

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2111

Wednesday, May 7, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Ballard	Almy	Romig, Legal
Doherty	Boyle	Gardner	Counsel
Gray	Dick	Jones	
Horner	Midget	Stump	
Ledford	Westervelt		
Pace			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May 5, 1997 at 9:45 a.m., in the Office of the City Clerk at 9:26 a.m., as well as in the office of the County Clerk at 9:24 a.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:36 p.m.

Minutes:

Approval of the minutes of April 16, 1997, Meeting No. 2109:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of April 16, 1997 Meeting No. 2109.

Reports:

Committee Reports:

Rules and Regulations Committee:

Mr. Doherty stated there was not a quorum for today's schedule Rules and Regulations Committee; however, staff gave a brief report on the proposed changes to the use units. This is scheduled as a public hearing on today's agenda as well.

Community Participation Committee:

Ms. Gray informed the Commission that a workshop/training session was held last night with the neighborhood associations. There were approximately 75 to 80 people present. The topic for this workshop was code enforcement policies within the City of Tulsa. She stated another workshop/training session has been scheduled for September.

Director's Report:

Mr. Gardner stated there is a corridor site plan scheduled for the May 8, 1997 City Council meeting. Also the 57th Street closing request is also on the agenda. Mr. Doherty stated it is his understanding that a compromise has been worked out by Councilor Hall and that the Council will approve the closing.

SUBDIVISIONS:

Preliminary Plat:

MidFirst On Mingo (PUD-364) (1984) (PD-18) (CD-8)
North of the northeast corner of East 101st Street South and South Mingo Road

TAC Comments:

Jones presented the plat with David Brown present.

Brown noted that a 17.5' utility easement would be dedicated along the south property line and a detention easement on the east portion of the property.

French recommended that the mutual access be done by separate easement and not shown on the face of the plat.

Brown stated that the northern access point has been shifted 10 feet to the south and French concurred. Also, typographical errors in the covenants would be corrected.

Midfirst on Mingo is a one-lot commercial subdivision plat which contains 1.148 acres. A bank with drive-in facilities is proposed for the tract.

Staff would offer the following comments and/or recommendations:

1. A waiver of the Subdivision Regulations is required to permit the plat to be drawn at a scale of 1"=30' (1"=100' or 1" = 50' required).
2. Staff would question if the standard 17.5' utility easement is required.
3. All conditions of PUD-364 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. 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.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.
15. 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.)
16. 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.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)

21. This plat has been referred to Bixby and 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.
22. 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.)
23. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
24. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Miller, the Technical Advisory Committee voted unanimously to recommend approve the Preliminary Plat of Midfirst on Mingo, subject to all conditions listed above.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **APPROVE** the Preliminary Plat of Midfirst on Mingo subject to the conditions as recommended by TAC and waiver of Subdivision Regulations to permit the plat to be drawn at a scale of 1"=30.

Midwest Agape Chapel Addition (2773) (PD-20) (County)
 East of the northeast corner of East 171st Street South and South Yale Avenue

TAC Comments:

Jones presented the plat with Jack Ramsey present.

Silva recommended that construction plans be reviewed by his office to insure the retention facility is of adequate size.

Rains recommended that street dedication language be added to the deed of dedication.

French stated the building setback line should be extended across the Reserve area. In addition, a property line should be of the same width.

Jones suggested that the Reserve B stop 17.5' east of the west property line. This would keep the utility easement out of the sewage retention area.

Midwest Agape Chapel Addition is a one-lot subdivision plat which contains 20 acres and has been approved by the Tulsa County Board of Adjustment for church use. An earlier draft of the plat was reviewed by the Technical Advisory Committee at the March 20th meeting and approved for sketch plat only.

Staff would offer the following comments and/or recommendations:

1. Plat includes a replat or vacation and is therefore subject to Oklahoma State Statutes, Title 11, Section 42-106.
2. Staff would recommend the underlying plat be vacated in accordance with accepted legal procedures.
3. Relocate "Reserve A" north of utility easement.
4. Identify abutting property as "UNPLATTED".
5. 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.
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. 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.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the County Engineer and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.
14. 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.)
15. 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.
16. 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.

17. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. 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.)
19. The method of water supply and plans therefore shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
23. 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.)
24. This plat has been referred to Bixby and Glenpool 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.
25. 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.)
26. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
27. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Silva, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of Midwest Agape Chapel Addition, subject to all conditions listed above.

TMAPC Action; 6 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **APPROVE** the Preliminary Plat of Midwest Agape Chapel Addition subject to the conditions as recommended by TAC.

* * * * *

Plat Waiver, Section 213:

BOA-17694 (Rayburn Addition) (992)

(PD-10) (CD-1)

4728 Charles Page Boulevard

TAC Comments:

Jones presented the application with representatives present.

Somdecerff recommended that right-of-way be dedicated in order to meet the Major Street Plan including radius.

The applicant stated that no new construction is planned.

Board of Adjustment case 17694 is a special exception request to permit a church use in an existing commercial building. After review of the applicant's submitted site plan and land use maps, only 24.75' on right-of-way exists for both Charles Page Boulevard and South 49th West Avenue. The site plan shows parking in the designated rights-of-way of these two streets.

Although staff is supportive of the requested plat waiver, several conditions of approval would be appropriate for the development. Staff recommends approval of the plat waiver for BOA 17694, subject to the following conditions:

1. Dedication of additional right-of-way for Charles Page Boulevard and South 49th West Avenue to meet the Major Street Plan.
2. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
3. Access control agreement, if required by the Department of Public Works (Traffic Engineering.)
4. Utility extensions and/or easements if needed.

On motion of French, the Technical Advisory Committee voted unanimously to recommend approval of the Plat Waiver for BOA-17694, subject to all conditions listed above.

Applicant's Comments:

A representative for the application questioned the need for utility extensions and/or easements due to the electrical lines being located at the rear of the property. In regard to parking, he is willing to fulfill the obligations and requested the use of the current parking area until such a time as needed for the widening of the street.

TMAPC Comments:

Mr. Doherty stated the staff conditions are appropriate and will work. The condition of utility extensions and/or easements is a standard condition and goes on all plat waivers. He informed the representative that the Planning Commission does not grant license agreements; the City does.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **APPROVE** the Plat Waiver for BOA-17694 subject to the conditions as recommended by TAC.

BOA-17666 (Western Village Heights) (594)

(PD-5) (CD-6)

201 South Garnett Road

TAC Comments:

Jones presented the plat with no representatives present.

Discussion was given in regards to the southern access point being in a limits of no access area.

French recommended that a change of access be processed to show the drive.

Board of Adjustment case 17666 was a special exception request to permit a rehabilitation hospital, which was approved by the Board at the March 25, 1997 meeting. The use will be located in an existing one-story facility and will occupy a total tract size of 4.35 acres.

After review of the applicant's submitted site plan, staff can see no benefit to the city in a replat. The property is currently platted and all necessary right-of-way appears to be existing. In addition, the Board approved the use limited to the existing facility. Any expansion or additional use will require Board of Adjustment approval which will again trigger the platting requirement.

Staff recommends approval of the plat waiver for BOA 17666, subject to the following conditions:

1. Access control agreement, if required by the Department of Public Works (Traffic Engineering.)
2. Utility extensions or easements if needed.

On motion of Miller, the Technical Advisory Committee voted unanimously to recommend approval of the Plat Waiver of BOA-17666, subject to the conditions listed above.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **APPROVE** the Plat Waiver of BOA-17666 subject to the conditions as recommended by TAC.

BOA-17673 (Hillcrest Addition) (693)
2331 East 5th Place

(PD-4) (CD-4)

TAC Comments:

Jones presented the plat with representatives present.

Somdecerff recommended that 12 additional feet of right-of-way be dedicated for South Lewis Avenue to meet the Major Street Plan.

Board of Adjustment case 17673 is a special exception request to permit additional parking for an existing church. If approved by the Board, the property is subject to the platting requirement.

Based on the existing subdivision plat and proposed use, staff can see no benefit to the city with a replat. Staff recommends approval of the Plat Waiver for 17673, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On motion of Somdecerff, the Technical Advisory Committee voted unanimously to recommend approval of the Plat Waiver for BOA-17673, subject to all conditions listed above.

TMAPC Comments:

Mr. Doherty asked where there has been other right-of-way dedicated on the side of the street where the subject property is located. Mr. Jones replied there is none dedicated on the west side of the street of the subject property; however, there is some dedicated on the east side at 8th Street.

Mr. Doherty feels Lewis will not be widened any time in the near future. He stated he understands TAC's recommendation; however, he feels the dedication is inappropriate for the west side of the street.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **APPROVE** the Plat Waiver for BOA-17673 subject to the conditions as recommended by TAC except the requirement for 12 additional feet of right-of-way be dedicated for South Lewis Avenue to meet the Major Street Plan and Waiver of the Subdivision Regulation that requires such dedication.

BOA-17688 (Re-amended Forest Park) (793) (PD-4) (CD-4)
Southeast corner of East 11th Street South and South Trenton Avenue

TAC Comments:

Board of Adjustment case 17688 is an approved special exception to permit a new power plant as an accessory use to an existing hospital. Since the approval is for a Use Unit 2, the property is subject to the platting requirement. The applicant has requested an Administrative review (plat waiver not taken to the TAC) due to various time constraints. The applicant has reviewed the proposal with the Department of Public Works and the utility companies to determine requirements of the waiver. The applicant has agreed to dedicate an additional five feet of right-of-way for East 11th Street and Traffic Engineering has accepted the dedication for a total of approximately 40 feet (50 feet required by the Major Street Plan).

Based on requirements worked out by TAC members and the engineer, staff recommends **APPROVAL** of the Plat Waiver for BOA-17688, subject to the following conditions:

1. Dedication of five additional feet of right-of-way for East 11th Street South and a waiver of Subdivision Regulations requiring 50 feet total right-of-way.
2. Utility extensions or easements if required.
3. Grading and drainage plan approval by the Department of Public Works in the permit process.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **APPROVE** the Plat Waiver for BOA-17688 subject to the conditions as recommended by TAC and Waiver of the Subdivision Regulations requiring 50 feet total right-of-way.

Final Approval:

Newbury (Originally Cullinan Addition) (PUD-546) (2093) (PD-6) (CD-9)
South of the southeast corner of East 36th Street South and South Lewis Avenue

Staff Comments:

Mr. Jones stated all release letters have been received from the utilities and Public Works and everything has been signed off on. However, Legal Department has not approved the final Deed of Dedication Restrictive Covenants language. Therefore, staff recommends approval of the plat subject to Legal's approval of final Deed of Dedication Restrictive Covenants language.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **APPROVE** the Final Approval for Newbury (Originally Cullinan Addition, PUD-546) subject to Legal's approval of final Deed of Dedication Restrictive Covenants language.

Change of Access on Recorded Plat:

Burning Hills Addition (383) (PD-18) (CD-8)
South of the southeast corner of East 36th Street South and South Lewis Avenue

Staff Comments:

Mr. Jones stated a location map indicating the existing access and the new proposal for access along South Yale Avenue was included in the agenda packets. Staff has reviewed the change of access and finds no problems with the change.

Mr. Jones stated Traffic Engineering has signed off on the change of access; therefore, staff recommends approval of the change of access subject to the documents included in the agenda packet.

Interested Parties Comments:

Michael Meyers, 7060 South Yale, Suite 605, 74136, asked to review the location map. After review Mr. Meyers stated he has no objections to the change of access.

TMAPC Action; 6 members present:

On **MOTION** of **LEDFOORD**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-557/Z-5620-SP-9, subject to the conditions as recommended by staff and modified at the Public Hearing.

Lot-Split for Waiver of Subdivision Regulations:

L-18444 Stanley Allen (1263) (PD-20) (County)
19100 Block South Memorial Drive

TAC Comments:

Jones presented the request with Mr. Allen present.

Mr. Allen could state no physical reason why the right-of-way could not be granted.

Jones explained that a rezoning application was pending and if approved, the property would be subject to plat. Mr. Allen stated he would dedicate the property in the platting process.

Lot-split 18444 is a request to split the east 130' from Tract A and attach it to Tract B, creating two five-acre lots. Staff has determined that each new lot will meet bulk and are requirements for the AG zoning district.

According to the zoning code, the applicant is required to dedicate 50' of right-of-way along South Memorial Drive and East 191st Street South. The applicant is requesting that this requirement be waived.

