

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2128

Wednesday, September 10, 1997, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Jackson	Almy	Linker, Legal
Carnes		Dunlap	Counsel
Dick		Jones	
Doherty		Stump	
Gray			
Horner			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, September 8, 1997 at 10:45 a.m., in the Office of the City Clerk at 10:35 a.m., as well as in the office of the County Clerk at 10:30 a.m.

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

Minutes:

Approval of the minutes of August 27, 1997, Meeting No. 2126:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of August 27, 1997 Meeting No. 2126.

Reports:

Committee Reports:

Rules and Regulations Committee:

Mr. Doherty stated Jay Stump, Jim Dunlap and himself met with City Council to discuss use units. The use units are being sent to Committee, therefore will not be on the September 11, 1997, City Council agenda.

Mr. Doherty stated there will be a work session next week to discuss and consider the plat waiver process guidelines.

Mr. Doherty stated there is only a routine plat scheduled for the City Council meeting, therefore, a TMAPC representative will not be in attendance.

Director's Report:

Mr. Stump feels there may be a briefing on the use units at the City Council meeting; however, no action will be taken.

Mr. Stump reported the receipts and deposits for the month of August are above average.

Mr. Jones announced that he has submitted his letter of resignation to INCOG effective September 19, 1997. He noted he has agreed to work with INCOG to assist in the transition process. He stated he has enjoyed the last 16 years with the TMAPC and INCOG, but feels it is time for him to move on.

Subdivisions:

Amended Deed of Dedication:

The Directory (783)

(PD-18) (CD-2)

North of the northeast corner of East 81st Street South and South Lewis Avenue

Staff Comments:

Mr. Jones reminded the Planning Commission that they previously approved a minor amendment to the corridor site plan that accepted some property outside and inside of the original corridor site plan and modified the floor area that was permitted for hotel and various uses.

Mr. Jones stated the applicant, Ken Jones, has submitted a document that mirrors the amendment language. Staff and Legal Department has reviewed and signed off on the document. The document will be filed of record by separate instrument and then run with the property. Therefore, staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **APPROVE** the Amended Deed of Dedication for The Directory as recommended by staff.

Final Approval:

Garnett Center Amended (3294) (PD-18) (CD-5)
South of the southeast corner of East 51st Street South and South Garnett Road

Staff Comments:

Mr. Jones stated the final approval of the Garnett Center Amended Plat is an industrial subdivision plat, containing seven lots, approximately 8.9 acres in size.

Mr. Jones stated all release letters have been received and the plat meets the Subdivision Regulations, therefore, staff recommends approval.

TMAPC Comments:

Mr. Boyle asked whether Legal Department has reviewed the plat. Mr. Jones replied in the affirmative.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **APPROVE** the Final Plat of Garnett Center Amended as recommended by staff.

Preliminary Plat:

Sutton West (3304) (PD-16) (CD-6)
Southeast corner of East Pine Street and 129th East Avenue

Staff Comments:

Mr. Jones reminded the Planning Commission that this item was previously continued to allow the applicant time to work out details in regard to water and sewer with the Department of Environmental Quality.

Mr. Jones suggested striking this item from today's agenda until the details have been finalized.

Chairman Carnes stated this item is stricken from today's agenda.

This item was heard and/or considered in conjunction with the Z-6054/PUD-569.

The Villas (PUD-569) (1884) (PD-18) (CD-8)
Southeast corner of East 81st Street South and U.S. Highway 169

TAC Recommendation:

Jones presented the plat with Ted Sack present.

French recommended that South 107th East Avenue be redesigned with the 50' transition being further to the south. In addition, all curves should be designed for 30 miles per hour and have consistent curves.

The Villas is a 32-acre mixed-use development that has an underlying zoning of CO and is pending approval of PUD-569. The plat is divided into four blocks, each of which a separate development area within the PUD. A collector street, South 107th East Avenue, is planned to serve the development.

Staff would offer the following comments and/or recommendations:

1. A waiver of the Subdivision Regulations is required to permit the collector street to be 50' in right-of-way width and paving less than 36'.
2. Show book/page for existing right-of-way of East 81st Street South.
3. Release letter required for all pipelines within the development.
4. Remove "proposed subdivision" information from abutting property.
5. All conditions of PUD-569 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 reference to Sections 1100-1107 of the Zoning Code in the covenants.
6. 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.
7. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)

8. 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).
9. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
10. 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.
11. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
12. Street names shall be approved by the Department of Public Works and shown on plat.
13. All curve data, including corner radii, shall be shown on final plat as applicable.
14. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
15. 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.
16. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
17. 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.
18. 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.)
19. 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.
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 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.
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 Rains, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of The Villas, subject to all conditions and recommendations listed above.

See Z-6054/PUD-569 for comments.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson "absent") to **APPROVE** the Preliminary Plat of The Villas, subject to the conditions as recommended by the TAC and waiver of Subdivision Regulations to permit the collector street to be 50 feet in right-of-way width and paving less than 36 feet.

Continued Zoning Public Hearing:

Application No.: CZ-237/PUD-566

AG to RS/CS/OL/PUD

Applicant: Louis Levy

(PD-9) (County)

Location: Northwest corner South 57th West Avenue and West 41st Street South

Presented to TMAPC: Louis Levy

Staff Recommendation:

CZ-237:

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - Residential - Development Sensitive.

According to the Zoning Matrix the requested RS zoning **is** in conformance with the Comprehensive Plan but the RM-2, OL and CS zoning **are not** in conformance with the Plan.

Staff Comments:

Site Analysis: The subject property is approximately 10.1 acres in size and located in the northwest corner of West 41st Street South and South 57th West Avenue. It is flat, non-wooded, vacant and is zoned AG in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant land, zoned AG/ to the east by vacant property, zoned RS; to the south by single-family dwellings, zoned AG; and to the west by a church and vacant lots, zoned AG.

Zoning and BOA Historical Summary: There have been no zoning actions in this area.

Conclusion: Based on the Comprehensive Plan and the existing zoning and development staff recommends **DENAIL** of RM-2, OL and CS zoning, but recommends **APPROVAL** of RS zoning on the subject tract.

If the Planning Commission chooses to recommend approval of PUD-566, staff recommends the following zoning: Lots 1 and 4, OL; Lots 2 and 3, CS; and Lots 5 and 6, RS.

PUD-566: If the Planning Commission determines that the proposed uses and intensity of uses are appropriate, staff would recommend the following conditions:

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

LOTS 2 AND 3

LAND AREA (Net): 2.14 acres (both lots)
PERMITTED USES: Uses in Use Units 10, 11
13 and 14 except no funeral home use or liquor stores use.
MINIMUM LOT FRONTAGE: 180 FT
MAXIMUM FLOOR AREA RATIO: .35 (each lot)
MAXIMUM BUILDING HEIGHT: 22 FT
MAXIMUM STORIES: 1-story

MINIMUM BUILDING SETBACKS:
From the centerline of West 41st St. So. 100 FT
From the centerline of South 57th W. Ave. 75 FT
From the north boundary of Lot 2 100 FT
From the northwest corner of Lot 3 100 FT
From other lot lines 10 FT

MINIMUM OFFSTREET PARKING LOT SETBACK:
From Lot 6 25 FT

OFF-STREET PARKING:
As required by the Tulsa County Zoning Code

MINIMUM INTERIOR LANDSCAPED OPEN SPACE:
12% of net area of each lot excluding landscaped right-of-way

ACCESS:
Access points to West 41st Street South shall be limited to one for each lot.

