

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1440
 Wednesday, January 26, 1983, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Higgins	Gardner	Chisum	Linker, Legal Department
Hinkle	Hennage	Compton	
Miller	Kempe	Gardner	
Parmeale, Chairman	Petty	Lasker	
C. Young	Inhofe		
T. Young			

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 9:21 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmeale called the meeting to order at 1:50 p.m.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmeale, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to approve the minutes of January 12, 1983 (No. 1438).

REPORTS:

Director's Report:

Mr. Lasker advised that the City Commission has referred back to the Planning Commission the recommendation on the decision for automatic expiration of Planned Unit Developments. The question arose regarding the underlying zoning if a PUD were abandoned. A memo was presented to the Commissioners (Exhibit "A-1") which included a recommendation from the Staff that the underlying zoning be examined when a request is made to abandon a PUD. For the most part, the Staff feels that the underlying zoning is probably consistent with the Development Guidelines. However, there are a few cases where an exception has been made because of the conditions in the PUD. For these cases the Staff would hold a public hearing for rezoning at the same time as the hearing for abandonment. Mr. Lasker suggested adopting this memo as a policy of the TMAPC and that it be forwarded to the City Commission. This should relieve the concerns regarding the underlying zoning.

Mr. Frank Speigelberg, as President and Director of Burning Tree Homeowners Association, originally authored a proposal requesting that the PUDs have an expiration date. The request was the result of a new PUD that was filed in 1982 on the same land that was approved for PUD in 1973. If a PUD is not built within a specified period of time, it should expire and the underlying zoning should take effect.

Mr. Gardner explained that a recommendation was forwarded to the City Commission from the Planning Commission to deny the request for automatic expiration of PUDs. The recommendation outlined 9 reasons for denial.

Director's Report: (continued)

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to adopt the memo dated January 24, 1983, referring to PUD Underlying Zoning as a policy of the Tulsa Metropolitan Area Planning Commission and that it be forwarded to the City and County Commissions.

SUBDIVISIONS:

For Final Approval and Release:

Forest Park Church (2483) SW corner of 91st Street and Mingo Rd. (AG)

AND

100 East Industrial Park Amended (3194) 59th Street and South 102nd
East Avenue (IL)

The Staff advised the Commission that all release letters have been received and recommended final approval and release.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to approve the final plats of Forest Park Church and 100 East Industrial Park Amended and release same as having met all conditions of approval.

Columbia Place (PUD #295) 5100 Block South Columbia Place (RD & RM-T)

The Chair, without objection, tabled this item.

CONTINUED ZONING PUBLIC HEARINGS:

Application No. Z-5782 Present Zoning: RM-1
Applicant: Morris (John's Park Development Co.) Proposed Zoning: CS
Location: SW of Crosstown Expressway and 129th East Avenue

Date of Application: November 3, 1982
Date of Hearing: January 26, 1983
Size of Tract: 1.5 acre±

Presentation to TMAPC by: Warren G. Morris
Address: P. O. Box 45551

Phone: 437-7682

Relationship to the Comprehensive Plan:

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located 1/4 mile east of the northeast corner of Admiral Place and Garnett Road. It is 1.5 acres in size, vacant, zoned RM-2, and the applicant is requesting CS zoning. The tract is abutted on the north and east by vacant land zoned RMH, on the south by several commercial uses zoned CS, and on the west by a private school zoned RS-3.

Based on the surrounding land uses, existing zoning patterns and Comprehensive Plan designation, the Staff can support the request.

Therefore, the Staff recommends APPROVAL of the requested CS zoning.

Applicant's Comments:

The applicant was not present.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS:

A tract of land in Lots 3 and 4, Section 5, Township 19 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to wit: Starting at the corner of Admiral and Garnett; thence East 1,100 feet to a point; thence North 150 feet; thence East 633 feet; thence South 150 feet; thence West 633 feet to the point of beginning.

CZ-70 Russell R. Rumsey North side of 98th Street North, West of what would
be Peoria Avenue AG to RMH

The Chair, without objection, withdrew this item, per letter submitted
by Mr. Dwight L. Smith (Exhibit "B-1").

Application No. Z-5789

Applicant: Wilkinson

Location: South and East of Pine Street and Mingo Road

Present Zoning: IL

Proposed Zoning: RMH

Date of Application: December 2, 1982

Date of Hearing: January 26, 1983

Size of Tract: 25 acres

Presentation to TMAPC by: C. W. Wilkinson

Address: 3500 West El Paso - Broken Arrow - 75102

Phone: 252-9385

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District Two. Industrial development is encouraged.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the RMH District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is vacant, except for a mobile home on the front portion. There is mostly vacant property to the north, south and east. West of the subject tract are various commercial establishments along with single-family residential. The majority of the subject tract is located within the 100-year Floodplain.

RMH zoning and use would make a good interim use of the subject tract until such time that the tract can be utilized as industrial. The Staff recommends APPROVAL of RMH zoning on that portion of the tract that does not lie within the 100-year Floodway as determined by the applicant's engineer and City Hydrology Department. The Staff recommends that the portion within the 100-year Floodway remain AG zoning.

For the record, that portion outside of the 100-year Floodway may require several feet of fill before it will qualify for development.

Applicant's Comments:

Mr. Wilkinson had not comments. A letter had previously been submitted requesting continuance, from Mr. Don Pool (Exhibit "C-1"). However, Mr. Pool wished to withdraw his request.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RMH and that the portion within the 100-year Floodway remain AG zoning.

The E/2 of the SW/4 of the NW/4 and the N/2 of the SW/4 of the SW/4 of the NW/4 all in Section 31, Township 20 North, Range 14 East, containing 25 acres, more or less, Tulsa County, Oklahoma.

Z-4900-SP-2 (continued)

to a point of curve to the left; thence along said curve to the left having a central angle of $45^{\circ}00'00''$, a radius of 195.00 feet, an initial tangent bearing of South $20^{\circ}00'00''$ West a distance of 153.15 feet to a point; thence South $25^{\circ}00'00''$ East a distance of 50.00 feet to a point of curve to the right; thence along said curve to the right having a central angle of $25^{\circ}00'00''$, a radius of 425.00 feet, an initial tangent bearing of South $25^{\circ}00'00''$ East a distance of 185.44 feet to a point; thence South $0^{\circ}00'00''$ West a distance of 40.00 feet to a point of curve to the right; thence along said curve to the right having a central angle of $75^{\circ}00'00''$, a radius of 285.00 feet, an initial tangent bearing of South $0^{\circ}00'00''$ West a distance of 373.06 feet to a point; thence South $75^{\circ}00'00''$ West a distance of 85.00 feet to a point of curve to the right; thence along said curve to the right having a central angle of $45^{\circ}00'00''$, a radius of 235.00 feet, an initial tangent bearing of South $75^{\circ}00'00''$ West a distance of 184.57 feet to a point; thence North $60^{\circ}00'00''$ West a distance of 35.00 feet to a point of curve to the left; thence along said curve to the left having a central angle of $30^{\circ}00'00''$, a radius of 330.00 feet, an initial tangent bearing of North $60^{\circ}00'00''$ West a distance of 172.79 feet to a point; thence North $90^{\circ}00'00''$ West a distance of 110.00 feet to a point on the West line of Lot 2 of said Section 7; thence North $0^{\circ}00'00''$ East along the West line of said Section 7 a distance of 666.81 feet to the point of beginning and containing 522,838.53 square feet or 12.003 acres, more or less.

