

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2083

Wednesday, September 18, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Boyle
Carnes, Chairman
Dick
Doherty, 1st Vice Chairman
Gray
Horner
Ledford
Midget, Mayor's Designee
Pace, Secretary
Westervelt

Members Absent

Ballard

Staff Present

Almy
Gardner
Jones
Matthews

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, September 17, 1996 at 9:13 a.m., in the office of the County Clerk at 9:09 a.m., as well as in the Reception Area of the INCOG offices at 9:30 a.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of September 4, 1996, Meeting No. 2081:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-1** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; Boyle "abstaining"; Ballard, Midget "absent") to **APPROVE** the minutes of the meeting of September 4, 1996 Meeting No. 2081.

REPORTS:

Committee Reports:

Comprehensive Plan Committee

Mr. Ledford stated there are two items on the agenda today. Also there is a Committee Work Session today following the TMAPC meeting.

Rules and Regulations Committee

Mr. Doherty stated there is also a Rules and Regulations Committee meeting today.

Director's Report:

Mr. Gardner informed the Commission that there are two items on the City Council agenda for September 19, 1996. Those items are the daycare center at 97th & Mingo and a final subdivision plat for Rockhurst. Mr. Gardner stated he would be in attendance. Mr. Doherty stated he would also be in attendance.

SUBDIVISIONS:

Preliminary Plat:

Crossroads Christian Center (414)

(PD-15)(County)

Northeast corner of East 116th Street North & U.S. Highway 169

TAC Comments:

Jones presented the plat with Ted Sack present.

Jones mentioned that he talked with Terry Silva and the Health Department has approved the percolation tests. He advised if the septic field is relocated, a new perc test will be required.

Rains recommended that the engineer coordinate access to East 116th Street North (State Highway 20) with the Oklahoma Department of Transportation.

Crossroads Christian Center is a ten-acre subdivision plat which contains one lot. The Tulsa County Board of Adjustment approved church use on the property on December 21, 1993, subject to the site plan submitted.

Staff would offer the following comments and/or recommendations:

1. Show the septic lateral field on face of plat.
2. Identify unplatted area on key map.
3. Release letter from Washington County Rural Water District #3 is required.
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. 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).
6. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
7. Street names shall be approved by the County Engineer and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.
9. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
10. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
11. Limits of Access or LNA as applicable shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.
12. It is recommended that the Developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. Street lighting in this subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
14. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
15. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
16. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

17. The method of water supply and plans therefore shall be approved by the City/ County Health Department.
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 Owasso and Collinsville 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.

On the Motion of Miller, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of Crossroads Christian Center, subject to all conditions listed above.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **APPROVE** the Preliminary Plat of Crossroads Christian Center subject to the conditions as recommended by TAC.

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Plat Waiver, Section 213:

BOA-17475 (Unplatted)(1094)
14905 East 21st Street South

(PD-17)(CD-6)

TAC Comments:

Jones presented the application with Sy Pham present.

Herbert asked if the septic field had been paved over and the applicant replied it was that way when the property was purchased.

Herbert noted that fees may be paid for increases in impervious area.

Board of Adjustment case 17475 approved a special exception to permit church use and expansion for an existing church facility. The property is 2.5 acres in size and presently zoned AG. The applicant is requesting to waive the platting requirement established by the board action. The Major Street Plan designates East 21st Street South as a 120' primary arterial with 60' of right-of-way required on each side of the centerline.

Staff is supportive of the requested plat waiver, subject to the following conditions:

1. Dedication of 10' additional right-of-way to meet the Major Street Plan.
2. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
3. Utility extensions and/or easements if needed.

On the Motion of Shelton, the Technical Advisory Committee voted unanimously to recommend Approval of the Plat Waiver for BOA-17475, subject to all conditions listed above.

Applicant's Comments:

Sy Pham, 14905 East 21st Street, stated is representing the St. Joseph's Catholic Church and in agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **APPROVE** the Plat Waiver for BOA-17475 subject to dedication of 10' additional right-of-way to meet the Major Street Plan; grading and/or drainage plan approval by the Department of Public Works in the permit process; and utility extensions and/or easements if needed as recommended by TAC.

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BOA-17456 (Unplatted)(483)
3701 East 71st Street South

(PD-18)(CD-9)

TAC Comments:

Jones presented the application with no representative present.

French recommended that a mutual access easement be filed of record for the existing driveway to provide access to both the existing dwelling and proposed tower site. French also recommended that an access control agreement be filed for the existing access point to East 71st Street.

Board of Adjustment case 17456 approved a special exception to permit a cellular tower on the subject tract. The property is unplatted, approximately 40' x 40' in size, and has an underlying zoning of RS-2. The applicant is requesting to waive the platting requirement for the subject tract.