SIGNS:
Ground signs shall be limited to one per lot and shall not exceed 25' in height nor 125 SF of display surface area. Wall signs are permitted only on the south and east facing walls and shall not exceed 1 SF of display surface area per lineal foot of building wall to which it is attached.

LOTS 1, 2 AND 4

LAND AREA (Net): 2.31 Acres (both lots)
PERMITTED USES: All those uses permitted by right in the OL District
MINIMUM LOT FRONTAGE:
Lot 1 100 FT
MAXIMUM FLOOR AREA RATIO: .25 (each lot)

MAXIMUM BUILDING HEIGHT: 22 FT

MAXIMUM STORIES: 1 story

MINIMUM BUILDING SETBACKS:

From the centerline of W. 41st St. So. 100 FT

From the centerline of So. 57th W. Ave. 75 FT

From the north boundary of Lot 1 25 FT

From the west boundary of Lot 1 25 FT

From the west boundary of Lot 4 25 FT

From the north boundary of Lot 4 10 FT

MINIMUM OFFSTREET PARKING LOT SETBACKS:

From Lot 6 10 FT

OFF-STREET PARKING:

As required by the Tulsa County Zoning Code

MINIMUM INTERIOR LANDSCAPED OPEN SPACE:

15% of net area of each lot excluding landscaped right-of-way.

ACCESS:

Lot 1 shall be limited to one access to West 41st Street South (If additional lots are created they shall share this one mutual access).

SIGNS:

Signs are permitted only as allowed in the OL zoning district.

LOT 5

LAND AREA (Net): 1.03 Acres

PERMITTED USES: Church and customary accessory uses

MINIMUM FRONTAGE: 100 FT

MAXIMUM FLOOR AREA RATIO PER LOT: 0.5

MAXIMUM BUILDING HEIGHT: 40 FT

MAXIMUM STORIES: 2 Story

MINIMUM BUILDING SETBACKS:

From the centerline of So. 57th W. Ave. 100 FT

From all other lot lines 25 FT

OFF-STREET PARKING:

As required by the Tulsa County Zoning Code

MINIMUM INTERIOR LANDSCAPED OPEN SPACE:

20% of net area excluding landscaped right-of-way

SIGNS:

As permitted in the RS zoning district for church use.

LOT 6

LAND AREA (Net):	4.73 Acres
PERMITTED USES:	Use Unit 6, Single-family dwelling

Uses shall comply with the Bulk and Area Requirements of the RS District.

3. Before any subdividing of the property a plat shall provide for public street access to Lot 6.
4. Screening shall be provided for various uses as required by the Tulsa County Zoning Code.
5. No Zoning Clearance Permit shall be issued within Lots 1-5 of the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan for Lots 1-5 shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign in the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas in Lots 1-5 shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 25 feet.
10. No Building Permit shall be issued until the requirements of Section 1170.F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the County beneficiary to said covenants.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. No building permit shall be issued until an approved sanitary sewer system has been provided.

Staff Comments:

Mr. Stump stated the applicant has amended his request to include uses for single-family residential on the northwest portion, and office and commercial primarily along 41st Street. The applicant has provided a condition in addition to staff's recommendation, that would eliminate liquor stores as a proposed use.

Mr. Stump stated staff is still opposed to the zoning changes and feels without the right-of-way acquired for the expressway or the actual expressway constructed this particular location does not warrant commercial zoning.

Applicant's Comments:

Louis Levy, 5314 South Yale, 74135, stated he is representing the owner, Gary Herman, of the property. He reminded the Planning Commission this request was heard previously at which time many different aspects were discussed. At the conclusion of that hearing, it was suggested that the owner of the property and surrounding neighbors meet to work out some type of agreement.

Mr. Levy stated a meeting was held at the Berryhill Community Center and an agreement was made in regard to changes to the PUD. He presented a proposed Amendment No. 2 to the application, as suggested by the neighbors and signed by Mr. Monte Hancock for the Berryhill Homeowners Association.

Mr. Levy stated the application needs to be amended to reflect the following changes:

Item 1, paragraph 1 - last sentence should read, "It is located at the northwest corner of west 41st Street South and South 57th West Avenue and is not within the Tulsa City limits".

Item 1, paragraph 8 - delete "approximately 10,000 cars per day".

Item 3, Development Standards (Lots 2 and 3 - Retail), Permitted Uses: (add at end of last sentence) "and liquor stores as defined in Unit 13".

Item 6, Development Standards (Lot 6 Homes and Apartments): Delete "Apartments" from title and make title to read "Single-Family Dwellings". Also delete "and the eastern part will be multifamily (duplex, apartments, etc.) Add "Minimum Floor Area - 1,500 feet, excluding garage".

Also exclude all references to apartments, multifamily dwellings and duplexes as identified in the Development Plan Text.

Mr. Levy stated, in regard to the proposed expressway, according to the County Engineer, the off-ramps will be to the east of 57th Street South and will provide a letter if requested. However, if it becomes necessary in the future, Mr. Levy indicated his client is willing to donate additional right-of-way.

Mr. Levy feels the proposed development is light density. He noted any concerns in regard to stormwater runoff will be addressed in the future when the subdivision plat is processed.

Interested Parties Comments:

Monte Hancock, 3720 South 63rd West Avenue, Tulsa, 74107, confirmed he met with Mr. Levy to discuss concerns in regard to the proposed development. However, he stated there is still concern and controversy pertaining to the lack of drainage. He feels Mr. Herman outlined his proposal for alleviating the drainage on his property once developed. He stated the proposal was not satisfactory to some of the homeowners. Therefore, the drainage issues have not been resolved.

Mr. Hancock stated many of the drainage problems occurs prior to reaching Mr. Herman's property. He noted the residents on the north and east sides of Berryhill are particularly interested because water from the south ends up on their property. He stated no one knows what additional drainage and stormwater runoff problems the proposed expressway will create.

Mr. Hancock stated sewer systems were discussed. He noted no immediate sewer system is available from the City of Tulsa or City of Sand Springs. He feels the City of Sand Springs system would be his preference, but noted no particular plans have been made with the City of Sand Springs. He expressed concern that homes or businesses constructed in the near future will require a septic system, which he feels will only add to existing drainage problems.

Mr. Hancock stated most of the homeowners at the meeting agreed to the single-family dwelling concept, but requested restrictions in regard to the square footage of the dwellings and other changes as noted by Mr. Levy.

In conclusion, Mr. Hancock stated the drainage and sewer problems still exist and agrees with staff in that the proposed development should be delayed until something definite is provided in regard to the expressway extension.