Z-4900-SP-2 (continued)

Minimum Building Setback From
Centerline Abutting Public
Street:

Arterial	100 feet
Non-Arterial	50 feet

Minimum Building Setback From
Other Boundaries 10 feet

Off-Street Parking 1-1/2 spaces per 1 bedroom
unit and 2 spaces per 2 or
more bedroom units.

Signs:

Signs shall be limited to 2 monument signs not exceeding
six (6) feet in height and eighteen (18) feet in width.

- 3) That a Detail Landscape Plan by phase be submitted to, and approved by the TMAPC prior to occupancy, including the design, lighting and landscaping of all signs.
- 4) That no building permit shall be issued until the property has been included within a subdivision plat, submitted to, and approved by the TMAPC, and filed of record in the County Clerk's Office, incorporating within the restrictive covenants the CO conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Roy Johnsen advised he had no problems with the Staff recommendation and conditions. This project is part of a larger tract zoned Corridor some years ago. The street pattern is merely part of the overall circulation for the corridor. One of the principle objectives was to have an interior circulation system. This project meets the objective and ties with an adjacent project, as well as future projects.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the submitted Site Plan on the following described property be approved, subject to the conditions set out in the Staff Recommendation:

A tract of land located in a part of Lots 1 and 2 of Section 7, Township 18 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows:

Commencing at the Northwest corner of Section 7, Township 18 North, Range 14 East, Tulsa County, Oklahoma, said point also being the Northwest corner of Lot 1 of said Section 7; thence South 0°00'00" West along the West line of said Section 7, a distance of 1,262.80 feet to the point of beginning; thence South 90°00'00" East a distance of 660.47 feet to a point; thence South 70°00'00" East a distance of 60.00 feet to a point; thence South 20°00'00" West a distance of 21.45 feet

Application No. PUD 139-A Present Zoning: (RM-1)
Applicant: Ernst (XYZ, Ltd.)
Location: North and West of 59th Street and South Peoria Avenue

Date of Application: December 16, 1982
Date of Hearing: January 26, 1983
Size of Tract: .9896 acre

Presentation to TMAPC by: William B. Jones
Address: 201 West 5th Street, Suite 400 - 74103 Phone: 581-8200

Staff Recommendation:

Planned Unit Development No. 139 is located north and west of 59th Street and South Peoria Avenue. It contains 18.6 acres of land which 17.1 is zoned RM-1 and the remaining 1.5 acres on Peoria is zoned CS.

The subject tract is slightly over 1-acre in size, contains an old warehouse and garage, and is surrounded on all sides by existing multifamily structures controlled under the conditions of PUD #139. The applicant has recently received approval of a minor amendment to transfer 7 unused units from the remainder of the PUD onto this tract. He is now requesting an amendment (advertised public hearing) to increase the density of the total PUD from 280 units to 291 units, or an increase of 11 units. He would then use these 11 units and add to them the 7 unallocated units making a total of 18 units, which would be developed on the subject tract into 3, six-unit buildings with parking.

The proposed increase would be slightly less than 4%; however, the Staff reviews all requests for density increases in PUD's very carefully because we feel that the PUD is a form of contract. We can and have supported density increases in specific subareas of PUD's if it's consistent with the Comprehensive Plan, underlying zoning patterns, good planning practices, and the PUD Chapter of the Tulsa Zoning Code.

In this case; a) the total PUD is developed well below the density that the underlying RM-1 zoning would allow, b) the percent increase is well within the accepted guidelines for a minor change, c) the subject tract is located totally within the PUD and is surrounded by existing multifamily structures, and d) the increase will not significantly affect the existing street or infrastructure.

Therefore, the Staff recommends APPROVAL of PUD #139-A, subject to the following conditions:

- 1) That the applicant's Plan and Text be made conditions of approval.
- 2) Development Standards:

Gross Land Area:	49,968.97 sq. ft.	1.1471 acres
Net Land Area:	43,106.97 sq. ft.	.9896 acre
Permitted Uses:	Attached residential dwelling units and related accessory uses such as off-street parking, covered parking, walkways, landscaped open spaces, recreational areas such as pools or spas, badminton courts, etc.	

PUD #139-A (continued)

Number of Residential Buildings:	Three (3)
Maximum Dwelling Units:	Eighteen (18)
Maximum Density:	15.7 D.U.'s. per gross acre
Maximum Building Height	35 feet (2 stories)
Minimum Livability Area per D.U.:	800 sq. ft. per D.U.
Minimum Building Setbacks:	
From West Boundary	10 feet
From East Boundary	10 feet
From North Boundary	10 feet
From East 57th Place South	15 feet
Between Residential Buildings	50 feet
Minimum Yard Requirements:	
Front Yard	10 feet
Back Yard	10 feet
Side Yard	-0- feet
Minimum Off-Street Parking Ratio:	1.5 for each efficiency or one bedroom unit and 2.0 for each two or more bedroom units.

- 3) That signs shall conform to the requirements of Section 420.2 (d) (2).
- 4) That a Detail Site Plan be submitted and approved prior to the issuance of a building permit. (Submitted later in the meeting.)
- 5) That a Detail Landscape Plan be submitted and approved prior to occupancy, including screening fencing and/or shrub location.
- 6) That no building permit shall be issued until the property has satisfied the requirements of Section 260 of the Zoning Code, submitted to, 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 of Tulsa beneficiary to said covenants.

NOTE: The Staff would suggest that the single building adjacent to the west property line be readjusted to provide an average of 18' for the rear yards.

Applicant's Comments:

Mr. Bill Jones represented the applicant and advised the Commission that over 430 units would be allowed with the underlying zoning. This project was originally CDP #6 and was filed in the 1960's. At that time, the overall tract was reflected as containing 13.5 acres. Since that time, additional acreage was added in 1973 when it was filed as a PUD, making the total acres in the entire tract 18.6 gross acres. The original CDP granted use of the property for multifamily purposes, established a height limitation of 2 stories, etc. In 1973, an amendment was filed and given the number PUD #139. During the hearing on PUD #139, the Planning Commission established the base zoning for the PUD as RM-1. After that hearing a 1.5 acre portion in the southern portion of the PUD was rezoned CS, making 17.1 acres of the PUD zoned residential (RM-1) and 1.5 in commercial (CS).

PUD #139-A (continued)

Since that time the total PUD has been developed except for the subject tract. Mr. Jones displayed aerials of the tract and surrounding area.

The subject tract lies between duplex/condominiums on the west and four-plexes on the east. To the south is high-density apartments. The uses up and down Peoria are mostly high-density multifamily or commercial. The south side of the duplex/condominium area of the PUD has now been fenced along 57th Place, so none of the traffic empties onto 57th Place.