Based on the size of the tract and the nature of the use, Staff is supportive of the plat waiver. Additional development would probably trigger the platting requirement again and the tract could be reviewed at that time.

Staff recommends APPROVAL of the plat waiver for BOA-17456 as requested.

On the Motion of French, the Technical Advisory Committee voted unanimously to recommend Approval of the Plat Waiver for BOA-17456, subject to all conditions and recommendations listed above.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **APPROVE** the Plat Waiver for BOA-17456 subject to all conditions and recommendations as recommended by TAC.

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Lot-Split for Waiver of Subdivision Regulations:

L-18332 (983) Betty Cox
7602 South Marion

(PD-18)(CD-8)

Staff Recommendation:

This lot-split is a request to split 15' from Lot 6, Block 1, Timbercrest Addition and attach it to the adjoining lot, Lot 15, Block 1, Town and Country Addition. Staff has determined that each lot will meet the minimum bulk and area requirements for the RS-1 district. However, due to Lot 6, Block 1, Timbercrest Addition, having more than three side lot lines, a waiver of the Subdivision Regulations is necessary.

Technical Advisory Committee and staff recommend approval of the request since it will not adversely affect the surrounding area; and the lots will still meet the minimum bulk and area requirements for the RS-1 district.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **APPROVE** the Lot-split for Waiver for L-18332 and Waiver of Subdivision Regulations for a lot having more than three side lot lines as recommended by staff.

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Lot-Split for Ratification of Prior Approval:

L-18343 Ed Lawson (3093)
1920 East 41st Street

(PD-6)(CD-9)

L-18347 Tulsa Development Authority (2502)
Lot 3, Block 2, Harding Addition

(PD-2)(CD-1)

L-18348 Tulsa Development Authority (2502)
Lot 3, Block 2, Harding Addition

(PD-2)(CD-1)

L-18349 Tulsa Development Authority (2502)
Lot 1 and 2, Block 2, Strobel Addition

(PD-2)(CD-1)

L-18350 Tulsa Development Authority (2502)
Lot 2 - 4, Block 5, Dickason-Goodman

(PD-2)(CD-1)

Staff Comments:

Mr. Jones informed the Commission that these lot-splits for ratification of prior approval are in order and meet Subdivision Regulations. Staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **APPROVE** the Lot-split for Ratification of Prior Approval, finding them in accordance with Subdivision Regulations.

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CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6557

RS-2 to CS

Applicant: Phil Frazier

Location: 8181 East 31st Street

Presented to TMAPC: Charles Norman

Staff Recommendation:

Relationship to the Comprehensive Plan:

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

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

Staff Comments:

Site Analysis: The subject property is approximately 5.47 acres in size and located north and east of the northeast corner of East 31st Street South and South Memorial Drive. It is gently sloping, non-wooded, the northwest corner of the property is presently being used illegally for parking and storage for the automobile dealership to the north and is zoned RS-2.

Surrounding Area Analysis: The subject tract is abutted on the north by an automobile sales business and the Carpenter's Union building, zoned CS; to the northeast by a church, zoned OM; to the east by single-family dwellings, zoned RS-2; to the south by a stormwater drainage canal and beyond that a church, zoned RS-2; and to the west by an automobile sales business, zoned CS.

Zoning and BOA Historical Summary: Commercial zoning has extended from the intersection of East 31st Street South and South Memorial Drive along the south side of Skelly Bypass for many years. The northwest corner of that intersection was the most recent zoning action in this area; which resulted in CS zoning on three corners. The subject tract and the tract abutting the subject tract on the north have been granted special exceptions for church use.

Conclusion: The applicant is proposing to attach the subject tract to the property on the north as an extension of the automobile sales and storage. The only access to the subject tract would be through the adjoining commercial property. The Comprehensive Plan does not support commercial zoning beyond the existing CS zoning on the south side of the freeway service road. The CS zoning would have an adverse affect on the adjoining residential property to the east; therefore, staff recommends **DENIAL** of CS zoning on the subject property.

TMAPC Comments:

Chairman Carnes informed the Commission that he has received a timely request for continuance on this item. Mr. Gardner stated that the applicant had asked for a one-week continuance. However, the church, owner of the property, requested a Board Meeting to review the project; therefore, Mr. Frazier is requesting a one-month continuance.

TMAPC Action; 11 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **CONTINUE** the Zoning Public Hearing Z-6557 to October 23, 1996.

