

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1496
Wednesday, March 7, 1984, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery Draughon Flick Higgins Kempe, 1st Vice- Chairman Woodard C. Young, Chairman	Beckstrom Hinkle Rice Inhofe	Compton Gardner Martin	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, March 6, 1984, at 11:37 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Connery, Draughon, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Flick, Hinkle, Rice, Inhofe, "absent") to approve the Minutes of February 15, 1984, (Meeting No. 1494) and February 22, 1984, (Meeting No. 1495).

DIRECTOR'S REPORT:

A letter from the Legal Department concerning nonconforming signs as relates to outdoor advertising.

Mr. Gardner advised that the Staff was asked to look into the nonconforming provision for Outdoor Advertising Signs as it is presently written in the Zoning Code as relates to a property owner wanting to renegotiate or do business with another sign company if he had one of the nonconforming signs on his property. Many times the property owner is a different individual from the one who owns the sign, and the sign or the individual who has the investment in the sign is the one that is nonconforming, not the property owner.

Mr. Gardner then read a portion of Section 1430--Nonconforming Signs as it is presently written in the Code which reads as follows:

Director's Report: (continued)

"A sign lawfully existing at the effective date of the adoption or amendment of this Code but which would be prohibited under the terms of this Code or amendment to the Code, shall be deemed non-conforming, and may continue including normal maintenance and change of the face, if not rebuilt, enlarged, extended, or relocated, provided: . . ."

From reading this portion of the section there is no reason or basis for a sign to deteriorate as there is normal maintenance involved in the upkeep of the sign. One would be permitted to change the face of the sign but can not rebuild the sign.

The way the Ordinance is presently written it would not require that any of the signs be removed, but they would have the right to remain and can be refurbished provided they are not rebuilt. The Staff did some research as to the ordinance of nonconforming signs adopted by other cities, and it was felt that the section in the Zoning Code presently dealing with the nonconformity of signs is consistent with their provisions. Some of the ordinances researched have a time provision which provides that the existing signs must comply within a designated number of years or must be removed. The Staff did not feel that we should adopt that change.

Mr. Linker, Assistant City Attorney, advised that if the Commission is satisfied with the way the Zoning Code presently addresses nonconforming signs which provides that the nonconforming signs could not be replaced or if replaced they must conform to the new sign standard. The Commission has the responsibility in choosing whether to adopt an ordinance that goes further which would give the property owner more rights or it could provide that the Code be more restrictive than it is presently written. He also advised that an amotorization provision could be included to assure that the nonconforming signs must be in conformance within a specific time.

Mrs. Higgins asked if there are two signs located close in proximity and one is conforming and the other is nonconforming which sign will they measure from and Mr. Linker stated they would measure from a sign, whether it is conforming or nonconforming. Mr. Linker stated that a provision could be added to the Ordinance that would provide that the spacing apply from the legal sign which might cause problems in determining which sign was erected first and which was legal and which was not legal or nonconforming.

Mr. Gardner stated if Tulsa had no outdoor advertising signs erected all signs would have to meet the new standards, but in order to protect the individuals who presently own signs there should be a nonconforming provision in the Zoning Code. He felt that the Ordinances address the problem as fairly as possible and felt that we should keep that provision in the Code.

Chairman Young opened the discussion to any interested party.

Mr. Bernie Voss, 1519 South Joplin Avenue, stated he is not in the sign business but owns the Circle L Electric Company and owns land containing billboard advertising. He stated that the Code as presently written would not allow a nonconforming sign to be replaced if it was blown down. If a lease for a sign expires one would not be in a position to deal on the free enterprise basis in order to arrive at the income expected at

Director's Report: (continued)

the end of the lease. He felt that something should be done to put this situation in proper writing where his interest can be protected and the interest of the people who have the investment in the sign could be protected.

Mr. Tom Quinn of CSL, Incorporated, stated he is a sign manufacturer, installer and maintainer. Mr. Quinn stated that various commissions such as the Planning Commission has made it very clear that they want to improve the appearance of the City, and this Commission has enacted codes that increase the spacing of billboards in Tulsa. Mr. Quinn felt that this action should be taken a step forward and submitted an additional proposal for nonconforming signs which could be included as Section 1430 (a) (Exhibit "A-1"). He proceeded to read his proposal to the Commission and stated that the wording would need assistance by the Legal Department. He felt there needs to be a separation between regular signs and billboard signs. He also submitted a photograph of a deteriorated sign and a sign of the same size in excellent condition (Exhibit "A-2"). He pointed out the condition of the deteriorated sign and felt that the one leasing the sign should be permitted to repair the sign and if necessary rebuild the nonconforming sign to beautify the City of Tulsa. Mr. Quinn stated that his proposal protects the sign company but it also protects the land owner. There has been a change in the standards for outdoor advertising, and it is of great importance that these standards be upgraded. He asked that the Commission carefully consider his proposal.

Mr. Roger Lister, general manager of Donrey Outdoor Advertising Company, stated the proposal to allow the replacement of nonconforming outdoor advertising after voluntary removal would cause indefinite perpetuation of outdoor advertising structures but would perpetuate the 20-foot spacing which the Planning Commission and the City Commission agreed was inappropriate for the City of Tulsa. He asked that the Commission reflect back on several meetings with the Staff, the sign industry and Rules and Regulations Committee because it was the same people who now propose the indefinite perpetuation theory who first suggested that all nonconforming signs be removed. We are now hearing that nonconforming structures should be removed and rebuilt. He felt this was a sour grape attempt to get even with those companies who supported the TMAPC proposal from the beginning. Mr. Lister stated that the regulation relating to the nonconforming signs has been successful in the past and felt it would be successful in the future and did not feel any need to make changes to the Ordinance.

Mr. John Belasini represented the outdoor advertising firm of Winston Network. He advised that there are three major parties involved in the outdoor advertising business; the land owner, the sign companies and the advertiser. He requested that the Commission protect the rights of the land owners, the right to rebuild to the state of the arts and not only for the structural stability of the sign but for the ability to view and see. If one or two companies that have nonconforming signs are allowed to exist with total control over the landowner with no competition they could very easily allow these signs to exist with minimal care and maintenance thus creating more of an aesthetic eyesore. By giving consideration to the land owner it gives him the right to request additional proposals for his site upon the termination of the lease so he can gain a livelihood and force the competition to upgrade and build and maintain their structures properly.

Director's Report: (continued)

Mr. Bill Stokely stated he was in agreement with Section 1430 of the Zoning Code dealing with nonconforming signs. Supporting this ordinance would protect the landowner and the investment. Essentially, if you do not want to utilize the grandfather situation the City would be back into the rut of endorsing the 20-foot aspect and would continue to perpetuate the grandfather situation.

Mr. James Tidwell of Donrey Outdoor Advertising Company stated that the application of the new sign regulations will make certain sign structures nonconforming and the use of the nonconforming classification is traditional and has become traditional because it has proved to be acceptable and legally defensible. The purpose of the Ordinance is to balance the interest of the City with all other interests involved. He felt if the nonconformity question is not addressed the nonconforming signs will be changed and rebuilt weekly or monthly.

