

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1499
Wednesday, March 28, 1984, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom, 1st Vice-Chairman Connery Draughon Flick Higgins Hinkle, Secretary Rice Woodard Young, Chairman	Kempe 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 27, 1984, at 1:00 p.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 CONNERY, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Kempe, Inhofe, "absent") to approve the Minutes of March 14, 1984, (No. 1497).

DIRECTOR'S REPORT:

Mr. Gardner advised that there was a Rules and Regulations meeting scheduled for today, but we were unable to get a quorum. He felt that the business could be taken care of at this time.

There was a suggestion made about two weeks ago concerning the possibility of making the written Staff Recommendations available to the public prior to the Planning Commission public hearing. The Staff has prepared a memorandum stating 6 reasons why that would not be the best policy or procedure. After some discussion it was suggested that this item be tabled for a week to allow the Commission members to review the memorandum before taking action.

Without objection, the Commission accepted the memorandum, and Chairman Young asked the Commission to study the memorandum and be prepared to act on the matter on April 4, 1984.

Applicant's Comments:

Mr. Charles Norman represented Ira Crews, one of the owners of the subject tract. He informed that Delaware Avenue is a primary arterial street serving the entire southern portion of the City of Tulsa and Tulsa County, and that when this property or any other property fronting Delaware is developed 60' of half right-of-way will be required. A major physical feature just east of Delaware and the tract is Vensel Creek which meanders south of 101st Street and crosses Delaware south of the subject tract and then goes west to the river. To the east of the creek is a sharp topographical change, and that is the reason why none of the streets in the existing housing additions on farther to the east extend to Delaware.

Mr. Norman then began to describe the shape of the subject tract. It is a piece of property at the half-section line and is a part of corridor of land which goes north to 101st Street and slopes away from Delaware Avenue towards the river. The subject property is lower than Delaware Avenue but is higher and outside of the 100-year floodplain. Mr. Norman submitted 7 photographs of the subject property and the Philcrest Tennis Club located to the west of the tract (Exhibit "A-1"). The subject tract is isolated from other surrounding uses and adjacent to a primary arterial and the Philcrest Tennis Club. It is for these reasons that it was recommended to the applicant that townhouse zoning be applied for.

The townhouse zoning classification was drafted and approved about four years ago to provide a single-family townhouse-type of development with a density of a maximum of 15 units per acre. Mr. Norman felt that the property located adjacent to the tennis club, adjacent the Arkansas River, separated from the property to the east and being on a primary arterial is an appropriate location for this type of housing development. He felt that the proposed use is compatible and appropriate in this area. A typical single family development would be isolated from other residential neighborhoods of the same kind and would be an underuse of the property. He felt that this would be an excellent location for townhouse developments or low density multifamily developments along the river where one has the benefit of a major open space amenity. This is what is happening along the Arkansas River from 61st to 101st Streets. Along 61st Street going south on Riverside Drive all the property west of Peoria and south of 61st Street to the 71st Street bridge is in a commercial or multifamily zoning classification and is developed in that way. From 71st Street following the riverbank around to 81st Street all the property to the west of the Riverside Drive extension has already been zoned RM-2 or some other combination and approved a PUD for multifamily use. This is also true concerning the property between 81st and 91st on the west side of Lewis. All of that property on the west of Lewis is either commercial or multifamily and has been approved for densities higher than single-family. From 91st to 101st Streets a triangular shape between those arterial streets has been approved for higher density than single-family. This pattern of higher intensity development has been adopted and extended for almost 4 miles from 61st Street South to 101st Street and at 101st Street you have heavy commercial zoning and at least one heavy commercial use. These are good natural locations for higher density development where you have the natural amenities of the river and the open space which provides an appropriate location for townhouse development. Mr. Norman felt that the RM-T zoning would be a compatible and appropriate use for the property and requested that the Staff Recommendation not be followed but to approve townhouse use on the subject property. He then submitted a

Application No. Z-5913 (continued)

A tract of land which is a part of the East One-Half of the Southeast One-Quarter and a part of Lot 8 in Section 29, Township 18 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows, to wit: Beginning at the Northeast corner of Lot 8, Section 29, Township 18 North, Range 13 East, Tulsa County, Oklahoma; thence North $00^{\circ}-08'-49''$ West along the West line of the South One-Half of the Northeast One-Quarter of the Southeast One-Quarter of Section 29 a distance of 210 feet; thence North $59^{\circ}-59'-38''$ a distance of 231.61 feet to a point in the centerline of River Road (Delaware Avenue); thence South $18^{\circ}-13'-59''$ East along the centerline of Said River Road (Delaware Avenue) a distance of 1,458.26 feet; thence South $89^{\circ}-36'-23''$ West a distance of 973.02 feet to a point in the East Meander Line of the Arkansas River, said Meander Line also being the West line of Said Lot 8; thence North $31^{\circ}-42'-41''$ West along Said Meander Line and the West line of Said Lot 8 a distance of 160.66 feet; thence South $89^{\circ}-36'-30''$ East a distance of 312.11 feet; thence North $00^{\circ}-23'-30''$ West a distance of 926.71 feet to a point in the North Line of Said Lot 8; thence North $89^{\circ}-45'-33''$ East along the North Line of said Lot 8 a distance of 95.38 feet to the point of beginning, containing 16.47 acres, more or less.

