

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2150

Wednesday, March 11, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Boyle	Dunlap	Linker, Legal
Doherty	Ledford	Huntsinger	Counsel
Gray		Matthews	
Horner		Stump	
Jackson			
Midget			
Pace			
Selph			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 11, 1998 at 9:10 a.m., posted in the Office of the City Clerk at 9:05 a.m., as well as in the office of the County Clerk at 9:04 a.m.

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

Minutes:

Approval of the minutes of February 25, 1998, Meeting No. 2148:

On **MOTION** of **DOHERTY** the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace, Westervelt, "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, Jackson, "absent") to recommend **APPROVAL** of the minutes of the meeting of February 25, 1998 Meeting No. 2148.

Mr. Selph in at 1:33 p.m.

Mr. Jackson in at 1:35 p.m.

Reports:

Committee Reports:

Special Residential Facilities Task Force:

Mr. Westervelt informed TMAPC that there will be a March 26th meeting in room 1101 at City Hall.

Community Participation Committee:

Ms. Gray reported the committee met last week and discussed the March 31st workshop meeting, which will be at 6:30 p.m. in the Francis Campbell Council Room. The workshop is to meet with the neighborhoods and discuss how TMAPC and Board of Adjustment address issues.

Policies and Procedures Committee:

Mr. Carnes requested TMAPC members to have their issues ready for the March 18th Work Session.

Director's Report:

Mr. Stump reported on the upcoming cases for the City Council Meeting. He indicated the cases are routine.

TMAPC COMMENTS:

Mr. Westervelt stated there has been an untimely request for a continuance on PUD-306. Mr. Westervelt requested the case to be moved to the beginning of the meeting, since Mr. Moody has to be in court today.

Other Business:

PUD-306 – Roy Johnsen

Northwest side of College Place and 95th Street South (PD-18) (CD-2)
(Amendment to Restrictive Covenants of Woodside Village III)

Interested Party Concerning Continuance Request:

Mr. Moody stated he requested the continuance, as he was retained by the College Park Homeowner's Association on Monday, March 9, 1998, and was unable to file a timely request for a continuance. He indicated that he was informed by his clients that they were not notified of this hearing and did not receive notice until Saturday, March 7, 1998.

Mr. Moody stated he requested the continuance because he is in recess on a trial that reconvenes today at 2:00 p.m. He informed the Planning Commission that Mr. Johnsen does object to the continuance.

Mr. Doherty asked Mr. Moody if his clients were parties to the covenants. Mr. Moody stated that they are parties to the master covenants. He explained that his issue is strictly a jurisdiction issue. He commented he agreed to represent his clients solely to examine whether or not there was a jurisdictional defect in the original approval of the Minor Amendments that made the proceedings void. If that is the case, then there is no way the Planning Commission can approve an amendment to the restrictive covenants. He indicated that he reviewed the files and will make his presentation strictly on a jurisdictional issue.

Mr. Doherty stated that it appears to him that the issue is moot. If there is a jurisdictional issue, the client will have to pursue it through another avenue. If there is not a jurisdictional issue, then the client does not have standing.

Applicant's Comments Concerning the Continuance Request:

Mr. Johnsen stated this is essentially a minor housekeeping issue to conform the existing plat restriction to the approval actions of the Planning Commission that occurred after the plat was filed. There is a setback line on the plat. The site plan reflects garages in the front that go over that setback line. This is strictly a title issue that he wishes to cure.

Mr. Johnsen indicated that he discussed this matter with Mr. Moody who indicated that his argument is a jurisdictional issue. That issue is on an action that took place in 1994. The 1994 action has been presented to the Planning Commission at least five times, and in each instance the Planning Commission has determined that the action they took was correct.

Mr. Johnsen stated he objects to the request for a continuance because the jurisdictional issue has already been reviewed and decided. He indicated he would like to go forward with his covenant amendment.

Mr. Johnsen reminded the Planning Commission that the interested parties who appeared on the earlier jurisdictional issues waived any notice defect, if in fact there ever was a defect.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-1-0** (Carnes, , Gray, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; Doherty, "nays"; none "abstaining"; Boyle, Ledford, "absent") to **DENY** the requested continuance.

TMAPC Comments:

Mr. Doherty suggested the Planning Commission allow Mr. Moody to make his argument while he is in recess from court today.

PUD-306 – Roy Johnsen

Northwest side of College Place and 95th Street South
(Amendment to Restrictive Covenants of Woodside Village III)

(PD-18) (CD-2)

Applicant's Presentation:

Mr. Johnsen, 201 West 5th Street, stated the amendment is to the setback line that was imposed on the plat of Woodside Village III. This subdivision was platted prior to October 1994. In the later part of 1994, the minor amendments were presented to the Planning Commission for a number of issues and the minutes reflect that on that date, October 5, 1994. The Planning Commission approved detached garages being located in the front yard on that date and there were several hearings that followed. At each hearing, the issue of the trash compactor was brought forward. In 1994, when the action was taken to permit the detached garages in the front setback, in order to provide screening of the three-story structures, Mr. Spinks did not own property in College Park to the east. If there was a notice question, Mr. Spinks had no standing to raise the issue and he has no standing today.

Mr. Johnsen said the distinction needed to be made between a notice requirement that is public, such as publication in a newspaper, that is distinguishable from one by ordinance that notice must be given to abutting properties or owners within 300'. Public notice was not required for the action taken in October, 1994; however, mailed notices to the property owners were required. The notice was mailed to the property owners and College Park representatives appeared at two hearings, participated and basically that constituted a waiver to any notice problem that may have been there. He stated that this issue has been raised at various meetings and at each instance, the Planning Commission ruled against the interested parties. The merits have been ruled on, as well as the jurisdictional question.

Mr. Johnsen stated the issue before the Planning Commission today is the simple matter of the old plat line, which he wishes to amend of record from a title standpoint so that the title comports with the actual the Planning Commission approvals and the way the project has been constructed. He concluded that the continuance is an artificial issue and was not brought in good faith. The controversy has always been the trash compactor and this action today has nothing to do with the trash compactor. There will not be any changes in the project with this action; it is purely a title matter.

Interested Parties:

Mr. John Moody, representing College Park Homeowner's Association, stated the association voted Sunday evening to retain him. He indicated that he was not before the Planning Commission to discuss the trash compactor, but agreed to represent the association on one issue. He stated he agreed to look at what actually transpired to determine whether or not the Planning Commission ever in fact had jurisdiction based upon the notice requirements of the State Statutes and the Tulsa Zoning Code.

Mr. Moody submitted a copy of the original application, the notice that was mailed and the minutes of the meeting as exhibits. He indicated the application for PUD-306-9 for a minor amendment, if valid, authorizes the Planning Commission to approve the restrictive covenant. The application makes no mention of modifying the building setback lines and the notice mailed to the interested parties did not mention a proposed modification to the building setback line. Mr. Moody submitted minutes from the September 14th meeting, which is the meeting in which PUD-306-9 was originally presented. This is the meeting for which the only

notice was ever given and there is no mention of modification of the building setback line. On the last page of the September 14th minutes, the Planning Commission voted to approve the staff recommendations for PUD 306-9 Minor Amendment and continue the portion of PUD-306-9 Minor Amendment pertaining to maximum building height for the top plate to October 5, 1994. Mr. Moody commented that a person sitting in the audience who had no objection to the building height for the top plate would have no knowledge that there is going to be anything else considered at the October 5th meeting. Mr. Moody stated that the Planning Commission considered on October 5, 1994 and approved the building setback line modification. He informed the Planning Commission that is his position that under the Statutes and under the Case Decision of the Oklahoma Supreme Court, the Planning Commission never had jurisdiction, to hear the building setback line. Mr. Moody stated that if there was never jurisdiction then all of the action taken pursuant to the hearing is void. He concluded that this is his position.

TMAPC Comments:

Mr. Westervelt asked Mr. Linker to clarify what was just stated.