On motion of Rains, the Technical Advisory Committee voted unanimously to recommend denial of the Waiver of the Subdivision Regulations for L-18444.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **DENY** the request to waive Subdivision Regulations requiring dedicating 50 foot of right-of-way along South Memorial Drive and East 191st Street South as recommended by TAC.

TMAPC Comments:

Mr. Doherty stated the zoning case was denied and informed the applicant to apply for a principal use variance.

Mr. Doherty feels a Tack Shop is a commercial use and as a commercial use on the corner of two arterial streets, it will generate additional traffic. He feels this is a good reason to require a dedication of right-of-way.

Staff Comments:

Mr. Gardner questioned whether the applicant will be forced to dedicate the right-of-way in the event that relief is not granted by the County and the applicant, therefore, has only two residential lots. Mr. Doherty replied if the applicant is not granted relief, he can come before the Commission and request a waiver.

Mr. Gardner feels if the application is being tied to zoning, then the request should be subject to BOA approval. Mr. Doherty stated he agreed and made a motion to reconsider the motion.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **RECONSIDER** the motion for Lot-split for Waiver of Subdivision Regulations for L-18444.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Dick, Midget, Westervelt “absent”) to **DENY** the request to waive Subdivision Regulations requiring dedicating 50 foot of right-of-way along South Memorial Drive and East 191st Street South as recommended by TAC subject to approval by the County Board of Adjustment of a principal use variance for commercial operation, and should the County Board of Adjustment deny the principal use variance the dedication of right-of-way would be waived.

Lot-splits for Ratification of Prior Approval:

<u>L-18421 Sherman Holt</u> (122) East 184 th Street North and North Cincinnati	(PD-13) (County)
<u>L-18445 William Kelley</u> (3113) 6624 North Victor	(PD-12) (County)
<u>L-18447 Timothy Hayes</u> (1993) 1427 East 36 th Street	(PD-6) (CD-9)
<u>L18450 Admiral Properties</u> (293) 7474 East Admiral Place	(PD-5) (CD-3)
<u>L-18457 Jennifer Jefferson</u> (1773) 14801 South Lewis	(PD-21) (County)
<u>L-18462 Tulsa Development Authority</u> (693) 2260 East 5 th Place	(PD-4) (CD-4)
<u>L-18463 City of Tulsa</u> (694) 1020 South Garnett	(PD-5) (CD-6)
<u>L-18464 City of Tulsa</u> (694) 11106 East 7 th Street	(PD-5) (CD-6)
<u>L-18465 Heilbronn Dev. LLC</u> (793) 1124 South Lewis	(PD-4) (CD-4)
<u>L-18470 Brian Meeker</u> (213) 12305 North Sheridan	(PD-15) (County)

Staff Comments:

Mr. Jones stated these lot-splits are in order and meet the Subdivision Regulations; therefore, staff recommends approval.

TMAPC Action; 6 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **RATIFY** these Lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

CONTINUED ZONING TEXT AMENDMENT PUBLIC HEARING:

Proposed Amendments to Tulsa County Zoning Code in regard to regulation of communication towers.

Chairman Carnes informed the Commission that staff requested continuance to May 21, 1997.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **CONTINUE** the Zoning Text Amendment Public Hearing to consider proposed amendments to Tulsa County Zoning Code in regard to regulation of communication towers to May 21, 19197.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-560

AG to IL/PUD

Applicant: David Brown

(PD-17) (CD-6)

Location: West of southwest corner East Admiral Pl. and South 161st East Ave.

Presented to TMAPC: David Brown

(Planned Unit Development for light industrial uses.)

Staff Recommendation:

The applicant is proposing a light industrial planned unit development on a 12.5 acre tract on the south side of Admiral Place west of 161st East Avenue. The PUD proposes four development areas, three for industrial development and one on the west side of the PUD reserved for stormwater drainage which is to act as

a buffer for properties to the west. The north 350' measured from the centerline of Admiral Place is zoned IL. Immediately east of the proposed PUD is an industrial PUD that extends 660' south of the centerline of Admiral Place. The depth of PUD-560 would be 600' from the centerline of Admiral.

Across Admiral Place to the north are industrial developments zoned IL and to the south of the proposed PUD is a 100' wide drainage way and then vacant land zoned AG. To the west the northern half of the PUD is adjacent to vacant land zoned CG and on the southern half, vacant land zoned RMH.

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-560 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding area; (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-560 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 (Total Net):	12.5 acres
Dev. Area 1	112,095 SF
Dev. Area 2	112,630 SF
Dev. Area 3	236,500 SF
Dev. Area 4	83,275 SF

Permitted Uses:

Dev. Areas 1, 2 and 3	As permitted by right in an IL-zoned district. Uses allowed by exception in the IL district may be permitted if approved by minor amendment.
-----------------------	--

Dev. Area 4	Stormwater drainage and detention and buffer strip.
-------------	---

Maximum Building Floor Area:

Dev. Area 1	75,000 SF
Dev. Area 2	75,000 SF
Dev. Area 3	62,000 SF
Dev. Area 4	0 SF

Maximum Number of Buildings Per Dev. Area:

Only one building is permitted in each of Development Areas 1-3.

Maximum Building Height: 50'

Minimum Building Setbacks:

From centerline of Admiral Place	100'
From south boundary of Dev Areas 1-3	50'
From east boundary of PUD	17.5'
From all other development area boundaries	15'

Minimum Landscaped Open Space 5% of each Dev. Area

Other landscaping shall be as required in Chapter 10 of the Tulsa Zoning Code and as provided in the applicant's outline development plan.

Maximum Permitted Signage:

Ground Signs shall be limited in Development Areas 1 and 2 to one sign per development area each not exceeding 150 SF of display surface area nor 25' in height. In Development Area 3, two signs are permitted, one not exceeding 250 SF of display surface area nor 25' in height and the other not exceeding 70 SF nor 8' in height. No ground signs are permitted in Development Area 4.

Wall Signs in Development Areas 1-3 are permitted on all but the south facing building walls and shall not exceed one square foot of display surface area per lineal foot of building wall to which it is attached.

3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with

the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

5. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All parking lot lighting shall be directed downward and away from adjacent residential areas.
7. 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.
8. No Building Permit shall be issued until the requirements of Section 1107F 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Doherty clarified that on page three of the applicant's submittal the total building floor area should read 212,000 SF. Mr. Stump replied in the affirmative.

Mr. Doherty questioned how the reserve area outside of the PUD would be enforced. Mr. Stump replied that if the applicant changed his mind, it would not be enforceable; however, it is staff's understanding the reserve area will be included in the subdivision plat and the plat would reserve the area for drainage.

Mr. Doherty questioned whether a condition of approval would be subject to the reserve area being included in the subdivision plat would be appropriate. Mr. Stump replied the condition would be appropriate.

Mr. Stump asked whether the applicant agrees with the condition in regard to the reserve area. The applicant indicated he does not have a problem with this condition.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to recommend **APPROVAL** of PUD-560 subject to the conditions as recommended by staff and subject to the condition that the reserve area, which is outside of the PUD, be shown on the plat.

Legal Description for PUD-560:

The North 600' of the West Half of Government Lot 7 and the North 600' of the West Half of the East Half of Government Lot 7 of Section 3, T-19-N, R-14-E, Tulsa County, State of Oklahoma, and located east of the southeast corner of East Admiral Place and South 145th East Avenue, Tulsa, Oklahoma.

* * * * *

ZONING TEXT AMENDMENT PUBLIC HEARING:

Proposed Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code as follows: Comprehensive Review and proposed amendments to Chapter 12, Use Units and related miscellaneous Sections of the Codes, and Chapter 18 Definitions and other items of the Codes of a "housekeeping nature."

Staff Comment:

Mr. Gardner stated this item was not intended to be finalized today. He stated the project consisted of taking a comprehensive look at all the use units, and based on staff's experience with the Board of Adjustment and working with the ordinance, staff is proposing some improvements, not only for the building inspector in being able to administer the code more easily, but also for better understanding by the applicant. He stated more uses will be specifically listed under the use units to which they apply.

Mr. Gardner briefly explained the three documents, Use Units, Appendix B and minor housekeeping items, that were included in the agenda packets. He noted strikeout type indicates language being omitted and bold type indicates language being added.

Mr. Gardner stated one of the items Rules and Regulations Committee changed today was moving tag agencies from Use Unit 11 to commercial use. The Committee also requested staff to look at copying services, especially those that are open for 24-hours a day, as a commercial use.

Mr. Gardner noted a new category called Assisted Living Centers. This category is being added to the multifamily category and permitting these type of facilities will be by exception from the Board of Adjustment.

Mr. Gardner stated one of the housekeeping items is in regard to mobile homes and the one-year time limitation so the Board of Adjustment may grant an exception and a variance at the hearing.

Mr. Gardner stated copies of the proposed amendments were distributed to various interest groups and agencies. He suggested another working session be scheduled for May 21, 1997 to further review the proposed amendments and receive input from interested parties. Therefore, this hearing will need to be continued to a specific date to keep the public notice in affect. He suggested June 4, 1997.

There were no interested parties wishing to speak at this time.

TMAPC Comments:

Mr. Doherty stated the regular work session on May 21, 1997 would be appropriate for reviewing and discussing the proposed amendments and that a subsequent special meeting could be scheduled prior to the next public hearing if necessary.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **CONTINUE** Zoning Text Amendment Public Hearing to June 4, 1997 for proposed amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code as follows: Comprehensive Review and proposed amendments to Chapter 12, Use Units and related miscellaneous Sections of the Codes, and Chapter 18 Definitions and other items of the Codes of a "housekeeping nature".

* * * * *

ZONING PUBLIC HEARING:

Application No.: PUD-190-37

(PD-17) (CD-6)

Applicant: Eric Bentley

Location: 5632 East 76th Street

Presented to TMAPC: Eric Bentley

(Minor Amendment to reduce the required setbacks on the south and west property lines from 3 feet to 0 feet to allow a detached accessory building.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required setbacks on the south and west property lines from 3 feet to 0 feet to allow a detached accessory building. The applicant has completed construction of the 40-foot by 15-foot structure which incorporates a storage and covered pool deck area enclosed on three sides. The structure was constructed with the 40-foot length against the fence and lot line of the property and rear yard to the west. The 15 foot width of the structure abuts a 50-foot open space and utility easement area to the south.

Staff has reviewed the applicant's proposal and finds the structure constitutes an accessory building and not a covered patio. Although the bulk and area of the accessory building meet the requirements under Section 402 B (1) c & d of the Code, the location of the structure, relative to the lot to the west, constitutes an encroachment on the abutting property.

Staff finds that the required 3-foot setback from lot lines is intended to maintain the openness of adjoining yards. The accessory structure has the effect of closing in 40 feet of one side of the rear yard of the property to the west. (Siting the structure along the southern property line which backs to an easement and open space may provide relief to the property owner to the west as well as allow the applicant the full use of his pool and deck.)

Staff therefore, recommends **DENIAL** of the minor amendment as submitted.

Applicant's Comments:

Eric Bentley, 5632 South 76th Street, 74136, stated he has obtained the permits for the building; however, the building is six to eight months under construction.

Mr. Bentley stated he acted in good faith in regard that he checked with PSO and ONG on the easements, as well as the neighborhood covenants for restrictions on the roof and other related items.

Mr. Bentley stated he was unaware of the setback requirements. He informed the Commission the building is completed. It is an arbor designed to be attached to the pool and decking. He stated he did not hear any complaints during the time of construction.

Mr. Bentley stated he was recently advised that the setback was not really to zero feet, but his fence is actually within six inches to one foot of being on the property. He assumed the zero setback was the property line, and not the fence line. He stated the inspector that came out to look at the building also assumed the fence was the zero line as well.

Mr. Bentley stated the building is a very nice structure. He feels it will a substantial cost to move the building the required three feet. He reminded the Commission the building has been constructed and completed for approximately four to six months and he has not heard any complaints.

Interested Parties Comments:

Ken McGill, 5626 East 76th, 74136, stated he lives next door and backs up to the subject property. Mr. McGill stated when the project started last summer he spoke to Ms. Bentley and expressed he was not happy with the project. He stated Ms. Bentley replied that once it was completed, the project would be to his liking.

Mr. McGill stated the building takes up approximately 70 percent of the Bentley's backyard and rises approximately 12 or 15 feet. He presented a picture that indicates the sight from his backyard.