Legal Description for Z-6557:

A tract of land being part of Lot 8, Block 1, Groveland Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract being more particularly described as follows, to- wit: Beginning at the Northeast corner of Lot 8, thence S 48°34'30" W along the Northerly line of Lot 8 a distance of 528.67' to the Northwesterly corner of Lot 8; thence S 00°35'30" E along the West line of Lot 8 a distance of 351.82' to a point; thence Northeasterly to a point on the East line of Lot 8, said point being N 00°35'30" W a distance of 505' from the Southeast corner of Lot 8; thence N 00°35'30" W along the East line of Lot 8 a distance of 572.19' to the Northeast corner of Lot 8 and the Point of Beginning, and located east of the northeast corner of East 31st Street South and South Memorial Drive, Tulsa, Oklahoma.

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Application No.: PUD 549/CZ-229

AG to CG or IL/PUD

Applicant: Louis Levy

(PD-12)(County)

Location: South of southwest corner East 126th Street North & North
Garnett Road

Presented to TMAPC: Louis Levy

Staff Recommendation:

The applicant is proposing a mixed-use development on a 29.8 acre tract south of the southwest corner of 126th Street North and Garnett Road. All access would be from the 824' of frontage on Garnett Road.

The tract currently has an outdoor recreation facility on the western portion of the tract that was approved as a special exception by the Board of Adjustment under the current AG zoning. This was approved for only three years and the approval expired August 17, 1996.

This PUD application is accompanied by a rezoning request for IL zoning (CZ-229) on the entire tract. New uses that are proposed on the eastern portion of the tract include Use Units 10, 11, 12, 13, 14, 19 and 20, excluding funeral homes and live entertainment.

Staff can not support commercial-type uses in the south half of Development Area 2 because they would be directly north of and across Garnett Road from areas planned for low intensity uses. With this and modifications to the development standards, staff can support the PUD.

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-549 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 the PUD-549 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):

29.8 acres

Development Area 1 and North Half of Development Area 2

(west boundary amended to 330' west of centerline of Garnett Road)

Land Area (Gross):	4.40 acres
Permitted Uses:	Use Units 11, 12, 13, 14, video arcade, golf driving range, miniature golf course, batting cages, and jogging paths, other Use Unit 20 uses may be approved by minor amendment if they are found to be appropriate for the site, except no funeral homes, live entertainment or liquor store.
Maximum Building Floor Area:	
Use Unit 12 Uses:	15,000 SF
All Uses Combined:	60,000 SF
Maximum Building Height:	25'
Maximum Stories:	1
Minimum Building Setbacks:	
From centerline of Garnett Road:	100 feet
From west development boundary:	20 feet
From north development boundary:	50 feet
From south development boundary:	50 feet
Off-Street Parking:	As required by the applicable use unit of Tulsa County Zoning Code
Minimum Interior Landscaped Open Space:	25% of net area excluding landscaping right-of-way

South Half of Development Area 2

(west boundary amended to 330' west of centerline of Garnett Road)

Land Area (Gross):	1.47 acres
Permitted Uses:	Use Unit 11
Maximum Building Floor Area:	20,000 SF
Maximum Building Height:	22'
Maximum Stories:	1
Minimum Building Setbacks:	
From centerline of Garnett Road:	100 feet
From west development boundary:	20 feet
From north development boundary:	50 feet
From south development boundary:	50 feet

Minimum Parking Lot Setback:	
From centerline of Garnett Road:	55'
From south development boundary:	25'
Off-Street Parking:	As required by the applicable use unit of Tulsa County Zoning Code
Minimum Interior Landscaped Open Space:	25% of net area excluding landscaped right-of-way

Development Area 3

(east boundary revised to match amended west boundary of Development Areas 1 and 2)

Land Area (Gross):	23.94 acres
Permitted Uses:	Golf driving range, miniature golf course, jogging path, batting cages, and concession stands. Other Use Unit 20 uses may be approved by minor amendment if they are found to be appropriate for the site.
Maximum Building Height:	18'
Maximum Stories:	1
Minimum Building Setbacks:	
From centerline of Garnett Road:	500'
From north development boundary:	20'
From south development boundary:	250' (except maintenance buildings which shall be setback as approved by Detail Site Plan)
From west development boundary:	20'
Minimum Setbacks for outdoor recreational uses:	As approved by TMAPC during Detail Site Plan review process
Off-Street Parking:	As required for applicable use unit by the Tulsa County Zoning Code
Landscaped Open Space:	80% of lot area

3. A landscaped buffer strip shall be provided along the south boundary of Development Area 2 and depending upon design, may replace the requirement for a screening wall or fence on its southern boundary. The need for screening along other boundaries of the PUD shall be determined by TMAPC at the time of Detail Site Plan approval.

4. The following is the maximum signage permitted:

Development Area 1 and north half of Development Area 2

Three ground signs not to exceed 25' in height nor 64 SF each of display surface area.

Wall signs shall not exceed 1-1/2 SF per lineal foot of building wall to which the sign is affixed.