Waymon Ray, 3705 South 65th West Avenue, Tulsa, 74107, stated he is very familiar with the Berryhill community.

Mr. Ray gave a history on the flooding problems within the Berryhill community. He stated any additional runoff just adds to the problem. He noted there are currently three lagoons that are adequate for the current needs of Berryhill. However, it will not be adequate for more developed. He expressed the need for a sanitary sewer system in Berryhill.

Mr. Ray stated there are current problems with standing water that, in turn, causes problems with the septic systems. He feels these problems need to be addressed prior to more development in the area.

Mr. Ray noted he supports development, however he feels the existing problems, in regard to drainage, flooding and sewer systems, need to be addressed and resolved. He feels the proposed development should be delayed until the development of the proposed expressway.

Pam Hollie, 6130 West 39th Street South, Tulsa, 74107, stated she had submitted a letter expressing her concerns, which was included in the agenda packet. She noted the current traffic problems and congestion.

Ms. Hollie questioned the need for another shopping strip when there is already the Crystal City Shopping, which is half empty, and the Towne West Shopping Center. She feels there is commercialization in the Berryhill area that is not being utilized. He presented an announcement of a proposal for the Berryhill Plaza Center which is located just two blocks away. She feels such a small community should not be overwhelmed with commercial development.

Applicant's Rebuttal:

Mr. Levy indicated he had nothing further.

TMAPC Comments:

Mr. Westervelt asked the time frame for the subdivision plat. Mr. Levy replied an engineer has already been retained to prepare the plat and he hopes to submit the plat by the end of the year.

Mr. Boyle asked Mr. Hancock whether the residents of Berryhill support the amended proposal to the development. Mr. Hancock replied in the affirmative, but stated there are exceptions that need to be addressed and resolved.

Mr. Doherty reminded the Commission there had been a suggestion made and accepted by Mr. Levy that approval of this application is contingent on an approved sewer system.

In regard to drainage problems, Mr. Doherty suggested working with Ray Jordan, County Engineer and look at channelization or other solutions.

Mr. Stump noted the letter from State Representative Lewis Long. He also noted other letters which were included in the agenda packet.

Mr. Doherty stated there is currently an expressway to the south in place and a major intersection. He noted 57th Street is listed as a residential collector, but functions more as an arterial due to the nature of the road around Chandler Park and into Berryhill. He noted that right-of-way for the north segment has not been acquired, but the State plans to start acquiring right-of-way from the \$1.1 billion package.

Mr. Doherty feels the Berryhill residents have valid concerns particularly in the area of septic system. He noted the area does not perc well and have had problems. He stated the Berryhill community has attempted to obtain a sewer system. He stated County Commissioner Selph expressed concern that no development should be allowed unless it were connected to a sanitary sewer system and that septic systems should not be prohibited.

Mr. Doherty stated that the proposed development fronts an arterial street and there is commercial development to the west in Sand Springs' fence line. He feels there is no reason to require single-family residential to front the arterial in the area east of the drainage ditch and between the ditch and 57th West Avenue, with or without the expressway.

Mr. Doherty reminded the Commission that the zoning and land use is the issue and feels a PUD will control the development and limit the uses.

Mr. Westervelt stated he cannot support the motion due to the District 9 Plan calls for low-intensity residential. He feels this area is development-sensitive and that the Comprehensive Plan is being ignored. He stated he agrees with staff in regard that RS in is conformance with the plan. He feels the zoning change is premature with the physical feature of the expressway not in place.

Mr. Boyle feels this is a difficult decision, but that the neighbors and the owner has worked out many of the difficult problems from the previous hearing. He feels the CS lot on the east side of the drainage ditch is appropriate, however, he expressed concern with the CS lot on the west side of the drainage ditch. He suggested a less-intensive zoning for this lot.

Ms. Gray stated she agrees with Mr. Westervelt in that the zoning change is premature and used Highway 169 as an example.

Chairman Carnes stated he would support the application since the multifamily has been withdrawn. He feels new development is needed to force other improvements, such as sanitary sewer system, and developments in the area.

Mr. Ledford stated he agrees with Mr. Westervelt in regard to condemnation and increase values; however, he feels the future does not happen until something is done to make it happen. He feels it would not be appropriate to delay the project until the proposed expressway is finalized. He also used Highway 169 as an example in regard that the expressway is currently being redesigned, stating an expressway may never be completed.

Mr. Midget stated he agrees with Mr. Boyle in that the CS lot to the west of the drainage ditch should be reconsidered. He feels OL zoning would be appropriate.

Mr. Boyle moved to amend the motion to include as a condition of approval that the CS lot to the west of the drainage ditch be downgraded to OL zoning.

Mr. Doherty feels if the expressway off-ramps are located to the west of 57th West Avenue and the applicant dedicates the needed right-of-way it would eliminate the CS zoning. He suggested allowing an option, by minor amendment, to relocate the CS use west of the drainage ditch should the off-ramps eliminate the utilization of the tract for CS zoning.

Mr. Boyle feels the control, by major amendment, is more appropriate. Mr. Doherty feels a minor amendment would save money and time. Mr. Doherty suggested permitting one CS-lot on the corner. Mr. Boyle feels limiting it to one CS-lot would be acceptable.

Ms. Pace stated she supports staff's recommendation. She feels the location and timing is not appropriate at this time.

Mr. Westervelt reminded the Planning Commission that there has been no zoning action in this area.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-3-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget "aye"; Gray, Pace, Westervelt "nays"; none "abstaining"; Jackson "absent") to recommend **APPROVAL** of CZ-237/PUD-566 per the conditions as presented by staff and as amended by TMAPC. (Language deleted by TMAPC is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-3-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget "aye"; Gray, Pace, Westervelt "nays"; none "abstaining"; Jackson "absent") to **AMEND** the motion for CZ-237/PUD-566 to add the condition to permit only one CS-lot on the corner lot.

Legal Description for PUD-566:

A parcel of land situated in the E/2, E/2, SW/4, Section 20, T-19-N, R-12-E of the IBM, more particularly described as follows to-wit: the South 715.00' of said E/2, E/2, SW/4, containing 10.13 acres, more or less and located on the northwest corner of West 41st Street South and South 57th West Avenue, Tulsa, Oklahoma.

Legal Description for CZ-237:

Lot 1: AG to OL - Beginning at a point which is 426' West of the SE/c SW/4 Section 20, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma; thence W 234'; thence N 240'; thence E 234'; thence S 240' to the POB, containing 1.28 acres more or less.

Lot 2: AG to OL - Beginning at a point which is 226' West of the SE/c SW/4 Section 20, T-19-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma; thence W 200'; thence N 240'; thence E 200'; thence S 240' to the POB, containing 1.1 acres more or less.

Lot 3: AG to CS - Beginning at a point which is the SE/c SW/4 Section 20, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma; thence W 226'; thence N 240'; thence E 226', thence S 240' to the POB, containing 1.24 acres more or less.

Lot 4: AG to OL - Beginning at a point which is 240' N of the SE/c SW/4 Section 20, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma; thence N 237'; thence W 226'; thence S 237'; thence E 226' to the POB, containing 1.23 acres more or less.