Mr. McGill stated he attended the Homeowners Association meeting and reviewed the plat and covenants. There was nothing specifically addressing the building. At that time Mr. McGill went to Code Enforcement and a request for a variance was filed.

Mr. McGill pointed out that the roof angle covers approximately 600 square feet and drains directly in to his backyard. He stated the area in which the water drains is not a well-drained area and stays wet constantly.

Mr. McGill asked the Commission to deny the request.

David Northern, 4101 South Poplar Avenue, Broken Arrow, 74011, stated he is the contractor who failed to get a permit for the subject structure. He stated he was told, since talking to the permit office, that his criteria for obtaining a permit were different from those of the permit office. He stated he now has three different criteria. He was under the understanding since the building is not a concrete, permanent structure a permit is not required. He stated the person at the permit office implied that for anything 30 inches above the ground a permit is needed. Finally, the inspector stated anything over 100 square foot (10 x 10) requires a permit. He stated he is still not sure what actually requires a permit.

Mr. Northern stated he would like to resolve the difference and satisfy all parties concerned. He stated moving the structure three feet would make the site distance even more limited. In regard to drainage, Mr. Northern intended to provide guttering on the structure. He stated the final construction work, painting and trimming, have been halted until this matter has been resolved.

Applicant's Rebuttal:

Mr. Bentlay stated the area behind his home is a greenbelt and Mr. McGill's home is located to the left of his home.

Mr. Bentlay feels there was ample time to voice complaints and corrective measures could have been taken. He feels the movement of the structure will be a considerable expense and still be visible by Mr. McGill.

Mr. Bentlay stated there area PSO power poles located in the greenbelt behind there home.

TMAPC Comments:

Mr. Doherty asked Mr. Bentlay why he did not obtain a building permit at the time of construction. Mr. Bentlay replied he had multiple contractors on the site for the past three years making improvements and repairs to the property, and he was never really advised a permit was need since it was a pool-related deck-type structure.

Mr. Doherty asked who actually built the structure. Mr. Bentlay replied the structure was build by the contractor.

Mr. Doherty asked what happened to the required rear yard. Mr. Stump replied for a detached accessory building the setback is only three feet from the rear or side yard. Mr. Doherty stated the structure cannot occupy more than a certain percentage of the yard. Mr. Stump replied the percentage is 20, but noted the lot is 130 plus feet wide and the structure is only 15- to 20-feet wide.

Ms. Gray asked for clarification of Mr. McGill's home. Mr. Bentlay replied he is to the west of his home.

Ms. Gray asked whether it would be a problem to rotate the building to face the common area or greenbelt between the properties. Mr. Bentlay replied rotating the building would provide no privacy for either parties and the cost is a factor.

Ms. Gray stated, being a realtor, she is aware there may be problems in the future trying to sell the property with the encroachment into the easement. Mr. Bentlay stated if he rotated the building as suggested, the building would be subject to the PSO power poles overhead.

Mr. Doherty asked whether Mr. Bentlay has discussed the project with his neighbors since the application has been filed. Mr. Bentlay replied in the negative. Mr. Doherty stated a one-week continuance to allow Mr. Bentlay to discuss the project with his neighbors and maybe compromise an agreement may be appropriate at this time.

Mr. Doherty stated Mr. Northern indicated he would like to resolve the problem and make it right for all parties involved and feels Mr. Northern made an honest mistake in this particular project.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **CONTINUE** the Zoning Public Hearing PUD-190-37 to May 14, 1997.

Application No.: PUD-460-1

(PD-18) (CD-8)

Applicant: Roy D. Johnsen

Location: North of northwest corner East 81st Street and South Mingo Road
(*Minor Amendment to allow smaller lots in one development area and private streets in three development areas.*)

Chairman Carnes stated a request for continuance to May 14, 1997 has been received from the applicant in order that the minor revision to the development standards can be submitted to staff for review and in order that additional studies may be completed concerning the issue of private streets.

Interested Parties in the audience agreed to the continuation of this item.

TMAPC Comments:

Mr. Doherty suggested Mr. Johnsen meet with the interested parties today and explain and discuss any questions they may have.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Midget, Westervelt "absent") to **CONTINUE** the Zoning Public Hearing for PUD-460-1 to May 14, 1997.

OTHER BUSINESS:

PUD-405-A Stan Ewing

(PD-18) (CD-8)

9300 South Memorial Drive

(Revised Site Plan approval to remove an existing monopole tower and related equipment and install a larger monopole and equipment shelters serving three communications companies.)

Staff Recommendation:

The applicant is requesting revised site plan approval to remove an existing 92-foot monopole tower and related equipment and install a 150-foot monopole and equipment shelters serving three communications companies - Western Wireless, AT&T and US Cellular. Major Amendment approval in 1993 allowed Use Unit 4 and a 150-foot monopole in the CO District. Following major amendment approval of the 150-foot monopole, only a 92-foot monopole was constructed.

Staff review of the information submitted with the application indicates the proposed antenna and supporting structure meet setback, screening and access requirements of the recently-approved antenna and supporting structure chapter of the code. The application indicates that all existing equipment, concrete pads and buildings will be removed. New equipment will be installed to facilitate the collocation of three service providers on the 150-foot antenna-supporting structure.

New equipment will consist of a 60-foot by 50-foot fenced enclosure containing the 150-foot monopole tower, a 20-foot by 26-foot equipment shelter (US Cellar), a 12-foot by 24-foot equipment shelter (AT&T) and an equipment box (Western Wireless) mounted on a 10-foot by 20-foot concrete pad. Additionally, 12 trees will be installed outside and along the eastern and southern boundaries of the fenced enclosure.

Staff analysis of the surrounding area indicates the tower site will be surrounded by vacant land to the west and southwest and will be 400 feet west of Memorial Drive, 500 feet north of the Creek Turnpike, 1,000 feet south of a commercial shopping district and 1,200 feet southeast of residential uses. Land to the immediate northeast and southeast of the tower site has been partially developed with two retail tire stores facing Memorial Drive and East 93rd Street. Vacant land to the west is forested and is within a drainage reserve area.

Therefore, based on analysis of the Revised Detailed Site Plan, staff recommends **APPROVAL** of the application as submitted.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Dick, Midget, Westervelt “absent”) to **APPROVE** Revised Site Plan PUD-405-A to remove an existing 92-foot monopole tower and related equipment and install a 150-foot monopole and equipment shelters serving three communications companies as recommended by staff.

PUD-306 Stan Ewing

(PD-18) (CD-26)

Northeast corner 101st Delaware

(Site Plan approval to build a 130-foot collocatable monopole antenna, supporting structure and related equipment.)

Staff Recommendation:

The applicant is requesting site plan approval to build a 130 foot collocatable monopole antenna and supporting structure and related equipment just south of the Creek Turnpike. The 1,600 square foot tower site is 140 feet south of a turnpike exit ramp, 220 feet north of East 101st Street South, 440 east of South Delaware Avenue, and 143 feet west of an RM-O District boundary.

Staff review of the application indicates the tower is set back 110% of its height from a residential district and provides a 20-foot access easement to East 101st Street. The applicant indicates that the tower can accommodate a total of three service providers.

The proposed facility will be located in Development Area J of the PUD which is designated as a commercial area with underlying CS Zoning. No other conditions relating to CS uses are specified in the PUD. Use Unit 4, therefore, is allowed by right.

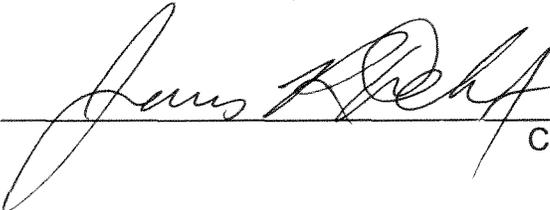
Staff, therefore, recommends **APPROVAL** of the detailed site plan as submitted.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Dick, Midget, Westervelt “absent”) to **APPROVE** Site Plan PUD-306 to build a 130 feet monopole antenna, supporting structure and related equipment as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved: 5/21/97

 Chairman

ATTEST:  Secretary

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2110

Wednesday, April 23, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard		Almy	Linker, Legal
Boyle		Gardner	Counsel
Carnes, Chairman		Matthews	
Dick		Stump	
Doherty, 1st Vice Chairman			
Gray			
Horner			
Ledford			
Midget, Mayor's Designee			
Pace			
Westervelt, Secretary			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 21, 1997 at 9:40 a.m., in the Office of the City Clerk at 9:22 a.m., as well as in the office of the County Clerk at 9:21 a.m.

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

REPORTS:

Committee Reports:

Comprehensive Plan Committee:

Mr. Ledford stated a joint committee session was held prior to the Planning Commission meeting to review the Downtown Plan CIP projects and found the plan in accordance with the Comprehensive Plan.

Rules and Regulations Committee:

Mr. Doherty stated the Rules and Regulations Committee concurs that the Downtown Plan CIP projects are in accordance with the Comprehensive Plan.

Community Participation Committee:

Ms. Gray informed the Commission that the agendas for the May 6, 1997 workshop/training session have been distributed. The topic for the session is code enforcement.

Director's Report:

Mr. Gardner stated there are no zoning items scheduled for the April 24, 1997 City Council meeting. However, there are some platting items and the closing of 57th Street scheduled.

SUBDIVISIONS:

Lot-Splits for Ratification of Prior Approval:

- L-18430 George Garrett Estate** (914) (PD-15) (County)
11421 North 129th East Avenue
- L-18454 Jerry White** (691) (PD-23) (County)
17301 Wekiwa Road
- L-18455 Loy Raines** (824) (PD-14) (County)
Southeast corner 169th Street North and North 123rd East
- L-18456 Tom Grant, Jr.** (3294) (PD-18) (CD-5)
West of northwest corner East 61st and South 129th East Avenue
- L-18458 Greg Daubney** (1873) (PD-21) (County)
1633 East 151st Street South

Staff Comments:

Mr. Jones stated these lot-splits are in order and meet the Subdivision Regulations; therefore, staff recommends approval.

TMAPC Action; 11 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **11-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

CONTINUED ZONING TEXT AMENDMENT PUBLIC HEARING:

Proposed Amendments to Tulsa County Zoning Code in regard to regulation of communication towers.

TMAPC Comments:

Mr. Doherty stated staff has continued working on the amendments to the County Zoning Code in regard to regulation of communication towers. There are differences of applications between the City and County Code. He suggested continuance to May 7, 1997.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **11-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the Zoning Text Amendment Public Hearing for proposed Amendments to the Tulsa County Zoning Code in regard to regulation of communication towers to May 7, 1997.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-557/Z-5620-SP-9

CO to PUD

Applicant: Charles E. Norman

(PD-18) (CD-8)

Location: Southeast corner East 93rd Street and South Memorial Drive

Presented to TMAPC: Charles E. Norman

(Planned Unit Development and Corridor Site Plan for a multifamily residential subdivision on the east half and a commercial area on the west half.)

Staff Recommendation:

PUD-557:

The proposed PUD contains approximately 16 acres and is zoned CO. The subject tract was previously approved "conceptually" for 640 multifamily dwelling units in Corridor Site Plan Z-5620-SP-1, but no detailed Corridor Site Plan was ever submitted for approval. The tract is bordered by the Mingo Valley Expressway on the south, Memorial Drive on the west, 93rd Street on the north and a single-family subdivision on the east. Automobile-related commercial development has been permitted on the west side of Memorial Drive and a 416-unit apartment complex built at 35 units to the acre is on the north side of 93rd Street South.

The PUD proposes two development areas which split the tract into a commercial area on the west half and an apartment area on the east half. Staff can support most commercial uses on the west half of the PUD with adequate buffering and access control along 93rd Street to protect the existing residential area to the north. The apartment area is proposed to be developed at the same density as the apartment complex to the north (35.8 units to the acre). Staff cannot support this high density immediately adjacent to single-family dwellings with the development standards proposed by the PUD.

An outdoor advertising sign is also proposed in the commercial development area. Staff cannot support including an outdoor advertising sign as a permitted use in the PUD because there is no commercial area that is at least 1200 feet from the outdoor advertising sign already approved on the west side of Memorial Drive.

Staff finds the uses and intensities of development proposed with modifications proposed by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-558 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-558 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

Area:

Gross:	9.12 Acres	397,396 SF
Net:	8.00	348,480 SF

Permitted Uses:

Use Units 11, 13, 14, 16 and automobile and light truck sales, new and used, service and repair, and uses customarily accessory to permitted uses.