South half of Development Area 2

All signs shall comply with the sign requirement in the OL district.

Development Area 3

One ground sign is permitted on the Garnett Road frontage which shall not exceed 25' in height nor 64 SF in display surface area.

5. 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.
6. 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 Landscaped Plan for the 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 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' within 150' of the southern boundary of the PUD.
10. No Building Permit shall be issued until the requirements of Section 1170.5 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 County beneficiary to said covenants.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

CZ-229

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the southwest corner of the intersection of East 126th Street North and North Garnett Road to a depth of approximately 1,000' south along North Garnett Road extending approximately 500' west as Industrial High Intensity and the balance is designated as Rural Residential Intensity. Zoning in these areas designated as Rural Residential Intensity include AG and RE categories.

Areas designated rural residential intensity may be transitional and may be redeveloped to high intensity uses upon the availability of public services.

Staff Comments:

Site Analysis: The subject property is approximately 29 acres in size and is located south of the southwest corner of East 126th Street North and North Garnett Road. It is sloping, non-wooded, contains a clubhouse building and various outdoor recreational facilities that were approved in 1993, for a period of three years for intensive commercial recreation by the Board of Adjustment and is zoned AG.

Surrounding Area Analysis: The subject property is abutted on the north, south and east by scattered single-family dwellings and farm buildings, zoned AG; to the west by the A.T. & S. F. railroad right-of-way and beyond that vacant land, zoned AG; and to the northeast is a vacant tract zoned IL.

Zoning and BOA Historical Summary: The Board of Adjustment approved a special exception to permit golf driving ranges, miniature golf, putting range and accessory parking in 1993, for three years, on the subject tract. In 1994 a request to rezone 109 acres was approved for RE zoning on property located south and west of the subject tract.

Conclusion: The Owasso Comprehensive Plan designates Industrial - High Intensity on the southwest corner of the intersection of East 126th Street North and North Garnett Road to a depth of approximately 1,000' south along North Garnett Road extending approximately 500' west, and then to a depth of approximately 500' west of that point to the railroad right-of-way. Therefore, staff recommends **APPROVAL** of IL zoning from the railroad right-of-way on the west, to North Garnett Road at a depth that would not exceed the depth of the IL-zoned tract on the east side of North Garnett Road, and **DENIAL** of IL zoning on the balance.

Staff Comments:

Mr. Gardner presented staff's recommendation. Staff recommended IL zoning on all the property except the southern portion, making the IL line up with the IL across the street to the east. Mr. Gardner noted in regards to Use Units, video games were specifically included as a part of the recommendation, which included only uses that are presently or anticipated in the near future. Use Unit 20, which would allow a golf driving range, miniature golf course, batting cages and jogging paths and other uses in Use Unit 20, would require a minor amendment and giving notice to abutting property owners.

In area 2, the southern portion is limited to office use at this time. This allows harmony with other land uses in the area and allows the applicant to utilize the balance of the property in the way that it is currently being utilized, with additional commercial uses on the frontage across from the IL.

Applicant's Comments:

Louis Levy stated this matter was continued until today to allow time for him and staff to workout a solution. Mr. Levy stated that a solution has been agreed upon and he is in full agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to recommend **APPROVAL** of the PUD-549 subject to the conditions as recommended by staff and **APPROVAL** of the following portion of CZ-229 for IL Zoning and **DENIAL** of the remainder.

Legal Description for PUD 549:

Part of Government Lots 1 and 2, Section 6, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, described as follows: Commencing at the Northeast corner of said Lot 1; thence S 0°06'14" West along East line of said Lot 1; a distance of 497.03' to the Point of Beginning; thence continue South 0°06'14" East along said East line a distance of 411.86'; thence North 89°35'03" West, a distance of 1,575.68' to the East right-of-way line of the A.T. & S.F. Railroad; thence North 31°30'35" East along said right-of-way line, a distance of 481.00'; thence South 89°34'50" East, a distance of 664.80'; thence South 89°33'03" East, a distance of 660.00' to the said East line of Lot 1 and the Point of Beginning; and the South 411.86' of Government Lot 1 and the South 411.86' of Government Lot 2, that is East of the right-of-way line of the A.T. & S.F. Railroad in Section 6, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof and located south of the southwest corner of East 126th Street North and North Garnett Road, Tulsa, Oklahoma.