Lot 5: AG to RS (Church) - Beginning at a point which is 477' N of the SE/c SW/4 Section 20, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma; thence N 238'; thence W 226'; thence S 238'; thence E 226' to the POB, containing 1.23 acres more or less.

Lot 6: AG to RS - Beginning at a point which is 240' N and 226' W of the SE/c SW/4 of Section 20, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma; thence W 434'; thence N 475'; thence E 434'; thence S 475' to the POB, containing 4.73 acres more or less.

Zoning Public Hearing:

Application No.: Z-6602

Applicant: Merl Whitebook

Location: 439 South Sheridan

CS to IL
(PD-5) (CD-4)

Chairman Carnes stated a request for continuance to September 24, 1997 has been received.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **CONTINUE** the Zoning Public Hearing for Z-6602 to September 24, 1997, as requested.

Application No.: PUD-108-B

(PD-5) (CD-5)

Applicant: Charles E. Norman

Location: South and east 32nd Street and South 73rd East Avenue

Presented to TMAPC: Charles E. Norman

(Major Amendment to permit the use of part of the site for an education and recreation building.)

Staff Recommendation:

The applicant is requesting a major amendment to permit the use of the southern part of the site for a church education and recreation building to be used primarily by youth members of the Woodlake Assembly of God Church. The church is located to the north and west of the tract.

The subject tract consists of nine lots that were platted in 1971 and were planned to be, but never developed for, residential uses as permitted by Planned Unit Development No. 108. By major amendment, PUD-108-A allowed off-street parking for church purposes on the tract.

The parking spaces on the site were not required spaces for the principal church building to the north. The proposed facility will not change the existing landscaping or points of ingress or egress.

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-108-B 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-108-B 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:

Site Area (Net): 56,963 SF

Permitted Uses:

An education and recreation building accessory to the Woodlake Assembly of God Church and off-street parking for a church.

Maximum Building Floor Area: 7,500 SF

Maximum Building Heights: 25 FT, but not more than one story

Maximum Wall Height (East side): 15 FT

Minimum Building Setbacks:

From the East lot line:	25 FT
From the centerline of East 33rd:	50 FT
From the centerline of So. 73 rd E. Ave.:	50 FT
From the centerline of East 32 nd Street:	300 FT

Off-Street Parking:

Required spaces under Use Unit 19
Minimum spaces to be provided on site: 30

(NOTE: Parking spaces provided on-site were not required spaces for the principal church building to the north.)

Internal Landscape Open Space on South 200':

(The south 200' of the PUD shall comply with the requirements of the Landscape Chapter of the Tulsa Zoning Code) 15%

Signs:

One unlighted monument sign on 73rd East Avenue not to exceed 4' in height nor 20 SF of display surface area is permitted.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approved prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Site Plan 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 hooded and directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of eight feet.
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 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 or plat waiver process which are approved by TMAPC.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, 74103, stated he is representing the Woodlake Assembly of God Church in this application. He stated the church is located on the south side of East 31st Street and South 73rd East Avenue. He feels this is one of the most attractive churches in the city.

Mr. Norman stated he represented the church in the application to convert the nine lots, which are included in this application, from vacant lot to a church parking area. The lots were a part of the Woodlake Village plat that was filed in 1971 and all the lots have been developed except for these nine lots. He noted the condo/duplex units were never constructed on these lots.

Mr. Norman presented three pictures from the 1985 application showing the condition of the property and terrain. He also presented pictures take today showing the current condition of property with the parking area, concrete paving and required screening and landscaping, including berms, in place as required by the amended PUD. He feels the landscaping and screening are in excellent condition and provide a very attractive boundary to the property. He noted the lights, which are hooded, in the parking lot.

Mr. Norman stated the church is requesting permission to construct a youth recreation and education facility on the south end of the parking area consisting of 7,500 SF. He stated this is a specific project with specific layout and design of

the proposed facility. He noted the facility has been designed to be compatible with the neighborhood to the east and west. He pointed out that all the lots on the south of 33rd Street, south of the proposed site, are scheduled for acquisition as a part of the widening and reconstruction of the intersection of Memorial and the Broken Arrow Expressway and other movements that takes place that area.

Mr. Norman noted the existing duplexes on the south side of 33rd Street, which face north and towards the proposed facility, have no windows, only garages and entrances, on the north side. So until these lots are acquired for the expressway, they will not be adversely effected by the design of the building.

Mr. Norman stated the facility, as proposed and as required by the staff recommendation, would not have any outside wall greater than 15 feet. However, on the east side, the side adjacent to the single-family area to the east, there are only two windows and a required emergency exit door. The windows will not exceed eight feet in height above the ground and the top of the windows are below the level of the existing screening fence.

Mr. Norman stated staff's recommendation requires that the property be maintained and if there are any deficiencies in landscaping in the south 200 feet of the property under today's standards, the landscaping must be brought up to the standards of landscaping requirements. He feels the existing landscaping has been very successful and very well maintained.

Mr. Norman stated there area several representatives of the church present and asked them to stand and be acknowledged. He stated these church members have donated their time and efforts in preparing the plan. He stated the facility will be supervised by the church and operated in accordance with the standards of the church.

Interested Parties Comments:

Greg Chapman, 7022 East 32nd Street, 74145, informed the Planning Commission that in November, 1984, the church filed an application with the Board of Adjustment requesting a special exception to modify the existing site plan to allow the construction of a three-level parking garage to accommodate their congregation. After receiving opposition from a number of protestants, the church withdrew the application and continued to seek other alternatives to the parking problem.

Mr. Chapman stated in 1985 the church filed an application to request the subject parking lot. He cited minutes from the TMAPC hearing for this application. The application was approved with conditions. He noted the subject parking lot has 134 spaces and noted the proposed facility will eliminate 68 spaces, leaving 66 spaces on the site. He stated the minimum required parking spaces for the proposed facility is 30, leaving only 36 additional space above the 1984 number.

Mr. McCollum stated the residents were assured in 1985 that nothing else would be built on this location. He noted the residents had to demand the berms be built in 1985 to avoid flooding of residential dwellings.

Mr. McCollum feels the neighborhood has not been informed or included on the process of the proposed development. He feels that any improvements made will benefit only the residents to the east and not the others in the area.

Applicant's Rebuttal:

Mr. Norman stated, in regard to flooding, the proposed facility will be located on the existing pavement, so there will be no change in the runoff characteristics by placing a building on top of an existing concrete paved area.

In regard to parking, Mr. Norman stated the proposed facility will be used at times when church is not in attendance at the main sanctuary. He stated the church members analyzed the parking during the church service. He noted the sanctuary has 839 seats and the Zoning Code requires 279 parking spaces. He stated there are 321 on-site parking spaces available. He gave a summary of the parking survey, indicating the existing parking is adequate for the present attendance at church.

In closing, Mr. Norman stated the roof-peak will not exceed 24 feet and noted that RS-3 zoning allows up to 35 feet in height for single-family homes. He feels the design of the facility is compatible with the neighborhood.