Maximum Aggregate Building Floor Area: 80,000 SF

Maximum Land Coverage by Buildings: 30%

Minimum Building Setbacks:

From the centerline of construction of South Memorial Drive	200 FT
From the centerline of East 93rd Street South	100 FT
From the east property line	20 FT
From the south boundary	40 FT

Maximum Building Height:

35 FT

Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

- * Maximum Number of Vehicles to be Displayed For Sale on Street Frontage:
One vehicle for each 20 feet of street frontage along South Memorial Drive.

A maximum of 25 vehicles in display pods are permitted along the street frontage of East 93rd Street South, but only for the west 350 feet of Development Area A. Vehicles shall not be displayed for sale on the remainder of the 93rd Street frontage. All outside raised vehicle display areas shall be shown on the Detail Site Plan.**

- * Minimum Landscaped Screening of Vehicle Parking and Storage Areas:

A landscaped strip a minimum of 10-foot in width shall be provided along the 93rd Street frontage for all but the west 350 feet of Development Area A. Provided no wrecked or dismantled vehicles may be parked or stored north of the dealership buildings.

- * Vehicular Access:

Only two access points onto Memorial are permitted and all access points onto 93rd Street shall be determined during the site plan approval process.

- * Maximum Signage:

Ground Sign - One ground sign per automobile dealership not to exceed three ground signs on the Memorial Drive frontage are permitted, each not to exceed a total of 400 SF of display surface area and no individual sign shall be larger than 160 SF of display surface area and 25' in height. One ground sign is permitted on the west 200' of the 93rd Street frontage not to exceed 6' in height nor 60 SF of display surface area. One business ground sign is permitted along the expressway frontage oriented to the expressway, not to exceed 500 SF of display surface area nor 40' in height. It shall also be at least 200' from Development Area B. No other ground signs are permitted except directional sign which shall not exceed 3 SF in size.

Wall Signs - Shall be permitted only on west and south facing building walls not to exceed 2 SF of display surface area per lineal foot of building wall to which attached.

- * Lighting:

Light standards shall not exceed 30' in height. Lights shall be equipped with deflectors and hoods to prevent spill-over onto adjacent residential areas.

- ** PA System:

Use of an external public address system after 6:30 p.m. is prohibited.

* Modified by agreement between staff and applicant prior to the public hearing.

** Modified by TMAPC at the public hearing.

DEVELOPMENT AREA B

Area:

Gross:	8.48 Acres	369,544 SF
Net:	8.04 Acres	350,358 SF

Permitted Uses:

Multifamily dwellings as permitted in Use Unit 8 and uses customarily accessory thereto.

Minimum Land Area per Dwelling Unit:*

One bedroom or less unit	1200 SF
For each additional bedroom in a unit add	400 SF

Maximum Building Height: 43 FT

Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From the east property line	90 FT
From the centerline of East 93rd Street South	55 FT
From the west property line	10 FT
From the south property line	10 FT

Minimum Setback of Parking Areas from East Boundary: 25 FT

Minimum Livability Space Per Dwelling Unit: 300 SF

Signage:

As permitted in the RM districts.

** Lighting:

All parking lot lighting and building lighting shall be hooded to direct light downward and away from adjacent single-family dwellings. Light standards shall not exceed 12 feet in height within 120 feet of the east boundary of the PUD and no lighting is permitted within the east 25 feet of the development area. Light standard greater than 120 feet from the east boundary may be up to 25 feet in height.

*** Building Orientation:

Apartment buildings within the east 250' of the Development Area should be oriented so that the windows and entrances of the apartments face north or south, unless another orientation is determined to be appropriate by TMAPC during approval of the Detail Site Plan.

*** Landscaped Buffer and Screening Fence:

A landscaped buffer area which may include berms, shrubs and trees shall be provided in the east 25' of the Development Area which should be, if possible, designed to reduce the noise generated by the apartment complex unless another design is approved by TMAPC during approval of the Detail Site Plan. A 6' screening fence shall be provided along the east boundary of the Development Area.

Access:

No vehicular access to 93rd Street shall be permitted within the east 150' of the Development Area.

* The density of the development may be increased by minor amendment to a maximum of one dwelling unit per 1200 SF of land area. ***

** Modified by agreement between staff and applicant prior to the public hearing.

*** Modified by TMAPC at the public hearing.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

7. 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.
8. No Building Permit shall be issued until the requirements of Section 1107F 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved TMAPC.

Z-5620-SP-9:

Staff recommends the Corridor Site Plan have the same development standards as PUD-557 and that the Detail Site, Sign and Landscape Plans submitted under the PUD requirements satisfy the detailed requirement of the Corridor District.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, 74103, stated he represents Roger Hardesty and Jackie Cooper Automobile Dealership in this application. He stated Jackie Cooper Automobile Dealership is currently located on East 11th Street. Present today is Mr. Greg Keck, a partner and general manager of the Tulsa Jackie Cooper Automobile Dealership.

Mr. Norman reminded the Commission of the original concept of the corridor district. The purpose of corridor district is to encourage and allow higher intensity development in appropriate locations where property is adjacent to an expressway and between parallel or abutting arterial streets. The Zoning Code chapter is intended to not only encourage, but to permit these higher intensity uses in these types of areas.

Mr. Norman stated the present application was zoned corridor district in 1981 and in 1982, a detail corridor plan was presented and approved for the multifamily development at this location. There were over 400 dwelling units constructed in the first phase in 1982. At the same time the plat for Sun Chase was approved to permit multifamily development, 640 units, on the subject property. The 640 units were approved after the deduction of land to accommodate the Mingo Valley Expressway. The subject property is currently corridor-zoned with multifamily development approved for 640 units. He stated since the time of approval, Memorial Drive has been developed and constructed to primary arterial standards and the Creek Turnpike has been constructed.

Mr. Norman stated the original development in this area was the Joe Marina Automobile Plaza with multiple dealerships under a PUD, with CS and corridor zoning to the west. This set the standard and precedent for the higher-quality automobile dealerships that have developed in the Joe Marina area and subsequently by the Fred Jones Organization for the Lincoln-Mercury and Ford Dealerships, and Jim Norton with the Toyota and other dealerships to the south. The remainder of the property on the east side of South Memorial to 101st Street was also approved for commercial or automobile dealerships with the same general development standards that were proposed by the applicant for the Jackie Cooper Dealership.

Mr. Norman stated that Jackie Cooper is the only dealership in this area for Mercedes; they also handle Volvos and Nissan automobiles. The plan is to relocate the dealership to this area. He noted this block to the north of 93rd Street and across Memorial has been approved for and partly in use as an automobile dealership. There are also automobile-related uses, such as tire stores, directly across the street.

Mr. Norman stated the subject property is the front portion, uniquely located and situated to continue the kind of quality development under the restrictions and standards of the PUD and corridor district process. He presented photographs with views of the subject property from the expressway off-ramp. He noted the billboard located on the east side of the Fred Jones property which is a full outdoor advertising sign. The photographs also indicate other developments in the area of the subject property.

Mr. Norman expressed he is pleased with the existing development, due to the lighting standards and requirement that the buildings have the same finish material on the backside as on the front side, sign restriction, that automobiles for sale be displayed in pods and with restricted numbers on the frontage, all of which is unique to this location, but has become standard for the new types of dealership.

Mr. Norman stated the apartments to north were developed at a density of 35-to-36 dwelling units per acre. He feels the apartments have been well-maintained. Since the construction of the apartments, single-family homes have been developed and sold, occupied and well-maintained, and there is a very attractive neighborhood to the east. The parking area for the easternmost apartment is approximately three feet from the fence. He stated he would address this issue later in this discussion.

Mr. Norman stated 93rd Street is a collector street with a 60-foot right-of-way. It has 36 feet of paving, presently parking is permitted on the north side, and there are two lanes for travel. The other residential streets in the neighborhood access or egress to the east out to 91st Street.

Mr. Norman informed the Commission there is an approximately 45-foot elevation change from the back line of the subject property down to Memorial Drive. He feels this is very significant when dealing with the land use relationships on the properties. He estimated that even the first buildings in the apartment project will be at least three feet lower and perhaps more than the back elevation at the back lot line. To accomplish a

transition between Area A, the automobile area, and Area B, the multifamily area, will require a sharply tapered and stabilized slope or a retaining wall so that the service building to be constructed in the front eight acres can have a level floor and not have step-downs within the service area doors or driveways.

Mr. Norman reminded the Commission that on the north side there are apartment buildings and apartment parking lots, as indicated in the photographs, where as under the old standards the parking areas themselves were permitted to be located at the property line, with no setbacks.

Mr. Norman noted that the illustration he presented is a part of the PUD and is conceptual and presented to illustrate how the property could be developed under the standards as proposed. He emphasized there is currently no specific apartment project being proposed and Mr. Hardesty will not be developing on that particular portion of the property. However, it is for sale and there are several interested parties. He noted that before any apartment project can be constructed, a specific and detailed site plan must be presented with all the details of the project.

Mr. Norman stated the dealership building is undergoing revisions due to each automobile manufacturer having different requirements when there are multiple dealerships in the same location. One of these is Mercedes, which will require some separation of its showroom from the other dealerships' showrooms. He stated the development of access points on Memorial are still be worked out. He indicated on the map the location of the main access point and will address the second access point later in his presentation.

Mr. Norman stated that staff has given its recommendation for general approval; however, in a project of this size, there are a large number of specific details that are covered in the text of the PUD and the corridor site plan, and he expressed concerns and disagreements with staff in respect to those. After receiving the written recommendation from staff, he has met on several occasions with Mr. Stump and Mr. Gardner to discuss the recommendation. Consequently, there have been additional modifications of staff recommendation which modified the proposal in respect to the dealership property.

Mr. Norman presented the modifications to staff's recommendation for Development Area A. With respect to the outdoor advertising, Mr. Norman requested the proposal be modified to permit a business sign not exceeding 500 square feet in display surface area, not exceeding 40 feet in height from the grade, oriented to the expressway and located 200 feet or more from the residential development in Area B.

Mr. Norman presented the following modifications to East 93rd Street: Permit no more than 25 vehicles to be displayed for sale in display pods within the west 375 feet of the East 93rd Street frontage; a landscaped strip a minimum of ten feet in width shall be provided along the East 93rd Street frontage, provided vehicle display pods may be located five feet from the north right-of-way line; a landscaped strip a minimum of ten feet in width shall be provided along the remainder of the East 93rd Street frontage (excluding the west 375 feet thereof), provided no wrecked or dismantled vehicles may

be parked north of the dealership buildings; and permit two points of access onto South Memorial Drive and points of access to East 93rd Street to be determined by the replat of the property and detail site plan review.

In regard to signage, Mr. Norman requested modification of ground signs to permit one ground sign for each new car dealership, not to exceed three signs on the South Memorial Drive frontage not to exceed 400 square feet of total display surface area and 25 feet in height with no single sign to exceed 160 square feet of display surface area. Also, he recommended allowing modification of wall signs to permit wall signs on the west-, south- and north-facing building walls, provided no more than three wall signs not exceeding 32 square feet of display surface area each shall be permitted on north-facing walls.

Mr. Norman requested modification of light standards to delete the restriction on lighting standards within the north 50 feet of the east 250 feet of Area A.

Mr. Norman presented the modifications to staff's recommendation for Development Area B. First he requested modifications to lighting requirement to permit light standards not exceeding 12 feet in height with hooded lights more than 25 feet from the east boundary, directed downward and away from the residential area to the east and permit light standards not exceeding 25 feet in height more than 120 feet from the east boundary.

In regard to landscape buffer, Mr. Norman requested the phrase "designed to reduce the noise generated by the apartment complex" be deleted. Also, in regard to access, he requested deletion of the recommendation and asked that it be reserved for detail site plan review.

Mr. Norman stated he disagrees with the development standards with respect to Development Area B in regard to density and building orientation. He feels with the requirement for 400 additional square feet of site area for two or more bedroom dwelling units, the density of the remaining multifamily area will be reduced low than the complex located across the street. This would result in a reduction of five units per acre. He feels with the additional landscaping, further setback, slope of this particular site and the precedent across the street, the 400 additional square feet of site area is unnecessary reduction in a corridor district where higher intensity where originally approved and encouraged.

Mr. Norman stated, in regard to building orientation, staff is requiring that apartment buildings within the east 250 feet of Area B shall be oriented so that windows and entrances to the apartments face north or south. He stated the applicant proposed a minimum building setback of 90 feet from the east boundary and feels the building orientation should be flexible and subject to detail site plan review. He requested the deletion of the building orientation specification or reduction of the minimum building setback from the east boundary to 25 feet, as parking areas for east-west oriented buildings would be between the buildings rather than between a building and the east boundary of Area B.