CZ-103 Martindale, Frank SW corner of Skyline Drive and 65th West Avenue
RS to CS

Chairman Young advised that the Commission has received a request for continuance until May 23, 1984, on this zoning item to readvertise for a PUD.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Kempe, Inhofe, "absent") to continue consideration of CZ-103 until Wednesday, May 23, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD #354 Present Zoning: RM-T and RS-3
Applicant: Johnsen (Reppe Development)
Location: East of the NE corner of 91st Street and Yale Avenue

Date of Application: January 11, 1984
Date of Hearing: March 28, 1984
Size of Tract: 14.45 acres

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

Staff Recommendation:

The subject tract is approximately 1,000 feet east of the northeast corner of 91st Street and South Yale Avenue. It is 14.45 acres in size and is zoned a combination of RM-T and RS-3. The applicant is requesting PUD supplemental zoning to develop a private small-lot single-family neighborhood.

The Staff has reviewed a revised site plan and find that the new proposed plan is a much better proposal than the previous submission; however, the Staff still has a concern about access to the undeveloped land north of the subject tract. The Staff would agree that a public residential collector as shown on the Street and Highway Plan is not necessary at this location, but in order to provide adequate internal circulation, more than one access from 91st is necessary in this 1/2 mile. Also, this is a recommendation of the T.A.C. Because of the above reasons, the Staff would recommend that one north/south street be dedicated.

Given the above review and modification, the Staff finds the proposal to be: (1) Consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #354, subject to the following conditions:

(1) That the applicant's Outline Development Plan be made a condition of approval, except as modified herein.

(2) Development Standards:

Land Area (Gross):	14.45 acres
(Net):	14.11 acres
Permitted Uses:	Single-family detached dwellings
Maximum No. of Dwelling Units:	114 units
Minimum Lot Size:	3,750 sq. ft.
Minimum Livability Space:	2,000 sq. ft. average per lot
Minimum Lot Width:	45 feet
Minimum Building Setbacks:	
Front Centerline 91st Street:	70 feet
Front Yard:	
Private Street:	
From Garage Opening:	20 feet
Other Building Walls:	15 feet

PUD #354 (continued)

Dedicated Street:

From Garage Opening: 10 feet
Other Building Walls: 5 feet

Rear Yard:

Development Perimeter: 17 1/2 feet
Interior Location: 15 feet

Side Yards: 5 feet

Maximum Building Height: 35 feet/2 stories

Off-Street Parking: 2 spaces per dwelling unit

- (3) That a Homeowners Association be established to maintain all private streets and all other commonly owned areas.
- (4) That signs shall comply with Section 1130.2 (b) of the Zoning Code.
- (5) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of a Building Permit. The Final Plat approval will fulfill this requirement, including a north/south Public St.
- (6) That a Detail Landscape Plan be approved by the TMAPC prior to the occupancy, including entryway landscaping and project screening proposals.
- (7) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating with the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

The Staff advised that the applicant was previously before the Commission with a zoning request for Office Light zoning, and the zoning application was denied and the PUD application was continued to this meeting. The applicant has now modified the PUD to fit the existing zoning pattern, and the Staff Recommendation was prepared based on the revision of the PUD.

Mr. Johnsen stated he presented this PUD 2 weeks ago before this Commission that included an office area within the southwest quadrant of the subject property. The Staff recommended against the office and a restudy was made of the plan and Staff Recommendation. They have since omitted from the PUD an area of approximately 3 acres in net which substantially reduced the area where the office use was previously proposed. The subject property is presently zoned RS-3 and RM-T with the west-half being zoned RM-T and the east-half being zoned RS-3. The applicant has appealed the turn-down of the office zoning and wants to present that issue before the City Commission. Since that time the applicant has rethought the layout and felt that they have made improvements to the plan. He wanted to make it plain to the Commission that the omission will be presented to the City Commission seeking that office use, however, if they are unsuccessful there it is zoned RM-T and the tract that they have designed could be developed as RM-T. If it were developed RM-T it would be consistent with the residential development (single-family detached) abutting the property. The reason for the timing is that they need to proceed with the single-family.

Case No. PUD 354 (continued)

If their zoning is approved on the single-family they can start on that, plat it, and develop those lots and, therefore, are presenting an alternative.

