area):	10,400 SF
Maximum Building Height:	35'
Minimum Required Yards	
From the centerline of 101st Street:	85'
From private street right-of-way	
From dwelling:	20' *
From garage entrances:	40' *
From west, north and east boundaries of Area C:	20'
Side yard:	0' on one side and 10' on the other side to be designated on the subdivision plat for each lot**
Minimum Building Separation:	10'
Minimum Private Street Requirements	
Paving width:	20' **
Right-of-way width:	24' **
Turn-around size:	to be determined when subdivision plat is approved

* Setbacks for dwellings and garage entrances for the dwellings within 280' of the centerline of 101st Street shall be established when the subdivision plat is approved.

** Changes made at the Planning Commission meeting.

3. No Zoning Clearance Permit shall be issued for development area A or B 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 development areas A and B 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 in Development Areas A and B 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. Light standards shall be limited to a maximum as provided in the outline development plan.
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 homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any stormwater detention areas within Development Area C of the PUD.
10. All private roadways shall be a minimum of 20'** in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. No on-street parking shall be permitted except in designated spaces ** All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10%.
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 during the subdivision platting process which are approved by TMAPC.

**Changes made at the Planning Commission meeting.

Applicant's Comments

Mr. Norman informed that the applicant, Ray Biery, conducted meetings with area residents, particularly Leisure Estates which is the subdivision immediately north and east of the subject property. He described Leisure Estates as a single-family subdivision with six homes abutting the boundary of the subject tract. Mr. Norman presented the application and described the surrounding property. He informed of concessions made by the applicant to eliminate convenience stores or gasoline service stations and free-standing restaurant parcels; however, the applicant has asked that restaurants be permitted as a principal use within the enclosed major structure. Mr. Norman presented a detailed overview of the proposed development.

He informed that after meetings with neighborhood representatives the applicant has amended this application as follows:

- 1) The landscape area requirement for Development Area A is amended from 10% of the net land area to 13% of the net land area.
- 2) Principal use restaurants as defined in Section 1800, Definitions of the Tulsa Zoning Code, shall not exceed 5,000 SF each of gross floor area.
- 3) Restaurants shall close no later than 11:00 p.m., although customers arriving prior to 11:00 p.m. may be served and complete their meals.
- 4) No live entertainment shall be provided within a restaurant after 11:00 p.m.
- 5) Retail liquor stores shall not exceed a maximum of 2,000 SF of building floor area.

Mr. Norman informed that residents within Leisure Estates to the north and east attended the first meeting two weeks ago and none of the residents came to the second meeting after the above-listed assurances were given to them and commitments were made as to screening.

Mr. Norman presented a list of differences with Staff recommendation to the Planning Commission as follows:

Development Area A

Maximum Building Height

More than 75' from Area C:

40'

Building setbacks from internal boundaries of Area C

35' with pharmaceutical pickup window canopy permitted 22' from Area C

Mr. Norman explained that the additional height is needed for the proposed bank which will have a high-ceilinged lobby of 12' to 14' with a second story of 12' height of approximately 30', thereby limiting the structure to a flat roof.

Mr. Norman asked that a drive-up window pickup canopy be allowed within 22' to permit a canopy to extend over one car and half of a second car, which is a typical projection at the

corner of a pharmacy with drive-through service. He explained that this location is essential to the tenant because Springer Clinic is constructing a major facility across the street. Mr. Norman noted that the screening fence between the development and future residences will provide an effective barrier, both visually and from sound. He pointed out that the commercial area will be constructed first, thereby permitting future homeowners to be fully aware of abutting development.

Development Area B

Maximum Building Floor Area: 18,000 SF or 35% F.A.R.

Delete Staff recommendation regarding no north-or east-facing second story windows permitted.

Mr. Norman feels that permitting no windows on the second floor will make the office unleaseable and unacceptable for tenants who will want to be within a quality suburban office building. He informed that this issue has been discussed with owners of the two lots immediately north and with others and have received no objection.