Mr. Don Bishop represented Omni Outdoor Advertising and stated he did not want to make any personal attacks on any person or any company in the sign business. He felt that the City Commission's action adopting the new sign regulations will go a long way in limiting the number of signs in the City. In rewriting this nonconforming agreement portion of the Zoning Code it will not add a single additional sign to the skyline of Tulsa but will simply assure the rights of the existing property owners.

Mr. Arthur Crabb stated that he owns property at 31st Street and Yale Avenue which as an electric massage center on the property which he requested be enlarged but was turned down because of the fact that the structure is considered nonconforming. Chairman Young informed Mr. Crabb that the Commission could not address specific cases at this time but suggested that he submit in writing his concerns and comments concerning the nonconformity of signs.

Chairman Young asked that all who spoke concerning the nonconformity of signs submit their written comments concerning their feelings of the nonconforming provision in the Zoning Code dealing with signs and if it should be amended and their suggestions, or if they agree with the Ordinance as presently written in the Code.

Mr. Gardner suggested that the Commission continue this matter for a period of two weeks and to request that the interested parties submit in writing information pertinent to the decision of amending the nonconformity provision for signs. The Staff will report back to the Commission in two weeks after study of the proposals if there is sufficient information to call a public hearing at a later date.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") that all interested parties submit in writing their comments whether they agree with the nonconforming provision presently in the Zoning Code, or reasons why they disagree with the provision and why it should be changed, and after study the Staff will report back to the Commission in two (2) weeks with their final recommendation and at that time it will be decided

Director's Report: (continued)

if a public hearing is needed to consider amending the Zoning Code or to keep the provision as presently provided for in the Code.



SUBDIVISIONS:

Preliminary Plat:

Wolf Lake Addition (3191) West 53rd Street and South 107th West Ave.
(AG)

The Chair advised that consideration of this preliminary plat needs to be continued for a period of two weeks.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to continue consideration of the preliminary plat for Wolf Lake Addition until Wednesday, March 21, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Danbrook Addition (2683) 101st Street and South 72nd East Ave. (RS-3)

The Chair advised that consideration of this preliminary plat needs to be continued for a period of two weeks.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to continue consideration of the preliminary plat for Danbrook Addition until Wednesday, March 21, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Kings Ridge Estate Addition (PUD #281-4) (183) NW corner of East 64th
Street and South 91st East Avenue (RS-3)

The Chair advised that consideration of this preliminary plat needs to be continued for a period of two weeks.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to continue consideration of the preliminary plat for Kings Ridge Estate Addition until Wednesday, March 21, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Southern Woods Addition (PUD #355) (1683) NW corner of 91st Street and
South Yale Avenue (CS, RD and RS-3)

The Staff presented the plat with the applicant represented by Adrian Smith.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Southern Woods Addition, subject to the conditions.

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") that the preliminary plat of Southern Woods Addition be approved, subject to the following conditions:

Southern Woods Addition (PUD #355) (continued)

1. Show building lines in accordance with PUD Text and approval by the Planning Commission. Correct PUD number in title block.
2. Identify and show in dashed lines, Vandalia and Winston Avenues in Wigwam Hills Addition. (If East 98th Street east of Wigwam Hills Addition is not fully dedicated, then include boundary of plat to centerline of street and dedicate by this plat. If previously dedicated, show Book and Page of dedication.)
3. Covenants: Section II (C) provides for future lot splitting. It is suggested that if splits are anticipated that the plat be shown with four lots, then lot splits will not be needed. The applicant should be aware that if lots are split in the future, utility extensions might be required to serve anything cut off by the split. The development should be planned so that any future splits will be completely served by all utilities, including water and sewer services. (Section I-A, include Cable TV specifically.)
4. All conditions of PUD #355 shall be met prior to release of the final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
5. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. (17½') Existing easements should be tied to, or related to property and/or lot lines.

Public Service has easement down the center of the plat and requests that it be shown until such a time that further arrangements are made to abandon same. Public Service requires perimeter pole line easements--17½' utility easements along south corner and northwest corner of plat.
6. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (if required)
7. Pavement repair within restricted water line easements and sanitary sewer easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the plat.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required)
10. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.

Southern Woods Addition (PUD #355) (continued)

11. All adjacent streets and/or widths thereof should be shown on the final plat. (See #2 above.)

12. Access points shall be approved by the City and/or Traffic Engineer. (Check for match with site plan.) Recheck right-of-way along Yale Avenue.

Traffic Engineer wants to see plans on Yale access. He recommends access to be 190' south of 89th Street. No left turn allowed because of proposed continuous median. The Traffic Engineers say the easternmost access will have no left turn bay.

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

14. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before the plat is released. (A building line shall be shown on the plat on any wells not officially plugged.)

15. The Zoning Application (Z-5929) shall be approved before final plat is released.

16. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)

17. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Commonwealth Center Addition (1293) North side of East 21st Street,
East of Memorial Drive (CS)

The Staff presented the plat with the applicant represented by Gary Howell.

Note: Covenants were submitted late and delivered or mailed separately. Brief review by the Staff indicates that additional language needs to be added for water and sewer and for limits of access. Additional language is needed at the first of the covenants also relating to ownership and name of plat.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Commonwealth Center Addition, subject to the conditions.

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") that the preliminary plat of Commonwealth Center be approved, subject to the following conditions:

Commonwealth Center Addition (continued)

1. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
2. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Include language for water and sewer facilities in covenants.)
3. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s). (if applicable?)
4. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (if required)
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (for storm water detention if required)
6. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
7. A topo map shall be submitted for review by T.A.C. (Subdivision Regulations) (submit with drainage plans)
8. Show an additional 10' of right-of-way on East 21st Street in accordance with the Major Street Plan. (total 60' from center-line)
9. Access points shall be approved by the City and/or Traffic Engineer. (Include language in the covenants.) The proposed median on 21st Street will not permit left turn from the west. The Traffic Engineer recommends two points of access on 21st Street instead of the three points shown.
10. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
11. The restrictive covenants and deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, as applicable.)
12. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
13. All (other) Subdivision Regulations shall be met prior to re-

Revised Preliminary Approval:

Park Place 44 Addition (594) NE of 11th Street and East Skelly Drive
(CS and OL)

The Staff presented the plat with the applicant represented by Leon Ragsdale and Stan Ewing.

This plat has a preliminary approval dated December 7, 1983. The revision submitted is for the first phase of two lots. Since this does not include all of the original plat approved, and an additional lot without access on a public street has been created, it is being reviewed again. Some of the conditions are carry-overs from previous approval and some new conditions are added because of the phasing of the project and creating another lot without frontage on a dedicated street.