This property started as a single ownership, but others have purchased portions of the property. The applicants own part of the duplexes, which have been converted to condominiums. There are 273 total units - 121 units of apartments, 60 four-plexes and 92 duplex units - and 280 units are authorized. The underlying zoning for the residential portion would accommodate in excess of 430 units. Part of the application is to increase the PUD density by 11 units or 291 total units. This represents less than a 4% increase in the overall density of the PUD. This is the only undeveloped residential portion of the PUD. Therefore, if the development and Site Plan are approved, the PUD would be developed at approximately an overall density of 66.23% or 2/3's of the maximum density permitted.

At the present time, the tract contains an old warehouse and garage constructed of concrete block. The proposal is to construct 18, one-bedroom condominium townhouse units for sale. If the economic conditions persist, some of these townhouses might have to be rented for a time. These 18 units would be constructed as 3, 2-story buildings, each containing 6 units. Each unit would be in excess of 1,000 square feet with fireplaces, microwaves and all the amenities that usually accompany home ownership. It is planned to have a security gate at the one entrance. The parking spaces will be covered as the sales progress. Recreational facilities are not planned at this time. Landscaping, off-street parking, patios and balconies are provided.

If the subject tract were developed conventional without a PUD, 29 dwelling units could be constructed. This proposal is for 18 units. Under the proposed site plan, this tract has 21,463.97 square feet of livability space. The required livability space under RM-1 standards is 10,680 square feet. There are 34, large-car-sized parking spaces proposed. The Zoning Code only requires 27, 25% of which would be compact spaces. The density of the project is 15.7 units per acre, which is less than the density of the rest of the project. The applicant has planned for abundant open space and landscaping.

Mr. Jones was concerned about the requirement for replatting. It is now a part of a subdivision plat and a lot split was approved some time ago on this tract. Mr. Gardner explained that the applicant must satisfy Section 260, which gives several alternatives. Mr. Jones stated he had no problems with filing a certificate of dedication.

Mr. Jones was concerned about the condition to "swing" the westernmost building, but agreed to leave an average width of 18 feet.

Commissioner T. Young was concerned about the building height. Mr. Gardner explained that the Zoning Code allows a building height of 35 feet and the Development Text submitted limits the construction to 2-story.

PUD #139-A (continued)

<u>Protestants:</u>	Joe McCormick	Addresses:	1776 One Williams Center
	Barry McCracken		1155 East 57th Place
	John Wilkinson		7525 South Madison Place
	Mrs. Downey		5731 South Madison Place
	Paul Holmes		171 East 57th Street

Protestant's Comments:

Mr. Joe McCormick represented the protestants and presented a letter from State Representative Bill Clark, who is opposed to the project (Exhibit "C-1"), as well as a petition signed by approximately 151 area residents (Exhibit "C-2"). The subject tract was originally used as a parking lot, which served all of the area. All of the duplexes and four-plexes are one-story. The applicant is proposing to build two-story townhouses of wood construction that would not blend in with the existing structures. The proposed buildings will be within 10 feet of the property line and within 20 feet of the buildings in place.

Mr. McCormick presented 10 pictures of the surrounding duplex and four-plex structures and 12 pictures of a housing project developed by the XYZ Company, Ltd., at 118 East 21st Street, which is similar to the proposed project (Exhibit "C-3"). There is no similarity between the existing structures and the proposed development. The residents living in the duplexes and four-plexes will have a view of a blank wall which is two-story. A deck will hang out over the 20-foot distance between buildings. Mr. Gardner advised that the deck could not overhang the property line.

The protestants are concerned about the height of the project, it would not blend in with the neighborhood, the use of wood exterior instead of brick, the 10-foot setback line and the addition to the traffic congestion. When the subject property was no longer used as a parking lot, the extra cars started parking on the side of the streets.

The protestants are opposed to the 4% additional density of the PUD being placed on this tract. The PUD is a contract and this tract was built as a parking lot in the original PUD. It was developed to blend in with the project.

Commissioner T. Young asked about the area immediately across 57th Place to the south. Mr. McCormick advised they are two-story apartments of stone and cedar construction and are separated from this tract by the street. On May 27, 1981, action was taken by the Planning Commission where it was stated that open space in PUD #139 would not be developed. Mr. Gardner explained he has studied the minutes of that meeting and assumes that someone who represented an interest in the area desired to file a covenant and this Board had no disagreement to such a request. Mr. Gardner is not aware of any covenant that the City is a party to.

Mr. Gardner also commented that the Staff's concern with setbacks is mostly directed toward the western boundary. The eastern boundary is a side yard and the required 10 feet is consistent for most residential districts. Basically, there is no activity in the side yard. The westernmost building has a rear yard orientation to the property line. The Staff was not suggesting that this building be moved further to the east to give further separation from existing residences on the west. This suggestion was made because more than 10 feet is needed for a rear yard for the proposed building and by moving the building there will be more

PUD #139-A (continued)

than just a paved patio space behind the townhouses.

Mr. Barry McCracken is with Capital Investment Plan, Inc., the owners of Forest Park Patio Homes immediately east of the subject tract. He requests denial of this project due to the increase in density from the allotted 7 to 18 units. The fine quality of the neighborhood should be maintained, since more units are now privately owned instead of rented. There is a unique single-family feeling in the neighborhood.

Mr. John Wilkinson of Wilkinson Realtors is a resident of the area. This tract is less than one-acre and should be limited to 7 units. This area is also in floodzone "B". There are no storm sewer outlets where the apartments were built. When it rains, 57th Place floods.

Mrs. Downey requested that the Commission consider the amount of apartments already existing along Peoria. There are school children using 57th Street and only a portion has sidewalk.

<u>Interested Parties:</u>	Jerry Zimmerman	Addresses:	5635 South Madison Place
	Conrad Eckert		5633 South Madison Place
	Deborah Hughes		5616 South Madison Place

Interested Parties' Comments:

Mr. Jerry Zimmerman lives in Riverwood South Condominiums and has briefly looked at the proposed project. He is convinced there will be no adverse affect on the area with the proposed project. Mr. Ernst, one of the applicants, manages the condominiums in which Mr. Zimmerman lives and Mr. Zimmerman did not feel Mr. Ernst would build anything that would be a detriment to the existing complex. If anything is going to be done with this tract, he would just as soon see Mr. Ernst develop it. This would guarantee that not more than 18 units would be built.

Protestant's Comments:

Mr. Paul Holmes lives in the single-family subdivision to the west. This was a quiet neighborhood when he build his home and traffic was at a minimum. However, the area has gotten quite crowded. Traffic on Madison is heavy, at least twice a day. This project will increase the traffic problem. He cannot see any logic in increasing the density in the area. The parking lot has already been torn up and there is machinery on the property.

Interested Parties' Comments:

Mr. Conrad Eckert selected his property through the Ernst Company because it was one of the most attractive areas in Tulsa and he studied the type of developments constructed by Mr. Ernst. This area has been improved by Mr. Ernst and Mr. Eckert did not think the proposed project would be a detriment to the neighborhood. The apartments to the south are not attractive and do not blend in with the condominiums. Traffic will increase in any part of the City no matter what the development. He believes this will be an advantage to the community.