TMAPC Comments:

Mr. Boyle asked whether Mr. Norman agrees with all the conditions recommended by staff. Mr. Norman replied he has no objections to any of the staff's requirements. Mr. Norman stated, if approved, the final detail site plan will be submitted rather quickly to proceed with the development.

Ms. Gray expressed concern with flooding and asked whether the flooding problems have been addressed. Mr. Norman replied these problems were addressed in the original submission and development of the property. He stated this proposed development will not change any of the impervious areas because the building will be located entirely within the paved parking area that exist. Therefore, there will not be any more or any less runoff than currently exist.

Mr. Doherty asked whether the subject property is located within Flood Zone A. Mr. Norman replied none of the subject property is located within Flood Zone A, but other property around the pond may be. Mr. Norman noted the retaining wall at the north end at 32nd Street.

Chairman Carnes asked if the proposal meets the parking requirements. Mr. Stump replied the spaces that would be removed for the proposed facility are not required parking spaces.

Ms. Gray suggested, in regard to the parking survey, having surveys performed in September, October, etc. when school is in session and church attendance is more stable. Mr. Pinkney, 2417 West Atlantic Court, Broken Arrow, stated he is

the administrator for Woodlake Assembly of God Church. Mr. Pinkney stated the attendance is greater during the fall, winter and spring and the parking survey was performed again during the last three weeks. These surveys indicated 25 additional spaces were utilized.

Mr. Boyle asked Mr. Norman to address the overflow parking issue. Mr. Norman replied the neighborhood is somewhat isolated and the main access to the church is entirely from South 73rd East Avenue. In regard to parking on the street, Mr. Norman stated there is no parking presently permitted on one side of 73rd East Avenue. He feels any parking on the street would be minimal due to the no parking.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to recommend **APPROVAL** of Major Amendment PUD-108-B, subject to the conditions as recommended by staff.

Legal Description for PUD-108-B:

Lots 16 through 24, Block 3, Woodlake Village, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, and located south and east of the Southeast corner of East 32nd Street and South 73rd East Avenue, Tulsa, Oklahoma.

This item was heard and/or considered in conjunction with the Preliminary Plat for The Villas.

Application No.: Z-6054-SP-3/PUD-569

CO to PUD

Applicant: Charles E. Norman

(PD-18) (CD-8)

Location: Southeast corner East 81st Street and South Mingo Valley Expwy

Presented to TMAPC: Charles E. Norman

(Planned Unit Development and Corridor Site Plan for residential, commercial and church development.)

Staff Recommendation:

The PUD/Corridor Site Plan proposes a residential and commercial development on 30.74 acres of land at the southeast corner of 81st Street South and The Mingo Valley Expressway. The subject tract extends south from 81st Street approximately 1725' and east from the expressway approximately 925'.

The subject tract is abutted on the north by vacant land, zoned CO; to the south by vacant land, zoned CO, which has an approved corridor site plan for single-

family residential and is about to be developed; to the east by vacant land, zoned CO and AG; and to the west by the Mingo Valley Expressway.

Development Area A (2 acres) proposes a commercial parcel to serve the Tulsa Community College Neighborhood. Development Area B (14.3 acres) would allow a 296-unit multifamily project as permitted in Use Unit 8. Development Area C (10 acres) proposes a church and accessory uses; church sponsored children and adult daycare; and a school which offers a compulsory education curriculum. Development Area D (2.1 acres) is proposed for office use, a nursing home or an assisted living facility. Development Area E (4 acres) at the southeast corner of the PUD abuts Oak Tree Village on the south and east and will be developed for single-family residences to the same standards as Oak Tree Village (RS-4).

The proposed development areas will be served by a Corridor Collection Street System which is proposed in the PUD.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-569 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-569, subject to the following conditions:

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

DEVELOPMENT AREA A

LAND AREA:

Gross	2.4932 Acres	108,604 SF
Net	2.0141 Acres	87,736 SF

(The boundaries of Area A may be modified by plat and detailed site plan to reflect the final location of the signalized collector street.)

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 18,750 SF

MAXIMUM BUILDING HEIGHT:

One story not exceeding 25 FT.

Architectural elements and business logos may exceed the maximum building height with Detail Site Plan approval.

OFF-STREET PARKING:

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

MINIMUM LOT FRONTAGE ON 81ST ST. SOUTH: 150 FT

MINIMUM BUILDING SETBACKS:

From the centerline of East 81 st Street	100 FT
From the west boundary of Area A	20 FT
From the east boundary of Area A	30 FT
From the south boundary of Area A	20 FT
Internal lot side yards	0 FT

LANDSCAPED AREA:

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

SIGNS:

- 1) Ground signs shall be limited to one sign for each lot along the East 81st Street frontage with a maximum of 160 square feet of display surface area for each sign and 25 feet in height.
- 2) Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- 3) One monument sign not to exceed 32 square feet and 8 feet in height to provide identification and directional information for Areas C and D.

DEVELOPMENT AREA B

LAND AREA:

Gross	15.8802 Acres	691,742 SF
Net	14.2862 Acres	622,306 SF

(The boundaries of Area B may be modified by plat and detailed site plan to reflect the final location of the signalized collector street.)

PERMITTED USES:

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

MAXIMUM NUMBER OF DWELLING UNITS: 296

MAXIMUM BUILDING HEIGHT: 45 FT

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of East 81st Street 100 FT

From the west boundary of Area B 20 11 FT *

From the south boundary of Area B 20 11 FT *

From abutting internal collector street 25 20 FT *

* Provided no three-story building abutting the collector street.

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 600 FT

SIGNAGE:

As permitted in the RM districts and one ground sign on the expressway frontage with a maximum display surface area of 180 square feet and 35 feet in height.

DEVELOPMENT AREA C

LAND AREA:

Gross: 10.3673 Acres 451,599 SF

Net: 10.0581 Acres 438,131 SF

PERMITTED USES:

Church and uses customarily accessory thereto; church sponsored children and adult day care; and school which offers a compulsory education curriculum.

MAXIMUM AGGREGATE BUILDING FLOOR AREA: 130,000 SF

MAXIMUM BUILDING HEIGHT: 45 FT

Architectural elements and steeples may exceed maximum building height with Detail Site Plan approval.

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the north boundary of Area C	11 FT
From the west boundary of Area C	11 FT
From the south boundary of Area C	25 FT *
From the centerline of the abutting public street	50 FT

* Plus 2 feet of setback for each 1-foot building height exceeding 15 feet.

LANDSCAPED AREA:

A minimum of 20% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

SIGNAGE:

- 1) One ground sign shall be permitted which shall not exceed 18 feet in height or 96 square feet in surface area and shall be located at least 100 feet north of the northwest corner of Area E.
- 2) One monument sign shall be permitted with a maximum of 64 square feet of display surface area and 8 feet in height.
- 3) One ground church sign on the expressway frontage with a maximum display surface area of 180 square feet and 35 feet in height.