Interested Parties Comments:

Ronald Pingilley, 9312 South 85th East Avenue, 74133, stated there are six interested parties signed up to speak on this item and he will be the representative. He requested additional time to present their opposition. Those signed up, in addition to Mr. Pingilley, are Rhonda Pingilley, Candace Chonka, Khal Jaafari, Matt Vangham, and Mary Brice.

Mr. Pingilley stated the Commission should have received several letters of opposition from interested parties. He also presented additional letters at the time of the public hearing.

The following persons submitted letters of opposition to the proposed development:

Khal Jaafari, 9319 South 85th East Avenue, 74133

Kay Morton, 8803 East 95th Street, 74133

Troy and Karla Boaz, 9332 South 85th East Avenue, 74133

Jacquelyn K. Pizarro, 8512 East 95th Street South, 74133

Troy Audruey, 9415 South 87th East Avenue, 74133

Robert and Sheila South, 9316 South 85th East Avenue, 74133

Carol L. dE'Shaffon, 8502 East 95th Street South, 74133

Kenny Killingsworth, 8714 East 93rd Street South, 74133

Larna Goley, 9260 South 85th East Avenue, 74133

Kristi Hicks, 8421 East 93rd Street, 74133

S. L Lamborn, D.C. and B. K. Smith, 8517 East 94th, 74133

Mark Bradway, 8505 East 94th Street South, 74133

Joe Jones, 8518 East 94th, 74133

Del and Karen Irby, 8510 East 93rd Street South, 74133

Martha Tichenor, 9255 South 96th East Avenue, 74133

John A. Tichenor, 9255 South 86th East Avenue, 74133

Mark Bith, 9243 South 86th East Avenue, 74133

Patricia Armstrong, 8502 East 92nd Place, 74133

Candace Chonka, 8514 East 93rd Street, 74133

Betty Heller, 9242 South 86th East Avenue, 74133

Mary A. Ingram, 9247 South 96th East Avenue, 74133

John and Renee Morgan, 9263 South 86th East Avenue, 74133

Mrs. Ray McMauner, 9240 South 85th East Avenue, 74133

James E. Puckett, 9244 South 85th East Avenue, 74133

Lee and Estelle Barnette, 9262 South 86th East Avenue, 74133

Ercil L. and Maxine S. Barton, 9246 South 86th East Avenue, 74133

Edie and Mary Stebbins, 9411 South 87th East Avenue, 74133

Adriana F. Gonzalez, 9320 South 85th East Avenue, 74133

Jim Jordan, 9327 South 85th East Avenue, 74133

Marjorie R. Lang, 9331 South 85th East Avenue, 74133

Max Marquies, 9324 South 85th East Avenue, 74133

Louise C. Black, 8825 East 93rd Street South, 74133

Jon R. Ishmael, 8710 East 93rd Street, 74133

Candace Culhane, 8706 East 93rd Street South, 74133

Shawn Fitel, 9321 South 87th East Avenue, 74133

Erica Andres, 9415 South 87th East Avenue, 74133
Kimber Nutter, 9403 South 87th East Avenue, 74133
Linda Brown, 9407 South 87th East Avenue, 74133
Timothy Siswanto, 9419 South 87th East Avenue, 74133
Conny Scallan, 8515 East 95th Street South
Raymond L. Poston, 9307 South 85th East Avenue
Jeff Marsh, 9418 South 87th East Avenue, 74133
Rachel Hillard, 8612 East 93rd, 74133
Jenny W. Wilson, 9303 South 85th East Avenue, 74133
Ann E. and Larry W. Iverson, 9315 South 85th East Avenue, 74133

Mr. Pingilley presented photographs of Sunchase I in regard to disrepair of the structure itself, garbage bins being overflowed continually, and the parking lot being used as a salvage yard for cars with expired tags. Having more apartments in the area is not favored by the neighborhood.

Mr. Pingilley presented an outline from the neighborhoods expressing their concerns with PUD-557. He presented concerns regarding area traffic. The concerns expressed included that increased traffic will make a bad situation worse. He stated many accidents occur along East 93rd South by Sunchase Apartments due to traffic volume and obstructed visibility. Apartment residents speed through neighborhood to use 91st Street. He feels 93rd Street needs to be closed off between Sunchase and Oak Leaf per the original development design. He stated the street was connected only for construction access, and since all lots are now fully developed, the street should be closed.

Mr. Pingilley then addressed the concerns regarding car dealerships. He feels access to East 93rd South would greatly increase traffic. Also, the location of entrances would bring heavy trucks onto 93rd Street causing damage to the pavement. He feels increased on-street parking from browsers would further reduce visibility and obstruct traffic. A brick fence along 93rd Street would discourage illegal parking, protect the dealership property and add value and beauty to the area. An access road along the south edge of the dealership would allow Sunday browsers ample parking.

Other concerns expressed by Mr. Pingilley were that the 30-foot light towers would spill light over into and onto Oak Leaf subdivision. He feels shorter, 20-foot towers would provide ample lighting without disturbing the neighborhood. He feels elevated display pads and multiple signs are contrary to style and appearance of area dealerships and would detract from the appearance of the neighborhood. He stated these pads would also obstruct visibility along Memorial, and looking south from the 93rd Street intersection, would endanger motorists.

Mr. Pingilley noted that noise from public announcement (PA) system would disturb area residents well into the evening hours. He stated the PA system should not be audible from the property line of Oak Leaf II. He suggested a beeper or hand-held radio system would allow communication while eliminating the nuisance to the neighborhood.

Mr. Pingilley stated multiple ground signs with 25-foot heights are contrary to the style of existing area dealerships. He feels this would clutter the Memorial frontage, detract from area's appearance, and further obstruct visibility. He stated the monument signs, as described in the proposal, set back from the road at least 15 feet, would allow advertisement without obstruction. He also feels that buildings constructed on the dealership property should be required to have pitched roofs, staying within the 35-foot height stated in the proposal. This would be consistent with the style and construction of structures in the area.

Mr. Pingilley presented concerns regarding the proposed apartments on Lot 2. He stated existing apartments in the area, Sunchase I, are a substantial detriment to the neighborhood. He stated the complex is not well maintained; the parking lots are being used for auto repair or salvage yards; area crimes have ties to the complex; Sunchase residents use East 93rd South for egress, many exceeding the speed limit at all hours of the day and placing Oak Leaf residents and their children at risk; and residents of the apartment complex engage in drinking "parties" in the park lot and adjacent field, with broken bottles and empty cans littered all around.

Mr. Pingilley stated existing apartments are not filled to capacity and many other complexes already exist in the area, with more currently being constructed to the north. He feels three-story apartments would be contrary to the existing style and appearance of neighborhood. Also, adding apartments adjacent to existing housing would severely diminish property values of the entire subdivision. The three-story apartments would dramatically reduce privacy and he requested that no buildings adjacent to the Oak Leaf property line be built facing to the existing homes and requirements should be made specifying end-on construction with no balconies or windows to the east.

Mr. Pingilley feels a single access to the complex is a safety and traffic factor. He feels a service drive on the south side of the block with access to Memorial is needed. He pointed out the Lincoln On Memorial Apartments were constructed with 1000 square feet of livability space for each unit, with 200 foot setback from adjacent neighborhood. He feels these same restrictions should be placed on any future development of Lot 2.

Applicant's Rebuttal:

Mr. Norman stated he has no objections to the closing of 93rd Street. He stated the street is of no value to either of the uses proposed. However, he pointed out the difficulty in obtaining approval of a street closing.

In regard to lights, Mr. Norman stated he is not sure the height of the lights in the Fred Jones area, but the bronze, square-hooded lights are meaningful standards. He reminded the Commission that where the lights are to be located, there is already a 20-foot drop before the screening fence and he feels the lights in the dealership area will not be visible from the neighborhood, especially when the any apartments are constructed. The construction of apartments will also block the view of signage. He stated the apartment site is approximately 600 feet east and west.

Mr. Norman stated the PA system has not been addressed before; however, he feels a design could be implemented to limit the sound to not more than 100 feet off the boundary of the site. He stated wind is a factor, but he feels the distance to the single-family homes is sufficient to avoid audio transmission into the neighborhood.

In regard to signage, Mr. Norman feels monument signs are more visible and tend to obstruct the view. He stated a precedent for signage has been established on the west side of Memorial. He feels these signs will not be visible from the single-family area.

Mr. Norman expressed he would not like to see a precedent established in regard to building orientation. He reminded the Commission that there are several two-story homes that will face into the apartment area and questioned why residents of the two-story homes are allowed to look into the apartments, but the apartment residents are not allowed to look into the two-story homes. He feels for privacy purposes, people should have window shades or curtains.

Mr. Norman stated the Lincoln On Memorial Apartment project was a completely different design in that it was designed for an up-scale project. He feels the current market and the developer decides as to what size units, the number of units and the location of the units. He reminded the Commission the intention of corridor districts to allow higher intensity. He commented the corridor district and the approved PUD was on record and this information was available to the owners of the single-family homes prior to purchasing their property.

In closing, Mr. Norman stated the 1,000 SF livability space is unprecedented, but the proposed development is 50 percent more than what is required in the RM-2 zoning district. He requested the proposal be approved with the modifications to the staff recommendation as submitted and with the statement that his client would support the neighborhood in any effort to close the street.

TMAPC Comments:

Mr. Boyle asked Mr. Norman to comment that the raised display areas have not set a precedent in the area and that other automobile dealerships are much less intensively developed. Mr. Norman replied these are the exact standards copied from the Fred Jones and Toyota standards, which were originally established for Joe Marina. Therefore the limitations on parking are exactly the same and somewhat more severe since there is no display permitted in the eastern part of the 93rd Street frontage. In regard to raised display areas, Mr. Norman stated that pods are intended to extend beyond the normal parking lot line to reduce the number of vehicles for sale.

Mr. Boyle asked Mr. Norman to comment on the number of signs requested. Mr. Norman replied the automobile manufacturer requires separate signage, and a precedent has already been established at the dealership across the street. Mr. Norman stated due to the design and shape, the signage would be less obtrusive than the typical signage in a commercial development.

Mr. Boyle stated he has some reservations about the signs. He feels with the ability to install 500 square feet of signage along the expressway, plus three more signs along Memorial for a total of 400 more square feet of signage, this is a fairly extensive expansion of signs in this particular part of town. Mr. Norman replied the PUD from the expressway, south to 91st Street has as a standard one ground sign for each lot and the minimum lot size is 150 feet. Mr. Norman feels this is a modest request.

Mr. Stump stated that when the Joe Marina complex was originally constructed, it was permitted a ground sign for each auto dealership. He believed there were five or six auto dealerships at that time. Mr. Doherty asked whether the signs totals 900 square feet. Mr. Stump replied he was not sure of the square footage, but the signs were reasonably large monument signs that coordinated with each other.

Mr. Boyle stated there have been complaints made and no answer provided in regard to the 93rd Street and the traffic problems. He stated this is the primary access from Memorial and a significant amount of traffic will be added by this development. He feels the closing of 93rd Street is not logical due to leaving only one point of access on this side of the subdivision. Mr. Norman stated this street was required by the Planning Commission to be a collector street for this purpose and was constructed accordingly. This is a standard street and the same size streets exist entering the neighborhood south of the expressway. If there becomes any problem on 93rd Street with the existing three lanes, the parking can be omitted on both sides to allow for a left-turn, outbound lane to avoid backups. Mr. Norman feels these modifications can be implemented to avoid future traffic problems. He feels the automobile dealership will generate fewer trips per day than typical commercial use and probably less than an apartment complex.

Mr. Doherty expressed several concerns. First, if there is to be a body shop located on the site, there would be a possibility of having wrecked vehicles on the site and asked whether Mr. Norman would have any problems with a requirement that all wrecked vehicles be screened from view outside the boundaries of the tract. Mr. Norman replied in the negative and commented that sometimes a wrecked vehicle may be brought to the dealership awaiting an adjustment, but normally these dealerships have their body shops located elsewhere.