The Technical Advisory Committee and Staff recommended approval of the Revised Preliminary Plat of Park Place 44 Addition, subject to the conditions.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Hinkle, Rice, Inhofe, "absent") that the Revised Preliminary Plat of Park Place 44 Addition be approved, subject to the following conditions:

1. Lot 1 has no access shown on the plat. Show the access easement and if not a part of this plat, it should be filed by separate instrument and book and page shown on the plat.
2. The remaining unplatted land around this tract is still owned by the developer. Any previous drainage easements required may be required with this plat. (subject to recommendation of City Engineer) (See #16 and #21 below.)
3. Since the lot without frontage on this plat is not the same as the one approved by the Board of Adjustment (#12926) then a new application should be approved by the Board of Adjustment prior to release of this plat.
4. Not a condition for approval of the plat, but the applicant is advised that a portion of the plat is zoned OL. Care must be taken in locating buildings and parking or another Board of Adjustment approval might be needed when the structures and/or parking is designed if they overlap the zoning lines.
5. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines. P. S. O. wants 17½' perimeter easements for overhead pole lines.
6. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Include applicable language in covenants relating to water and sewer services.)

Park Place 44 Addition (continued)

7. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
8. A request for a creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (if required?)
9. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission. (Part in FD area -- see City Engineer.)

Plat additional land to the NE of the project (floodplain area).

City Engineer will require plat on abutting floodplain area and overland drainage on creek side as per original preliminary plat.

10. Access points shall be approved by the City and/or Traffic Engineer. Show on plat. Include language in covenants. Show access to Skelly Drive.
11. It is recommended that the developer coordinate with the Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of the plat.)
12. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
13. Covenants: 1st page, line 4 of the easement dedication; correct to show Cable TV. Include language for water and sewer service. Include language for limited access. No. 7 on page 2 indicates an expiration date. Since there are no private deed restrictions, then no expiration date is necessary. Utility easements should not expire. Take out expiration date of covenants.
14. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
15. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Final Approval and Release:

Cavalier Park I Addition (2203) West of the SW corner of East 30th
Street North and North Sheridan Road (RMH)

Strawberry Creek Addition (PUD #131-C) (794) NW corner of 14th
Street and South Garnett Road (RM-1, OL and CS)

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

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Hinkle, Rice, Inhofe, "absent") to approve the final plats of Cavalier Park I and Strawberry Creek Additions and release same as having met all conditions of approval.

Change of Access Review:

21 Garnett Place Addition (894) SE corner of 20th Street and South
Garnett Road (CS)

The purpose of this request is to add one access drive to Garnett. (Access points on 20th Street were not restricted on the plat of record. Change only applies to Garnett.) The Traffic Engineer and Staff have approved the request.

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Kempe Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Hinkle, Rice, Inhofe, "absent") to approve the requested change of access for 21 Garnett Place Addition.

Request to Waive Plat:

Z-3925 Gillette Hall Addition (693) 211 South Utica Avenue (CS)

This is a request to waive plat on Lot 17, Block 9 of the above named subdivision. This was zoned in 1971, but no one has sought a Building Permit or Zoning Clearance Permit until now. The use proposed is temporary and will be a portable or nonpermanent bar-b-que. The only thing the Staff notes that will affect this lot is the Major Street Plan requirement on Utica Avenue. (50' from centerline is required--30' exists) The only additional right-of-way that has been acquired on Utica is at the SE corner of 1st Street and Utica Avenue where an additional triangle of land 10 feet wide was obtained on a plat. All other plats, lot-splits and waivers between the Crosstown Expressway and approximately 21st Street have not required additional right-of-way and been approved by the T.M.A.P.C.

The applicant was NOT represented.

The Technical Advisory Committee and Staff recommended approval of waiver of plat on Z-3925, subject to the conditions.

Mr. Wilmoth advised that the T.A.C. had no objection to a plat waiver but will not recommend the waiver of the Major Street Plan

Z-3925 (continued)

right-of-way but felt the Commission should make that recommendation. The Staff would see no objection because it is consistent with what the Commission has done in the past. The remark regarding no new water taps on the 24" line is for the applicant's information.

On MOTION of KEMPE, the Planning Commission voted 6-0-1 (Connery, Draughon, Flick, Kempe, Woodard, Young, "aye"; no "nays"; Higgins, "abstaining"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to approve the request to waive the plat for Z-3925 which includes the recommendation to waive the Subdivision Regulations requiring conformance to the Major Street Plan.

Z-5838 Riverbend Addition (1883) NW corner of 83rd Street and South
Lewis Avenue (CS)

This is a request to waive plat on Lot 7, Block 2, of the above named plat. (It was rezoned from OM to CS.) Since it is already platted and right-of-way has been dedicated for South Lewis Avenue, the Staff has no objection to the request, subject to the following:

- (a) Grading and drainage plans as required by the City Engineer.
- *(b) Approval of access by the Traffic Engineer. (The northerly access point on the plat of record is split 10' and 30' along the property line.) Access change application should be submitted to realign as recommended by the Traffic Engineer. Also recommended that owners file a "Mutual Access Agreement" for joint use of the common access point, if required.
- (c) Provide utility easements as needed by utilities including water and sewer. (Plat of record has no easements on this particular lot.)

The applicant was represented by Dave Sanders.

The Technical Advisory Committee and Staff recommended approval of waiver of plat on Z-5838, subject to the conditions as recommended.

*Applicant has also filed the access change and it has been approved by the Traffic Engineering Department. Approval of the waiver of plat also includes a recommendation of approval for the access change.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to approve the request to waive plat for Z-5838 and to approve the access change as requested.

BOA #13000 Apache Place 2nd Addition (1903) 2815 North St. Louis Avenue
(RS-3)

This is a request to waive plat on Lot 18, Block 5 of the above subdivision. The lot contains an existing church and the recent Board of Adjustment application was for a 10' x 10' expansion and several variances of setbacks, etc. Since this is already platted and utilities and services are already provided, the Staff sees no need for a replat. Approval of the waiver is recommended.

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to approve the request to waive plat on BOA Case #13000.

LOT SPLITS:

Lot Splits for Ratification:

L-16116	(3294)	6000 Garnett Park	L-16121	(2903)	Warren Long
16117	(794)	J. F. Langley	16123	(2792)	Pauline Hicks
16118	(1793)	L. J. Pittman	16124	(303)	Ind. for Tulsa, Inc.
16119	(1083)	Ira Crews, et al	16126	(3602)	TURA

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") that the lot splits listed above be ratified.