Development Area C

Rear yards 15'

Side yards One side 0' - other side 10'

Minimum Private Street Requirements

Paving width: 20'

Right-of-way width: 24'

No on-street parking permitted

Turn-around size: to be determined when subdivision plat is approved

Interested Parties

David Tracy 6909 East 99th 74133

Mr. Tracy, Vice Chair District 26 Planning Team, reported on meetings held with area residents and notification of Neighborhood Associations registered with the Mayor's Office for Neighborhoods. He informed that interested parties presented no opposition to the 40' height limitation in Area A as long as the two-story limitation remains in place; permitting windows in Area B generated no controversy, and the Area C setback generated discussion, but no consensus or opposition was generated. He informed that the individuals most directly affected offered no objection to the proposal at the meetings. Mr. Tracy informed that most matters of controversy were addressed by the amendments to the application referred to earlier. He informed that residents expressed concern over a restaurant use that would entice children to cross dangerous intersections. Mr. Tracy noted that the commercial use was a compromise and questioned whether commercial use would have been approved without negotiations with homeowners to allow a more intense use toward the corner and a less intense use on the perimeter.

Richard Lowe 10220 South Braden 74137

Mr. Lowe, representative for Wexford Homeowners Association (HOA), presented a letter to the Planning Commission regarding their positions on the development. He informed that

the Wexford HOA had a major role in negotiations with the developer of the southeast corner. Mr. Lowe informed that the proposed restaurant is a major concern, even though their neighborhood does not abut the tract. They oppose restaurant use because of odors, trash, vermin and all those detriments that come with restaurants. He was concerned that should this restaurant be approved, the developer of the southeast corner may likewise wish to develop a restaurant there.

Luster I. Jacobs, M.D.

9914 South Allegheny Avenue 74137

Dr. Jacobs informed that his property is immediately north of Area B abutting the proposed two-story office structure.. He and other neighbors were not approached for meetings regarding this development. Dr. Jacobs questioned the need for commercial development on this corner when there are empty buildings in the area. He was opposed to a two-story office structure overlooking his property. Dr. Jacobs advised that members of his association have expressed opposition to the development and questioned the statement that Leisure Estates supports this application.

Jerry Taylor

10510 South Erie 74137

Mr. Taylor, board member of Wexford Estates HOA, expressed concern over the restaurant and the possibility of amending the PUD on the southeast corner to also allow restaurant use.

Christy Johnson

4216 East 103rd Street 74137

Ms. Johnson, President Forest Oaks HOA, informed that no contact was made with her HOA and other HOAs surrounding the subject corner who have had input in past development. She related input of development of the southeast corner. Ms. Johnson was concerned over creating additional congestion and drainage in the area. She expressed concern over allowing a liquor store and restaurant on the subject tract. Ms. Johnson urged the Planning Commission to not make advantages available to the northeast corner that were not agreed upon when developing the southeast corner.

Ray Biery

Mr. Biery, developer of the property, informed of first contacting and meeting with residents in the Leisure Estates subdivision in 1994 regarding development of the subject tract. He reported on helping residents to organize the Leisure Estates HOA and creation of a committee to work with him on input regarding development. Mr. Biery informed that after many months of meetings, a compromise was reached and this plan was developed. He also advised of meeting with the superintendent of schools at Jenks to present the proposal. The primary concern was the convenience store that was initially planned for the corner because of the danger to elementary school children crossing busy intersections. After meeting with homeowners in the area, the plan was amended to the plan presented today. Mr. Biery declared that economically, he has agreed to all concessions possible regarding use and limitations of size. He invited the Planning Commission to view another shopping center he owns that contains a restaurant where none of the concerns expressed regarding vermin, etc. exist. Mr. Biery declared that when business is conducted properly these nuisances are eliminated.

Applicant's Rebuttal

Mr. Norman advised that in meetings with residents in Leisure Estates, they stated that they had no objection to a restaurant. He pointed out that opposition that has surfaced is from Wexford, which is south and southeast of the development and in Forest Oakes to the west.

TMAPC Review

Members of the Planning Commission expressed concern over the compatibility of single-family dwellings located so near where a vehicle would generate noise while picking up a prescription through the drive-through window during late evening and early morning hours. He acknowledged that the 6' masonry wall would mitigate some of the noise. There was discussion over the need of the canopy and location of the pickup window and the feasibility of its relocation away from the residential development.

Mr. Stump pointed out that the 6' masonry wall would mitigate some of the noise.

Discussion ensued over allowing second floor windows in Area B, resulting in consensus that they be prohibited from the north side of the structure.

Regarding side yard setbacks, Mr. Stump requested that the plat designate which side of the lot has the 10' setback.