Mr. Linker stated that if the issue had been raised at the meeting where this matter was heard, he would make a good argument. However, there are structures that have actually been constructed and this is way down the line. He stated the Planning Commission cannot go back now and declare everything void on the basis of going beyond what the notice did, and this is what Mr. Moody's argument is. Mr. Linker stated that in his opinion it is too late to argue this issue. He reminded the Planning Commission that this is a title requirement to amend the restrictive covenants. Mr. Linker informed the Planning Commission that he could not agree with the argument.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, "absent") to **APPROVE** the Amendment to Restrictive Covenants of Woodside Village III, PUD-306.

Subdivisions:

LOTSPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18609 Donald Schendt (2883)

10747 South Quebec Avenue

(PD-26) (CD-8)

L-18612 - Bobby Heflin (2703)

6205 East Tecumseh

(PD-16) (CD-3)

L-18613 – Rick Picard (2492)

3550 South Peoria Avenue

(PD-6) (CD-9)

L-18614 – City of Tulsa (1583)

6100 East 81st Street

(PD-18B) (CD-8)

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY** the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford, “absent”) to recommend **RATIFICATION** of these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

ZONING PUBLIC HEARING

PUD-179-W – Robert Van Nguyen

South of Southeast corner East 71st Street and South 92nd East Avenue. (PD-18) (CD-8)
(Major Amendment to allow restaurant use)

The Major Amendment is intended to allow restaurant uses in Tract A of Development Area C and also signage as allowed in the CS District plus an additional 25’ ground sign. The proposal would allow a 1,680 SF restaurant, which would be located in the east 30 feet of a building that is presently under construction. The existing PUD standards allow uses permitted in Use Units 11, 13 and 14. No ground signs are permitted under the existing standards and wall signs are permitted only on the north and east sides of buildings. Wall signs are not to exceed a display surface area of 1 SF per lineal foot of wall to which they are attached.

There are residential uses to the west of the subject tract across 92nd East Avenue. A Quick Trip and a Sonic lie to the north between the subject tract and 71st Street South. There are mini-storages to the south and retail uses to the east.

Because of the existing development in the area, staff can support the restaurant use on the east end of the tract. The existing PUD standard prohibiting a ground sign was imposed because the tract has no arterial street frontage. Since this is still the situation, staff cannot support a ground sign for this tract. Staff can support increased wall signage on the north and east sides of the building, however. Staff has reviewed the maximum allowed wall signage for other Development Areas of this PUD and other PUDs along East 71st Street. Other areas of this PUD and PUD-468, directly north across the street, allow a sign-to-building-wall ratio of 2: 1.

Staff finds the uses and intensities of development proposed (as modified) to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-179-W to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-179-W subject to the following conditions:

1. The requirements of PUD-179-S, as amended, shall continue to apply unless modified below.
2. Permitted uses: Use Units 11, 12, 13 and 14.
3. Signs: No ground sign is permitted. Wall signs are permitted only on the north and east sides of buildings. Wall signs shall not exceed a display surface area of 2 SF per lineal foot of wall to which they are attached.
4. Maximum Building Floor Area: 12,300 SF*
5. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. 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.
7. 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.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 20 feet in height.

*Of which no more than 1,680 SF may be restaurant, which shall only be in the east 100 feet of the tract.

Interested Parties:

Robert Van Nguyen, 6426 South Richmond Avenue, owner of the tract, requested the Planning Commission to approve the restaurant use for the subject tract at the east end of the subject building. He further asked the Planning Commission to approve the sign request. He explained that his restaurant is in the back of the Quik-Trip and cannot be seen from 71st Street.

TMAPC Comments:

Mr. Westervelt asked the applicant if he understands that staff does not support the ground sign in front of the building, but has allowed increased signage on the building. In response Mr. Nguyen stated he understands the staff's comment, but would like the Planning Commission to reconsider the request.

Mr. Stump stated that the rationale for not allowing the ground sign is that if the TMAPC determines that these parcels lack of frontage on the arterial streets justifies signage because they cannot be seen, then the Planning Commission is setting a precedent that they probably do not want. There will be all sorts of sign requests that would invariably be closer to residential areas.

Mr. Doherty stated he agrees with staff that the Planning Commission does not really want to get into the business of putting signs back on rear properties. It may be that this tract is not really suited for restaurant use, which does require arterial exposure to be successful. He explained that ground signs are customarily allowed only on the front lot or the tract on the arterial. To allow ground signs for the lots behind the arterial would cause such a clutter that it would seriously degrade the streetscape.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY** the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, "absent") to recommend **APPROVAL** of Major Amendment for PUD-179-W for restaurant use, as recommended by staff.

Legal Description for PUD-179-W:

A tract of land that is part of Lot 2, Block 1, Howerton Acres, a Resubdivision of Lot 1, Block 2, Woodland Springs I, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, more particularly described as follows, to-wit: Beginning at a point that is the most Westerly Northwest corner of said Lot 2, said point also being the Southwest corner of Lot 1, Block 1, Howerton Acres; thence due East along the Southerly line of said Lot 1 and an Easterly extension thereof for 325.00'; thence due South for 185.33' to a point on the Southerly line of said Lot 2; thence due West along said Southerly line for 313.03' to a point on the Westerly line of said Lot 2; thence N 12°57'50" W

for 0.00' to a point of curve; thence Northerly along said Westerly line of Lot 2 and along a curve to the right with a central angle of 12°57'50" and a radius of 469.56' for 106.24' to a point of tangency; thence due North along the Westerly line of Lot 2 and along said tangency for 79.99' to the Point of Beginning.

Z-6625 Delmer L. Adkins

West of Southwest corner East 2nd Street and South Quincy

RM-2 to IL

(PD-4) (CD-4)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District – Industrial.

According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map.

Site Analysis: The subject property is approximately 150' x 140' in size and is located west of the southwest corner of East 2nd Street and South Quincy Avenue. The property is flat, non-wooded, contains a vacant dwelling, and is zoned RM-2.

Surrounding Area Analysis: The subject tract is abutted on the north by a commercial business, an apartment building, and a vacant lot, zoned IL and RM-2; to the east and west by single-family dwellings, zoned RM-2; and to the south by a parking lot and vacant dwellings, zoned CH.

Zoning and BOA Historical Summary: The most recent rezoning in this area was in 1986 which approved IL zoning on a .1 acre tract located on the southeast corner of East 2nd Street and South Quincy Avenue and east of the subject tract.

Conclusion: Based on the Comprehensive Plan, the existing uses and development in this area, Staff recommends **APPROVAL** of IL zoning for Z-6625.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Midget expressed concerns with uses allowed in IL districts, especially uses under Use Unit 17. He stated he is concerned with outside storage that is usually associated with some uses in the Use Unit 17 category.

Mr. Stump stated that of outside storage is one of the issues that could be looked into when reviewing specific uses that are allowed in Use Unit 17, IL, CH and CG districts. If these are near residential areas, perhaps some of the outdoor storage should be more restricted.

In response to Ms. Pace, Mr. Doherty stated the Comprehensive Plan recognizes this area as being in transition from residential to a mixture of commercial and industrial. He indicated Rules and Regulations Committee will be undertaking a review of Use Unit 17 and its application in industrial with regard to where it abuts or is near residential.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES** the TMAPC voted **7-2-0** (Carnes, Doherty, Horner, Jackson, Pace, Selph, Westervelt “aye”; Gray, Midget “nays”; none “abstaining”; Boyle, Ledford, “absent”) to recommend **APPROVAL** of IL zoning for Z-6625 as recommended by staff.

Legal Description for Z-6625:

Lots 4 5, and 6, Block 16, Lynch and Forsythe’s Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, Tulsa, Oklahoma.

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Z-6626 – Robert Bell

Southeast corner East 11th Street South and South 83rd East Avenue.

RS-1 to CG
(PD-5) (CD-5)

Staff Recommendations:

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix the requested CG zoning **may be found** in accordance with the Plan Map.

Site Analysis: The subject property is approximately 125’ x 138’ in size and is located on the southeast corner of East 11th Street South and South 83rd East Avenue. The property is flat, partially wooded, vacant, and is zoned RS-1.

Surrounding Area Analysis: The subject tract is abutted on the north across E. 11th Street S. by a single-family dwelling, zoned RS-1; to the east and west by vacant land, zoned CS; and to the south by a drainage canal, zoned RS-1.