CONTINUED ZONING PUBLIC HEARING:

Z-5913 Norman (Crews & MacNaughton) West side of River Road (South Delaware Avenue) approximately 1/2 mile south of East 101st Street (AG to RM-T)

The Chair advised that consideration of this matter needs to be continued for one week.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to continue consideration of Z-5913 until Wednesday, March 14, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5925 Present Zoning: RS-3
Applicant: Jackson (Taylor) Proposed Zoning: OL
Location: North of the NW corner of 46th Street North & Frankfort Avenue

Date of Application: January 4, 1984
Date of Hearing: March 7, 1984
Size of Tract: .5 acres

Presentation to TMAPC by: Lloyd Jackson
Address: P.O. Box 48579 Phone: 425-7382

Relationship to the Comprehensive Plan: Z-5925

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity-- Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested OL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately .5 acres in size and located north of the northwest corner of 46th Street North and Frankfort Avenue. It is non-wooded, flat, contains a vacant lot and an unoccupied single-family dwelling zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling zoned RS-3, on the east by an elementary school zoned RS-3, on the south by a dentist's office zoned OL, on the west by single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary -- Past zoning actions have restricted commercial and office uses to a depth of not more than approximately 250 feet from 46th Street North.

Conclusion -- Based on the existing zoning pattern in the area and the Comprehensive Plan, the Staff cannot support the OL Office request. Further encroachment into the residential neighborhood by nonresidential uses is inappropriate; likewise, higher intensity use next to the elementary school is not desired. Access to the tract is from a minor residential street. Therefore, the Staff recommends DENIAL of the OL zoning.

Applicant's Comments:

Mr. Lloyd Jackson represented Dr. Thad Taylor and advised that Dr. Taylor presently has a dental office on the lot next to the subject property and plans to expand his dental practice onto the subject property. Dr. Taylor plans to move his office and staff into the building located on the subject property, and the office presently being used as his office on the adjoining lot will be used for a clinic building.

Mr. Gardner advised that Dr. Taylor has an office building presently in the OL District, and he does not plan to construct a building but would like to convert the unoccupied house into an office with parking inbetween the two structures. In order to convert the existing house, office zoning

Application No. Z-5925 (continued):

is being requested with a request to provide parking on the interior lot. The notice is sufficient to grant parking as opposed to office. In order to use the northernmost structure for an office the zoning would have to be changed to office or a PUD applied for. There is a provision in the Zoning Code that the applicant could seek a special exception through the Board of Adjustment to get off-street parking on the vacant lot because it is next to the office. The Staff's concern is that it not encroach further north up the street.

There was limited discussion as to the best decision for zoning the subject tract. It was suggested that the center lot be rezoned for parking and the OL request could be accomplished through the Board of Adjustment for more office space. Mrs. Kempe suggested that parking be approved on the center lot with residential on the third lot. The OL, parking and residential zoning would give the applicant grounds for filing a PUD which would permit the doctor to use the house as he wishes.

TMAPC Action: 7 members present.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for parking on the center lot and DENIAL of OL on the third lot which would allow for a PUD application:

Legal Per Notice:

Lots 13 and 14, Block 7, Fairhill 2nd Addition, Tulsa County, Oklahoma

Legal per Planning Commission Action:

Lots 14, Block 7, Fairhill 2nd Addition, Tulsa County, Oklahoma

ZONING PUBLIC HEARING:

Application Nos. Z-5927 and PUD 354	Present Zoning: RM-T & RS-3
Applicant: Johnsen (Reppe Development)	Proposed Zoning: RM-1 & OL
<hr/> Location: East of the NE corner of 91st Street and Yale Avenue	

Date of Application: January 1, 1984
Date of Hearing: March 7, 1984
Size of Tract: 17.84 acres

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

Relationship to the Comprehensive Plan: Z-5927

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RM-1 and OL Districts may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 17.8 acres in size and located 1,000 feet east of the northeast corner of 91st Street and South Yale Avenue. It is partially wooded, gently sloping, contains one single-family structure and accessory buildings and zoned RM-T and RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned AG, on the east by mostly vacant land and a single-family dwelling zoned AG, on the south by two or three single-family dwellings zoned RS-1, on the west by vacant land zoned RS-3 and CS, and on the northwest by a five-story office building developed under a PUD with RS-3 and OL underlying zoning.

Zoning and BOA Historical Summary -- A review of the past zoning actions taken in the surrounding area indicates that the intersection of 91st and Yale is developing generally in accordance with the Development Guidelines and Comprehensive Plan. All four corners are zoned or recommended for medium-intensity zoning and zoning buffers have been approved abutting the medium-intensity nodes.

Conclusion -- The subject tract is beyond the existing medium-intensity nodes, the areas designated by the Development Guidelines and Comprehensive Plan for medium-intensity. The tract is also beyond the 300' buffer area as set out in the Development Guidelines. The Staff feels the vacant tract west of the subject tract is the appropriate location for the buffer because it can be supported by the existing zoning patterns. Approval of RM-1 or OL on the subject tract would be "jumping" the buffer or buffering a buffer neither of which do we find appropriate.

Therefore, we recommend DENIAL of either OL or RM-1 zoning on the subject tract.

Z-5927 and PUD #354 (continued)

NOTE: We would note for information purposes that the northern portion of the tract is abutted on the west by a PUD that allowed a five-story office building to be constructed on OL/RS-3 underlying zoning. However, protective conditions were required that located the building a minimum of 200' away from the subject tract and in a low area where the first floor elevation would be 8-10 feet below the elevation of the subject tract. In addition, the maximum developable floor area was not allowed and the proposed use was for a professional society headquarters which was felt to be less intense than typical light office.

PUD #354 Staff Recommendation:

The subject tract is approximately 1,000 feet east of the northeast corner of 91st Street and South Yale Avenue. It is 17.84 acres in size and is zoned RM-T and RS-3. The applicant is requesting RM-1 or OL zoning on the tract and PUD supplemental zoning to allow a small office complex and a private patio-lot neighborhood.

The Staff does not support the companion Zoning Application (Z=5927), and since the PUD is based upon a zoning pattern we find inappropriate, we cannot support the PUD.

Therefore, the Staff recommends DENIAL of PUD #354 and based upon Section 1170.3 of the Zoning Code, outline the following reasons:

- (a) Is the PUD consistent with the Comprehensive Plan?

Section 1.3 of the District 18 Comprehensive Plan deals with Conformance to the Comprehensive Plan. Under that, Subsection 1.3.3 addresses Zoning: Relationship To The Comprehensive Plan and within that subsection it states, "The Comprehensive Plan shall be considered in making zoning or rezoning decisions. The Plan establishes, at a general level, appropriate locations for different intensities of land use with due regard to compatibility, topography, environmental considerations, traffic generation and other factors. The zoning decision-making process requires specific consideration of the compatibility of land use and environmental characteristics of a proposed use with surrounding areas. Thus, zoning decisions include consideration of general factors embraced in the Comprehensive Plan, but also the individual examination of such conditions as they relate to any individual parcel of land for which rezoning is requested." PUD #354 proposes an office use in the southwest corner of the subject tract, which the Staff feels is both inconsistent with the intent of the Plan and the existing zoning patterns.

- (b) Is the PUD in harmony with the existing and expected development of surrounding areas?