Mr. Stump informed that Staff can support paving width of 20', prohibiting on-street parking, providing adequate off-street parking, and right-of-way width of 24'.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted 7-1-0 (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford "aye"; Pace "nay"; none "abstaining"; Midget, Selph Taylor "absent") to recommend **APPROVAL** of Z-6498 for CS except on the west 150' and the south 150' of the tract which should be OL as recommended by Staff and PUD 538 as recommended by Staff with the following modifications:

- 1) The landscape area requirement for Development Area A is amended from 10% of the net land area to 13% of the net land area.
- 2) Principal use restaurants as defined in Section 1800, Definitions of the Tulsa Zoning Code shall not exceed 5,000 SF each of gross floor area.
- 3) Restaurants shall close no later than 11:00 p.m., although customers arriving prior to 11:00 p.m. may be served and complete their meals.
- 4) No live entertainment shall be provided within a restaurant after 11:00 p.m.
- 5) Retail liquor stores shall not exceed a maximum of 2,000 SF of building floor

Development Area A

Maximum building height more than 150' from Area C

40'

Building setbacks from internal boundaries of Area C

35' with pharmaceutical pickup window canopy permitted 22' from Area C

Development Area B

Maximum Building Floor Area: 18,000 SF or 35% F.A.R.

No windows on the north side of the second story that would extend below 6'.

Development Area C

Rear yards 15'

Side yards One side 0' - other side 10'
Designation for each lot to be determined at the platting process.

Minimum Private Street Requirements

Paving width: 20'

Right-of-way width: 24'

No on-street parking permitted

Turn-around size: to be determined when subdivision plat is approved

Ms. Pace explained the reason for her nay vote was because she deemed it to be poor planning to allow a pick-up window with 24-hour operation so close to residential development.

LEGAL DESCRIPTION for PUD 538

A tract of land, containing 10.0 acres, that is part of the SW/4, SW/4 of Section 22, T-18-N R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the southwest corner of said Section 22; thence N 0°06'03" E along the Westerly line of Section 22 for 660.00'; thence due East and parallel to the Southerly line of Section 22 for 660.00' to a point on the Southerly line of Section 22; thence due West along said Southerly line for 660.00' to the Point of Beginning, and located on the northeast corner of East 101st Street South and South Yale Avenue, Tulsa, Oklahoma.

LEGAL DESCRIPTION for Z-6498 (CS Portion)

The east 317' of the west 467' of the south 467' of the SW/4, SW/4, SW/4 less the south 150' thereof of Section 22, Township 18 N, Range 13 E of the Indian Base and Meridian, Tulsa County, Oklahoma.

LEGAL DESCRIPTION for Z-6498 (OL Portion)

The west 150' and south 150' of the west 467' of the south 467' of the SW/4, SW/4, SW/4 of Section 22, Township 18 N, Range 13 E of the Indian Base and Meridian, Tulsa County, Oklahoma.

ZONING PUBLIC HEARING:

Application No.: **Z-6500**

Applicant: Charles Norman

Location: North side of E. 51st St. S. between South Lynn Lane & S. 193rd E. Ave.

Date of Hearing: August 9, 1995

Presentation to TMAPC: Charles Norman

Present Zoning: AG

Proposed Zoning: RS-4

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-4 zoning is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 107 acres in size, it is gently sloping, partially wooded, contains a private airport on the east side, and is zoned AG.

Surrounding Area Analysis: The subject property is abutted on the north by vacant property, zoned RS-3; to the east by single-family dwellings and vacant farm land, zoned AG, RS-3, and RM-0; to the west by vacant land, zoned AG; and to the south by vacant land within the Broken Arrow city limits.

Zoning and BOA Historical Summary: The subject tract was originally zoned AG in 1970.

Conclusion: No new development has yet occurred in this area with the exception of large lot single-family residential. The requested RS-4 zoning is in accordance with the Comprehensive Plan but is not in keeping with the existing development or residential zoning in the area. RS-4 zoning has previously been approved in developed areas where existing lots were similar to RS-4 standards or redevelopment of an area was felt appropriate. Therefore, Staff recommends **DENIAL** of RS-4 and **APPROVAL** of RS-3 zoning for Z-6500.