Ms. Deborah Hughes lives in the Riverwood Complex and finds it to be a very quiet and livable community. Mr. Ernst is concerned with the people in the project, such as security, speeding traffic, the care of children, etc. She did not think this project would be anything but an added value to the surrounding property and will blend into the existing property.

Applicant's Comments:

Mr. Jones submitted a petition containing 32 signatures in favor of the project from residents directly affected by the project (Exhibit "C-4"). This petition has been signed by residents whose signatures were obtained on the opposing petition before the plan was truly represented to them. He also submitted a letter from Dr. Albert L. Shirkey, who owns a duplex that backs up to the subject tract (Exhibit "C-5"). The plans were also submitted to the general partners of the apartment complex across the street, who live in California, for their consideration and a letter was submitted from them in favor of the plan as presented (Exhibit "C-6"). Mr. Jones also submitted a picture of the apartments to the south (Exhibit "C-7"). The proposed structures will be of frame construction. The duplex complex immediately to the west consist of frame structures sold as condominiums.

The height of the proposed buildings is 25.1 feet. The existing structure on the property to the north and the warehouse on the subject property are both 20 feet in height. The apartments across the street are in excess of 25 feet; therefore, these structures would not be higher than anything that exists. A single-family RS-3 neighborhood could contain many two-story houses. There will not be any windows overlooking existing structures on the east side of the project. The Zoning Code requires a bathroom window, so there will be 2' x 3' windows on the west side.

The four-plexes are developed at 24.4 units per acre with 1 1/3 parking ratio, which is much more density than the proposal and has a lesser parking ratio. There are wood exteriors in the area and this is a multifamily area, even though these will be sold as single-family homes. There will be more than ample parking for this project. The Staff's requirements will all be met.

There is a problem on 57th Place because not enough off-street parking was allowed for the apartments and renters are parking on the side of the street. The parking will be solved for this project with a security gate and a 2-1 parking ratio.

Commissioner T. Young asked about the triangular-shaped portion of the tract on the north and Mr. Jones explained this portion would not be usable for anything but landscaping and open space.

Commissioner T. Young wondered if the proposed project will be similar to the ones constructed on 21st Street, as shown in the pictures submitted by Mr. McCormick. Mr. Mark Ernst explained that the property on 21st Street is a rental project and he experimented with the floor plan. It is substantially different in floor plan from the proposed project. These units will be wider and will have different floor plans because these will be condominiums. The exterior appearance, which Commissioner T. Young was concerned about, will be similar. Riverwood South condominiums are completely frame structures, which have been successful in selling. He is trying to build a complex that is very livable and gives the maximum square-footage and maximum livability for the dollar. A lot of stone could be put on the outside, but the projects around there are brick veneer and stucco. Commissioner T. Young could agree with that and observed that Mr. Ernst develops quality homes. However, the finished development on 21st Street appears to be rather stark for an environment where there are other amenities on the surrounding buildings and asked Mr. Ernst if he would be in a position to

PUD #139-A (continued)

construct an exterior more compatible to the area. Mr. Ernst did not feel brick veneer would be consistent with the type of project. Houses in residential districts differ in exterior construction from house to house.

Commissioner C. Young felt the Commission had the responsibility to recommend how many units, setbacks, landscaping, fencing, etc., but did not want to delegate what color and what construction material could be used.

MOTION was made by HIGGINS, second by C. YOUNG, to approve the PUD, per the conditions set out in the Staff Recommendation.

Special Discussion for the Record:

Commissioner T. Young was concerned about the height. Mr. Gardner explained that the Staff added "2 stories" after the maximum allowable height. Two stories can be built under 25 feet. Mr. Ernst advised that the proposed buildings are 25 feet, 3 inches to the top of the roofline. The existing structure is 20 feet high. There are condominium duplexes within Riverwood that are in excess of 22 feet. Commissioner C. Young asked Commissioner Higgins if she would consider amending the motion to allow a maximum 26 feet in height. Commissioner Higgins agreed.

Commissioner T. Young could support the project, but did not feel the exterior was adequately addressed. Some requirement should have been made for compatibility to the existing area and for that reason will oppose the motion.

Instruments Submitted:

Letter of protest from State Representative Bill Clark	(Exhibit "C-1")
Petition of protest containing 151 signatures	(Exhibit "C-2")
22 pictures submitted by protestant	(Exhibit "C-3")
Petition of approval containing 32 signatures	(Exhibit "C-4")
Letter of support from Dr. Albert L. Shirkey	(Exhibit "C-5")
Letter of support from the owners of the apartment complex	(Exhibit "C-6")
Picture of apartments to the south	(Exhibit "C-7")

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 5-1-0 (Higgins, Hinkle, Miller, Parmele, C. Young, "aye"; T. Young "nay", no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the requested amendment to PUD #139 be approved on the following described property, subject to the conditions set out in the Staff Recommendation and a maximum height limitation of 26 feet:

A tract of land containing 0.9896 acres, being part of Lots 1 and 2, Block 1, Riverside South Complex, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, said tract of land being more particularly described as follows: Beginning at a point on the Easterly line of Lot 2, said point being 164.27 feet Southerly of the Northeast corner of Lot 2; thence South 89°54'45" West a distance of 105.00 feet; thence North 00°07'05" West and parallel to the Easterly line of Lot 2 a distance of 113.00 feet; thence North 60°05'00" West a distance of 10.44 feet; thence South 29°55'00" West a distance of 319.57 feet to a point on the Southerly line of Lot 1; thence South 79°19'28" East a distance of 0.00 feet to a point of curve; thence Southeasterly along the Southerly line of Lots 1 and 2 on a curve to the left, with a central angle of 10°45'47", and a radius

PUD #139-A (continued)

of 424.79 feet, a distance of 79.79 feet to a point of tangency; thence North $89^{\circ}54'45''$ East along the Southerly line of Lot 2, a distance of 194.69 feet to the Southeast corner of Lot 2; thence North $00^{\circ}07'05''$ West along the Easterly line of Lot 2, a distance of 166.00 feet to the point of beginning.

Z-5790 and PUD #309 - Request for Continuance:

Mr. Lloyd Markind represented the property owner to the west and wished to request a continuance of these items. There are several parties who could not be present at this hearing whose testimony would be beneficial. Mr. Roy Johnsen, representing the applicant, disagreed with the request because of his time schedule and it is the policy of the TMAPC that requests for continuance be received on the Monday preceding the meeting. Mr. Markind advised that his client, Mr. Raskin, was not notified of this request. As Mr. Johnsen explained, the notice was sent to the record owner listed on the tax rolls, which showed an address for Mr. Raskin in care of Service Merchandise and the cinema in other states.

Mr. Markind was not aware of the address listed on the tax rolls. However, it is his intent to request a continuance so that he can study the project and so that other interested parties who are currently out of town could be present. Mr. Johnsen was willing to compromise with a week's continuance if the Commission would grant early transmittal of the minutes. Commissioner C. Young noted that the Commission routinely grants continuances for less reason than the ones stated.

On MOTION of HIGGINS, the Planning Commission voted 5-1-0 (Higgins, Hinkle, Miller, Parmele, T. Young, "aye"; C. Young, "nay"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to deny the request for continuance.