During the Staff's review of this question, it was discovered that several physical factors affect the vehicular circulation in the surrounding area. To begin with, Fry Ditch on the east, Holland Hall School on the north, and severe topography on the northwest either isolates or, at the very best, severely restricts the access to the southwest quarter of this section, of

PUD #354 & Z-5927 (continued)

which the subject tract is a part. The Staff feels one or maybe two residential streets can be provided to serve this quarter section from Yale and that two or maybe three can be provided to 91st Street. Since a review of our maps show that the majority of the sections in the surrounding area provide two or three residential access streets per 1/2 mile, the Staff cannot support private streets serving the entire subject tract. We feel that proper internal circulation requires proper external access points and that the best interest of the public would be served by requiring a minimum of one public street running north and south through the subject tract to serve undeveloped land on further to the north. The need for a public street through this tract is also supported by the T.A.C. and Traffic Engineer. Because of the above review, the Staff feels the proposed PUD is not in harmony with the expected development of the surrounding area.

- (c) Is the PUD a unified treatment of the development possibilities of the project site?

The Staff cannot support the office use proposed by the design, but we can support the conceptual design shown for the residential portion as being designed in a manner that uses the development possibilities of the site. We have discussed with the applicant minor questions about street alignment and "T" turn-arounds, however, these questions could be answered in the Detail Site Plan stage of a residential PUD proposal.

- (d) Is the PUD consistent with the stated purposes and standards of the PUD Chapter?

The stated purposes are: (1) Permit innovative land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and proximate properties; (2) permit flexibility within the development to best utilize the unique physical features of the particular site; (3) provide and preserve meaningful open space; and (4) achieve a continuity of function and design within the development.

Without restating what has already been said, the Staff cannot support the PUD as being consistent with the purposes of the PUD Chapter because of the reasons given above.

Applicant's Comments:

Mr. Roy Johnsen represented Reppe Development Company who owns the subject property. He advised that Yale Avenue is a primary arterial and 91st Street is a secondary arterial, and according to the District 18 Plan all four corners are type 2 nodes. The intersection is twice as intense as some of the other intersections in the city. Under the Comprehensive Plan the property south of 91st is designated for potential CO zoning. The subject property is presently zoned RM-T and RS-3. Mr. Johnsen asked that the Commission consider the PUD based upon the proposed zoning of the subject property. The Comprehensive Plan for this area identifies the subject property and those properties to the east and north as low intensity--no specific land use which means that RM-1 or OL zoning may

Z-5927 and PUD #354 (continued)

be found to be in accordance with the plan.

The subject property contains approximately 17 acres and the southwest quadrant which is approximately 3.6 acres is being sought for RM-1 or OL, and through the PUD it would be restricted to office use with the balance of the property being residential.

Mr. Johnsen then addressed the history of the intersection of 91st and Yale as it is developing generally in accordance with the Development Guidelines and Comprehensive Plan. He submitted two photographs, one taken from the west boundary approximately 400' south of the north boundary of the site looking west toward the Geophysical Resource Center and the other from the southwest corner of the site looking northwesterly (Exhibit "B-1"). He presented the photographs to show that the office use, as proposed, is not out of character with what is happening on the adjacent property.

Mr. Johnsen made a correction to the Staff Recommendation and advised that the west boundary of the subject property is 880' from the intersection rather than 1,000' as stated. Mr. Johnsen then informed the Commission of a PUD in the immediate area to show 2 extensions in the immediate area through the PUD, and he felt it is essential in this application that something will happen to the RS-3 zoning west of the tract and that it is not truly a buffer. He stated he could quote similar extensions from other nodes. Their office proposal is in the southwest corner of the subject tract and will be abutted by commercial and office properties. One point which was stressed was that the applicant has provided transitions and stopping points which is a key factor in the proposal and in the residential area for that area along 91st Street for residential development and have provided a stopping point. They anticipate a street and lots on both sides which is an effective residential area within the boundaries of the project.

Mr. Johnsen did not feel that the Staff had an objection to the residential part of the PUD except the issue of the private street. The properties to the west which is nonresidential in character have had no stub streets brought into their property, nor are there any stub streets from the north or the east. There is a 160-acre tract northeast of the subject tract that Holland Hall owns and has frontage on 81st Street which negates the need for a north-south street through the section even though the Comprehensive Plan shows a collector street at the half section line. None of the properties in the area are landlocked, and the subject property does not landlock them or deny them access. He felt there was a question if you follow the customary standards that there would be a collector at the half section line if it is in fact needed and will go north from there and then turn west and connect to Yale. There is no requirement in the Subdivision Regulations or in the plan that says there needs to be two public streets in the area. The proposal contains the standard access with two points of access with a private street proposal on the west boundary and a private street inside the east boundary so the customary standard of having two points of access is being met on the subject tract.

Mr. Johnsen stated that the Traffic Engineer's concern is not the circulation in this subdivision but that the applicant provide some kind of circulation in the overall area. He felt that the street could be placed on

Z-5927 and PUD #354 (continued)

the other properties in the area and felt it should be where the Major Street Plan calls for the collector which is at the half section line.

Mr. Johnsen then discussed why the applicant opposes putting the public street into the project. They have prescribed a 26' wide paving which will meet the City standards as to base, depth, quality, and width as if the streets were dedicated. If one dedicates a public street the City requires 50' of right-of-way even though the paving width is 26' and because of setback requirements the lot yield is reduced tremendously. If the street is brought north and south as a public street it has been estimated the applicant would experience a loss of 12% to 15%. One of the key factors in not wanting the public streets through on one side is an actual tract loss of lots. If the public street is put in it will add additional through traffic into a residential neighborhood which would be very undesirable. Another reason why the applicant is opposed to this is the aspect of security. Another consideration is by placing a public street in the area it would add about \$300 per lot in pouring the curbing.

He stated if you start measuring distances one would find that the applicant's office use is a logical extension of the intensity and does provide a logical transition and buffer.

The present zoning on the property would allow 183 dwelling units, but the applicant proposes 109 single-family lots and 3.6 acres of office or approximately 71,000 sq. ft. He felt the office is an appropriate transition in this instance and felt this is a transitional property. He felt it meets the Development Guidelines and is in accordance with the Comprehensive Plan and meets the physical realities of this intersection.

Interested Parties: Ruth Cravens
Ken Wadley

Addresses: 9110 South Darlington
5135 W. 91st Street

Interested Parties' Comments:

Mrs. Ruth Cravens stated that the subject property is located across the street from her property and is in support of the proposal.

Mr. Ken Wadley stated he owns 5 acres across from the subject property. He advised the Commission of his support of the plan and felt it would be consistent with the residential and office areas being developed in the area.

Staff Comments:

Mr. Gardner advised that the applicant filed the PUD and is asking for special treatment under the PUD. If he were not filing the PUD the street in that development would be a dedicated public street so he is asking to be treated differently. The plan is generally following the Development Guidelines and the exception to that is the OL zoning to the north and at the northeast corner. When we look at that vacant tract to the west of the subject tract it is probably committed to OL and when that is zoned OL you have buffered the northeast corner node and we feel that is meeting with the Guidelines.