Zoning and BOA Historical Summary: The most recent rezoning in this area approved OL zoning on a 2.8 acre tract located north of the subject tract and fronting on Memorial Drive.

Conclusion: The subject property is abutted by CS zoning on the east and west and the drainage canal on the south that is not developable. The Comprehensive Plan does support CS zoning for the subject tract. Based on the existing zoning pattern in this area, Staff recommends **DENIAL** of CG zoning and recommends **APPROVAL** of CS zoning for Z-6626.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, "absent") to recommend **DENIAL** of CG zoning and **APPROVAL** of CS zoning for Z-6626 as staff recommended.

Legal Description for Z-6626:

The North 125' of Lot 4, Block 2, Amended Plat of Lots 1 through 8 inclusive in Block 1 and Lots 1 through 8 inclusive in Block 2, Forest Acres Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, Tulsa, Oklahoma.

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PUD-306-F/Z-6522-SP-2 – Charles Norman

Northeast corner Creek Turnpike and South Delaware (PD-18) (CD-2)
(Major Amendment and Corridor Site Plan for a multi-family development)

Staff Recommendation:

The Major Amendment/Corridor Site Plan proposes a multifamily residential development on 18.39 acres of land located at the northeast corner of South Delaware Avenue and the Creek Turnpike. The property was part of the Development Areas F, G and H of Planned Unit Development No. 306 and was approved in 1983 for multifamily development. In 1996 a Major Amendment to Planned Unit Development No. 306-E and Corridor Site Plan No. Z-6522-SP-1 was approved to allow a commercial recreation facility and office development. This development did not materialize. The applicant is proposing to delete the existing approved uses and requests approval for multifamily development.

The subject tract is three-sided and is abutted on the north by the Vensel Creek channel and beyond that by single-family dwellings; to the south and southeast by the Creek Turnpike right-of-way; and to the west by the Riverside Parkway/South Delaware Avenue right-of-way. Access to the property will be provided by the Delaware Avenue right-of-way across the Vensel Creek channel to a permanent access to the Riverside Parkway.

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-306-F 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-306-F 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:

Net:	18.39 acres	801,068 SF
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PERMITTED USES:

Those uses permitted as a matter of right in Use Unit 8, Multifamily Dwellings and Similar Uses, and uses customarily accessory to permitted uses.

MINIMUM LAND AREA PER DWELLING UNIT PER LOT:	1,450 SF
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MAXIMUM BUILDING HEIGHT:	45 FT
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MAXIMUM HABITABLE STORIES	3
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OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the northern boundary of the property	20 FT
From the southern boundary of the property	20 FT
From the western boundary of the property	35 FT

MINIMUM LIVABILITY SPACE PER DWELLING UNIT:	400 SF
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SIGNS:

One ground sign on the Creek Turnpike frontage not exceeding 120 square feet and not exceeding 25 feet in height and one ground sign on the Riverside Parkway/South Delaware Avenue frontage not exceeding 64 square feet of display surface area and 18 feet in height.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking and landscaping areas, 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 approval 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 approval 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 Sign 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. All bulk trash shall be set back at least 125 feet from the west boundary of the PUD.
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 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 1170F 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.

Staff recommends, if PUD-306-F is approved, that Z-6522-SP-2 be approved subject to the conditions in the applicant's corridor site plan and the PUD-306-F development standards.

Applicant's presentation:

Mr. Charles Norman, 2900 Mid-Continent Tower, stated the application is intended to return the subject property to the original Planned Unit Development, which permitted multifamily use. He reminded the Planning Commission that the PUD was approved prior to the acquisition of the right-of-way for the Creek Turnpike and prior to the construction of the major drainage channel. He stated the application represents a blend of several original multifamily areas and is in accord with the standards that have been approved recently for multifamily development within the Corridor-zoned areas. The property is completely separated from any surrounding properties and the access will be limited. The only access to the subject property will be over the old bridge across Vensel Creek and there will be an emergency access directly to Riverside Parkway.

TMAPC Comments:

In response to Mr. Doherty, Mr. Norman stated the Fire Marshall reviewed the site plan and he requested modifications so that larger-sized fire trucks could turn.

Mr. Doherty asked Mr. Norman to clarify the number of units per acre. Mr. Norman stated it will be a maximum of 30 units per acre, which is the standard that is generally accepted in Corridor-zoned areas for the last year.

Mr. Carnes stated the subject property should have two ways in and out. In response, Mr. Norman stated it is impossible to have two ways in and out, but there is two-way access within the project to satisfy the Fire Marshall.

Interested Parties:

Kathy Manning, 9505 South College Court; **Don Ball**, 9509 South College Court.

Interested Parties' Concerns:

Entrance into the subject property; impact on the collector street; density and the impact on College Park II; height of the building being three stories; view being impacted by surrounding apartments; notices for future development.

TMAPC Comments:

Mr. Doherty advised Ms. Manning to contact Jon Eshelman's office with regard to the connection of the collector street. He explained that the Planning Commission has no jurisdiction as to the connection project to the collector street.

In response to Mr. Selph, Mr. Stump stated that if there is a registered Homeowner's Association in the subject area they are notified.

Mr. Stump answered several questions from the interested parties with regard to notices and public hearings.

Rebuttal:

Mr. Norman stated the Planning Commission has recognized that this is an ideal location since the subject property is totally isolated. He requested the Planning Commission to approve this application as staff recommended.

Additional TMAPC Comments:

Mr. Selph asked staff if there were any concerns about ingress and egress with a high density in this area. Mr. Stump stated the ingress and egress will be a burden on the people who live there, but it will not affect anyone else. It will be harder to get in and out of the subject property than for some of the other apartment complexes, but there are no conflicting turns from any other areas on the south side of the bridge.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, "absent") to recommend **APPROVAL** of PUD-306-F/Z-6522-SP-2 as recommended by staff.

Legal Description for PUD-306-F/Z-6522-SP-2:

Part of the N/2, SE/4, Section 20, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the official U. S. Government survey thereof, more particularly described as follows, to-wit: Commencing at the Southwest corner of said SE/4; thence N 01°06'03" W along the West boundary of said SE/4 a distance of 1,989.80'; thence N 88°56'42" E a distance of 60.00' to the point of beginning; thence N 74°21'40" E a distance of 0.00'; thence on a curve to the left having a radius of 660.00' a distance of 437.51'; thence N 36°22'48" E a distance of 0.00'; thence on a curve to the right having a radius of 417.79' a distance of 413.58'; thence S 86°54'05" E a distance of 924.11'; thence S 38°52'43" W a distance of 0.00'; thence on a curve to the left having a radius of 2,059.86' a distance of 25.93'; thence S 38°09'26" W a distance of 479.45'; thence S 51°53'59" W a distance of 203.70'; thence S 61°27'34" W a distance of 0.00'; thence on a curve to the right having a radius of 1,095.92' a distance of 525.73'; thence S 88°56'42" W a distance of 200.28'; thence N 60°05'29" W a distance of 58.31'; thence S 88°56'42" W a distance of 100.00'; thence S 57°58'52" W a distance of 58.31'; thence S 88°56'42" W a distance of 200.00'; thence N 42°26'26" W a distance of 80.34' to a point 60.00' from the West boundary of said SE/4; thence N 01°06'03" W 60.00' from and parallel to the West boundary of said SE/4 a distance of 244.23' to the point of beginning.

Z-6627 – Stephen Schuller
2400 North Columbia

RS-3 to IM/PK
(PD-3) (CD-3)

Staff Recommendation:

Relationship to the Comprehensive Plan: The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the south 300' of the subject tract as Low Intensity – Residential and the balance of the property being designated as Medium Intensity – Special District 1 - Industrial.

According to the Zoning Matrix the requested IM is not in accordance with the Plan Map. The requested PK zoning would be in accordance with the northern portion of the tract but is not in accordance with the Plan Map on the south 330' of the property.

Site Analysis: The subject property is approximately four acres in size and is located north of the 2400 block (East Young Street) on the west side of North Columbia Avenue. The property is gently sloping, non-wooded, vacant, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by the Santa Fe Railroad right-of-way, zoned RS-3; to the west by single-family dwellings, zoned RS-3; to the east by an industrial plant, zoned IM; and to the south and southeast by single-family dwellings, zoned RS-3.