Applicant's Comments

Mr. Norman, attorney for the applicant, described the area surrounding the subject tract. He explained that there is no new development in the area with existing development on larger tracts of land. Mr. Norman informed that this tract will require developers to construct a sewer line 1½ miles to the east and upgrade an existing Broken Arrow lift station to enlarge its capacity that will open this area for other development. He explained the differences between RS-4 lots and RS-3 lots, and pointed out that home buyers are seeking larger houses on smaller lots which produces problems complying with the livability space requirement, more than in the size of the lots. Mr. Norman informed that the developer's concern with RS-3 zoning is with the livability space and declared that they would not plat any lot with less than 6,200 SF of space if RS-4 zoning is approved.

Interested Parties

Robert Nantz

4714 South 193rd East Avenue 74104

Mr. Nantz presented a petition signed by area property owners requesting that the Planning Commission maintain the consistency that is visible in the area and requested that the application for RS-4 zoning be denied and the RS-3 zoning pattern be maintained.

Sid Bowers

4622 South 193rd East Avenue, Broken Arrow 74014

Mr. Bowers expressed opposition to the proposed rezoning because it is not consistent with the surrounding area which is zoned RS-3.

James Lambert

Mr. Lambert, owner of the CS, RM-O and RS-3 zoned properties east of the subject tract, declared that he would be the most affected by the proposed rezoning. He informed of being approached by residents to sign a petition against the proposed zoning change and informed that residents fear subsidized or apartment housing may be built in the area, causing downgrading. Mr. Lambert informed that he researched the development plans for the property and reputations of the developers and that he can support the application.

Applicant's Rebuttal

Mr. Norman asked where an RS-4 subdivision would be located if not in a location such as this.

TMAPC Review Session

Mr. Boyle deemed the differences between RS-3 and RS-4 in a location of this nature to be fairly small. He perceives that there is not a more appropriate place for RS-4 than at this location.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-2-0** (Ballard, Boyle, Doherty, Horner, Ledford Pace "aye"; Carnes, Gray "nays"; none "abstaining"; Midget, Selph, Taylor "absent") to recommend **APPROVAL** of Z-6500 for RS-4 zoning.

LEGAL DESCRIPTION

The West Half of the Southeast Quarter and the West Half of the West Half of the East Half of the Southeast Quarter and a tract of land described as the West 231.05' of the South Half of the East Half of the West Half of the East Half of the Southeast Quarter, all in Section 25, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located on the north side of East 51st Street South between South Lynn Lane and South 193rd East Avenue, Tulsa, Oklahoma.

* * * * *

Application No.: **CZ-221**

Applicant: Don Tunnel

Location: Southeast corner South 61st West Avenue & Southwest Boulevard.

Date of Hearing: August 9, 1995

Presentation to TMAPC: Larry Click

Present Zoning: RS

Proposed Zoning: CG

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north 25' of the tract as Medium Intensity - No Specific Land Use and the balance of the property as Low Intensity - Residential.

According to the Zoning Matrix the requested CG is not in accordance with the Plan Map on the south 225'.

Staff Comments:

Site Analysis: The subject property is 250' x 130' in size. It is sloping, wooded, vacant and zoned RS in the County.

Surrounding Area Analysis: The property is abutted on the north by a 25' wide lot and Old Sapulpa Road, zoned CG and beyond the highway is vacant land, zoned IM; to the south, east and west is a mixture of single-family dwellings and vacant lots, zoned RS.

Zoning and BOA Historical Summary: The zoning history in this area indicate that the property was zoned RS in the County in 1980.

Conclusion: The requested CG zoning is not in accordance with the Comprehensive Plan on the southern portion of the subject tract, and commercial zoning has been confined to those properties fronting on Old Sapulpa Road. An abundance of vacant industrially-zoned land exists in this general area. Therefore, Staff recommends **DENIAL** of CG zoning on all but Lot 22, the northernmost lot of the subject tract.

Applicant's Comments:

Larry Click

208 East Dewey, Sapulpa 74066

Mr. Click, attorney for the applicant, informed that the applicant is requesting that a car lot be allowed on the subject tract. He informed that the proposed lot would extend for the first one-third of the property and is proposed for a hard-surface and auto repair use.

Responding to inquiry from Mr. Boyle, Mr. Stump indicated single-family homes surround the subject tract.

Interested Parties

J.W. Knight

5906 South 61st West Avenue 74050

Mr. Knight expressed opposition to the application.