DEVELOPMENT AREA D

LAND AREA:

Gross:	2.3834 Acres	103,820 SF
Net:	2.0714 Acres	90,228 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; nursing homes as permitted in Use Unit 2, and assisted living facility and elderly/retirement housing as permitted in Use Unit 8.

MAXIMUM BUILDING FLOOR AREA:

Use Unit 11 uses and nursing homes use:	27,500 SF
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family residential and is about to be developed; to the east by vacant land, zoned CO and AG; and to the west by the Mingo Valley Expressway.

Development Area A (2 acres) proposes a commercial parcel to serve the Tulsa Community College Neighborhood. Development Area B (14.3 acres) would allow a 296-unit multifamily project as permitted in Use Unit 8. Development Area C (10 acres) proposes a church and accessory uses; church sponsored children and adult daycare; and a school which offers a compulsory education curriculum. Development Area D (2.1 acres) is proposed for office use, a nursing home or an assisted living facility. Development Area E (4 acres) at the southeast corner of the PUD abuts Oak Tree Village on the south and east and will be developed for single-family residences to the same standards as Oak Tree Village (RS-4).

The proposed development areas will be served by a Corridor Collection Street System which is proposed in the PUD.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-569 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-569, subject to the following conditions:

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

DEVELOPMENT AREA A

LAND AREA:

Gross	2.4932 Acres	108,604 SF
Net	2.0141 Acres	87,736 SF

(The boundaries of Area A may be modified by plat and detailed site plan to reflect the final location of the signalized collector street.)

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 18,750 SF

MAXIMUM BUILDING HEIGHT:

One story not exceeding 25 FT.

Architectural elements and business logos may exceed the maximum building height with Detail Site Plan approval.

OFF-STREET PARKING:

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

MINIMUM LOT FRONTAGE ON 81ST ST. SOUTH: 150 FT

MINIMUM BUILDING SETBACKS:

From the centerline of East 81 st Street	100 FT
From the west boundary of Area A	20 FT
From the east boundary of Area A	30 FT
From the south boundary of Area A	20 FT
Internal lot side yards	0 FT

LANDSCAPED AREA:

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

SIGNS:

- 1) Ground signs shall be limited to one sign for each lot along the East 81st Street frontage with a maximum of 160 square feet of display surface area for each sign and 25 feet in height.
- 2) Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- 3) One monument sign not to exceed 32 square feet and 8 feet in height to provide identification and directional information for Areas C and D.

DEVELOPMENT AREA B

LAND AREA:

Gross	15.8802 Acres	691,742 SF
Net	14.2862 Acres	622,306 SF

(The boundaries of Area B may be modified by plat and detailed site plan to reflect the final location of the signalized collector street.)

PERMITTED USES:

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

MAXIMUM NUMBER OF DWELLING UNITS: 296

MAXIMUM BUILDING HEIGHT: 45 FT

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of East 81st Street 100 FT

From the west boundary of Area B 20 11 FT *

From the south boundary of Area B 20 11 FT *

From abutting internal collector street 25 20 FT *

* Provided no three-story building abutting the collector street.

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 600 FT

SIGNAGE:

As permitted in the RM districts and one ground sign on the expressway frontage with a maximum display surface area of 180 square feet and 35 feet in height.

DEVELOPMENT AREA C

LAND AREA:

Gross: 10.3673 Acres 451,599 SF

Net: 10.0581 Acres 438,131 SF

PERMITTED USES:

Church and uses customarily accessory thereto; church sponsored children and adult day care; and school which offers a compulsory education curriculum.

MAXIMUM AGGREGATE BUILDING FLOOR AREA: 130,000 SF

MAXIMUM BUILDING HEIGHT: 45 FT

Architectural elements and steeples may exceed maximum building height with Detail Site Plan approval.

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the north boundary of Area C	11 FT
From the west boundary of Area C	11 FT
From the south boundary of Area C	25 FT *
From the centerline of the abutting public street	50 FT

* Plus 2 feet of setback for each 1-foot building height exceeding 15 feet.

LANDSCAPED AREA:

A minimum of 20% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

SIGNAGE:

- 1) One ground sign shall be permitted which shall not exceed 18 feet in height or 96 square feet in surface area and shall be located at least 100 feet north of the northwest corner of Area E.
- 2) One monument sign shall be permitted with a maximum of 64 square feet of display surface area and 8 feet in height.
- 3) One ground church sign on the expressway frontage with a maximum display surface area of 180 square feet and 35 feet in height.

DEVELOPMENT AREA D

LAND AREA:

Gross:	2.3834 Acres	103,820 SF
Net:	2.0714 Acres	90,228 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; nursing homes as permitted in Use Unit 2, and assisted living facility and elderly/retirement housing as permitted in Use Unit 8.

MAXIMUM BUILDING FLOOR AREA:

Use Unit 11 uses and nursing homes use:	27,500 SF
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MAXIMUM NUMBER OF DWELLING UNITS:

Assisted living and elderly/retirement use 46

MAXIMUM BUILDING HEIGHT:

Two story not exceeding 30 FT.

Architectural elements and business logos may exceed maximum building height with Detail Site Plan approval.

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of the abutting public street 50 FT

From the east boundary of Area D 11 FT

From the south boundary of Area D 50 FT

LANDSCAPED AREA:

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

SIGNAGE:

As permitted in the OL - Office Light Zoning District.

DEVELOPMENT AREA E

LAND AREA:

Gross: 4.7981 Acres 208,007 SF

Net: 4.0153 Acres 174,908 SF

PERMITTED USES:

Single-family dwelling units.

MAXIMUM NUMBER OF DWELLING UNITS: 20

BULK AND AREA REQUIREMENTS FOR LOTS:

As required in the RS-4 Residential Single-family Zoning District.

OFF-STREET PARKING SPACES PER DWELLING UNIT: 2

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 2,500 SF

3. No Zoning Clearance Permit shall be issued for a development area except Area E within the PUD until a Detail Site Plan for the development area,

which includes all building and requiring 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 areas, except Area E, shall be submitted to the TMAPC for review and approved prior to issuance of a building permit. 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, except in Development Area E, shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential area. Light standards and lights affixed to buildings shall be limited to a maximum height of 12 feet in Development Areas C and D.
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 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, 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, Tulsa 74103, stated, that the due to the proposed construction of the southeast leg of the Mingo Valley Expressway the intersection will be completely reworked. He noted this is the location of the corridor collect street. He stated there is a large PSO easement

and transmission lines located on the east side of the property. He feels all these factors have an effect on the development and uses of the land.

Mr. Norman commented, in regard to letters received expressing concerns with the stormwater drainage, that part of the subject property, the northernmost 36 acres, drains to the north. The stormwater plan, which has been approved in concept by Stormwater Management and Department of Public Works, is allowed to pay a fee in lieu of on-site detention. The southern part of the property drains to the south and requires on-site detention, which is already being provided in a larger detention facility located at the south of Oak Tree Village, which is under development by the same group of owners.