Application No's. Z-5790 and PUD 309 Present Zoning: OM
Applicant: Johnsen (Hines/Tulsa Industrial, Ltd.) Proposed Zoning: CS
Location: Between 66th Street and 68th Street, East of Memorial Drive

Date of Application: December 16, 1982
Date of Hearing: January 26, 1983
Size of Tract: 10.28 acres

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall Phone: 585-5641

Relationship to the Comprehensive Plan: Z-5790

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 3 -- Commercial Complex.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located north and east of the corner of South Memorial Drive and 71st Street. It is just north of Woodland Hills Mall, vacant, 10.28 acres in size, zoned OM, and the applicant is requesting CS zoning. It is abutted on the north by a single-family neighborhood zoned RS-3, on the east by Woodland Hills Apartments and a City Library zoned PUD #186 and RM-1, on the south by Woodland Hills Mall zoned CG, and on the west by a theatre zoned CS.

Given the surrounding land uses, zoning patterns and the Comprehensive Plan designation, the Staff can support the majority of the land for CS zoning.

Therefore, the Staff recommends APPROVAL of CS zoning as requested, except the north 300 feet to remain OM.

Staff Recommendation: PUD #309

Planned Unit Development No. 309 is located east of the southeast corner of 66th Street and South Memorial Drive. It is 10.28 acres in size, vacant, has a Staff recommendation for OM and CS zoning, and the applicant is requesting a PUD for the purpose of adding retail shopping and a cinema theatre.

The Staff has reviewed the applicant's Text and Site Plan and find the proposal in keeping with the intent and purposes of the PUD Ordinance. Therefore, the Staff recommends APPROVAL of PUD #309, subject to the following conditions:

- 1) That the applicant's Text and Site Plan be made conditions of approval.
- 2) Development Standards:

Gross Area:	12.03 acres
Net Area:	10.28 acres
Permitted Uses:	Use Unit 11 (Offices), Use Unit 12 (Eating Places), Use Unit 13 (Convenience Goods and Services), Use

Unit 14 (Shopping Goods and Services, cinema, and video game room); provided that convenience grocery and free-standing eating places are excluded.

Maximum Floor Area:	120,000 sq. ft.
Maximum Stories:	1*
Maximum Height:	34 feet
Minimum Internal Landscaped Open Space:	11.7% of net area, excluding landscaped right-of-way.
Minimum Building Setback From North Boundary:	50 feet
Minimum Building Setback From South Boundary:	50 feet
Minimum Building Setback From West Boundary:	40 feet
Minimum Building Setback From East Boundary:	80 feet
Off-Street Parking and Loading Requirements:	As provided within Section 1214.4 of the Zoning Code.
Other Bulk and Area Requirements:	As provided within a CS District

*A projection room mezzanine within the cinema building shall not be deemed a story.

- 3) That all of the north wall of the building be constructed of the same materials as the front and reflect the architectural character of that used throughout the project.
- 4) That service areas on the north side will be screened and the screens will be constructed of the same materials as is used throughout the project.
- 5) That all signs shall be submitted to, and approved by the TMAPC, prior to occupancy of the buildings, that they shall be illuminated by constant light, and that they shall conform to the following standards:
 - a) Two signs located on the north portion of the west wall. One cinema identification sign not greater than 3 feet by 18 feet and one marquee sign not greater than 9 feet by 18 feet,
 - b) one cinema identification sign not greater than 3 feet by 18 feet and located on the canopy or the front entry,
 - c) two cinema identification signs with letters not greater than 18 inches in height located one on each of two pylon-kiosk, as shown on plans,

PUD #309 & Z-5790 (continued)

- d) one ground sign 6 feet by 15 feet in size and located adjacent to the southwest entry, identifying the retail center and may include identification of the cinema,
 - e) one ground sign 6 feet by 15 feet in size and located approximately midway between the east entry and the corner of 68th Street South and 85th East Avenue to identify the center only,
 - f) that the aggregate display surface area of the individual wall or canopy signs shall be limited to 1-1/2 square feet per each lineal foot of the building wall to which the sign or signs are affixed. Individual wall or canopy signs shall not exceed the height of the building, and shall be uniform in lettering.
- 6) That a Detail Site Plan be submitted to and approved by the TMAPC, prior to issuance of a building permit.
 - 7) That a Detail Landscape Plan be submitted to and approved by the TMAPC, prior to occupancy, including what has been stated in the text, plus plant materials shall be in quantities and sizes to provide a significant buffering of the north building elevations.
 - 8) That no building permit shall be issued until the property has satisfied the requirements of Section 260 of the Zoning Code, submitted to 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 of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Roy Johnsen represented Hines Industrial, the record owner of the subject tract. He agreed the Staff had hit the key points on the land use relationships, but felt this is an exceptional site and some of the points need explanation. This tract is within the Woodland Hills Mall general complex. It is bounded on three sides by streets and has exceptional accessibility. To the north is 66th Street, which is a dedicated business collector and the right-of-way is 80 feet in width with four lanes. There are three points of access to Memorial and there are three access points to 71st Street. None of these streets run through single-family neighborhoods.

The CS zoning was requested in order to develop a particular project. The PUD is in conjunction with the CS request. Immediately abutting the western boundary of this tract is an existing CS District. If the application is approved, it would be an easterly extension of the existing CS zone. Further east is an apartment complex and a regional library.

The lots in the Burning Tree Subdivision that back to the 70-foot easement on 66th Street contain duplex dwellings. There are approximately 3 lots further east that are single-family. Along the boundary is an 8-foot screening fence that was constructed at the time of the initial development of Woodland Hills Mall. Mr. Johnsen submitted a photograph (Exhibit "D-1"), which shows the separation of the subject tract from the adjoining residential area. The tract is totally within a commercial complex and is presently zoned OM.

Z-5790 & PUD #309 (continued)

The requested CS should be consistent with the District 18 Plan. The architects have spent a considerable amount of time designing and re-designing the proposed project. Mr. Johnsen has met with the Staff on several occasions and has tried to incorporate the Staff's input. Basically, the center is designed with 3 buildings as a retail area. Also to be included as an integral portion of the project is a cinema. The original plan was to have the theatre fronting to the north, but the Staff did not approve. Now the plan basically relates to the south. There is a courtyard south of the entry to the cinema, which is a focal point for all the other buildings as well.

The Staff was concerned about the appearance of the north boundary. Basically, the center is to be of brick construction. The Hines Company is noted for good quality projects. He has agreed with the Staff to accept, as a condition, that the north facade of the cinema be of the same materials and architectural style as the front, so it does not look like the back of a building. In addition, there is a landscaping requirement along the frontage, which will be further reviewed. The Staff has also required that any service courts be screened and built of brick. The center is tastefully designed and there will be extensive sign control. A lot of time was spent with the Staff concerning the signs and Mr. Johnsen feels the plans submitted are appropriate. The marquee will be on the west face of the cinema building, which will make it visible for traffic coming from Memorial, but will not be visible to the residential area on the north.