Vickie Radford

516 East Pine Place 74106

Ms. Radford, owner of the lots directly behind the subject tract, expressed opposition to the application. She voiced concern of losing rental income should commercial development encroach. Ms. Radford submitted photographs of her property depicting a well-maintained

Ms. Radford, owner of the lots directly behind the subject tract, expressed opposition to the application. She voiced concern of losing rental income should commercial development encroach. Ms. Radford submitted photographs of her property depicting a well-maintained yard. She submitted photographs of the Tunnel Auto Salvage depicting poorly-maintained property with overgrown weeds and buildings in need of repair. She voiced concern that this proposed enterprise will also be poorly-maintained.

Applicant's Rebuttal

Mr. Click informed that the car lot will not be operated by Mr. Tunnel and he does not believe the auto salvage operation is applicable. Mr. Click presented photographs of the properties owned by the interested parties and pointed out that this is a neighborhood that could stand revitalization, and he believes that commercial development will offer this. He presented a petition signed by six individuals supporting the proposed zoning.

Responding to inquiry from Ms. Pace, Mr. Stump explained Staff's concern that this area does need rejuvenation, but there is not sufficient demand in the area for other uses that would produce a transition from residential to nonresidential uses.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Selph, Taylor "absent") to recommend **APPROVAL** of Lot 22 for CG zoning and **DENIAL** of the remainder of the tract as recommended by Staff.

LEGAL DESCRIPTION

Lot 22, Block 2, New Taneha Addition to the City of Tulsa, and located on the southeast corner of South 61st West Avenue and Southwest Boulevard, Tulsa, Oklahoma.

* * * * *

Application No.: **PUD-179-V Major Amendment**

Applicant: Thomas F. Williams

Location: East of the southeast corner of East 73rd Street South & South Memorial Drive.

Date of Hearing: August 9, 1995

Presentation to TMAPC: Tom Williams

The applicant is proposing to permit CS uses and a dry cleaning/laundry use on Lot 4, Block 1 of Randall Plaza which currently is only permitted office uses under PUD 179-P. There is also a proposal to transfer 6,000 SF of commercial use from Lot 3 to Lot 4, Block 1 of Randall Plaza and to increase the permitted size of the allocated ground sign on Lot 4 from 32 SF to 75 SF. Lot, 4 which fronts the south side of 73rd Street, is between two areas of PUD 179 designated and developed for office. On the north side of 73rd Street is a furniture store and the Venture Department store. South of Lot 4 is Lot 3, which is vacant, fronts 74th street and is approved for commercial uses as part of PUD-179-P.

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-179-P 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-179-V subject to the following conditions:

1. Development Standards:

Lot 3, Block 1

Permitted Uses:	Use Units 11, 13 and 14 excluding funeral homes
Maximum Building Height:	One story, not to exceed 22'
Maximum Building Floor Area:	6,800 SF
Minimum Building Setbacks:	
West boundary	5'
North boundary	12'
East boundary	28'
Centerline of 74th Place	50'
Minimum Landscaped Open Space	10% of lot

Lot 4 Block 1

Permitted Uses: Use Units 11, 13 14 and dry cleaning/laundry as allowed in Use Unit 15, excluding funeral homes

Maximum Building Height:	One story, not exceeding 22'
Maximum Building Floor Area:	9,000SF*
Minimum Building Setbacks:	
West Boundary	10'
South boundary	35'
East boundary	11'
Centerline of 73rd Street South	55'
Minimum Landscaped Open Space	10% of lot

*Of the 9,000 SF of building floor area, only 6,000 SF total may be used for Use Unit 13, 14, and dry cleaning/laundry uses and the dry cleaning/laundry use is limited to 3,000SF unless granted a variance for additional floor area by the Board of Adjustment.

2. Maximum permitted signage is as follows:

Ground signs

One ground sign per lot not to exceed 32 SF of display surface area each nor 8' in height.

Wall signs

Signs shall not exceed a display surface area of one square foot per each lineal foot of building wall to which it is attached.

No signs shall be flashing and illumination shall be by constant light.

3. A 6' high screening fence shall be erected along the east boundary of Lot 3, Block 1.
4. 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.
5. 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.
6. 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.
7. All trash, mechanical and equipment areas shall be screened from view of persons standing at ground level.
8. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet within the east 100' of Lot 3, Block 1.