Mr. Norman stated the reason on-site detention is not required on the southern portion is because the City of Tulsa acquired a very large parcel of land to the north of the college which is planned to remain in its natural state. He noted pipes were constructed underneath the expressway as a constriction on the flow, to reduce the flow on the east side and pull back some of the stormwater on the west side. This design reduced the amount of stormwater drainage through this area and based on it, the area to the south is allowed to drain into this area without increasing the amount of stormwater that flows or does not flow through it under natural conditions.

Mr. Norman pointed out Area B of staff's recommendation and noted he requested an 11-foot setback from the expressway boundary, an 11-foot setback from the south boundary and a 20-foot setback from the internal collector. He stated staff feels with three-story buildings it may give a too crowded of an appearance along the collector street. He stated if the 20-foot setback from the internal collector is approved, he would offer a proviso that there would be no three-story building abutting the collector street. The proviso would force any higher buildings back to the interior or expressway side of the project.

Mr. Norman requested that the setbacks be modified as requested to allow some flexibility for the design of the building.

Mr. Norman noted a typographical error in regard to Development Area D, Minimum Building Setbacks, From the centerline of the abutting public street, should be listed as 50 feet.

Mr. Norman requested that the Planning Commission approve the Preliminary Plat and Corridor Site Plan/PUD with the changes as noted.

Interested Parties Comments:

R. O. Wheeler, P. O. Box 164213, Austin, Texas, 78716, stated he is opposed to the fee in lieu of detention facilities, being an owner of property across the street, on 81st Street.

Mr. Wheeler stated he was involved in the development of the first PUD in the City of Tulsa under the guidance of Bob Gardner. He stated he likes the use of PUD's and thinks the proposed plan is excellent. However, he disagrees with the elimination of on-site detention of the north 40 percent of the property. He

stated in the past he was required to building on-site detention facilities on practically every major project. He feels all developers should be required to provided on-site detention facilities.

Mr. Wheeler feels Mr. Norman's presentations concerning the effect of the Chapman Estate donation, is inadequate and establishes a precedent and allows dumping more water downstream. He feels if stormwater is not addressed presently, then it will create a larger problem in the future.

Mr. Wheeler made other comments that were not audible due to malfunction of the speaker system.

Mr. Wheeler requested that the application be continued for two weeks to allow exploration, in detail and engineering input, on how the payment in lieu will effect the surrounding property owners.

Applicant's Rebuttal:

Mr. Norman reminded the Planning Commission that this project has already completed the preliminary review and approval process, as indicated by the technical determination. He noted, prior to the final approval and release of the plans for the stormwater drainage, it will be review at the detail site plan review and approval process. He feels this is ample time to refer with Stormwater Management and Department of Public Works.

Mr. Norman requested the application be considered today.

TMAPC Comments:

Mr. Doherty asked staff to comment on the reason for the greater setbacks. Mr. Stump commented it is to provide additional buffering between the residential area and the expressway. He stated, with apartments being massive buildings, whether two- or three-stories, staff requested the same setback from the curb line as least equal to that of single-family homes in most districts. Mr. Norman presented a photograph of the proposed building to be constructed in Development Area B.

Ms. Pace clarified the location of the pipeline in conjunction with the proposed church building. Mr. Norman commented that the church building will have to be located away and off of the pipelines, in fact a safe distance based on the size and pressure of the lines. Mr. Doherty stated the setback from the pipelines would be 50 feet.

Mr. Jones stated, in regard to the plat, there will be a waiver of the Subdivision Regulations to permit the collector street to be 50 feet in right-of-way width and paving less than 36 feet and a release letter from the pipeline companies stating the pipelines are compatible with the proposed development. He noted this is a collector street and sidewalks are required. He stated the engineer is willing to present a sidewalk plan that is equal to or better than what is required at the time of Detail Site Plan.

Mr. Doherty asked whether the 50-foot wide collector street would pose any problems for the single-family residents. Mr. Jones replied, when reviewing the subdivision to the south, it was indicated the subdivision would be redesigned and most of the traffic would access Garnett Road. He stated Traffic Engineering has reviewed this and are satisfied with the plan.

Mr. Stump mentioned, for the applicant's sake, with the a church and multifamily use and then connecting to a subdivision, staff expects a large volume of pedestrian traffic in this area and will require a sidewalk.

Mr. Doherty stated the only issue is the setback since the drainage issue is customarily addressed by Public Works. He feels the Planning Commission is restricted by the requirements of Public Works in regard to the drainage.

There was other discussion by the Planning Commission in regard to drainage, but it was not audible.

Mr. Doherty expressed concern with the setback from the collector street given the volume of traffic.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson "absent") to recommend **APPROVAL** of Z-6054-SP-3/PUD-569 as recommended by staff and as modified by the Planning Commission. (Language deleted by TMAPC is shown as strikeout type, language add or substituted by TMAPC is underline type.)

Legal Description for Z-6054/PUD-569:

A tract of land situated in the NE/4 of Section 18, T-18-N, R-14-E, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: commencing at the Southeast corner of the NE/4 of said Section 18; thence S 89°01'17" W and along the South line of the NE/4 for 2,197.42' to the East ROW line of Highway 169; thence N 11°23'21" W a distance of 157.91'; thence N 02°16'48" W a distance of 684.87' to the point of beginning; thence N 89°01'17" E a distance of 1,034.56'; thence N 01°27'04" W a distance of 381.72'; thence S 89°04'29" W a distance of 116.29'; thence N 01°16'37" W a distance of 660.01'; thence N 89°04'29" E for a distance of 65.00'; thence N 01°16'37" W for a distance of 675.01' to a point on the Southerly ROW line of East 81st Street South; thence S 89°04'29" W along said Southerly ROW line parallel with and 50.00' Southerly of as measured perpendicularly to the Northerly line of Section 18 for 734.21' to a point on the Easterly ROW line of Highway 169; thence Southerly along said Easterly ROW as follows: S 34°06'16" W a distance of 181.91', thence S 06°33'43" W a distance of 455.41'; thence S 11°45'22" W a distance of 309.23';

thence S 02°16'48" E a distance of 300'; thence S 02°29'01" W a distance of 301.04'; thence S 02°16'48" E a distance of 215.13' to the Point of Beginning, and located on the southeast corner of East 81st Street South and South Mingo Valley Expressway, Tulsa, Oklahoma.

Application No.: Z-6603

Applicant: Elizabeth Southard

Location: 6927 South Canton

Presented to TMAPC: Elizabeth Southard

OM to CS
(PD-18) (CD-7)

Staff Recommendation:

Relationship to the Comprehensive Plan:

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

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

Staff Comments:

Site Analysis: The subject property is 88' x 150' in size and located north of the northeast corner of East 71st Street South and South Canton Avenue. The property is flat, non-wooded, has a two-story office building, and is zoned OM.

Surrounding Area Analysis: The subject tract is abutted on the north, south and east by offices, zoned OL and to the west across South Canton Avenue by a multi-story hotel, zoned CS;PUD-260-C.

Zoning and BOA Historical Summary: The subject tract was rezoned from OL to OM in 1992 and in 1996 the TMAPC approved a Major Amendment to a Planned Unit Development to allow a high-rise hotel on property located across Canton Avenue from the subject tract on the west.