The applicant has tried to tailor the PUD to a certain concept and type of project, unlike most PUDs that permit "all kinds of CS uses". Uses in this project have been limited to only those appropriate for the location. Each use unit has been identified, per the Staff Recommendation. All-night uses have been excluded. The area and the site is already buffered, the land-use relationships are sound and the project has extraordinary accessibility. The Staff Recommendation is acceptable to the applicant.

Protestants: Lloyd Markind
Frank Spiegelberg

Addresses: 525 South Main Street
9032 East 67th Street

Protestants' Comments:

Mr. Lloyd Markind represents Howard Raskin, the owner of property directly west of this tract. It seems that the project is aesthetically appealing, but the location presents problems not only to the property owned by his client, but also parking and traffic congestion. His prime concern is overlap parking. Mr. Gardner explained that the parking must meet the requirements of the Ordinance. Mr. Markind remarked that there is a reciprocal easement agreement that covers this parcel which contains parking requirements. There is already a cinema on Mr. Raskin's property and another theatre might cause a parking overlap. Mr. Gardner advised that Use Unit 19 provides one parking space per 225 square feet of building space. The requirements must be met before the building permit is issued. Other parking spaces within the center cannot be counted, even with the reciprocal easement agreement. The Staff will not support any waivers.

Mr. Johnsen advised that the plan does show 743 parking spaces and the Code requires 533 spaces. Mr. Gardner noted that the parking requirements in the Code have been tested and work quite well, except revisions are being made under office zoning.

Z-5790 & PUD #309 (continued)

Mr. Markind thought the reciprocal easement agreement has a 1-space per 3-seats in the cinema parking requirement. This agreement covers all of Woodland Hills Mall and surrounding parcels. Commissioner C. Young commented that the Planning Commission cannot enforce such an agreement.

The existing cinema owned by Mr. Raskin has six screens and meets the 1 to 3 parking ratio stipulated in the agreement. Mr. Markind mentioned the traffic situation in this area. If both theatres are operating at the same time, which can be presumed, there would be substantial influx of traffic onto 66th flowing west to Memorial. This is a problem now and would only be increased.

Mr. Frank Spiegelberg lives in the Burning Tree Addition, which is to the north of the proposed project, and is President and Director of the Burning Tree Master Association. The Burning Tree Master Association has voted to oppose this zoning and PUD, although this does look like a nice project. He displayed a map showing the present zoning in the area, which includes a substantial amount of commercial. Timing is the key to retail because the major amount of business is conducted on weekends and evenings. The residents of the area relied on this tract being developed under the office category. The drainage ditch does leave a large area between the subject tract and the residential area; however, this is no buffer. An office building would be kept neat in appearance, but a retail center will cause an increase in litter and speeding would be a problem.

The density and congestion is already great. There was an increase in traffic when the existing theatre expanded to six screens, which flowed through the Burning Tree Development in order to get to Memorial. Parking is a problem because the theater already overlaps to the Service Merchandise parking lot. Mr. Spiegelberg felt the parking should be considered more closely.

The residents of Burning Tree feel that offices would complement the rest of the development. There are plenty of spaces already zoned for retail shops in the area. There are homes in Burning Tree that will be looking directly at the back of the theatre building. The 8-foot screening fence is nice; however, the residents have had to take care of the area around the fence. The Code was adopted when there was only one screen to a cinema and now there are up to ten screens in one building.

Mr. Spiegelberg presented a Resolution passed by the Burning Tree Master Association opposing this zoning and PUD (Exhibit "D-2").

Commissioner C. Young asked if an addition was made to the existing theatre when it was increased to six screens from four screens and Mr. Markind thought the four were reduced to accommodate 6 screens. However, others advised that the building was expanded.

Applicant's Comments:

Mr. Roy Johnsen addressed the issue of overlapping parking. The proposal submitted substantially exceeds the Code requirements. It is the intent of the developer to provide sufficient parking because it is self-defeating if not provided. He does not feel the parking is inadequate, given the intensity proposed. The reciprocal easement agreement is a document that is of record and goes to private contractual conditions between the various owners of parcels that comprise the Woodland Hills Mall Complex. The

developer will have to meet those requirements and will do so.

Compared to most tracts, this is ideally situated for retail use. There is an 8-foot fence along the rear yards of the residential homes, then a 70-foot drainage ditch, an 80-foot right-of-way for 66th Street and, additionally, a 50-foot setback for the buildings on the subject property. The Staff has required landscaping on the north front of the tract. Therefore, Mr. Johnsen feels this is more than an appropriate distance from the residential dwellings.

Mr. Johnsen's client is well-known for their quality office buildings and he is sure an office building would be built if it were feasible. There is more of a market for retail on this site. The OM zoning would permit approximately 400,000 square feet of office on this 10-acre site. Given the OM zoning and the accessibility, it would be possible to build an 8-to-10-story building. Office traffic would peak at the same time as the traffic on the arterial streets and would have more impact on peak hour movement than retail, which was pointed out by the City Traffic Engineer.

The majority of parking at the existing cinema is on the north side. Therefore, most of the traffic would flow west on 66th Street to Memorial. He felt that most traffic would not proceed through the residential development because cars would have to turn back to the east. However, the parking on the proposed tract would not be on the north side.

Commissioner C. Young asked the size of the theatre and Mr. Johnsen informed the Commission there will be 8 screens with 1,920 seats.

Mr. Gardner explained to the Commission that the Staff studied other possibilities for this site; and, under the Zoning Code, 436 apartments could be built with a PUD and the OM zoning. It would also be possible to build about double the square-footage if it were developed as office and there would be no height limitation. In this proposal, there would be a height limitation of 34 feet and 120,000 square feet of retail.

Commissioner T. Young thought the zoning pattern should remain the same. Chairman Parmele was concerned about the possible uses permitted under the existing zoning, which would be more extensive.

Commissioner C. Young wanted to know the size of the theatre building and Mr. Johnsen replied it would be 26,900 square feet.

MOTION was made by HIGGINS to approve the Staff Recommendation. MOTION died for lack of a second.

MOTION was made by T. YOUNG to deny the application. MOTION died for lack of a second.

Commissioner C. Young was concerned about the size of the theatre building. When the initial Woodland Hills Mall concept was proposed, the Planning Commission was opposed because of the traffic. The City Commission approved a certain number of acres for each zoning category.

Chairman Parmele did not think the OM was compatible because the tract is surrounded by CS zoning. The applicant is developing the site plan to key all activity towards the main center and not the residential area.

Z-5790 & PUD #309 (continued)

Commissioner Higgins agreed with the statement made by Chairman Parmele that the OM is not compatible, especially if apartments could be built at such a high intensity.

Commissioner C. Young did not like the opening into the Burning Tree Addition. If the street were closed, he might feel more comfortable with the request. Mr. Johnsen commented that there is an access onto 66th Street toward the western boundary of the tract. Chairman Parmele asked if that access could be eliminated. Mr. Johnsen agreed with the need to close the access into Burning Tree. When all of the area for Woodland Hills was zoned, there was no commercial PUD category and the CS category was different at that time. The Staff has recommended leaving OM on the north boundary, which encourages a PUD.