- 9. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
- 10. No Building Permit shall be issued until the requirements of Section 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 during the subdivision platting process which are approved by TMAPC.

Applicant's Comments

Mr. Williams expressed agreement with Staff recommendation.

Interested Parties

Charles Sexton

8310 East 73rd Street 74133

Mr. Sexton owns the property directly east of the subject tract. He informed that this is an office building and much of his space faces the tract. Mr. Sexton informed that the PUD site plan approved in December 1982 or in 1993 indicates a mutual parking agreement as well as mutual access agreements. If this application is approved, 27% of his office parking will be removed.

It was the consensus of the Planning Commission to continue this item to allow Staff to research the existence of previous mutual access agreements.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Selph, Taylor "absent") to **CONTINUE** PUD-179-V to August 16, 1995.

Application No.: **PUD-267-9**: Minor Amendment and Alternative Compliance
Applicant: Robert J. Nichols
Location: Southeast corner of East 101st Street South & South Sheridan Road.
Date of Hearing: August 15, 1995
Presentation to TMAPC: Robert Nichols

Minor Amendment

The applicant is requesting approval of a Minor Amendment reducing the setback for a portion of the 101st Street frontage from 50' to 3'. The purpose of the request is to allow the extension of the banking facility drive-through canopy.

Staff finds the request not in keeping with the purpose and intent of the PUD and recommends **DENIAL**.

Alternative Compliance

Staff has not received the requested plans for the revised site, and has therefore not been able to review the proposed alternative landscaping proposal at the time the agendas were mailed out.

Should the Commission deny the above Minor Amendment, the landscaping issue is moot and Staff recommends **DENIAL**.

Should the Commission approve the above Minor Amendment, Staff recommends **CONTINUANCE** of the request for alternative compliance for a minimum of two weeks.

Comments

Mr. Stump announced that Staff only received the revised site plan one day before this meeting and determined that paving would be up to the property line. The sign would be required to be moved into the street right-of-way or be removed. He declared that Staff did not feel it was good precedent to set in a PUD to be this close to the right-of-way. Mr. Stump informed that no proposal for alternative compliance was made; therefore, Staff was unable to evaluate it.

Applicant's Comments

Mr. Nichols, attorney for the tenant and owner of the shopping center, explained why plans were not submitted. He informed that this application is being made to accommodate an additional drive-in lane. Mr. Nichols explained that if the minor amendment, to the site plan is approved an alternative landscape plan will then be presented. He informed that if the Planning Commission does not approve the minor amendment the property owner does not wish to expend funds for an alternative landscape proposal. Mr. Nichols presented photographs of the bank and explained the request for allowing the relocation of a curb along the north boundary of the shopping center. He explained that this change will allow installation of one additional ATM drive-in facility.

Mr. Gardner informed that unless records indicate that a variance was granted to build a canopy, a 50' building setback would have to be met. He informed that the sign plan does not indicate a canopy on the building. Mr. Gardner explained that if the canopy is part of the principal building and attached to the building, then the entire canopy counts toward building setback; however if it is a canopy over pump islands, then they are considered a structure, not a building.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Selph, Taylor "absent") to **CONTINUE** PUD-267-9 to August 23, 1995.

* * * * *

Application No.: **PUD-467-5** Minor Amendment

Applicant: David Brown

Location: Lot 7 and Lot 6, Block 1, Dickens Commons - west of the northwest corner of East 51st Street South and South Pittsburg Avenue.

Date of Hearing: August 9, 1995

The applicant is requesting approval of a Minor Amendment to allow an additional ground sign within the PUD. The additional sign would be located on the I-44 frontage of Lot 7 with a maximum height of 25 feet and a maximum display area of 144 SF. The sign currently approved for Lot 7, which is to be shared by Lots 5, 6 and 7, would be moved to Lot 6, retain its approved maximum display area of 144 SF and be shared by Lots 5 and 6.

Staff has reviewed the request and finds that the original approval allowed a total of 2 signs with 288 SF of display area on the I-44 frontage of the PUD and 3 signs with 303 SF of display area on the 51st Street frontage. There have been five minor amendments since that time. Approved signage currently stands at 3 signs along I-44 with 384 SF of total display area and 4 signs along 51st Street with 288 SF of total display area. Total increase has been 2 signs and 81 SF. The current request if approved will result in a total increase of 3 signs (2 along I-44) and 225 SF of display area. The length of the PUD's I-44 frontage is approximately 1025 feet and the length of the 51st Street frontage is approximately 1010 feet.