Mr. Doherty asked whether the proposed development will have raised or elevated cars for display. Mr. Norman replied there would not be any displayed cars raised or elevated at street level. However, there will be displayed cars raised or elevated in front of the new building under canopies. Mr. Norman stated he does object to a prohibition against elevated pods at the street level. Mr. Doherty stated the dealership wants elevated pods in the interior of the lot and asked Mr. Norman how far into the interior. Mr. Norman replied around the building and adjacent to the showroom. Mr. Doherty stated a condition could be added to the motion to state that interior, elevated pods will be addressed during the site plan review and may be amended by a minor amendment.

Mr. Doherty asked whether there is a need for an external PA system. Mr. Norman replied his client expressed the need of an external PA system, but suggested a 6:00 p.m. limit.

Mr. Doherty asked staff to clarify their recommendation on density. Mr. Stump replied staff feels, under the new standards that have been adopted, that more land area should be allocated to the units with more than one bedrooms. He stated staff is in agreement with the base density for a one-bedroom unit remaining the same, but as the units increase to two- or three-bedrooms, additional land area should be devoted to those. Mr. Norman commented that the new standards for a PUD development were reduced and a non-PUD development was left the same, and this would require the property be developed under standards of a non-PUD development.

Mr. Doherty asked whether staff's recommendation is at the same density without a PUD or if the densities are being increased with a PUD. Mr. Stump replied the density would be the same as in the new RM-2 district. Mr. Stump stated that since this is proposed to get the most intensity out of a piece of property, which will be marketed to an unknown person, staff is not sure what type of development will actually be constructed. Therefore a specific design standard is not available.

Mr. Doherty asked Mr. Linker whether a condition could be placed on the motion to provide a minor amendment to increase the density at the time of site plan review. Mr. Norman stated a condition to that regard would be appropriate since a specific apartment complex is not proposed at this time.

Mr. Midget asked whether or not the minor amendment on the density would be reviewed by the Planning Commission. Mr. Doherty stated that without a design if the density is approved as recommended by staff with a condition that the density may be changed by minor amendment at the time of site plan review when a specific project is presented.

Chairman Carnes stated the building orientation could be approved as recommended by staff with the condition that it may be changed by minor amendment at the time of site plan review when a specific project is presented.

Mr. Doherty stated concerns have been expressed with windows facing single-family dwellings, and since there is not a specific project and we do not know the building orientation at this time, he feels these items should be approved as recommended by staff with the condition that they may be changed by minor amendment.

Mr. Midget questioned how screening would be addressed. Mr. Doherty replied it would be addressed during site plan review.

Mr. Boyle stated the building orientation, screening and windows location would all be addressed during site plan review and that the agreed-upon sections of Mr. Norman's proposal are being approved, and staff's recommendation for density are being approved with the condition that the density may be changed by minor amendment at the time of site plan review. Mr. Doherty replied in the affirmative.

Mr. Boyle feels the motion gives as much protection as possible under the circumstances.

Mr. Stump recommended the conditions imposed by staff be approved with the caveat that the conditions may be amended or revised at the site plan approval. This will be a guide for the developer when the project is planned.

Mr. Westervelt mentioned that the Commission recently adopted new standards for multifamily and with this new application we are imposing new controls that are more restrictive. He feels the new standards should be utilized. Mr. Doherty stated Mr. Stump is suggesting is a difference of procedure and not one of substance. Mr. Westervelt replied he does not perceive it that way.

Mr. Midget asked how, five years from now, the developer would be aware of the conditions imposed. Mr. Stump replied it is typically written into the motion, for example, "the orientation of the building within the east so many feet and the windows should be orientated north and south unless another configuration is approved by Planning Commission at the time of site plan approval."

Ms. Pace stated this is a PUD and very conditional and specific to each project. She stated she sees no problem in making a notation in the motion.

Mr. Doherty feels there needs to be something in the records in regard to the intent of the Commission in not deciding the question of the orientation of the building and final density until a real project and site plan is presented for review and consideration.

Ms. Pace stated since the neighborhood and the dealership agreed to look into the possibility of closing 93rd Street it is something to pursue at the City Council level. She feels the closing would assist in the traffic concerns expressed and the three exits on the street to the north give more access than a gated community.

Mr. Doherty stated he is opposed to the street closing due to an increase of traffic for the residents to the north and other things. Mr. Westervelt stated this is outside the Commission duties and should be addressed at the City Council level; however, he stated he is also opposed to the street closing.

TMAPC Action; 11 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **11-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-557/Z-5620-SP-9, subject to the conditions as recommended by staff and modified at the Public Hearing, and noting that density is approved as recommended by staff, providing that the density may be increased to the applicant's requested density at the time of site plan review by minor amendment, that external PA systems be prohibited after 6:30 p.m. and that raised display of vehicles be identified in the site plan and may be further modified by site plan amendment.

Legal Description for PUD-557 and Z-5620-SP-9:

Lot 1, Block 2, Sunchase, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and Lot 2, Block 2, Sunchase, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except a part of said Lot 2, Block 2, Sunchase, more particularly described as follows, beginning at the southwest corner of said Lot 2, thence Northerly along the West line of Lot 2 a distance of 146.72'; thence S 46°06'19" E a distance of 141.17'; thence S 80°09'29" E a distance of 73.04'; thence S 00°21'49" W a distance of 20.28'; thence S 80°09'29" E a distance of 1,025.65' to a point on the East line of said Lot 2, Block 2; thence South along said East line a distance of 27.19' to the Southeast corner of said Lot 2, Block 2; thence Westerly along the South line of said Lot 2 a distance of 138.26'; thence Northwesterly along said South line a distance of 1,059.25' to the Point of Beginning and located on the southeast corner of East 93rd Street South and South Memorial Drive, Tulsa, Oklahoma, Tulsa, Oklahoma.

Application No.: PUD-405/Z-5722-SP-8

CO to PUD

Applicant: Charles E. Norman

(PD-18) (CD-8)

Location: South and west of 93rd Street and South Memorial Drive

Staff Recommendation:

The applicant is proposing to add commercial uses to portions of Lot 2, Block 4 of 9100 memorial Addition. These areas are currently only permitted office uses with a maximum total building floor area of 372,800 SF and a maximum height of ten stories.

The areas proposed for change includes two tracts (Tracts D1 and A) that front on Memorial Drive located between two previously-approved tire stores. These two tracts are proposed to have Use Units 12, 13, 14 and automobile tire and wheel stores and suspension and muffler repair uses added to the exist Use Unit 11 uses which are permitted. Because of development allowed to the north and south, staff can support this portion of the request if the floor area ratio for such development is limited to 0.5.

The remainder of the area (Tract B) proposed for commercial uses fronts 93rd Street South and is bordered on the west and south by a stormwater detention area, some of which is heavily wooded; to the northwest are vacant lots in PUD-405-G planned for office uses; and to the north by vacant land in PUD-405-G approved for auto-related uses. Because of the buffering provided by the detention area and future office development areas to the west and northwest, staff can support most of the new uses proposed for "Tract B" with the exception of Outdoor Advertising.

The tract has no arterial or expressway frontage; therefore, there is not sufficient display surface area allowed for an outdoor advertising sign. In addition, an outdoor advertising sign has already been approved for Lot 3, Block 4 which is too close to the subject tract to permit another outdoor advertising sign.

Staff finds the uses and intensities of development as modified to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-405-G/Z-5722-SP-8 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-405G/Z-5722-SP-8 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:

TRACTS D1 AND A

Land Area (Net): 113,065 SF

Permitted Uses:

Use Units 11, 12, 13 and 14 and automobile tire and wheel stores and suspension and muffler repair and uses customarily accessory to permitted uses.

Maximum Land Coverage: 30%

Maximum Floor Area Ratio: 0.5

Minimum Lot Frontage on
South Memorial Drive: 140 FT

Maximum Building Height: 35 FT

Minimum Building Setbacks:

From South Memorial Drive right-of-way 70 FT
From other boundaries 10 FT

Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

Access to Corridor Collector

Both lots A and D1 shall provide a mutual access way near the west boundaries so that their customers as well as patrons of Lot 3, Block 4 and Tract D-2 can access 93rd Street or any of the lots south of 93rd Street without entering Memorial Drive.

Minimum Landscaped Open Space:		
Use Unit 11 uses		15%
All other uses	10%	

Signage:

Wall Signs: As permitted by Section 1103.B.2 of the Tulsa Zoning Code.

Ground Signs: One ground sign per lot with a maximum display surface area of 160 square feet and a maximum height of 25 feet.

Tract B

Land Area (Net):	193,117 SF
------------------	------------

Permitted Uses:
 Use Units 11, 12, 13, 14, 16, 19 and automobile and light truck sales, new and used, service and repair, as permitted in Use Unit 17, Automotive and Allied Activities, and uses customarily accessory to the permitted uses.

Maximum Land Coverage:	30%
------------------------	-----

Maximum Floor Area Ratio:	
Use Unit 11	1.0
Other Uses	0.5

Minimum Lot Frontage on South Memorial Drive:	140 FT
---	--------

Maximum Building Height:	
Use Unit 11 uses	5 Stories
Other uses	35 FT

Minimum Building Setbacks:	
From the centerline of East 93 rd St. South	100 FT
From other boundaries	10 FT

Minimum Lot Frontage	100 FT
----------------------	--------

Off-Street Parking:
 As required by the applicable use unit of the Tulsa Zoning Code.

Minimum Landscaped Open Space:	
Use Unit 11 uses	15%
All other uses	10%

Signage:

Wall Signs: As permitted by Section 1103.B.2 of the Tulsa Zoning Code.

Ground Signs: One ground sign per lot with a maximum display surface area of 32 square feet and a maximum height of 20 feet.

Additional Development Standards for Tracts A, D1 and B Related to Automobile and Light Tract Sales, Service and Repair:

1. The maximum number of vehicles to be displayed for sale on the East 93rd Street South frontage shall be one vehicle for each 15 feet of street frontage.
2. Internal automobile service and work areas shall not be visible from South Memorial Drive or 92nd Street South.
3. Automotive body work, repairs and painting, shall be permitted only within the principal service building.
4. All building exteriors shall be concrete, masonry or drivet.
5. No trucks larger than one ton capacity or equivalent shall be displayed or offered for sale.
6. The use of banners and streamers shall not be permitted.
3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and requires parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit
5. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 35 feet.
8. The Department 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. No Building Permit shall be issued until the requirements of Section 1170F of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.

10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

Mr. Norman stated he was in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of PUD-405G/Z-5722-SP-8, subject to the conditions as recommended by staff.

Legal Description for PUD-405G/Z-5722-SP-8:

A tract of land that is part of Lot 2, Block 4, 9100 Memorial, a Subdivision of Part of the NE/4, Section 23, T-18-N, R-13-E, 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 Lot 2, thence due West along a Southerly line of Lot 2 for 335.16'; thence S 75°44'59" W along a Southerly line of Lot 2 for 46.62'; thence due North for 161.48'; thence due East for 380.30' to a point on the Easterly line of said Lot 2; thence S 00°01'14" E along said Easterly line for 150.00' to the Point of Beginning of said tract of land; and a tract of land that is part of Lot 2, Block 4, 9100 Memorial, a Subdivision of part of the NE/4 of Sec 23, T-18-N, R-13-E, 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 Lot 2; thence due West along a Southerly line of Lot 2 for 335.16'; thence S 75°44'59" W continuing along a Southerly line of Lot 2 for 46.62' to the point of beginning of said tract of land; thence continuing S 75°44'59" W and along said Southerly line for 170.97'; thence N 68°11'55" W along a Southerly line of Lot 2 for 236.73'; thence N 18°33'51" W along a Westerly line of Lot 2 for 75.00'; thence N 04°34'26" E along a Westerly line of Lot 2 for 245.40'; thence N 30°22'30" W along a Westerly line of Lot 2 for 11.30'; thence N 41°26'46" E for 251.85' to a point on a Northerly line of Lot 2, thence S 42°10'27" E for 0.00' to a point of curve; thence Southeasterly and Easterly along a Northerly line of Lot 2 and along a curve to the left with a central angle of 40°58'29" and a radius of 320.00' for 228.85' to a point of compound curve; thence continuing Easterly along a Northerly line of Lot 2 and along a curve to the left with a central angle of 01°34'18" and a radius of 1,094.00' for 30.01'; thence due South for 454.04' to the point of beginning of said tract of land; and a tract of land that is part of Lot 2, Block 4, 9100 Memorial, an Addition to the City of Tulsa,

Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows, to-wit: starting at the most Easterly Southeast corner of said Lot 2; thence N 00°01'14" W along the Easterly line of said Lot 2 for 150.00' to the point of beginning; thence due West for 380.30'; thence due North for 146.60'; thence due East for 380.25' to a point on the East line of Lot 2; thence S 00°01'14" E along said Easterly line for 146.60' to the point of beginning and located south and west of the southwest corner of East 93rd Street South and South Memorial Drive, Tulsa, Oklahoma.