The area to the north is a 65-acre vacant tract and the Staff does not feel it is typical to have one way into the interior tract and one way out. Basically the applicant can only get one way in from the west

Z-5927 and PUD #354 (continued)

because of the topography and because of the other constraints. If we get 2 or 3 from the south we think that is a legitimate concern.

TMAPC Action: 6 members present.

On MOTION of FLICK, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Hinkle, Rice, Inhofe, "absent") to DENY the request for RM-1 and OL zoning on the following described property:

A part of the South-Half of the Southwest Quarter of Section Fifteen, Township Eighteen North, Range Thirteen East of the Indian Base and Meridian, in Tulsa County, Oklahoma, described as follows: Beginning at a point on the South line of Section 15, which point is North 89°-49' East a distance of 880.77' from the corner of Sections 15, 16, 21 and 22; thence North no degrees, two minutes West parallel to the West line of Section 15, a distance of 1,320 feet to a point; thence north 89°-49' East parallel to the South line of Section 15, a distance of 587.18 feet to a point; thence South no degrees, two minutes East a distance of 1,320 feet to a point on the South line of Section 15; thence South 89°-49' West a distance of 587.18 feet to the point of beginning, containing 17.84 acres, more or less.

Mr. Johnsen then requested that the PUD be continued for a period of 2 weeks.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Hinkle, Rice, Inhofe, "absent") to continue consideration of PUD #354 until Wednesday, March 21, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUBLIC HEARING:

Creating a New (CBD) Central Business District:

Mr. Gardner first submitted a handout of the proposed changes to the Zoning Code in creating the new Central Business District (Exhibit "C-1"). On February 1, 1984, the Staff introduced the proposal to create a new zoning district for the CBD. The primary purpose of such a district was the need to establish off-street parking in the CH area outside the traditional downtown area. This problem was brought to light as a result of the parking problems in the Brookside area as much of the area is zoned CH. There were several of the items in the Zoning Code advertised for amendment and there are several new items which will need to be advertised to implement the new zoning district. He then presented the amendments which the Staff is recommending today and the Staff suggested that the public hearing be continued to April 4, 1984, which will allow sufficient time in which to readvertise the additional pertinent sections. The primary purpose of the hearing today is to get some direction from this Commission.

Mr. Gardner then addressed the proposed changes which will be required in the Zoning Code to implement the new zoning district. In Section 200 the only change is to add the Central Business District to the Zoning and Supplemental Zoning Districts established. In Section 610 the Staff

Creating a New (CBD) Central Business District: (continued)

recommends the establishment of a new use unit (Use Unit 12) entitled Entertainment Establishments which would change nothing other than to create a new entertainment establishment district as part of this section. The Staff has rewritten the purpose of the CBD contained in Section 700.5. In Section 710 the only change would be to add Use Unit 12- Entertainment Establishments and to add the CBD classification, and all the uses permitted by right or exception are exactly the same as permitted in the CH District. The only difference would be in the zoning classification and no difference to any other requirement. The CBD is added to Section 730 and is the same as the present CH. The Staff previously recommended that there be a cap on the floor area ratio and a minimum width, but they are suggesting that that recommendation no longer apply and to leave the CH exactly like it is with regard that there would be no setbacks & no floor area ratio cap. The only change to CH would be the parking requirement. Section 750 shows a reference to CH, and the CBD is merely being inserted with the statement of the other zoning classifications in this section. Sections 810 and 910 include the new use unit - Entertainment Establishments. Section 1200.4 the recommendation is to add the CBD instead of the CH as is presently written. Section 1212 states the new name of the use unit and provides a new description with a new list of included uses. The only change in the conditions is that there would be a new parking requirement. The Staff conducted research on 15 cities, and it was found that Tulsa is one of the few cities that still use the standard of one parking space per 225. Therefore, the Code will be amended to require 1 parking space per 100 sq. ft. for the various uses in Use Unit 12 and to require 1 parking space per 4 seats in motion picture theatres. In Section 1213 the basic change is to eliminate those entertainment uses in Use Unit 19 and put them in Use Unit 12. The purpose of this is to get similar uses classified in the same section in order to address the parking problem. Section 1219.4 states the Off-Street Parking and Loading Requirements dealing with hotel, motel and recreation facilities and the Staff read the addition to that section. The CBD classification has merely been added to Section 1221. In Section 1310 the changes came from a suggestion made by the Legal Department which was presented to the Commission in a memorandum at an earlier meeting. Section 1400 deals with Nonconformities. The Staff read the three points under Section 1470 and expounded on those items. If you change a use from one use to another use within the same use unit that is not a change of use according to the Ordinance. If you change from one use unit to another use unit and the parking requirements are the same you can seek relief from the Board of Adjustment. If you are changing from an existing use to another use like Use Unit 12 which requires additional parking and you have a specific use like a furniture store and convert that store to a restaurant or bar you must meet the parking requirements based on our Ordinance. The Staff displayed a map which shows all the existing CH zoned areas in Tulsa. Brookside is not unique in that it is the only CH area with parking problems, it was just a greater problem than the other areas at the time of study. In Section 1680 item (h) would be added to the special exceptions so that the Board could grant a special exception without the showing of a hardship. Section 1730 provides a way to give notice of the new zoning district. Appendix A and B will have to be amended to include all the various changes. In Summary the Staff would like to proceed in this manner and create the new use unit. They feel we have the basis for increasing the amount of off-street parking for restaurants, bars, taverns, etc. The Staff recommended that the Commission drop the floor area cap as was previously sought and that the only

Creating a New (CBD) Central Business District: (continued)

change to existing CH zoned land that would not be zoned CBD would be that they must meet the parking requirements for new construction, change the use or expansion; or receive a BOA special exception. The Staff suggested that this item be continued to April 4, 1984.

Chairman Young then opened the hearing to any interested party.

Mr. Steve Cates represented Metropolitan Life and stated that he did not want to appear that they are unsympathetic to the problems in the Brookside area. He felt that the problem being addressed is the approach of solving the Brookside problem. He stated that there is an establishment of a concept that the downtown area will be favorably treated over the suburbs. He felt that the downtown area is being shown preferable treatment over the suburbs. Mr. Cates stated his objection was to the distinction of the downtown area being treated favorably over the suburbs and does not object to putting a parking requirement on the CH as long as it is applied to everyone.

Mrs. Higgins stated that there is a downtown area with no parking requirement and the Commission is not playing favorites in dealing with the facts in this area. They are merely trying to address the problem in that area to try to avoid the same problem in other parts of the City in the future.

Mr. Robert Hamernick represented the William K. Warren Foundation and stated he concurred with Mr. Cates statements in that he feels the suburbs should receive the same treatment as the downtown area.