As has been indicated in other cases of similar nature, Staff prefers -- particularly in newer PUD's -- to adhere as closely as possible to the original signage standards. However, the request as proposed is in keeping with the character of the previous amendments to this PUD.

Therefore, Staff recommends **APPROVAL** of one additional ground sign to be placed in Lot 7 subject to the following:

1. A maximum of 25' in height and 144 SF of display area.
2. To be located at least 100' from the east and west property lines.

3. Relocation of the previously approved sign to the northeast corner of Lot 6. This sign shall be a maximum of 25 feet in height, encompass no more than 144 SF of display area and shall be shared by Lots 5 and 6.

Interested Parties

Rita Icenogle

5140 South Marion Avenue 74135

Ms. Icenogle expressed concern over excessive amounts of signage along 51st Street. She declared that residents want no more signage in the area. Ms. Icenogle explained that topography of her neighborhood causes them to have full view of lighted signage.

TMAPC Action; 8 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **8-0-0** (Ballard, Boyle, Ledford, Carnes, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Midget, Selph, Taylor "absent") to **APPROVE** PUD 467-5 as recommended by Staff.

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OTHER BUSINESS:

Consider a request from City of Tulsa Utility Board to approve their plans to build water storage tanks in Planning District 8. Determine if the proposed location of the water storage tanks is in conformance with the District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area as required by Title 19, O.S. - Section 863.8.

Staff Comments

Ms. Matthews reported that this item was reviewed with the Comprehensive Plan Committee and it was determined in reviewing the District 8 Plan language it was clear that the proposal to place the water storage tanks on west side of Elwood is not in accord with the Comprehensive Plan. She informed that the committee voted unanimously to find the proposal not to be in accord with the Comprehensive Plan.

It was the consensus of the Planning Commission to continue this item until after the public hearing to consider possible amendments to the District 8 Plan.

TMAPC Action; 9 members present:

On **MOTION** of **PACE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to **CONTINUE** consideration of a request from the City of Tulsa Utility Board to approve their plans to build water storage tanks in Planning District 8, and determine if the proposed location of the water storage tanks is in conformance with the District 8 Plan to September 6, 1995.

* * * * *

Consider calling a public hearing on possible amendments to the District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Comments

Ms. Matthews announced that this item was reviewed with the Comprehensive Plan Committee at their 11:30 a.m. meeting today. She informed that the committee voted to set public hearing for September 6, 1995 and specifically to consider two policy items, sections 6.6.2.5 dealing with placement of the water tower and 6.6.2.8 dealing with the sewage treatment plant in the District 8 Plan.

Ms. Gray informed that at the Comprehensive Plan Committee all aspects were considered and a review of the District 8 Plan regarding the Turkey Mountain Water Tank was called for. It was the consensus of the committee that the items Ms. Matthews referenced should be reviewed regarding location of the water tanks and sewage treatment plant.

Chairman Carnes instructed Staff to set the public hearing for September 6, 1995.

Consider request from Kevin Coutant, representing property owners in the Forest Hills area, to initiate rezoning of that area from RS-1 and RS-2 to RE and RS-1. Mr. Coutant is also requesting that TMAPC impose a moratorium on any new lot splits in this area until the rezoning matter is resolved.

Applicant's Comments

Mr. Coutant presented a map depicting the boundaries of the area under consideration.

TMAPC Action; 6 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **6-0-0** (Ballard, Carnes, Doherty, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Gray, Midget, Selph, Taylor "absent") to **INITIATE** rezoning in the Forest Hills area from RS-1 and RS-2 to RE and RS-1, set a public hearing for September 27, 1995, and impose a moratorium on any new lot splits in the area until the rezoning matter is resolved.

* * * * *

Approval of cross-parking agreement required by TMAPC as a condition of approval of Minor Amendment PUD 437-1.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Selph, Taylor "absent") to **APPROVE** a cross-parking agreement for Minor Amendment PUD 437-1.

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There being no further business, the Chairman declared the meeting adjourned at 5:05 p.m.

Date Approved: 8-23-95


Chairman

ATTEST:


Secretary