Zoning and BOA Historical Summary: The most recent rezoning action in this area was in August 1996, when IM zoning was approved on a five acre tract that is located west of the subject tract on the south side of the Cherokee Expressway exit ramp and on the north side of the railroad right-of-way.

Conclusion: Based on the Comprehensive Plan, staff recommends the south 330' of the tract remain RS-3 and that the remainder of the tract be **APPROVED** for IL zoning.

Applicant's Presentation:

Steve Schuller, 320 South Boston, Suite 1024, Tulsa, OK 74103, stated the tract is a small tract (7 acres), on which 1/3 of the seven acres is in the IM-zoned district. There is residential zoning to the south and to the west next to the railroad tracks. This is a transitional neighborhood and several lots are vacant or single-family homes. The development trend in this area has been toward industrial uses, particularly because of the expressways in the area. The setback requirements from abutting RS properties make the subject tract useless if they are not zoned for industrial because the industrial have to be set back far enough away from the abutting residential properties that is not enough land is left to make development meaningful for the subject property. It is highly unlikely, given the neighborhood, that there will be any residential development on the subject property.

Mr. Schuller recommended that instead of any single-family residential being zoned, the Planning Commission consider parking zoning. A parking zoned width of 100' along the south side of the subject property might be appropriate, but there will not be any single-family residential development in this neighborhood. The existing single-family residential use close to the industrial districts makes any development of the industrial tract meaningless because of the setback requirements.

TMAPC Comments:

In response to Mr. Doherty, Mr. Schuller stated he does not contemplate any industrial access through the residential neighborhoods. He explained the Planning Commission should not want access to Birmingham Place because it would direct industrial traffic into the residential neighborhood.

Mr. Midget asked if Young Street is the street they are proposing for access to the subject property. In response, Mr. Schuller stated Young Street would be the most appropriate access because it is in an industrially-zoned area.

Interested Parties:

Jerry Lane, 2243 North Birmingham Place, stated he lives at the end of the subject property and would like to keep the street as a dead-end street. He explained that he recently remodeled his home and objects to the rezoning for a parking lot. Mr. Lane stated that there are children who play in this area and he is worried about the zoning change.

Mr. Selph stated that there is already industrial zoning adjacent to the subject property. He asked what would be appropriate for the subject property if industrial is not appropriate. Mr. Lane stated the subject property should be left as a field.

Mr. Selph explained the Planning Commission does not have the right to tell a property owner that he cannot develop his land. He explained that residential development is unlikely to develop since it is adjacent to industrial.

The following Interested Parties expressed similar concerns:

Chris Smith, 523 South Yorktown Avenue; **Paula Lane**, 2243 North Birmingham Place.

The following concerns were expressed by the above listed Interested Parties:

Zoning being changed to industrial; access to Birmingham Place; safety for the children in the area; turning the open field into a parking lot; taking away the children's playing area.

TMAPC Comments:

Mr. Doherty stated the Comprehensive Plan needs to be revisited for this particular area. He commented the neighbors have a valid concern with access from Birmingham Place and this can be solved with 3' strip along the east side of Birmingham Place that would preclude access to the residential property without Board of Adjustment action. The dead-end nature of Birmingham Place would be preserved and will help to protect the character of the neighborhood.

In response to Ms. Pace, Mr. Doherty stated the applicant is suggesting that Young Street would be the best access to the subject property. The applicant indicated that Young Street is dedicated and would require opening.

Mr. Linker stated that if the Planning Commission left a strip of R zoning, it cannot be crossed for access.

Rebuttal:

Mr. Schuller stated that Young Street is a publicly-dedicated street and may be reopened for the uses to the west. He reminded the Planning Commission that the surrounding properties are being used for industrial purposes. There is an expectation that the zoning pattern in this area is for industrial zoning and uses on the subject property. The residential zoning strip proposed by Mr. Doherty along Birmingham is probably appropriate, because there should not be industrial access to the residential streets. The Commission may even want to consider a residential zoning buffer along the south edge of the subject property. Regarding the uses of the subject property, Mr. Schuller stated it is most suited for industrial uses because of the expressways and surrounding uses. If a parking zoning strip or buffer is placed on the subject property, that may still be appropriate; however, the area may not be used as a parking lot. It may remain open or incorporated into a PUD, which would come before the Planning Commission.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY** the TMAPC recommended **APPROVAL** of IL zoning for Z-6627, except 3' on the western and southern boundaries of the tract which would remain RS and the 103' north of the southern boundary be rezoned PK zoning.

TMPAC Discussion:

Ms. Gray asked for clarification of how much buffer there will be between the IL and the residences on the west side. In response, Mr. Doherty stated that on the west side the buffer would be the existing street with no access provided. The setback that applies to the residential that applies in the IL portion of the Zoning Code would apply.

Mr. Stump stated the setback requirement would be any building in the IL district would have to be at least 75' from the nearest R district.

After a lengthy discussion Mr. Doherty amended his motion as follows:

TMAPC Action; 9 members present:

On **AMENDED MOTION** of **DOHERTY** the TMAPC voted **7-2-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Westervelt "aye"; Pace, Selph "nays"; none "abstaining"; Boyle, Ledford, "absent") to recommend **APPROVAL** of IL and PK zoning for Z-6627 as follows: excluding the western and southern 3' of the tract, which would remain RS; IL zoning on the northern portion, PK zoning on the southern portion with the PK zoning line being 150' north of the RS line, which will be 153' north of the southern tract boundary.

Legal Description of Z-6627:

IL Zoned District: Part of the N/2, NW/4, Sec. 29, T-20-N, R-13-E, Tulsa County, State of Oklahoma, described as follows: Commencing at a point 1,660 feet E of the SW/c, N/2, NW/4, thence N 153 feet to the POB; thence E 310 feet; thence N 172 feet to the centerline of the right-of-way for East Young Place which is the boundary of the existing "IM" Industrial Moderate Zoning District, thence West along a line formed by the extension of such centerline of the right-of-way for East Young Place and along such existing "IM" Zoning District boundary 167.5 feet to the SW/c of such "IM" Zoning District boundary; thence N along the W boundary of such "IM" Zoning District to the S line of the A.T.& S.F. Railroad right-of-way; thence SWly along such S line of the railroad right-of-way to a point which is the intersection of such railroad right-of-way with a line formed by the extension of the E right-of-way line of North Birmingham Place (as reflected in that certain Easement filed for record on March 18, 1954, recorded in Book 2445 at Page 542); thence S along such E right-of-way line and parallel to the W line of Sec. 29 to the POB less and except the W 3 feet thereof.

AND

PK Zoned District: Part of the N/2, NW/4, Sec. 29, T-20-N, R-13-E, Tulsa County, State of Oklahoma, described as follows: Beg. At a point 1,660 feet E of the SW/c, N/2, NW/4 (which is in the E right-of-way line for North Birmingham Place as reflected in that certain Easement filed for record on March, 18, 1954, recorded in Book 2445 at Page 542), thence E 310 feet; thence N 153 feet; thence W 310 feet to the E right-of-way line of North Birmingham Place; thence S along such E right-of-way line for North Birmingham Place (and parallel to the West line of Sec. 29) 153 feet to the POB, LESS and EXCEPT the S 3 feet and the W 3 feet thereof.

Z-6628 – Stephen P. Wallace

North of Northwest corner East 71st Street and South Garnett
(Request continuance to March 25, 1998 in order to re-advertise correct legal.)

RM-1 to CO
(PD-18) (CD-8)

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET** the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, "absent") to recommend a **CONTINUANCE** of Z-6628 to March 25, 1998 at 1:30 p.m.

OTHER BUSINESS

Public hearing to amend the University of Tulsa Master Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; Resolution to Adopt.

RESOLUTION

No.: 2150-803

**A RESOLUTION AMENDING
THE UNIVERSITY OF TULSA MASTER PLAN
MAP AND TEXT,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June, 1960, adopt a Comprehensive Plan of the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 28th day of October, 1987 this Commission, by Resolution No. 1667:649, did adopt the University of Tulsa Master Plan Map and Text as a part of the Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a public hearing was held on the 11th day of March, 1998 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted University of Tulsa Master Plan Map and Text as follows.