ZONING PUBLIC HEARING:

Application No.: Z-6592

Applicant: Scott Pryor

Location: 2208 North Sheridan

RM-2 TO CH/IL

(PD-16) (CD-3)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the east 190' of the subject tract as Medium Intensity - No Specific Land Use and the remaining property to the west is designated as Medium Intensity Residential.

According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map on the east 190' but **is not** in accordance with the Plan Map on the western portion. The requested CH zoning **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 2.49 acres in size and located north of the northwest corner of East Virgin Street and North Sheridan Road. The property is flat, non-wooded, contains two office/industrial buildings on that portion fronting North Sheridan, is vacant on the west and is zoned CH on the east 190' and RM-2 on the remainder.

Surrounding Area Analysis: The subject tract is abutted on the north and south by commercial businesses, zoned CH; to the east by vacant land, zoned IL; to the west by two public schools, zoned RS-3; there are apartments to the northwest and southwest, zoned RM-2.

Zoning and BOA Historical Summary: There has been no zoning activity in the immediate area for several years.

Conclusion: Staff can support extension of the existing CH zoning to the west only to include all of the depth of the existing lots fronting on Sheridan Road. Staff does not believe that either CH or IL zoning is appropriate for the land that fronts on Norwood Avenue. This is directly across from a school, has residential to the north and south on Norwood Avenue, and is contrary to the Comprehensive Plan. Therefore, staff recommends **APPROVAL** of CH zoning to a distance of 260' west of the centerline of Sheridan Road and **DENIAL** of the remainder.

Applicant's Comments:

Mr. Pryor stated he was in agreement with staff's recommendation.

There were no interested parties wishing to speak.

Mr. Doherty commented the Comprehensive Plan for this area shows residential development to the west. He stated this area is in transition. He feels when the airport noise study is completed and the plan for the entire area is amended, this area should also be amended to show the actual development in the area.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of CH zoning to a distance of 260' west of the centerline of Sheridan Road and **DENIAL** of the remainder for Z-6592 as recommended by staff.

Legal Description for Z-6592:

Tract I: W 225', E 260', S 100', N 165.89'; N/2, SE/4, SE/4, NE/4; and Tract II: A portion of the SE/4, NE/4, beginning at the Southeast corner of the N/2, SE/4, SE/4, NE/4; thence N 164.11', W 260'; S 164.11'; E 260', to the beginning less the East 35' thereof for street; and Tract III: The W 222.5' of the East 470' of the North 65.89' of the N/2, SE/4, SE/4, NE/4, and the S 105' of the S/2, NE/4, SE/4, NE/4 less the West 190' thereof; and the N 65.89' of the East 247.5' of the N/2, SE/4, SE/4, NE/4, all in Section 27, T-20-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located at 2208 North Sheridan Road, Tulsa, Oklahoma.

Application No.: PUD-560

AG to IL/PUD

Applicant: David Brown

(PD-17) (CD-6)

Location: West of southwest corner East Admiral Place and South 161st East Avenue

Chairman Carnes stated a request for continuance to May 7, 1997 has been received.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **CONTINUE** Zoning Public Hearing for PUD-560 to May 7, 1997.

Application No.: CZ-235

Applicant: Stanley Allen

Location: Southeast corner East 191st Street South and South Memorial Drive

Presented to TMAPC: Stanley Allen

AG to CH
(PD-20) (County)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area provide for evaluation of the existing conditions, land uses, existing zoning, and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment, and based on these conditions, the subject tract would be characterized as Low Intensity Rural Residential. The requested CH zoning would not be in conformance with the Comprehensive Plan.

Staff Comments:

Site Analysis: The subject project is approximately five acres in size and is located on the southeast corner of East 191st Street South and South Memorial Drive. It is flat, non-wooded, vacant, and is zoned AG in the County.

Surrounding Area Analysis: The subject tract is abutted on the north, east and south by vacant property zoned AG; to the west by single-family dwelling, zoned AG; and to the northwest by vacant land, zoned AG within the Bixby City limits.

Zoning and BOA Historical Summary: There has been no zoning action in this area.

Conclusion: Based on the Comprehensive Plan and the existing development, staff recommends **DENIAL** of CH zoning or any lesser commercial zoning.

Staff Comments:

Mr. Stump presented a letter and photographs that were received from Lloyd W. and Jean K. Abbott, 8098 East 191st South, Bixby, 74008 prior to the meeting.

Applicant's Comments:

Stanley Allen, 19800 Memorial Drive, stated he may have approached the request in the wrong way. He explained he is trying move an existing saddle shop from the center of the ranch, where he is out of room, to the corner lot at 191st Street. He believes the zoning he requested is for high intensity and that is not what he really needs. He stated he needs appropriate zoning to sell saddles and horse trailers, tractors and an occasional truck.

There were no interested parties wishing to speak.

TMAPC Comments:

Chairman Carnes asked if CS zoning would satisfy his needs. Mr. Doherty replied the applicant really needs a principal use variance since this property is located in the county where principal use variances can be granted. Mr. Stump informed the Commission that CG zoning would be required to allow the sale of the items listed by the applicant.

Mr. Doherty asked whether the applicant can apply for a variance, using the same fees and processing time and review to reduce additional cost. Mr. Stump replied in the affirmative if the Commission recommends the fees be applied to a use variance application. In regard to processing time, it will be another few weeks or so.

Mr. Doherty asked Mr. Allen if a delay of a few weeks would hamper his plans. Mr. Allen replied he left himself extra time.

Mr. Doherty stated he concurs with staff's recommendation; however, because of what Mr. Allen wants to do, its proximity to the Allen Ranch and the nature of south Tulsa County development, he would suggest Mr. Allen apply for a use variance.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **DENIAL** of CZ-235 as recommended by staff and recommend applying the fees already paid to a principal use variance application to the County Board of Adjustment.

Legal Description for CZ-235:

West 330' of the North 660' of the Northwest Quarter, Section 12, To1-6-N, R-13-E , of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, on the southeast corner of East 191st Street South and South Memorial Drive, Bixby, Oklahoma.

Application No.: PUD-559/Z-5888-SP-1

CO to CO/PUD

Applicant: Charles E. Norman

(PD-18) (CD-8)

Location: North and east of East 91st Street and South Mingo Road

Presented to TMAPC: Charles E. Norman

(A multi-use Planned Unit Development and Corridor Site Plan for apartments, offices, hospitals, nursing home, residential treatment center, helipad, retirement center, scientific research and development and other uses.)

Staff Recommendation:

Planned Unit Development 559/Corridor Site Plan Z-5888-SP-1 encompasses 111.34 gross acres north and east of the northeast corner of 91st Street south and Mingo Road. It extends from Mingo Road on the west to the Mingo Valley Expressway on the east, and from 91st Street on the south to Tulsa Community College and South Towne Square subdivision on the north. Not included in the application is a vacant tract of approximately 35 acres at the northeast corner of 91st Street and Mingo Road. This out-parcel is owned by one of the owners of the proposed PUD and may become part of the development at a later date.

The most immediate development proposed is for a hospital on a portion of the 59 acres in Development Area A. Also proposed in this area are a wide range of uses such as Nursing Home, Residential Treatment Center, Helipad, Elderly Housing, Offices, Community Group Home, Ancillary Retail Sales, Hospital Affiliated Health Club, Scientific Research and Development, and Eating Establishments. The maximum building floor area would be 635,000 SF or less than a 0.25 floor area ratio (FAR). In addition the Elderly Housing would be limited to 500 units. Maximum building height would be 125 feet. Access to Development Area A would be primarily from corridor collector streets connecting to both 91st Street and Mingo Road.

Staff can support the proposal for Development Area A as requested finding it in keeping with surrounding development and the Comprehensive Plan.

Development Area B is exclusively for multifamily dwellings at a net density of almost 36 units per acre with a maximum of 1476 permitted. Development Area C is proposed for either office or multifamily development. The maximum floor area of office is permitted at a 0.45 FAR and the multifamily is allowed up to 234 dwelling units on 6.5 acres or 36 units per acre. The 35 acres at the northeast corner of Mingo Road and 91st Street which is not included in the PUD can be expected to develop at a similar intensity as is proposed within the PUD. That could conceivably be ten acres of commercial at the corner and 25 acres of multifamily dwellings at 36 units per acre wrapping around the commercial.

If all of this development occurred, a quarter of a square mile of land would contain over 3000 multifamily dwelling units, ten acres of commercial and 635,000 SF of hospital and related uses. Staff questions whether Mingo Road and 91st Street can accommodate this much traffic or if this amount of development will overload even the "planned" street system in the area.

Therefore, staff is recommending that only Development Area A (the hospital and related uses) be approved at this time and that action on Development Areas B and C be CONTINUED to May 21, 1997 to allow time for an analysis of the potential traffic impact of these areas on the planned street system.

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-559-Tract A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore staff recommends **APPROVAL** of **PUD-559-Tract A**, subject to the following conditions:

TRACT A

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

LAND AREA (Gross):	60.95 Acres	2,655,059 SF
(Net):	59.0 Acres	2,570,040 SF

PERMITTED USES:

Uses permitted in Use Unit 2, Hospital, Nursing Home, Residential Treatment Center, and Helipad only; Use Unit 4, Ambulance Services and Antenna and Supporting Structures only; Use Unit 8, Elderly/Retirement Housing, Life Care Retirement Center and Community Group Homes only; Use Unit 10, Off-Street Parking and Parking Structures; Unit 11, Offices, Studios and Support Services; Use Unit 12, Enclosed Eating Establishments only (exclusive of hospital accessory food services); Use Unit 14, Ancillary Retail Sales (exclusive of hospital accessory retail uses), including Drug Store, Health Food and Medical Equipment and Supplies; Use Unit 19, Hospital Affiliated Health Club, Fitness and Wellness Center only; Use Unit 21, Business Signs only; Use Unit 22, Scientific Research and Development; and uses customarily accessory to permitted uses.

MAXIMUM AGGREGATE BUILDING FLOOR AREA:

Use Units 2, 4, 8, 11, 12, 14, 19 and 22 Uses	635,000 SF
Ancillary Retail Sales (including Drug Store, Health Food and Medical Equipment and Supplies)	25,000 SF
Eating Establishments	20,000 SF

MAXIMUM LAND COVERAGE BY BUILDINGS: 30%

MAXIMUM NUMBER OF DWELLING UNITS FOR ELDERLY HOUSING: 500

MAXIMUM BUILDING HEIGHT: 125 FT

MINIMUM BUILDING SETBACKS:

From the north development area boundary	100 FT
From the east (Expressway right-of-way) development area boundary	25 FT
From the centerline of East 91 st Street	150 FT
From the west development area boundary	55 FT
From the internal lot lines and streets	
As established by Detail Site Plan review and approval	

BUSINESS SIGNS:

1. Business signs shall be subject to the general use conditions set forth in Section 1221, Use Unit 21, C and D.
2. The number of ground signs in the Development Area shall not exceed 10.
3. Ground signs shall not exceed 12 feet in height when adjacent to a collector street or private street.
4. Ground signs adjacent to 91st Street shall not exceed an aggregate display surface area of 1 SF for each lineal foot of arterial street frontage nor more than 25' in height.
5. Ground signs within a freeway sign corridor shall:
 - (a) not exceed an aggregate display surface area of 1 square foot for each lineal foot of freeway frontage;
 - (b) not exceed 40 feet in height.

6. Business signs on lots abutting a private street shall not exceed an aggregate display surface area of two-tenths of one square foot for each lineal foot of private street frontage.
7. Wall and canopy signs shall not exceed an aggregate display surface area of 2 square feet for each lineal foot of building wall to which the sign is affixed.

OFF-STREET PARKING:

As required by the applicable Use Units of the Tulsa Zoning Code.

MINIMUM OFF-STREET PARKING SETBACKS:

From the right-of-way of public streets: 10 FT

MINIMUM INTERNAL LANDSCAPED OPEN SPACE: 15%

3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be directed downward and away from adjacent residential areas.