It is Mr. Johnsen's understanding that the reciprocal easement agreement requires a 1 to 4 parking ratio. He would be willing for the Commission to impose, as a standard on this development, one parking space per 4 seats in the cinema and that the Zoning Code be met for the retail shops (or 1 space per 225 square feet). This will probably cause a reduction of retail space. After some calculation, Mr. Johnsen advised this would provide 888 parking spaces. The plan allows for 743, so some of the retail would have to be cut.

Commissioner Higgins asked the Staff if the access onto 66th Street to the north were closed, would a hazard exist. Mr. Gardner explained that the City Engineer wants the stub streets to be connected. This was done to accommodate the residents so they would not have to get on a major street. As far as the Staff was concerned at that time, the street could have been closed.

Commissioner C. Young wished to recommend to the City that the street be closed. Mr. Johnsen could support this and Mr. Markind recognizes it is an issue to be considered. Commissioner T. Young thought the majority of the residents in Burning Tree might approve of the access into the mall and would not want it closed. Besides, it would end up being a dead end, causing more problems.

MOTION was made by HIGGINS, second by HINKLE, to approve the Staff Recommendation.

Commissioner Young stated he could support this motion if it included amendments, such as the parking requirement of 888 spaces. Mr. Johnsen wished to emphasize that the 888 spaces calculated was based on the proposed buildings. If the parking requirements were increased as suggested, with the 1 to 4 ratio for the theatre and the Zoning Code requirements on the retail space, the density would be decreased and, therefore, the parking requirements would be decreased as well.

Commissioner C. Young would also like to recommend that the access on the north be closed and that the City Commission study the feasibility of closing the entrance into the Burning Tree Addition because of the traffic problem. Mr. Johnsen was agreeable to all but the closing of access onto 66th Street.

Z-5790 & PUD #309 (continued)

TMAPC Action: 6 members present (Z-5790 & PUD #309):

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS, LESS and EXCEPT the north 300 feet to remain OM; and, that the following described tract be approved for PUD, subject to the recommendations set out in the Staff Recommendation and the following conditions:

- (a) That the parking ratio be 1 parking space to every 4 seats in the cinema and the parking for the retail use be 1 space per every 225 square feet; and,
- (b) that the access from the subject tract onto 66th Street on the north side be eliminated.

LEGAL DESCRIPTION PER NOTICE
(Z-5790 and PUD #309)

Lot 3, Block 3, Woodland Hills Mall Blocks 2, 3, 4, 5, in the City of Tulsa, Tulsa County, Oklahoma.

LEGAL DESCRIPTION PER PLANNING COMMISSION ACTION
(Z-5790)

CS: Lot 3, Block 3, Woodland Hills Mall Blocks 2, 3, 4, & 5, LESS and EXCEPT the North 300 feet, in the City of Tulsa, Tulsa County, Oklahoma.

LEGAL DESCRIPTION PER PLANNING COMMISSION ACTION
(PUD #309)

Lot 3, Block 3, Woodland Hills Mall Blocks 2, 3, 4, 5, in the City of Tulsa, Tulsa County, Oklahoma.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that a study be conducted as to the feasibility of closing the 66th Street entrance into the Burning Tree Addition due to traffic problems.

Instruments Submitted:

Photograph of subject tract (Exhibit "D-1")
Resolution of protest from
Burning Tree Master Association (Exhibit "D-2")

OTHER BUSINESS:

PUD #111-B

Staff Recommendation - Amended Covenants:

The subject tract is located at 139th East Avenue and 31st Street. It is 10.9 acres in size, vacant, and approved for an attached single-family townhouse development. The applicant has received Detail Site Plan approval and is now requesting approval of the amended covenants.

The Staff has reviewed the submitted covenants and find them to be consistent with the approved PUD conditions; therefore, the Staff recommends APPROVAL of the Amended Covenants for East Park Addition, Blocks 13, 14 and 15.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to approve and execute the Amended Covenants for East Park Addition, Blocks 13, 14 and 15.

PUD #139-SP-1 Ernst (XYZ, Ltd.) North and West of 59th Street and South Peoria Avenue

Staff Recommendation - Detail Site Plan Review:

Planned Unit Development #139 is located north and west of 59th Street and South Peoria Avenue. It contains 18.6 acres of land of which 17.1 is zoned RM-1 and the remaining 1.5 acres on Peoria is zoned CS. The subject tract is slightly over 1-acre in size, contains an old warehouse and garage, and is surrounded on all sides by existing multi-family structures controlled under the conditions of PUD #139. The applicant has pending a request for approval of an amendment to the PUD to allow a minor increase in density of 11 units. The applicant is also requesting a Detail Site Plan Review.

The Staff has reviewed the approved PUD and the submitted Site Plan and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Gross Land Area:	49,968.97 sq. ft. (1.1471 ac.)	1.15 acre
Net Land Area:	3,106.97 sq. ft. (.9896 ac.)	.99 acre
Permitted Uses:	Attached residential dwelling units and related accessory uses such as off-street parking, covered parking, walkways, landscaped open spaces, recreational areas such as pools or spas, badminton court, etc.	Same
No. of Residential Buildings:	3 buildings	3 buildings
Maximum Dwelling Units:	18 units	18 units
Maximum Density:	15.7 D.U's., per gross acre	16.7 Units/Ac.
Maximum Building Height:	35 feet	35 feet

PUD #139-SP-1 (continued)

Minimum Livability Area per D.U.:	800 sq. ft. per D.U.	800 sq. ft.
Minimum Building Setbacks:		
From West Boundary	10 feet	10 feet
From East Boundary	10 feet	10 feet
From North Boundary	10 feet	10 feet
From East 57th Pl. S.	15 feet	15 feet
Between residential bldgs.	50 feet	50 feet
Minimum Yard Requirements:		
Front Yard	10 feet	10 feet
Back Yard	10 feet	10 feet
Side Yard	-0- feet	-0- feet
Minimum Off-Street Parking Ratio:	1.5 for each efficiency or one bedroom unit and 2.0 for each two or more bedroom units. (27)	34 spaces

Therefore, the Staff recommends APPROVAL of PUD #139-A subject to the Plan submitted.

NOTE: The applicant is still required to submit a Detail Landscape Plan for approval prior to occupancy, including landscaped buffering along boundaries adjacent to existing dwellings and design and location of a sign.

Applicant's Comments:

Mr. Bill Jones was present for the applicant. The amendment to PUD #139 was discussed and approved earlier in the meeting. Therefore, he requests this detail site plan be approved.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to approve the submitted detail site plan, subject to the conditions set out in the Staff Recommendation, and PUD approval by City Commission.

PUD #181-4 Johnsen North of the NW corner of 21st Street and 145th East Avenue

Staff Recommendation - Minor Amendment:

Planned Unit Development No. 181 is located north and west of 21st Street and 145th East Avenue and is 166 acres in size. The applicant is requesting a minor amendment to Develop Area "D", which is 72.13 acres in size and is approved for clustered single-family residences and townhouses with no structure containing more than six (6) dwelling units.