PLAN TEXT:

attached as Exhibit A and made a part hereof; and

PLAN MAP:

attached as Exhibits B, C, and D and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC that the amendments to the University of Tulsa Master Plan Map and Text, as above set out and attached hereto as Exhibits A through D be and are hereby adopted as part of the University of Tulsa Master Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area.

Staff Comments:

Ms. Matthews stated items 14-16 of the agenda are interrelated. When there are proposed amendments to the very small area detailed plans it often triggers the need to amend the district plans. In this case there are two very small area detail plans involved, one being the TU Campus Master Plan and the other being the Kendall-Whittier Neighborhood Master Plan. Both changes trigger a need to update the District 4 Plan.

Mr. Selph out at 3:06 p.m.

Interested Parties:

Charles Norman, 2900 Mid-Continent Tower, representing the University of Tulsa, stated the plan before the Planning Commission today indicates the progress that has been made by implementing the existing plan. He explained TU is trying to update their land use program with the proposed changes.

Mr. Norman submitted the Plan Text (Exhibit A) and Plan Maps (Exhibits B, C, and D). He concluded that this is an ongoing process and it has worked well since 1987.

Ed Osborn, representing BAMA Companies, stated there has been considerable dialogue in the past between TU and the BAMA Companies. He explained that BAMA Companies owns property on both sides of 10th Street and at this point and time, BAMA Companies has no problems and will support the closing of 10th Street.

Ms. Pace asked Mr. Osborn if when 10th Street is closed, it will help to remove the large trucks from the street. In response, Mr. Osborn stated in the future there could be some change to introduce 10th Street as a common-use area and divert the trucks from Delaware.

Radford Rader, 1228 South Florence Place, Pastor of College Hill Presbyterian Church, 712 South Columbia Avenue. See Statement of Concerns (Exhibit E).

Mr. Stump out at 3:15 p.m.

Chris Smith, Executive Director of Kendall-Whittier Ministry, stated he would like to thank the Planning Commission and staff for helping with this project. He further stated he would like to thank the TU planners and feels that the plan is much more acceptable with the residents of the neighborhood.

Jean Cline, 9126 East 17th Street, stated she owns property at 2628 East 8th Street. Ms. Cline described her property as a six-plex and said she maintains her property. She stated TU owns the property directly to the west and has been poorly-managed.

Ms. Cline asked if TU has a maintenance plan for the next five to ten years for properties that they presently own in her area. She stated she is constantly having to call Mr. Wilson regarding the problems with the maintenance on the adjacent property.

Mr. Norman emphasized that it was probably a mistake to show two buildings and tennis courts on the maps. He reminded the Planning Commission that the buildings have not been planned and the architects haven't been selected. When the buildings are developed and designed, TU will be in contact with the neighbors and in particular the College Hill Presbyterian Church and St. Anthony's Orthodox Church, which is working with Phillips Seminary.

TMAPC Comments:

In response to Ms. Pace, Mr. Norman stated he will have to go before the Board of Adjustment for every building, which is a site plan process.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY** the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, "absent") to **APPROVE** Resolution No. 2150-803 as presented.

DRAFT AMENDMENTS, February 12, 1998

The University of Tulsa Master Plan, a Part of the District 4 Plan Map and Text

Exhibit A

PLAN MAP AMENDMENT:

By adding thereto The University of Tulsa Master Plan, Land Use and Buildings (exhibit B), and Vehicular System and Parking (exhibit C), attached and made a part hereof.

PLAN TEXT AMENDMENTS:

3. POLICIES

Change to read as follows:

3.2 Land Use Policies

- 3.2.1 The land uses within the Planned Acquisition Area should be limited to University-related and other institutional uses, such as churches.
- 3.2.5 A variety of housing types should be permitted and provided by the University within the campus to meet the projected housing needs for 60% of 5600 enrolled students.

3.5 Acquisition Policies

The private property proposed for acquisition by the University of Tulsa is located within the University of Tulsa Special District Planned Acquisition Area, as depicted in Exhibit B. Policies for property acquisition by the University are listed below.

- 3.5.1 All of the property planned for acquisition within the University of Tulsa Special District-Planned Area should be acquired by 2003.
- 3.5.2 NO CHANGE
- 3.5.3 Depending upon the availability of University funds, the priority of acquisition within the newly defined campus (Planned Acquisitions Area) is as follows:
 - 3.5.3.1. Between Delaware and Columbia Avenues, and 6th and 10th Streets
 - 3.5.3.2 The remainder of the planned acquisition area between Delaware and Harvard Avenues and 4th and 11th Streets.

EXHIBIT A

4. THE PLAN

Change to read as follows:

4.1 Land Use and Buildings

The University of Tulsa Master Plan includes the area depicted in Exhibit B and encompasses the University of Tulsa Special District-Planned Acquisition Area set forth in the Tulsa Metropolitan Area Comprehensive Plan, District 4. The plan is designed to meet the needs of the University with an enrollment of 5600 students and a projected residential occupancy of 60%. The University of Tulsa Master Plan, Land Use and Circulation Plan depict the full development of the University of Tulsa Special District-Planned Acquisition Area according to the following land use categories (Exhibit B)

Change to read as follows

- 4.1.7 Several new buildings are proposed; Arena and Convocation Center, College of Law Legal Information Center, Expansion to the College of Engineering and Applied Sciences, Student Fitness and Tennis Facility and the School of Music.

4.3 Vehicular System and Parking

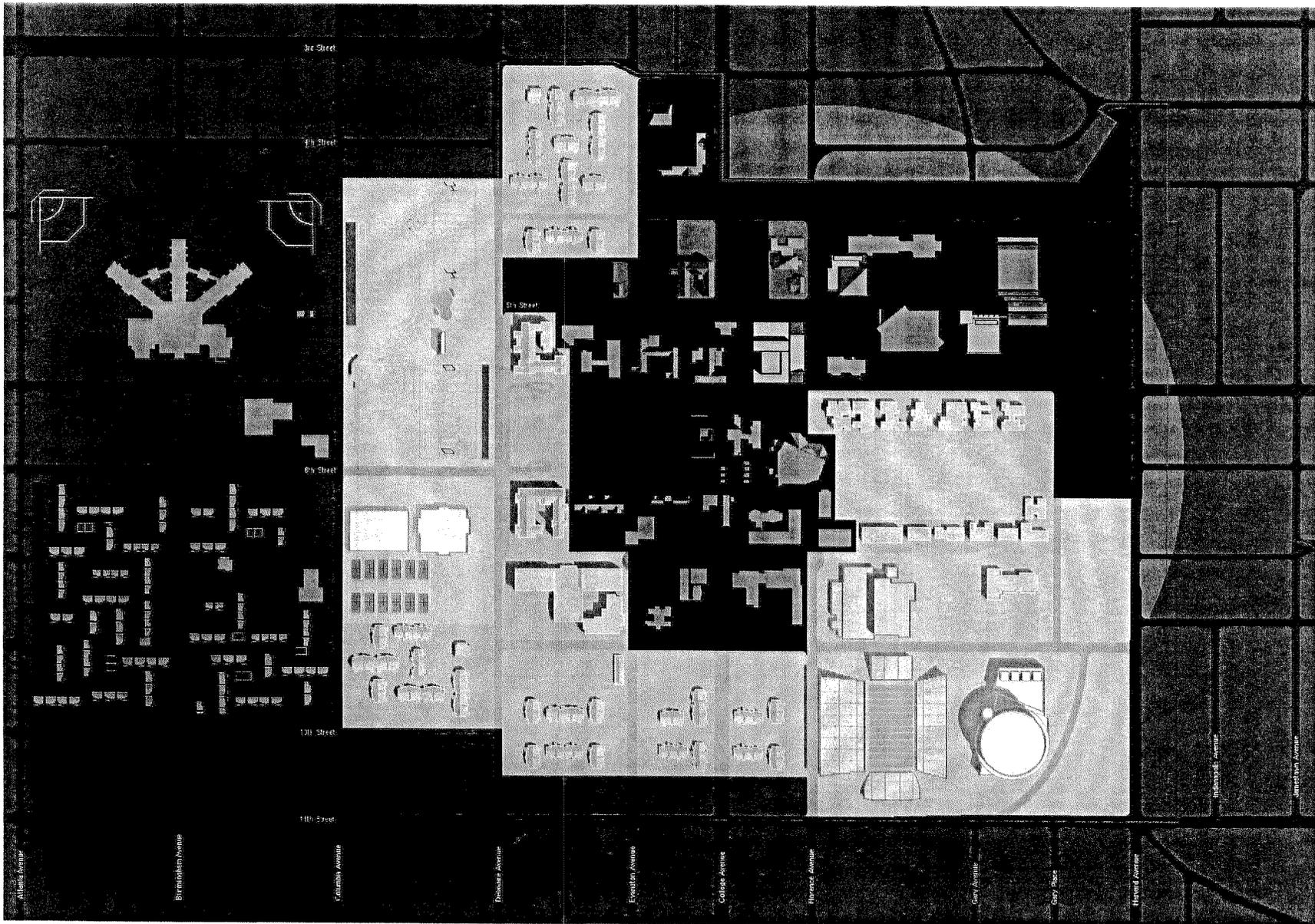
Simplification of internal circulation system, the reduction of pedestrian vehicular conflict and the increased provision of off-street parking will be implemented by the following:

4.3.3 Specific street closings are as follows:

7th Street from Columbia to Delaware Avenues.

8th Street from Columbia to Delaware Avenues.

10th Street from Columbia to Florence Avenues.



Proposed Land Use & Buildings

4 March 1998

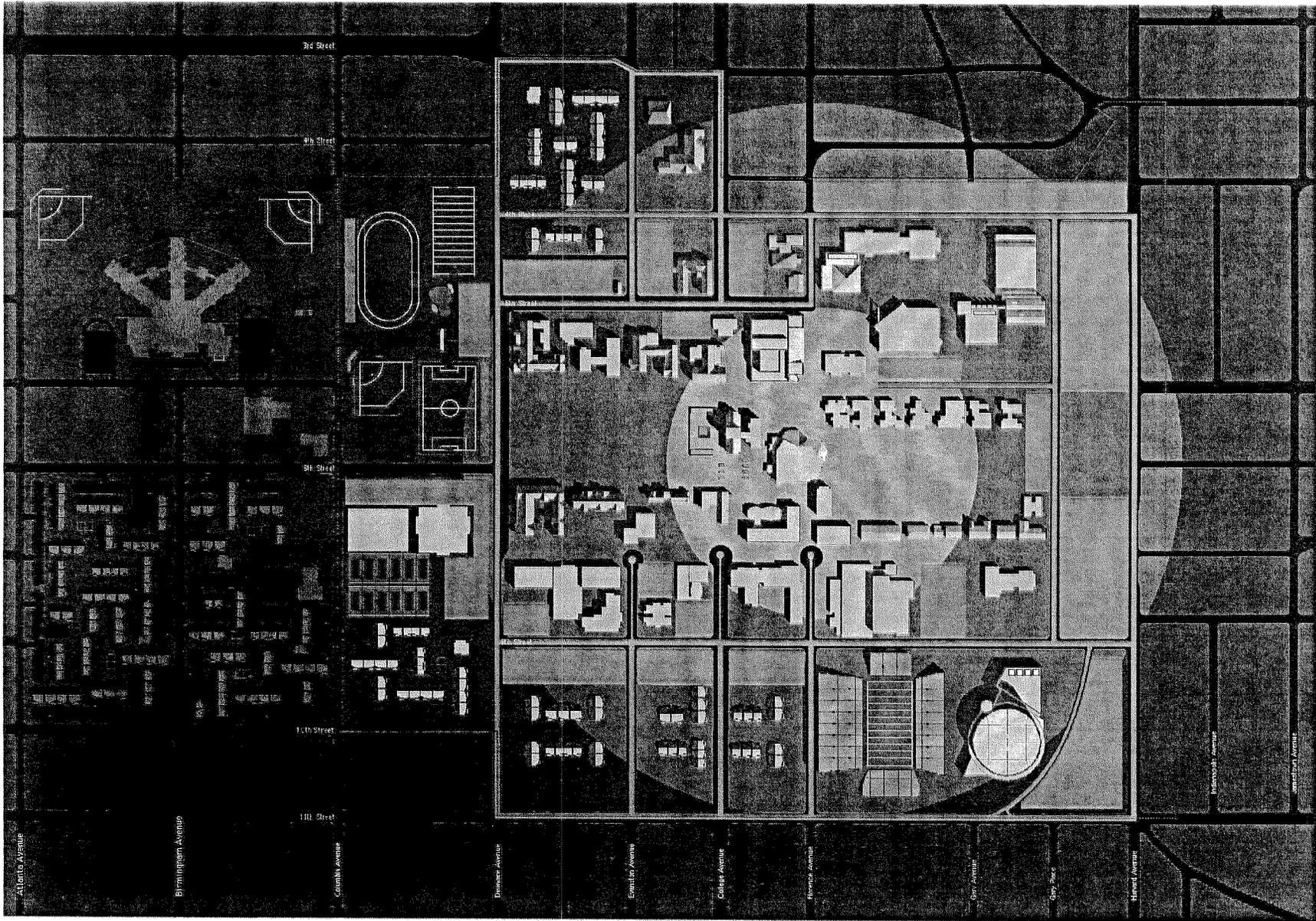


Robert Lawton Jones Urban Design / Architecture / Planning

- Academic and Academic Support
- Housing
- Recreation
- Commercial
- Music Building
- Engineering Building
- Legal Information Center
- Donald W. Reynolds Center
- Fitness/Tennis Center

“ EXHIBIT B ”





Proposed Vehicular System & Parking

4 March 1998



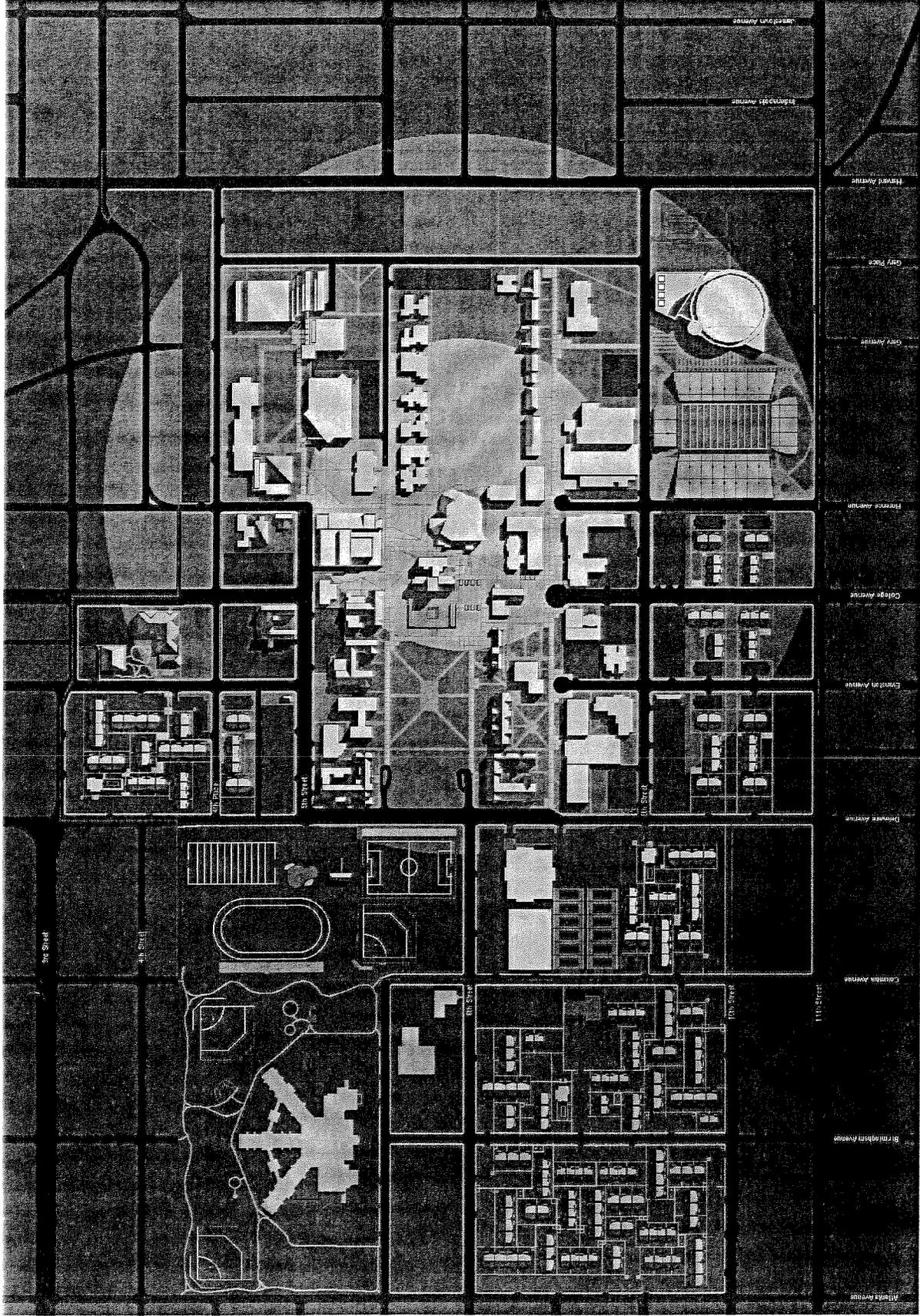
Robert Lawton Jones Urban Design / Architecture / Planning