Legal Description for CZ-229:

Part of Government Lots 1 and 2, Section 6, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, described as follows: Commencing at the Northeast corner of said Lot 1; thence S 0°06'14" West along East line of said Lot 1; a distance of 497.03' to the Point of Beginning; thence continue South 0°06'14" East along said East line a distance of 411.86'; thence North 89°35'03" West, a distance of 1,575.68' to the East right-of-way line of the A.T. & S.F. Railroad;

thence North 31°30'35" East along said right-of-way line, a distance of 481.00'; thence South 89°34'50" East, a distance of 664.80'; thence South 89°33'03" East, a distance of 660.00' to the said East line of Lot 1 and the Point of Beginning; and the north 81.11' of the following tract - the South 411.86' of Government Lot 1 and the South 411.86' of Government Lot 2, that is East of the right-of-way line of the A.T. & S.F. Railroad in Section 6, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof and located south of the southwest corner of East 126th Street North and North Garnett Road, Tulsa, Oklahoma.

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ZONING PUBLIC HEARING:

Application No.: PUD-261-C-2

(Minor Amendment to increase display area - ground sign)

Applicant: David Brown

Location: 1403 East 71st Street

Presented to TMAPC: David Brown

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow increased display area for Wendy's Restaurant ground sign. The requested increase is from 100 sf to 120 sf.

Staff has reviewed the sizes of ground signs in the adjacent area and finds the request to be in keeping with the character of the area.

Staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to **APPROVE** the Minor Amendment PUD-261C-2 to increase display area for a ground sign as recommended by staff.

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PUBLIC HEARING TO AMEND THE COMPREHENSIVE PLAN:

Consider amendments to the District 2, 4, 6, 8, 11 and 18 Plan Maps and/or Texts and the 11th Street Corridor Study

Staff Comments:

Ms. Matthews stated these are "after-the-fact" amendments that staff processes every year for the housekeeping amendments to each plan. The Comprehensive Plan Committee has reviewed the amendments. Most of these changes resulted from a change in ownership of the property and change in use.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Ledford stated that these housekeeping amendments have been discussed by the Comprehensive Plan Committee and recommended approval.

Mr. Boyle questioned why District 25 was listed and nothing submitted. Ms. Matthews stated that District 25 was inadvertently placed on the preliminary agenda and removed from the final agenda. Ms. Matthews stated that the housekeeping amendment for District 25 involves the change in boundary for the Vo-Tech Airport and staff will included it during the District 25 update.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to recommend **APPROVAL** of the amendments to the District 2, 4, 6, 8, 11, 18 Plan Maps and/or Texts and the 11th Street Corridor Study as recommended by staff.

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PUBLIC HEARING TO AMEND THE MAJOR STREET AND HIGHWAY PLAN:

Consider amendments to the Major Street and Highway Plan to designate Quanah Avenue and Rosedale Avenue realigned as a residential collector as a result of the Charles Page Boulevard Area Neighborhood Revitalization Program.

Staff Comments:

Ms. Matthews presented the amendments to the Major Street and Highway Plan.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Ledford stated that these amendments were discussed by the Comprehensive Plan Committee and recommended approval.

Mr. Doherty reminded the Commission that during the Public Hearing to change Brady and Archer, there was discussion of these routes being alternatives.

TMAPC Action; 10 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining", Ballard "absent ") to recommend **APPROVAL** of the amendments to the Major Street and Highway Plan to designate Quanah Avenue and Rosedale Avenue realigned as a residential collector as a result of the Charles Page Boulevard Area Neighborhood Revitalization Program as recommended by staff.

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PUBLIC HEARING TO AMEND TITLE 42, TULSA REVISED ORDINANCES (TULSA ZONING CODE) AND THE TULSA COUNTY ZONING CODE:

Consider amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code reducing multifamily housing densities and increasing setback and screening requirements for various uses.

Staff Comments:

Mr. Gardner presented proposed amendments to the Tulsa Zoning Codes resulting from the multifamily housing study. The study determined that there are often problems with compatible land use relationships between multifamily and single-family due to the parking abutting the property line. This same problem occurs in non-residential districts as well. In order to keep the ordinance consistent, reconsideration had to be given to buffering and transition between office and single-family residential and commercial and residential.

Mr. Gardner pointed out the amendments to the Bulk and Area Requirements in the Residential Districts in regards to the densities, setbacks and parking lots being too close to single-family residential district. Mr. Gardner stated the multifamily density is determined based on the how many single bedroom units there are or how many two or more bedroom units there are in the complex. If units have two or more bedrooms, it would result in more people and require more parking. Therefore, when there are more multi-bedroom type units it requires more area for off-street parking and the total number of dwelling units on the lot is reduced based on the present formula for calculating density.

Mr. Gardner stated that rather than looking at the distinction between single-bedroom and multi-bedroom units, if a PUD is filed, the design of the complex can be tailored to meet the requirements which would make it appropriate as a transitional use. Mr. Gardner feels the problem with the parking lots abutting the property lines is more of a problem with conventional development.