The applicant, First Home Service Corporation, has completed negotiations with the Board of Education and the Park Board of the City of Tulsa to make the following exchanges of land:

PUD #181-4 (continued)

- (1) First Home Service Corporation to convey Tract IV (7.52 acres) to the City of Tulsa;
- (2) First Home Service Corporation to convey to the Board of Education Tract II (7.84 acres);
- (3) City of Tulsa to convey to the Board of Education Tract III (2.16 acres) and Tract IX (.32 acres); and
- (4) Board of Education to convey Tract I (10.00 acres) and Tract IX (.32 acres) to First Home Services Corporation.

The net result of these exchanges are shown on the accompanying site plan and are as follows:

- (A) The City of Tulsa will have an expanded park;
- (B) The Board of Education will have a comparably sized school site, but now adjacent to a City Park; and
- (C) First Home Services Corporation will have a 10-acre tract, which will permit them to solve a significant drainage problem affecting the total PUD.

None of these results significantly alter the PUD. Densities have remained the same, land areas are basically the same, and land use relationships are probably better. Therefore, the Staff recommends APPROVAL of the minor amendment, subject to the following conditions:

- 1) That the applicant's plan and letters be made conditions of approval, unless modified herein.
- 2) That Development Area "D" be divided into three (3) subareas;
 - a) "D-1" - 7.52 acres (Tract IV on map),
 - b) "D-2" - 7.89 acres (Tract II on map), and
 - c) "D-3" - 56.72 acres (remainder of Area "D").
- 3) Development Standards:

Development Area "D-1"

Area: 7.52 acres
Permitted Uses: Park, Open Space and associated recreational uses.

Development Area "D-2"

Area: 7.84 acres
Permitted Uses: Public school or alternatively cluster residences in single unit, duplex, tri-plex, four-plex, or six-plex residential structures.

Density - Maximum Dwelling Units: 41 units

Single-family detached structures shall meet the following requirements:

02 1 01

07 01

PUD #181-4 (continued)

Minimum Lot Size:	5,400 sq. ft.
Minimum Livability Space per Dwelling Unit:	3,000 sq. ft.*
Maximum Building Height:	35 feet
Minimum Yard if Abutting Public Street:	25 feet
Minimum Yard if Abutting Interior Private Street:	
Front Yard	20 feet
Side Yard	10 feet
Minimum Side Yards:	
If zero lot line development;	
one side yard	0 feet
other side yard	10 feet
Minimum Rear Yard:	20 feet
Minimum Setback Between Buildings:	10 feet

It is intended that attached dwelling units with individual lot ownership having common open spaces and facilities shall be permitted and shall meet the following requirements:

Minimum Lot Size:	1,600 sq. ft.
Minimum Livability Space per Dwelling Unit:	3,000 sq. ft.*
Other Bulk & Area Requirements:	As provided within an RM-T District

*Livability space requirements have been proportionately adjusted in Areas "D-2" and "D-3" due to a 7.5 acre tract ("D-1") that has or shall be dedicated for public park purposes.

Development Area "D-3"

Net Area:	56.72 acres
Permitted Uses:	Cluster residences in single unit, duplex, triplex, four-plex or six-plex residential structures, and public and private open spaces.
Density - Maximum Dwelling Units:	170 units
Single-family detached structures shall meet the following requirements:	
Minimum Lot Size:	5,400 sq. ft.
Minimum Livability Space per Dwelling Unit:	3,000 sq. ft.*
Maximum Building Height:	35 feet

PUD #181-4 (continued)

Minimum Yard if Abutting
Public Street: 25 feet

Minimum Yard if Abutting
Interior Private Street:

Front Yard 20 feet
Side Yard 10 feet

Minimum Side Yards:

If zero lot line develop-
ment,

one side yard 0 feet
other side yard 10 feet

Minimum Rear Yard: 20 feet

Minimum Setback Between Buildings: 10 feet

It is intended that attached dwelling units with individual lot ownership having common open spaces and facilities shall be permitted and shall meet the following requirements:

Minimum Lot Size: 1,600 sq. ft.

Other Bulk & Area Requirements: As provided within an RM-T District.

Minimum Livability Space: 35.16 acres*

*Livability space requirements have been porportionately adjusted in Areas "D-2" and "D-3" due to a 7.5 acre tract ("D-1") that has or shall be dedicated for public park purposes.

- 4) That no building permit be issued until a Detail Site Plan, by Development Area, has been submitted to and approved by the TMAPC.
- 5) That no building permit shall be issued until the property has been included within a subdivision plat, submitted to, 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 of Tulsa beneficiary to said covenants.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to approve the Minor Amendment of PUD #181-4, subject to the conditions set out in the Staff Recommendation.

PUD #187-5 Moore 7333 East 63rd Street

Staff Recommendation - Minor Amendment:

Planned Unit Development No. 187 (Shadow Mountain) is located south and east of 61st Street and South Sheridan Road. The subject tract (Lot 12, Block 2, Shadow Mountain Addition) is located on the north-west corner of 63rd Street and South 75th East Avenue.

The applicant is requesting a minor amendment to allow an enclosed and covered patio to encroach 2 feet into the required 20-foot rear yard.

The Staff has reviewed the aeriels covering the tract, the submitted plot plan, and PUD conditions and view this as minor in nature. Therefore, the Staff recommends APPROVAL of a reduction of the rear yard requirement of 20 feet to 18 feet on Lot 12, Block 2, Shadow Mountain Addition.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to approve this Minor Amendment to PUD #187, per the submitted Plot Plan.

PUD #286 Netherton South side of East 47th Place South, 150' West of Mingo Rd.

Staff Recommendation - Detail Site Plan Review:

The subject tract is located just west of the southwest corner of East 47th Place and South Mingo Road. It is 2.53 acres in size, vacant, and approved for a trade establishment which primarily provides business and household maintenance goods and services.

The Staff reviewed the submitted Site Plan and compared it to the approved PUD conditions and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Area (Gross):	120,750 sq. ft.	120,750 sq. ft.
(Net):	110,250 sq. ft.	110,250 sq. ft.
Permitted Use:	Trade Establishment	Same
Maximum Floor Area	45,000 sq. ft.	42,000 sq. ft.
Maximum Building Height:	1-story not to exceed 20 feet	1-story/18 feet
Minimum Off-Street Parking:	3/1,000 sq. ft. 126 spaces	134 spaces
Minimum Building Setbacks:		
From west property line:	45 feet	46 feet
From south property line:	45 feet	46 feet
From east property line:	25 feet	26 feet
From centerline of 47th Pl.:	100 feet	100 feet
Minimum Internal Open Space:	10,000 sq. ft.	Exceeds

Based on the above review, the Staff recommends APPROVAL of the Detail Site Plan, subject to the plans submitted.

PUD #286 (continued)

NOTE: The applicant is still required to receive approval of a Detail Landscape Plan and has yet to receive approval of any sign design, size or location.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Miller, Parmele, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Kempe, Petty, Inhofe, "absent") to approve the Detail Site Plan as submitted, subject to the conditions set out in the Staff Recommendation.

There being no further business, the Chair adjourned the meeting at 5:10 p.m.

Date Approved February 9, 1983

Cherry A. Kempe
Chairman

ATTEST:

[Signature]
Acting Secretary