■ Vehicular Circulation & Parking

“ EXHIBIT C ”





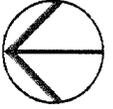


Proposed Campus Plan

Robert Lawton Jones Urban Design / Architecture / Planning

4 March 1988

EXHIBIT D



**STATEMENT OF CONCERNS REGARDING PROPOSED CHANGES
IN THE T.U. AND KENDALL-WHITTIER MASTER PLANS
AND THE DISTRICT IV COMPREHENSIVE PLAN**

**PRESENTED TO THE TULSA METROPOLITAN AREA PLANNING COMMISSION
BY COLLEGE HILL PRESBYTERIAN CHURCH**

March 11, 1998

The College Hill Presbyterian Church wishes to inform the Tulsa Metropolitan Area Planning Commission of our intentions and concerns in response to the proposed changes in the Kendall-Whittier Plan and the District IV Comprehensive Plan resulting from the University of Tulsa's revisions in its master plan.

We have appreciated the openness of the University to discuss with us our congregational needs and the continual updates as their plans have changed. We have shared with them our concern not to be landlocked from a major street. We have discussed our desires to gain or maintain as much visibility and accessibility as possible. We have asked that transitional space and green space be provided as much as possible toward us and that we not be the back door of all their plans. We believe that our pastor and the chair of University's Board of Trustees have brokered a possible plan that will be acceptable to both parties.

As a result of the University of Tulsa's commitment to construct recreational facilities and housing on the area between Delaware and Columbia, 6th to 10th Streets, and their long range intention to acquire and build housing westward to Atlanta Avenue, our Board of Elders has altered our own master plan to include the purchase of land due north from our present property (not just from our building) to sixth street in order to insure future growth, accessibility and visibility. We hope this will also create a corridor connecting us, the Orthodox Church and the proposed Philips Theological Seminary.

We do want the Commission to know that this plan being presented today is not what we most favor. We wish therefore to have noted our concerns for our congregation and the surrounding neighborhood.

1) We are concerned about the height and placement of the recreational facilities, particularly the tennis center which we understand has a minimum interior height requirement of 36 feet from floor to ceiling. Adding the ceiling structure will make it taller than the three story limit that is presently the zoning requirement for this neighborhood. For the sake of providing a buffer and a blend into the continuing neighborhood, we prefer an option that would place both recreational facilities on the east half of the land between Delaware and Columbia with the tennis courts between the these buildings and the neighborhood. We encourage you to consider some height restriction or alternate site plan that will better preserve the esthetics and character of the area west of Columbia as a residential neighborhood.

2) We are also concerned about the closing of all streets between 6th and 11th between Delaware and Columbia. This should increase safety from burglary and assault in our neighborhood as it decreases access. Such decrease of access is not, however, favorable for a church. This added barrier will make more difficult our future growth. While other safety may increase, traffic safety might decrease as residents and our members going south and east exit and make left hand turns onto 11th street at intersections other than Delaware where there is a traffic light.

Public Hearing to amend the Kendall-Whittier Neighborhood Master Plan Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; Resolution to Adopt.

RESOLUTION

NO. 2150-804

**A RESOLUTION AMENDING
THE KENDALL-WHITTIER NEIGHBORHOOD MASTER PLAN TEXT,
A PART OF THE COMPREHENSIVE PLAN FOR THE
TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960 adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 10th day of April, 1991, this Commission, by Resolution No. 1619:628, did adopt the Kendall-Whittier Neighborhood Master Plan Map and Text as a part of the Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a public hearing was held on the 11th day of March 1998, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted Kendall-Whittier Neighborhood Master Plan Text as follows.

Plan Text: As set forth in Exhibit A, attached and made a part hereon.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC that the amendments to the Kendall-Whittier Neighborhood Master Plan Map and Text, as set forth above, be and are hereby adopted as part of the Kendall-Whittier Neighborhood Master Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

EXHIBIT A

KENDALL-WHITTIER NEIGHBORHOOD MASTER PLAN

Text amendments:

To Item 7., pages 15-16, change to read as follows. (added or changed text is in boldface).

7. **The South Central Neighborhood** is that area bounded on the east by Columbia Avenue, on the south by 11th Street, on the west by Lewis Avenue and on the north by 6th Street. Presently this area is characteristically a mix of apartment buildings and single-family homes (in the full range of good to dilapidated) surrounded on 11th and Lewis by strip commercial. The plan calls for:
 - A. The recognition that the highest and best use for the interior properties and those fronting on Sixth Street and Columbia Avenue is medium density residential which can include pockets of restored single-family homes, row houses, town houses and apartment complexes as a higher density living environment than areas north and west of **the new Kendall-Whittier Elementary School**.

Delete language in existing Item B. and add the following.

- B. **This area should not be included in the TU Acquisition Area unless and until the University has the funding available and a commitment to acquire these properties within a reasonable (five-year) time frame.**
- C. **Design, location and scale of campus buildings and other University-related facilities at the perimeters of the campus should be compatible with surrounding neighborhoods.**

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY** the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, "absent") to **APPROVE** Resolution No. 2150-804 as amended.

Public hearing to amend the District 4 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; Resolution to Adopt.

RESOLUTION

NO. 2150-802

**A RESOLUTION AMENDING
THE DISTRICT PLAN MAP FOR PLANNING DISTRICT 4, A PART OF THE ADOPTED
COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 23rd day of January, 1980, this Commission, by Resolution No. 1294:516 did adopt the Detail Plan for Planning District Four, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 11th day of March, 1998 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District Four Plan Map, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, as follows.

Remove the Kendall School designation.

Show the new Kendall-Whittier School south of the Kendall-Whittier Park.

Extend the TU Special District boundaries south on Delaware to 10th Street.

Remove the Low and Medium Intensity designations within the TU Special District.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District Four Plan Map, as set out above, be and are hereby adopted as part of the District Four Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

TMAPC Comments:

Mr. Doherty reminded the Planning Commission that the above approval was the recommendation of the Comprehensive Plan Committee.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, "absent") to **APPROVE** Resolution No. 2150-802 as presented.

PUD-405/Z-5722-SP-9a – Steve Gray

East of Southeast corner East 91st Street and South 73rd East Avenue (PD-18) (CD-8)
(Minor Amendment Corridor Site Plan)

Staff Recommendation:

The applicant is requesting approval for a Revision to a Detail Corridor and PUD Site Plan approved in July, 1997. The revised site plan increases building floor area and parking on the 42,878 square foot site.

Staff has reviewed the revised site plan and finds it conforms to bulk, area, setback, access, parking, circulation, site screening and landscaped area requirements of the PUD and Corridor District standards as amended.

Therefore, staff recommends **APPROVAL** of the Corridor and PUD site plan for general office uses. Medical and Dental Offices, Clinics and Laboratories are not included in this approval.