Mr. Gardner stated the proposed amendments would eliminate "fewer than two bedrooms" and "two or more bedrooms" and add "within a PUD" and "not within a PUD" under Multifamily Development. A PUD would allow consideration of the maximum density, which is the least restrictive figure and does not represent any change from the existing code. A Non-PUD would reduce the densities under the proposed amendments. This would allow only 11 dwelling units per acre under RM-O, 18 for RM-1, 27 for RM-2 and 54 for RM-3. A PUD would allow consideration of 15 dwelling units per acre under RM-O, 25-1/2 for RM-1, 36 for RM-2 and 87 for RM-3.

In regards to setbacks, Mr. Gardner stated that currently the RT District allows the structure to be set within ten feet of a non-arterial street. The proposed amendment recommends 20 feet. The proposed amendments for RM-2 would require the structure to be set back 25 feet to avoid cutting off the light and air from the adjoining single-family. Also, the rearyard for RM-2 would require a 20 foot setback. Under RT, when dealing with a development area, the proposed amendments would require a 10-foot sideyard setback.

Mr. Gardner pointed out item 1, "All multifamily dwellings and their accessory buildings shall be set back at least 25 feet from any RE or RS district. A single-story limitation shall apply to multifamily dwellings which are within 50 feet of an RE or RS district. All three-story or greater multifamily dwellings shall be at least 75 feet from an RE or RS district."

Mr. Gardner stated since these items are related, under Section 603, Office, the setback from abutting AG or R District should be changed from 10 feet to 25 feet. Mr. Gardner pointed out that if the office unit is one-story, it would have to meet the 25-foot setback and not the one-to-one or two-to-one setback for buildings over 15 feet. Mr. Gardner stated under Section 702, Commercial Districts, the setback should be changed to 25 feet.

Mr. Gardner pointed out that two sections would have to be amended to accomplish the proposed amendments. Amend Section 1208.C by adding a new subsection 5, add Section 1302.C and amend Section 212.A.2. as corrected.

Interested Parties Comments:

L. E. Hobbs, 5846 South Hudson Place, stated he is in agreement with the green space. Mr. Hobbs feels trash dumpsters and compactors are a big problem in regards to the location on the complex. Mr. Hobbs feels the trash dumpsters and compactors should be located at the center of the complex. He feels this will reduce the amount of walking distances of the residents.

Mr. Hobbs stated he is also in agreement with the setbacks. He feels this is good because multifamilies with more than one story allow the residents to look down on the single-family. Mr. Hobbs feels that 22-1/2 units instead of 25-1/2 units with a PUD would be more appropriate and 15 units instead of 18 without a PUD.

Mr. Hobbs stated that a Special Exception would allow multifamily use in commercial district. Mr. Hobbs feels that the person wishing to change a piece of property that is not multifamily should be required to rezone the property and hold a public hearing, rather than going to the BOA for a special exception. Mr. Hobbs feels the special exceptions should be looked into.

Alan Carlton, 10770 South 77th East Avenue, stated he is speaking as one favoring the limited zoning changes being formally considered at today's public hearing. As proposed, Mr. Carlton feels the changes are a positive modification of Tulsa's Zoning Code. However, he feels the codes fails to deal with several of the more difficult and important aspects of the code. Mr. Carlton stated he would address one such aspect in somewhat

greater detail and requested that the TMAPC and the Tulsa City Council consider this matter fully and formally at a future public hearing as one portion of the current reexamination of Tulsa Zoning Codes.

Mr. Carlton proposed the institution of a Zoning Sunset Ordinance for Tulsa. Stating that such an ordinance would bring an end to the current policy of "once zoned, forever zoned" and would enable the City to better represent and protect its citizenry. He feels the practical effect of the current ordinance is to allow land speculators to buy and zone, for high density or commercial use, a parcel many years or even decades before there is any reasonable expectation for development. He claims the land speculators can merely sit on the property, without paying any higher property taxes than if it were zoned agriculturally and wait for the optimum time to sell, irrespective of what has developed around the parcel in the interim. Mr. Carlton feels this is not fair to the many homeowners who subsequently buy homes nearby. He further feels there is no legal requirement that such homeowners be notified of the adjacent zoning "timebomb" that may destroy their property values in the future.

Mr. Carlton stated the development of any parcel takes time and it would be unfair to set too short a time span to permit orderly development. For this reason, he is proposing a sunset three (3) years from the issuance of a zoning classification as the time period most appropriate. If, at the end of such time period, the parcel has not been developed as zoned, he feels the zoning should automatically be rescinded. If it has been developed at that time to a lower density zoning classification, he feels that should become its automatic classification. Mr. Carlton feels if the property still has not been developed, it should be downzoned, either to agricultural or to the lowest density category consistent with offsetting development. Mr. Carlton pointed out that three (3) years is the maximum duration for a BOA Special Zoning Exception. He feels if three (3) years is sufficient for development under such a variance, it should be sufficient for all zoning. Mr. Carlton is proposing this Zoning Sunset Ordinance to apply to all Tulsa property, whether already zoned or zoned in the future.