8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
9. No Building Permit shall be issued until the requirements of Section 1107F 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, 74103, stated the staff recommendation is acceptable. He remarked the half section, on either side of the expressway, north of 91st Street, will be extremely significant to the future development of the community in that these are the two largest undeveloped parcels of lands in southeast Tulsa under the ownership of Mr. Hardesty.

Mr. Norman stated the property on the west side of the subject tract has been acquired by Hillcrest/Columbia Organization and Hillcrest Medical Foundation, and on the east side by Saint Frances and W. K. Warren Foundation. He feels since the property is institutionally owned, the opportunity for both tracts to be planned in a way that can truly meet the medical needs, as well as a variety of other needs of the southeastern part of our community.

Mr. Norman stated in accordance with the Corridor District, these properties were subject of a Planned Unit Development that was approved in 1970. However, the PUD was withdrawn with approval of the Planning Commission, and rezoned to the Corridor District in early 1980. During that time, there have been developments of single-family subdivisions within the Corridor District. He feels there will be some transition concerns to deal with in connection with a single-family plat on the north side of the Hardesty property.

Mr. Norman stated again that he has no objections to the continuance to permit time to deal with the transition concerns. However, he is concerned about the use or the planned capacity adequate for the higher intensities contemplated by the Corridor District. This is a Corridor District and allows for higher intensities.

Mr. Norman offered his assistance to staff to resolve the transition concerns.

Mr. Norman stated the Hillcrest/Columbia Organization plans to break ground on the new hospital as early as this process, building permit process and planning process allow. The Hillcrest/Columbia Organization is hoping for a building permit to be issued in the next sixty days.

Interested Parties Comments:

Ed Kaplan, 9913 East 85th Place South, expressed concern with what the effects of a possible 3,000-apartment complex will have on his property. At this point since Development Areas B and C have been tabled, he will defer any further comments until staff has made their decision on the project.

Mr. Kaplan stated he has no objections with the proposed hospital.

The following persons signed up as interested parties but did not speak:

Ree Kaplan, 9913 East 85th Place South
Jerry Gordon, P. O. Box 479, Owasso, 74055

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of PUD-559/Z-5888-SP-1 - Tract A, subject to the conditions as recommended by staff and **CONTINUANCE** of PUD-559/Z-5888-SP-1 - Tracts B and C to May 21, 1997.

Legal Description for PUD-559/Z-5620 - Tract A:

A tract of land that is part of the SW/4 of Section 18, T-18-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, said tract of and being more particularly described as follows, to-wit: starting at the SW corner of the SW/4 of said Section 18; thence N 88°58'12" E along the Southerly line of Section 18 for 1,136.02'; thence N 01°19'39" W and parallel with the Easterly line of the SW/4 of said Section 18 for 78.33' to the Point of Beginning of said tract of land, said point being on the Northerly right-of-way line of the Mingo Valley Expressway; thence continuing N 01°19'39" W and parallel with the Easterly line of the SW/4 of Section 18 for 2,051.00'; thence N 89°01'17" E and parallel with the Northerly line of the SW/4 of Section 18 for 1,400.00' to a point on the Easterly line of the SW/4 of Section 18, said point also being on the Westerly right-of-way line of the Mingo Valley Expressway; thence along said right-of-way line as follows; S 01°19'39" E" for 809.84'; thence S 15°33'20" W for 699.23'; thence S 30°38'16" W for 312.24'; thence S 30°38'15" W for 296.47'; thence S 83°32'48" W for 316.28'; thence N 01°01'06" E for 31.93'; thence N 07°09'49" E for 3.40'; thence S 88°58'12" W parallel with the Southerly line of the SW/4 of Section 18 for 20.75'; thence S 01°01'48" E for 37.09'; thence S 83°32'48" W for 140.63'; thence S 88°58'12" W for 200.25'; thence S 87°03'39" W for 200.27' to the point of beginning of said tract of land.

OTHER BUSINESS:

PUD-530-1 B. Kenneth Cox

(PD-6) (CD-4)

East 20th Street South and South Lewis Avenue

(Minor Amendment to increase permitted building floor area and clarify permitted uses.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to increase the maximum floor area allowed in the PUD from 27,500 square feet to 37,200 square feet. The applicant is proposing to eliminate the gymnasium from the approved PUD Development Plan and add an internal floor in this space. The additional floor area will be used for additional children's nursery space and customary accessory office use.

The information submitted with the application indicates that the building footprint will remain the same with no increase in building height. The Conceptual Site Plan submitted as part of the application shows 70 parking spaces. Use Unit 2 (Community Center) and Use Unit 11 (Children's Nursery) require one parking space for each 500 square feet of floor area. The requested increase in floor area would require a total of 75 parking spaces.

Staff can support the requested increase in floor area since there is no increase in the height or bulk of the proposed facility nor a change in the proposed use. Staff, therefore, recommends **APPROVAL** of the Minor Amendment as follows:

1. The PUD Development Plan be amended to indicate a Maximum Building Floor Area of 37,200 square feet.
2. That a Detailed Site Plan be submitted which indicates the provisions of the required 75 parking spaces and meets all other requirements of the PUD-530 Development Plan.

Applicant's Comments:

Ken Cox, 320 South Boston, Suite 400, stated he is the representative for the YWCA. He stated Dixie Refee, YWCA, and Jim Greger, Architect for the project, are present and available for answering any questions the Commission may have.

Mr. Cox stated he concurs with the staff recommendation. He stated the request is for the conversion of the gym into a nursery and accessory office use. The proposed conversion will increase the square footage, however the building, itself, does not change. Also, the parking requirements will increase to 75 parking spaces and this requirement will be met.

Mr. Cox informed the Commission that there has been a meeting with the Yorktown Neighborhood Association to discuss the proposed amendment. He noted the letter received from Martin Steinmetz, President of the Yorktown Neighborhood Association in support of the proposed amendment.

Interested Parties Comments:

Debbie Sawyer, 2227 East 19th Street, 74104, stated her home is located directly across from the YWCA. Basically, she requested clarification on information provided at the meeting with the Yorktown Neighborhood Association.

Ms. Sawyer stated the YWCA has purchased two homes directly behind their facility. She presented pictures of the view she will be seeing. She stated she was told that only one house would be demolished and there would be a play area, for zero to four-year olds, constructed in its place. Then she was told both house would be demolished and constructing a large play area in there place. This would mean a large play area directly across the street from her home. She requested clarification on how many houses are being torn down and if the elevation that was proposed is the single-story.

Ms. Sawyer also requested that the three trees, as shown in the pictures, be allowed to remain to provide a buffer for residents on the north side of 19th Street.

Nell Bradshaw, 1628 South Victor, 74104, stated she was going to divert her time to Nancy Davis.

Nancy Davis, 2232 East 19th Street, 74104, stated she is caught in the middle of the this entire development. She stated there was misunderstanding and misrepresentation at the neighborhood meeting.

Ms. Davis pointed out in the original PUD, that was approved by the Planning Commission, called for any and all play areas to be moved back and away from neighborhood or residential homes. With the houses being demolished and not provide a buffer zoned, Ms. Davis expressed concern about the residents that live closest to the facility in regard to the noise level. She asked the Commission to pay particular attention to the buffers when the site plan is submitted.

Ms. Davis feels this is a substantial change from the original PUD.

Jim Greger, architect of the project, stated he will address some of the comments made by the other interested parties. He stated he was not the original architect for the PUD, but the original PUD included three houses and he indicated the location of the houses on the map. The YWCA owned one of the house, was in the process of buying one of the others with the option to buy the third. The original plan was that all three

houses were to be demolished. He stated there was some confusion at the neighborhood meeting in regard to the houses, however, the original plan, as well as this plan, calls for the removal of all the houses.

Mr. Greger stated, in regard to the trees, the plans for the corner at 19th and Lewis were revised and it was agreed to attempt to save the trees along 19th Street.

In regard to the number of stories, Mr. Greger stated the building was designed in such a way that part of the building is two-story and then reduces to a one-story along 19th Street elevation.

Mr. Greger stated the mass of the play area is located next to Mazzio's. He informed the Commission that a 25-foot strip will be constructed along the east side of the facility. There is a six-foot drop in the elevation between the residential properties and the property of the YWCA. He stated a wall and a six-foot fence will be constructed along the 25-foot strip between the facility and the residents. He stated this strip will be used as a pathway for the smaller children to the play area. The pathway will not be used as a play area of older children. He stated there will not be any type of play ground equipment in this area. However, the younger children will ride tricycles on the pathway.

Mr. Greger informed the Commission the PUD calls for no second story windows to the west. The design includes dormers at the top of the building to allow natural light, but no one can look out or in.

Mr. Greger presented drawings of the proposed amendments.

Martin R. Steinmetz, President of and attorney for the Yorktown Neighborhood Association, in which the YWCA is located, and also located within the Yorktown Historic District.

Mr. Steinmetz addressed some of the issue brought up by some of the neighbors. In regard to the removal of the houses, a statement was made at the meeting that one of the houses was going to be rented. He stated he received a call the following day from George Modery to correct the error and that the house will be removed upon approval by the Historic Preservation Commission.

Mr. Steinmetz stated the drawings were presented at the neighborhood meeting. He also stated there were some opposition to the play area and the roof. However the concerns have been rectified and facility will now blend in, by looking like a residential-type house, with the surrounding area.

TMAPC Comments:

Mr. Doherty asked what reason would cause the removal of the street trees. Mr. Greger replied there are not any reason for the removal of the existing street trees since the proposed building will not protrude any farther out than the existing houses.

Mr. Doherty asked how close the second story is to 19th Street. Mr. Greger replied the required setback from 19th Street plus an additional 30 feet. The roofs are hipped so the roofs will be going away from the building and streets and this also reduces the height when viewed.

Ms. Gray clarified that all the houses will be removed. Mr. Greger confirmed the houses would be removed.

Ms. Gray clarified the pathway or trail would be on the west side of the facility only. Mr. Greger replied in the affirmative.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** of Minor Amendment PUD-530-1 to allow the PUD Development Plan be amended to indicate a Maximum Building Floor Area of 37,200 square feet and that a Detailed Site Plan be submitted which indicates the provisions of the required 75 parking spaces and meets all other requirements of the PUD-530 Development Plan as recommended by staff.

PUD-343 Charles Norman

(PD-18) (CD-8)

South and west of 81st Street and South Memorial Drive
(*Site Plan for a communications tower.*)

Staff Recommendation:

The applicant is requesting site plan approval for a 150 foot monopole cellular tower and equipment shelter which will be located within a 40 foot by 40 foot area. The proposed location lies at the edge of a grassed detention area. The site plan does not indicate any security fencing or paved access area surrounding tower and equipment area. A 100 foot US Cellular monopole tower site was approved on 8/28/96 and is located approximately 300 feet south of the current proposed site.

Staff has reviewed the request and finds the proposed site lies within Tract C (Minor Amendment 2, 12/16/87) of Development Area B of the original approval. Tract C allows CS uses by right, allowing the tower. According to the applicant, the 150 foot height of the tower facilitates collocation although no specific details are provided in the application.

Staff finds the setbacks are in conformance with the PUD standards and the requirements of Use Unit 4. The tower and equipment shelter will be located between a two story office building 75 feet to the northeast and a tree covered drainage areas 200 feet to the west. The equipment area will be located approximately 400 feet west of the Memorial Drive right-of-way. The drainage area, general openness of the site and the spacing of the tower sites should serve to minimize negative effects of tow towers which could alter the character of the PUD.

Staff recommends **APPROVAL** of the site plan as submitted subject to the following:

Confirmation of the required security fencing and paved access area.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, 74103, stated he is in agreement with staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the Site Plan for PUD-343 for a communications tower as recommended by staff.

Review of Downtown Plan projects in CIP requests for conformance with the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Comments:

Ms. Matthews presented the Downtown Project CIPS.

TMAPC Comments:

Mr. Ledford stated that Comprehensive Plan Committee met today to review the Downtown Plan projects in the CIP and found the projects in conformance with the Comprehensive Plan.

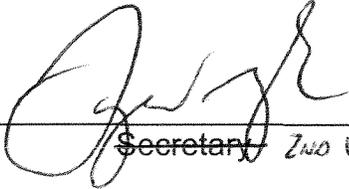
TMAPC Action; 10 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") **FINDING** the Downtown Plan projects in the CIP request are in conformance with the Comprehensive Plan.

There being no further business, the Chairman declared the meeting adjourned at 3:40 p.m.

Date Approved: 5-14-97


Chairman

ATTEST: 
Secretary *2nd Vice Chairman*