Mr. Flick asked the Staff how this proposal would affect new developments in suburban Tulsa such as the William K. Warren Foundation in respect to the downtown CBD situation in future developments. Mr. Gardner stated that the only way it would affect them is if they did not want to provide any off-street parking on-site. He stated that they have a unique zoning and they do not want to lose anything and that was the purpose for eliminating the floor area cap and making the only change parking. The two gentlemen who spoke will provide parking for their development and probably do not have any thought of not providing on-site parking so there really isn't any change. The proposal affects existing developed pieces of CH property outside the CBD that do not have parking now and that is the problem the Staff is addressing. These developments may want to be the same as the CBD, but the City has spent millions of dollars building the expressway system to feed the downtown area that we have not done anywhere else and do not intend to. The CBD is the only place that the Staff was aware that you can or want to function without required off-street parking.

Greg McClain represented the National Association of Industrial and Office Parks. He informed that he submitted a letter from his firm and NAIOP, and he felt that their concerns were with the floor area ratio and density problems. He stated that a number of the members of NAIOP do feel that passing a parking requirement on CH zoning in the suburbs is discriminatory. He stated what you compete with in the market is trying to make your office or commercial space commercially and economically viable to the extent that you can provide other alternatives of off-street parking to solve the car problem. There are some employees that have disjointed parcels of land that can not put their parking with their development. He did not feel

Creating a New (CBD) Central Business District: (continued)

that going before the Board of Adjustment, which is usually required, is necessarily the best solution or alternative. He stated the reduction of the floor area was a major change but that is no longer the issue. He felt the parking requirement is a major change and it is a significant dollar impact because there are multi-ways of meeting it rather than just providing parking garages in the same adjacent parcel. He felt that parking needs to be provided in some manner, but generally today what you do is put a parking structure with the facility and it needs to be adjacent to the development because people do not want to walk across the street and go somewhere.

Ms. Kathy Studebaker, 1341 East 35th Street, stated she was under the impression that this hearing was to address the solution in the Brookside area. Chairman Young asked that the Staff address how this change will help solve some of the parking problems in the Brookside area.

Mr. Gardner stated that the existing restaurants and bars in the Brookside Area that do not have adequate parking cannot be required to add additional parking at this time. This Commission has done as much as they can in providing areas that can be zoned for off-street parking and amending the Comprehensive Plan accordingly to take care of that. They have also gone back and made amendments to BOA cases where they restricted the parking of a certain area to a particular user and not the general public and have lifted those restrictions in some cases. There will be more bars and restaurants that will want to go into the Brookside area, and if this proposal is approved they will have to provide off-street parking or they would not be permitted in the area. This proposal will help in keeping the problem from expanding, but it will not necessarily make the existing businesses buy additional property to provide parking. If your competitor has extensive parking provided for its customers then the one competing will want to provide parking.

Mr. Gary Clark, attorney, represented a landowner of some commercial office buildings. He wished to speak to an issue of the change of a use from an existing nonconforming use under the amendment to another use in a different use unit which does not include a greater loading or parking requirement. According to Section 1470 (c) of the Zoning Code as presently drafted any change from one use unit to another use unit would require parking or a special exception from the Board of Adjustment. He felt it was not fair to require that of the landowner if the existing use has an intensity requirement that is no greater than the proposed use. Rather than requiring that, it seems the Ordinance could be drafted in such a way that would permit a change from one use unit to another use unit so long as you were not increasing the existing problems. In addition, there seems to be a potential problem that if a piece of land is vacant or a building is vacant at the time the Ordinance is enacted and no use is in effect. He then asked what happens when they want to put another use in there which was the same use as before. He felt this could be a potential problem. He stated he wished to reserve comment about the parking requirements which are being imposed until the next hearing. Chairman Young suggested that Mr. Clark submit a letter to the Commission in regard to his thoughts expressed.

Mr. Gardner addressed Mr. Clark's concerns and stated there would be no problem in starting a business in a location with the same type business as was there previously. The Staff felt that going from a higher intensity to a lower intensity was not a problem. We have uses within the

Creating a New (CBD) Central Business District: (continued)

same use unit right now that have a higher parking requirement. If there is a difference in the parking requirement within the same use unit, that does not constitute a change of use, therefore, we have given them the benefit of the doubt. The Ordinance could be amended that a change of use requiring a greater parking requirement would be the key. If there was a higher parking requirement it must be met which would give one the flexibility of moving through all the use units without any change until you got to a use that requires more off-street parking. The Ordinance can be written that way if the Commission so desires. Mr. Clark is suggesting that the people want the flexibility not to only change uses but use units as long as there is no increase in the parking requirement. That can be done, but if some of those uses were in the same use unit you would have to meet the parking requirements or go to the Board of Adjustment.

Mr. Johnny White stated he is a property owner in the Brookside area. He advised he was recently turned down by the City Commission in his proposal of trying to turn a use from a live late hour club into a steak house. He feels his denial was mainly because of the parking situation, and he felt this proposal would have a great impact on his property value.

Mr. Michael Rittenberry stated he was one of the directors of the Upper Brookside Merchant's Association and the head of the Corp. Stockholder. He stated in an area like Brookside where there is old and existing buildings and no space for parking there should be some allowance for nonadjacent parking. He wanted to congratulate the Commission and Staff for providing much improvement in the Brookside area because there has been a vast improvement of the parking situation in that area. He once again stated his only objection to the new rule is if there are not allowances for nonadjacent parking.

Chairman Young urged that those who spoke on this matter submit their comments in writing in two weeks to allow the Commission to review their comments before the public hearing.

TMAPC Action: 6 members present.

On MOTION of FLICK, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Hinkle, Rice, Inhofe, "absent") to continue consideration of this public hearing to Wednesday, April 4, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD #298 (Development Area III)

Staff Recommendation - Minor Amendment

The subject PUD is located on the north side of 91st Street halfway between Memorial Drive and Mingo Road. It is approximately 129 acres in size and approved for a variety of housing types. Development Area III is approximately 31.31 acres (gross) in size, located in the north central portion of the PUD and approved for small lot detached residential dwelling units.

This development area had originally been approved for 235 townhouse units then revised to 202 small lot detached residential units at the November 16, 1983, meeting. As a part of that approval specific yard requirements were set as follows:

Front Yard:

On Dedicated Street:	15 feet
On Private Street:	20 feet

Rear Yard: 15 feet

Side Yards:

One Yard:	0 feet
Other Yard:	10 feet

After this approval the applicant requested and received Detail Site Plan approval of Phase I for 102 units on December 7, 1983. Since the Site Plan approval, the applicant has determined that a zero lot line development is not what they desire to build because of the Tulsa Fire Code requirements.

The applicant is now requesting to amend the side yard requirements from 0 feet and 10 feet, to 5 feet and 5 feet. The Staff can support this request as being minor and recommends APPROVAL.

However, since the Site Plan approved December 7, 1983, is based on the zero lot line concept and several structures are placed on the lot lines, the Staff recommends that this Phase I Detail Site Plan be VOIDED and that the applicant work with the approved requirements on a lot by lot basis. The subdivision plat will serve as the detailed site plan for all lots that meet the Development Standards setout below. Lots which do not meet the standards will require detail site plan approval as well as approval of any amendments.