Mr. Carlton stated that the objective of his proposal is to require that zoning decisions be made near the time of development, when the character of the surrounding community is best known. He feels decisions made far in advance of actual development cannot possibly give proper consideration to what is in the best interest of the adjacent community. He feels the present system works, in many instances, to the direct detriment of nearby homeowners and other small property owners. Mr. Carlton stated it is not his purpose to make the zoning process any more difficult for anyone, only more timely, and thereby more fair to all.

Mr. Carlton pointed out that specific wording of any such ordinance is obviously a key issue. He believes Mr. Gardner and staff are qualified to advise the appropriate legal counsel concerning factors important in arriving at a well-and fairly-drafted code modification. Mr. Carlton stated he has thought about this proposal for some time, has a few ideas, and would be available to assist in any way possible.

Mr. Carlton feels some speculators will look at this proposal and cry that it is a "taking" by the City and that the City has no right to do so. This is simply untrue. If the City has a right to zone at all, and thereby limit the uses for a property, then the City clearly has the right to make "time" one condition of that zoning process. He feels where zoning is concerned, "use it or lose it" is a fairer process for the community at large than the status quo.

Mr. Carlton feels if the TMAPC acts, that most of the Commissioners will be approached to oppose a Zoning Sunset Ordinance by people having personal developmental vested interests that they believe may be threatened by his proposal. Mr. Carlton asked the TMAPC to take the long, fair view and not to cave in to the selfish interests of a few. He feels that the TMAPC and Tulsa City Council both have fiduciary obligations to all the citizens of Tulsa. "No time limit" on zoning is a "taking" from nearby individual homeowners all over the City. Mr. Carlton requested the TMAPC to consider what is best for all Tulsans and do the greatest good for the greatest number, the thousands of homeowners, voters and taxpayers who invest the most heavily in our community. Mr. Carlton requested the TMAPC to adopt a Zoning Sunset Ordinance similar to the one he proposed.

Jay Helms, Lincoln Property Company, stated that Lincoln Property is completing construction on a project at 77th & Memorial. Through the PUD process, Mr. Helms stated that they have been able to compromise and work with the homeowners adjacent to the property. He feels the PUD process applied to multifamily will work. Mr. Helms stated he is trying to build a quality project and have a long-term impact on the community.

Mr. Helms feels that not all people who live in multifamily projects are bad people. Mr. Helms informed the Commission that in his project, a minimum income of \$18,000 per year is required for the smallest unit and a \$45,000 income per year is required for the three-bedroom units.

Mr. Helms questioned the required setback and feels that the setbacks would be better directed if the code limited the trash dumpsters and these types of things by negotiating the setback and location during the PUD process instead of a zoning ordinance. Otherwise, Mr. Helms supports staff's recommendation.

Mr. Helms agrees with the standards for development with a PUD as long as there is flexibility in the planning process. He feels this proposal sets the minimum requirement and does not allow flexibility.

TMAPC Comments:

Mr. Doherty stated that Rules and Regulations considered these proposals and recommended adoption to the full TMAPC. He feels there are several additional questions and points that need to be discussed and considered.

Mr. Gardner informed the Commission the reason that staff recommended this approach on the PUD is that the TMAPC cannot mandate a PUD. However, Mr. Gardner feels that the development community will see the advantage of the additional number of dwelling units allowed through a PUD and therefore, file more PUD's. Mr. Gardner reminded the

TMAPC if there is not a PUD, then standards have to be established and approved. Mr. Gardner stated a PUD is flexible and allows this Board and the City Council to set the building setbacks and yards based on the surrounding land use patterns and other physical facts.

Mr. Doherty questioned, if approved, under straight zoning or a PUD, is it allowed to have a lesser setback if the circumstances or other factors involved warrant it. Mr. Gardner replied that the PUD Ordinance states that the TMAPC and the City Council establish the yards and building setbacks. Mr. Doherty stated the minimum is not the starting point, but the minimum under straight zoning and is negotiable under a PUD. Mr. Gardner stated this proposal allows for greater setback and greenspace between such uses.

Mr. Boyle questioned if the 25-foot setback is the first step in negotiations with the staff. Mr. Gardner replied the building setbacks for one-story and two-story units have not been changed; however, the proposal for three-story units is to change to 75 feet. Again, a PUD allows flexibility.