NOTE: *Site Plan approval does not constitute Landscape or Sign Plan approval.*

Applicant's Presentation:

Steve Gray stated he has discussed this application at length with Mr. Dunlap and is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, "absent") to **APPROVE** PUD-405/Z-5722-SP-9a Minor Amendment of the Corridor and PUD Site Plans as staff recommended.

Legal Description for PUD-405/Z-5722-SP-9a:

Lot 6 and 7, Block 1, South Springs Office Park, and located west of the southwest corner of East 91st Street South and South 78th East Avenue, Tulsa, Oklahoma.

PUD-405-D-2/PUD-405-D – Ronald G. Tracy

(PD-18) (CD-8)

9340 South Memorial

(Minor Amendment to allow garage/service bay door to face Memorial Drive and Detail Site Plan)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 3,240 square foot automobile oil change and tune-up facility on a 22,500 square foot tract.

Staff has reviewed the request and finds the proposal meets bulk, area, setback, parking, access, and total landscaped area standards of the PUD.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan subject to the following condition:

APPROVAL of Minor Amendment PUD-405-D-2 allowing garage/service bay doors to face Memorial Drive.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, "absent") to **APPROVE** PUD-405-D-2 Minor Amendment to allow garage/service bay doors to face Memorial Drive as recommended by staff and Detail Site Plan for the same facility.

Legal Description for PUD-405-D-2/PUD-405-D:

the East 225' of the North 100' of Lot 3, Block 4, 9100 Memorial Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma

PUD-179-R-1 – Kevin Bowden

7103 South 92nd East Avenue

(Minor Amendment to increase permitted building floor area.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval of a 60-square-foot increase in the maximum allowed square footage to permit the installation of a new store-front in conjunction with a city-wide effort at all Quik-Trip sites. The PUD standard allows a maximum of 3,200 square foot of building area for Development Area A. The applicant is requesting that the development standard be increased to 3,260 square feet.

Staff has reviewed the request and finds the requested change is minor in nature and does not alter the character and intent of the original PUD approval. The replacement of the store-front does not effect pedestrian access or parking.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment per the submitted site plan.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford, Selph, “absent”) to **APPROVE** the Minor Amendment per the submitted site plan for PUD-179-R-1 as staff recommended.

Legal Description for PUD-179-R-1:

Lot 1, Block 1, Howerton Acres Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

PUD-405-G – Neil Erickson

9338 South Memorial
(Detail Site Plan Approval)

(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 6,185-square-foot veterinary clinic on a 57,308-square-foot tract.

Staff has reviewed the request and finds the proposed site plan meets use, area, bulk, height, setback, access, parking, signage and total landscaped area requirements of the PUD-405-G approval of May 22, 1997.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan as submitted.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

Applicant's Comments:

Mr. Erickson stated he agreed with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, "absent") to **APPROVE** the Detail Site Plan for PUD-405-G as recommended by staff.

Legal Description for PUD-405-G

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.

PUD-306-A – Wallace Wozencraft

South of Southwest corner East 91st Street and South Harvard (PD-18) (CD-8)
(Revised Detail Site Plan)

Staff Recommendation:

The applicant is requesting approval of a revision to a Detail Site Plan approved by the Commission in October, 1997, for a 7.2-acre development area. The current request increases the floor area of the building addition from 2,090 to 8,440 square feet and the total building and paving areas from 44,700 to 94,490 square feet. Total landscaped area is thereby reduced from 86% of the site in the earlier approval to 70%.

Staff has reviewed the request and finds the revised Detail Site Plan meets bulk, area, setback, parking, circulation, access and total landscaped area standards of the PUD and Development Area B-2. The increase in impervious area within a portion of the site designated Flood Zone A-3 will require review by Public Works for conformance to City of Tulsa drainage standards. Runoff from the site flows to the west and northwest into an improved drainageway and appears not to impact residential uses to the southwest.

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

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, "absent") to **APPROVE** the Detail Site Plan for PUD-306-A as recommended by staff.

PUD-567 – Rory Chen

Southeast corner East 71st Street and South Mingo Valley Expressway (PD-18) (CD-8)
(Detail Site Plans for a movie theater)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for 5,147-seat multi-screen motion picture complex and parking area on a 18-acre tract. The building and entry canopy comprise 84,630 square feet. The site plan indicates the provision of 1,518 parking spaces.

Staff has reviewed the request and finds the Site Plan conforms to the bulk, area, setback, height, screening and buffering, total landscaped area, parking, access, circulation and signage standards approved in October, 1997.

The landscaped buffer provided within the southerly 25 feet of Development Area F is the result of a private agreement between Southslope Townhomes, L.L.C. McGraw Cummings Limited Partnership and Hampton South HOA, and will provide a double row of deciduous trees spaced at 25-foot intervals and 7-8 feet in height.

Finally, the applicant has addressed concerns raised during PUD approval relating to parking lot lighting, location and screening of a trash compactor and the provision of a screening fence along the southern boundary of the development area.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-567, Development Area B.

NOTE: Site Plan approval does not constitute Landscape or Sign Plan approval. No occupancy permit can be given until the Final Plat for Woodland Park Center is approved.

Interested Parties:

Craig Abrahamson, 7518 South 107th East Avenue, President of Hampton South Homeowner's Association, stated he did not receive a notice of this meeting. He requested to be notified of any further reviews of PUD-567.

Mr. Abrahamson stated staff has already discussed two of his concerns, which is the light standards are to be hooded and directed downward and away from the south and east boundaries. The second concern is No. 5 of the site plan, which should read "the building-mounted lights and light standards within the south 150' of the area shall be limited to 16' high and should be directed downward and away from any residential areas to the south and the east; no lighted decorative features of the building shall be visible from the south or the west boundary of the area." The detail site plan has some notes in the upper left corner regarding maximum building floor area as 150,000 SF; however the actual building the applicant is proposing at this time is 76,575 SF. He reminded the Planning Commission that the City Council approved the actual allowed maximum building floor area for theater uses is only 110,000 SF, not the 150,000 SF shown on the detail site plan. He stated the site plan does not mention that there are no outdoor loud speakers allowed and there are not to be any public entrances on the south, east or west within 250' of the south boundary. The elevations seem to show doorways within the south 250'. He indicated there is another error in Note No. 5, which states that no lighted decorative features of the building shall be visible from the south or the west boundary of the area. Actually, the building standard stated "visible from the south of the boundary of this area or west of area "D", which is to the east." He indicated the wording should read "no decorative lighting features of the building shall be visible from the south or east boundary of the area."

Applicant's Comments:

Mr. Norman stated Mr. Abrahamson failed to mention that the neighborhood association requested that the smooth side of the fence be away from the neighborhood and this is not clear on the Site Plan. He explained that the doorways shown within the 250' of the south boundary are exits only. He clarified that all ticket sales and entrances on located on the north side of the building.

TMAPC Comments:

Ms. Pace asked for clarification of the location for the trash compactor. In response, Mr. Norman stated the trash compactor will be located on the west side of the building away from the neighborhood.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY** the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Selph, "absent") to **APPROVE** the Detail Site Plan for PUD-567, Development Area B, as presented and with the following amendments:

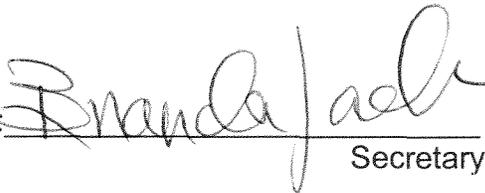
1. Light standards are to be hooded and directed downward and away from the south and east boundaries.
2. The building-mounted lights and light standards within the south 150' of the area shall be limited to 16' high and should be directed downward and away from any residential areas to the south and the east.
3. No outdoor loudspeakers allowed.

4. No public entrances allowed on the south, east or west within 250' of the south boundary.
5. No lighted decorative features of the building shall be visible from the south or the east boundary of the area.
6. The smooth side of the privacy fence shall be facing away from the neighborhood.

There being no further business, the Chairman declared the meeting adjourned at 4:07 p.m.

Date approved: 4-1-98


Chairman

ATTEST: 
Secretary