Since there have been several changes, the Staff outlined the Development Standards again for Development Area III.

Development Standards:

Land Area (Gross):	30.08 acres
(Net):	27.69 acres
Permitted Uses:	Detached single-family and accessory uses
Maximum No. of Dwellings:	202 units
Maximum Building Height:	35 feet

PUD #298 (Development Area III) (continued)

Minimum Lot Area: 4,000 square feet
 Minimum Off-Street Parking: 2 spaces per unit
 Minimum Building Setbacks
 Front Yard: 15 feet*
 Rear Yard: 15 feet
 Side Yards: 5 feet**

Maximum Land Coverage Per Lot
 by the Dwelling Unit, Garage
 and Driveway: 1,865 square feet

Corrected by TMAPC 5-21-86 → 3

*Except the front yards for Block X, Lots 1 through 10 and Block 2, Lots 13 through 16 shall be a minimum of 10 feet. (This was approved in the previous minor amendment.)

**Except that masonry or other forms of siding may encroach .5 foot into the side yard, however, eaves shall have a minimum separation of 6 feet.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Hinkle, Rice, Inhofe, "absent") to approve the minor amendment to PUD #298.

PUD #281-4 Norman North and West of 64th Street South and South 91st East Avenue
 Minor Amendment

The Chair advised that consideration of this matter needs to be continued for one week.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Hinkle, Rice, Inhofe, "absent") to continue consideration of the Minor Amendment to PUD #281-4 until Wednesday, March 14, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD #346 - Detail Site Plan Review:

Staff Recommendation:

The subject tract is approximately 4.7 acres in size and located 1/4 mile north of the northeast corner of 91st Street and South Lewis Ave. It has an underlying zoning of CS and was approved as a PUD for an elderly housing project and accessory uses, including activities building, amenities building and restaurant. The applicant is now requesting Detail Site Plan approval.

The Staff has reviewed the applicant's submitted plan and compared it to the approved conditions and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Land Area (Gross):	4.70 acres	Same
(Net):	4.22 acres	Same
Permitted Uses:	Elderly housing as defined in the Text & accessory	

PUD #346 (continued)

Maximum No. of Units:	171 units	Same
Maximum Floor Areas:		
Activities Building:	6,000 sq. ft.	5,180 sq. ft.
Amenities Building:	700 sq. ft.	0 sq. ft.
Restaurant Building:	6,581 sq. ft.	6,400 sq. ft.
Maximum Building Heights:		
Residential Building:	10 stories/120 ft.	10 stories/108 ft.
Activities Building:	1-story/30 ft.	1-story/24 ft.
Amenities Building:	1-story/20 ft.	NA
Restaurant Building:	1-story/30 ft.	1-story/24 ft.
Minimum Building Setbacks:		
From Centerline of Lewis:	110 ft.	118 ft.
From North Boundary Line:	10 ft.	12 ft.
From East Boundary Line:	80 ft.	90 ft.
From South Boundary Line:	80 ft.	123 ft.
Minimum Livability Spaces:	34,200 sq. ft.	Exceeds
Minimum Off-Street Parking:	169 spaces	170 spaces
Residential Complex:	139 spaces	140 spaces
Restaurant:	30 spaces	30 spaces

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

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Hinkle, Rice, Inhofe, "absent") to approve the Detail Site Plan for PUD #346, subject to the plans submitted.

PUD #337 - Detail Landscape Plan Review:

Staff Recommendation:

The subject tract is located 1/4 mile west of the southwest corner of 101st Street and South Sheridan Road. It is approximately 6 acres in size and approved for a large lot private single-family development. The Detail Site Plan has been approved, and the project is in the process of being completed. The applicant is now requesting Detail Landscape Plan review and approval.

The Staff has reviewed the plan submitted and find that it meets the requirements of the PUD Chapter and satisfies the conditions of PUD #337. Therefore, the Staff recommends APPROVAL of the Detail Landscape Plan, subject to the plans submitted.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Hinkle, Rice, Inhofe, "absent") to approve the Detail Landscape Plan, subject to the plans submitted.

PUD #294-4 - Minor Amendment:

Staff Recommendation - Lot Split

The subject tract is a large lot within Development Area "A" of PUD #294. This development area was approved for single-family detached dwellings and a maximum of 48 lots. The Final Plat (Detail Site Plan) was approved showing 45 lots; however, Lot 7, Block 3 and Lot 6, Block 4 were platted as large lots because Lot 7 contained a large existing single-family dwelling and Lot 6 was a part of the floodplain. Since the time of Detail Site Plan approval, the existing dwelling was removed and the applicant has received approval to split Lot 7 into three lots. This brought the total lots proposed in Development Area "A" to 47, one below the approved 48. The applicant is now maintaining that Lot 6 has been removed from the potential flooding problem because of earth work done in other Development Areas within the PUD and wants to split an additional lot from the southern portion of Lot 6. This most recent request will result in 48 lots, which still meets the PUD conditions of approval. The Staff can support this request as being minor since it meets the approved requirements; therefore, we recommend APPROVAL of a minor amendment to split Lot 6, Block 4, Mill Creek Bridge into two lots, subject to the approval of the lot-split application including the removal of any flooding potential.

NOTE:

We would note that this leaves one large lot which might be considered for additional splitting if a major amendment were approved for a density increase. However, this PUD was specifically approved to allow the applicant to develop a total number of lots around an existing drainage problem which would not exceed what could be developed on the entire tract conventionally. In other words, no "bump" in density was allowed, because the tract is located within a proposed freeway right-of-way. It was felt that we could not stop the applicant from developing his land, but he should not be granted the use of a special development procedure that would create more lots and cause the public to have to buy back those additional lots at a later date when the freeway is built.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Hinkle, Rice, Inhofe, "absent") to approve the minor amendment to split Lot 6, Block 4, Mill Creek Bridge into two lots, subject to the approval of the lot-split application including the removal of any flooding potential.

PUD #166-C - Detail Landscape Plan Review:

Staff Recommendation:

The subject tract is located at the southeast corner of 91st Street and South Sheridan Road. It is approximately 1-acre in size and approved for a convenience grocery store and a tire service center. The Detail Site Plan has been approved, and the project is in the final stages of completion. The applicant is now requesting Detail Landscape Plan review and approval.

The Staff has reviewed the plan submitted and find that it meets the requirements of the PUD Chapter and satisfies the conditions of

PUD #166-C (continued)

PUD #166-C. Therefore, the Staff recommends APPROVAL of the Detail Landscape Plan, subject to the plan submitted.

TMAPC Action: 6 members present.

On MOTION of FLICK, the Planning Commission voted 6-0-0 (Draughon, Flick, Higgins, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Connery, Hinkle, Rice, Inhofe, "absent") to approve the Detail Landscape Plan, subject to the plan submitted.

There being no further business, the Chair adjourned the meeting at 4:38 p.m.

Date Approved March 21, 1984.

Cheryl Kempe
Chairman

ATTEST:

Marilyn Liddle
Secretary