Mr. Midget stated he agrees with the 25-foot setback. However, he questioned why the setbacks off the street for townhouses and duplexes are 20 feet and not 25 feet, to make them consistent with single-family residences. Mr. Gardner replied the 20-foot setback is already a 100-percent increase, and if the TMAPC desires it may set it at 25 feet.

Mr. Ledford requested clarification on the setback and what is allowed within the setbacks in regards to one-story, two-story and three-story. Mr. Gardner replied the 25-foot setback is a greenspace that does not allow driveways or parking spaces. Mr. Doherty questioned if the greenspace applies only when adjacent to single-family residences. Mr. Gardner replied in the affirmative. The setbacks do not apply if the multifamily is adjacent to commercial or office. Mr. Helms questioned what is allowed in regards to the 50-foot and 75-foot setbacks for two-story and three-story units. Mr. Gardner clarified that parking spaces and driveways are not allowed in the 25-foot greenspace but allowed within the 50 and 75-foot building setback areas.

Mr. Midget questioned the reason for the four-foot screening fence. Mr. Gardner stated that when multifamily is adjacent to single-family, the front yard fence, if constructed at six feet, would block the view, light and air of the single-family.

Mr. Doherty asked for Mr. Linker's opinion on the three-year limitation on the TMAPC/BOA Special Zoning Exception. Mr. Linker stated there is a three-year limit in the code. Mr. Doherty questioned if the TMAPC is able to impose zoning with a sunset ordinance. Mr. Linker replied in the negative.

Mr. Boyle congratulated staff on their work in finding a balance between the various interests. He feels this is a proposal that properly walks the line between the interest of the owners and the interest of the abutting single-family owners.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-2-0** (Boyle, Carnes, Dick, Doherty, Gray, Midget, Pace, Westervelt "aye"; Horner, Ledford "nays"; none "abstaining"; none "absent ") to recommend **APPROVAL** of the amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code reducing multifamily housing densities and increasing setback and screening requirements for various uses as recommended by staff.

Interested Parties Comments:

Bob Parmele stated it was his understanding that the public hearing on the proposed amendments to the multifamily zoning section was for public input and information purposes only and that no action was to be taken today. He stated that he had several inquiries in that regard. He feels that the public hearing was for input, discussion and then referral to the Committee for modifications, and then another public hearing would be held with a recommendation resulting.

TMAPC Comments:

Chairman Carnes stated the motion could be rescinded.

Mr. Doherty stated that Mr. Boyle was not in attendance when the discussion was held in Rules and Regulations Committee and was not aware of that discussion. The suggested time-line by staff was to set it for public hearing to receive input and direction from the public.

Mr. Boyle stated he does not have a problem with rescinding the motion; however, he has not heard anything that would suggest that it needs to go back to committee. Mr. Doherty replied the proposed amendments do not need to go back to the committee. However, a delay to allow additional public input or consideration, if any, might be appropriate.

Mr. Dick questioned whether the agenda stated action was contemplated and feels the safe approach would be to rescind the motion and place it on another agenda for action.

Mr. Westervelt stated since he was not present during the Rules and Regulations Committee to discussion these amendments, this would allow him more time to review the proposed amendments.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to **RECONSIDER** the previous motion to approve the amendments to the Zoning Codes.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to **CONTINUE** the Public Hearing to amend Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code to October 2, 1996.

Chairman Carnes stated he has received a letter from Tulsa County Commissioner Robert Dick requesting the TMAPC initiate a zoning application on the proposed jail site and that it be placed on next week's agenda. Chairman Carnes directed staff to place the request on next weeks agenda.

OTHER BUSINESS:

PUD-536 Duane Phillips

1340 East 61st Street (Detail Site Plan for Ambassador Manor Nursing Center)

Staff Comments:

The applicant is requesting site plan approval for an addition to the existing nursing center. The proposed addition includes the remodeling of an existing residence and adding a connection between the residence and the main structure. The area of construction sits directly east of the existing structure. The applicant has represented that the purpose of the addition is to expand the existing nursing center use.

Staff has reviewed the request and finds that the request conforms to the height, setback and area requirements of the PUD. Staff has informed the applicant of parking and driveway requirements and the applicant has indicated that he will submit additional information regarding closure of existing gravel drives and location of required parking.

Staff recommends **APPROVAL** subject to the applicant's submittal of the requested information prior to the meeting on the 11th.

Should the applicant not submit the requested information, staff recommends **CONTINUANCE**.

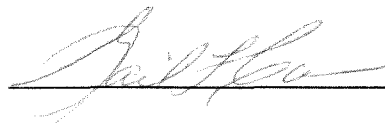
There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **Boyle**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to **APPROVE** the Detail Site Plan PUD-536 for Ambassador Manor Nursing Center as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 10-9-96


Chairman

ATTEST: 
Secretary