Conclusion: The Comprehensive Plan designates the subject tract to be in Low Intensity - Linear Development Area which does not permit CS zoning and there is not commercial zoning on the east side of Canton Avenue, therefore, staff recommends **DENIAL** of CS zoning for Z-6603.

Applicant's Comments:

Elizabeth Southard, the applicant, stated she is proposing a true and charming, English-style country inn. She expressed this is a restaurant and pub, not a bar. She stated, in regard to parking, there are currently 16 parking spaces and five additional spaces can be added if needed to meet the requirements.

and located on the southeast corner of East 81st Street South and South Mingo Valley Expressway, Tulsa, Oklahoma.

Application No.: Z-6603

Applicant: Elizabeth Southard

Location: 6927 South Canton

Presented to TMAPC: Elizabeth Southard

OM to CS
(PD-18) (CD-7)

Staff Recommendation:

Relationship to the Comprehensive Plan:

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

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

Staff Comments:

Site Analysis: The subject property is 88' x 150' in size and located north of the northeast corner of East 71st Street South and South Canton Avenue. The property is flat, non-wooded, has a two-story office building, and is zoned OM.

Surrounding Area Analysis: The subject tract is abutted on the north, south and east by offices, zoned OL and to the west across South Canton Avenue by a multi-story hotel, zoned CS;PUD-260-C.

Zoning and BOA Historical Summary: The subject tract was rezoned from OL to OM in 1992 and in 1996 the TMAPC approved a Major Amendment to a Planned Unit Development to allow a high-rise hotel on property located across Canton Avenue from the subject tract on the west.

Conclusion: The Comprehensive Plan designates the subject tract to be in Low Intensity - Linear Development Area which does not permit CS zoning and there is not commercial zoning on the east side of Canton Avenue, therefore, staff recommends **DENIAL** of CS zoning for Z-6603.

Applicant's Comments:

Elizabeth Southard, the applicant, stated she is proposing a true and charming, English-style country inn. She expressed this is a restaurant and pub, not a bar. She stated, in regard to parking, there are currently 16 parking spaces and five additional spaces can be added if needed to meet the requirements.

Ms. Southard stated the hours of operation is Monday through Thursday from 4:00 to 10:00 p.m., and Friday and Saturday from 4:00 to 11:00 p.m. and closed on Sundays. There will be emphasis on the English foods and atmosphere. She stated drinks will be served.

Interested Parties Comments:

L. H. Brown, 6913 South Canton, 74136, stated he is opposed to this type of business since most of the area is devoted to office and medical facilities and parking is limited in this area.

Mr. Brown presented letters of opposition from others in the area.

Robert Triplett, 4135 East 62nd Street, 74136, stated he is the Vice President of the Livingston Park Homeowners Association. He noted his office is much closer to the proposed development than his home.

Mr. Triplett complimented the Planning Commission for making the homeowners association aware of zoning issue through the notification process.

Mr. Triplett stated the association supports the proposed development since it is a good, small business being introduced into a close residential area, but mixed with commercial. He feels the owner has improved and maintained the subject property.

Phyllis Hall, 6913 South Canton, stated she is the branch manager for Examination Services. She expressed concern for the safety of her female employees and the security of the surrounding facilities.

Applicant's Rebuttal:

Mr. Southard stated she would be willing to file a PUD.

TMAPC Comments:

Mr. Doherty asked whether the Livingston Park Homeowners Association is in favor of this particular proposal or the CS zoning in general. Mr. Triplett stated he is not in favor of CS zoning in general, but in favor of this particular proposal. Mr. Doherty stated that the problem with this application is that it is requesting a zoning change to CS without a PUD, which can be used to limit the uses and impose conditions.

Mr. Horner stated, if the application was accompanied by a PUD, he would be in support of the request.

After further discussion, in regard to a PUD, Mr. Doherty made a motion.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Jackson "absent") to **CONTINUE** the Zoning Public Hearing for Z-6603 to October 22, 1997 to allow the applicant to amend her application to include an accompanying PUD.

Application No.: Z-6604/PUD-570

OL to CS/PUD

Applicant: Mike Slaton

(PD-26) (CD-8)

Location: Northwest corner East 111th Street South and South Memorial Drive

Presented to TMAPC: Mike Slaton

(Planned Unit Development for commercial development.)

Mr. Ledford left the dais, indicating he would be abstaining from this item.

Staff Recommendation:

Z-6604:

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tracts as Medium Intensity - Linear Development Area.

According to the Zoning Matrix and the District 26 Plan, the requested CS zoning is in accordance with the Plan Map if accompanied by an acceptable PUD.

Staff Comments:

Site Analysis: The subject property is 2.78 acres in size and located north of the northwest corner of East 111th Street South and South Memorial Drive. The property is flat, partially wooded, vacant, and is zoned OL.

Surrounding Area Analysis: The subject property is abutted on the north by an indoor/outdoor athletic center, zoned CS/PUD-485-A; to the south and west by vacant property, zoned RS-3, RM-1 and CS; and to the east by a greenbelt and a commercial shopping center, within the Bixby City Limits.

Zoning and BOA Historical Summary: The subject tract was rezoned from AG to OL in 1987. The property abutting the subject tract on the north was rezoned from AG to CS with a Planned Unit Development approved for an indoor/outdoor athletic training center in 1992.

Bulk Waste Containers Setback
From West Boundary of PUD: 125 FT

Building Access:

No public access shall be permitted on the west side of buildings; only employee access and emergency exits are permitted.

Vehicular Access:

There shall be only two (2) access points onto Memorial Drive which shall be ingress and egress. There shall be mutual access over and across each of the lots in favor of all of the lots in the PUD.

Landscaping and Screening:

A six-foot screening wall or fence shall be provided along the west boundary of the PUD. In addition, parking areas within the PUD shall be screened from Memorial Drive by screening fences, berms and/or landscaping.

3. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for that lot, which includes all buildings and requiring parking and landscaped areas, 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 lot shall be submitted to the TMAPC for review and approved prior to issuance of a building permit. 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 lot 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 on a lot in the PUD until a Detail Sign Plan for that lot 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 hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 12' in height and all such lights shall be set back at least 50' from an RS district.

8. 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, 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 Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-1** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Jackson "absent") to recommend **APPROVAL** of PUD-570, subject to the conditions as recommended by staff and **APPROVAL** of CS zoning for Z-6604 as recommended by staff.

Legal Description for Z-6604/PUD-570:

The East Half of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, less and except the Easterly 115.00' thereof; and less and except the Southerly 95.00' thereof, and located north of the northwest corner of East 111th Street South and South Memorial Drive, Tulsa, Oklahoma.

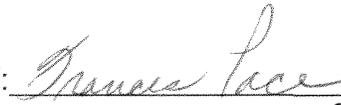
Chairman Carnes stated he would be stepping down as Chairman of the Planning Commission to pursue his own business, however, he would still serve on the Planning Commission.

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

Date Approved: _____



Chairman

ATTEST: 

Secretary