The subject PUD is 3 acres less than what was originally proposed which makes it an approximate 14-acre single-family detached property. The development standards have been reviewed by the Staff, and the applicant is in concurrence with the Staff in all areas with the exception of the public street requirement.

The paramount standards is that the development provide for 2 points of access, and the subject proposal provides 2 points of access through the subdivision from 91st Street. Mr. Johnsen felt that the Staff and Traffic Engineer are not concerned that inadequate access is being provided to the subject tract, but their concern relates to circulation to other properties. He felt that the only standard is the Major Street and Highway Plan which calls for a collector street at the half section line north-south and east-west.

Mr. Johnsen then explained some of the history of public and private streets. He advised the Commission of Hunter's Pointe Subdivision which is a 60-acre subdivision with totally private streets and is one of the finest subdivisions in Tulsa. It was approved by the Planning Commission and City Commission over the recommendation of denial made by the Traffic Engineer and Staff. The Traffic Engineer almost always recommends against private streets because they feel all streets should be connected. They feel the strongest when there is a collector street and it makes good circulation. One principle objection by residents in a lot of zoning cases is through-traffic in residential streets. Mr. Johnsen advised the Commission of another example, Brighton Oaks, which is considered a good subdivision with all private streets through the subdivision. Millcreek Pond and Millcreek Bridge are other examples. He stated private streets are a part of our community.

He then addressed why a development would have private streets. A public street right-of-way requires 50' of dedication in most instances. If you have dedicated public streets you would have a substantial reduction in lot yield, and one purpose in today's market is to provide better housing. One approach is smaller lots and one way to achieve that is to have higher densities. Privacy is becoming an issue and is an advantage of the private streets. The streets as proposed are 26' in width and will meet City specifications. Another consideration for private streets is that approximately \$300 per lot would be saved by including private streets with roll curbs over public streets. A roll curb which is proposed is a less severe slope in the curb and it does not require cutting it for driveway like the curbing for public streets.

Mr. Johnsen then submitted 2 (two) pictures of Hunter's Pointe showing a roll curb (Exhibit "B-1"). He stated the developer does not feel they can do a mixture of public and private streets because a homeowners association would have to be formed if private streets are included in the subdivision. If you have a public street through this subdivision and many lots front the public street you have difficulty with good homeowners participating in the cost for maintaining the private streets that run directly in front of their property, therefore, he felt it was not good to mix the two streets.

PUD #354 (continued)

Mr. Gardner asked exactly what was being appealed and Mr. Johnsen stated that the applicant is not asking for the amount of office space that they originally requested but for the reduced amount and are committed to the revised plan.

Mr. Flick questioned the price range of the dwellings proposed for the subject property as he felt that would have a great deal of bearing on whether the property owners could afford a homeowners association to maintain the private roads. Mr. Johnsen quoted the estimated prices of surfacing and yearly maintenance of patching on the private streets and in summary stated that the homeowner would pay approximately \$8 a month to maintain the streets in the subdivision.

It was advised that the only problem that the Staff has is they are wanting a stub street going out and that would be the only public street that we are talking about.

Mr. Flick stated he could not support all private streets in this subdivision because of the character of the residential development going in there. He did not feel that the private streets would be maintained properly in a small subdivision like the one proposed.

Instruments Submitted: Two Pictures of Hunter's Pointe (Exhibit "B-1")

TMAPC Action: 9 members present

On MOTION of HIGGINS, the Planning Commission voted 6-3-0 (Beckstrom, Higgins, Hinkle, Rice, Woodard, Young, "aye"; Connery, Draughon, Flick, "nay"; no "abstentions"; Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to the conditions set forth in the Staff Recommendation but to allow the applicant to put in the private streets as was requested:

A part of the S/2 of the SW/4 of Section 15, Township 18 North, Range 13 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 0°-02' West parallel to the West line of Section 15 a distance of 1,320' to a point; thence North 89°-49' East parallel to the South line of Section 15 a distance of 587.18' to a point; thence South 0°-02' East a distance of 1,320' to a point on the South line of Section 15; thence South 89°-49' West a distance of 587.18' to the point of beginning, containing 17.84 acres, more or less.

ZONING PUBLIC HEARING:

Application No. PUD 357

Present Zoning: CS, RM-1, PUDs #279,
#249 and #305

Applicant: Johnsen (Gobel-Interline)

Location: East of the SE corner of 71st Street and Quincy Avenue.

Date of Application: February 2, 1984

Date of Hearing: March 28, 1984

Size of Tract: 8.5 acres

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Staff Recommendation: PUD #357

The subject tract is located south and east of the southeast corner of 71st Street and South Quincy Avenue. It is irregular shaped, 8.5 acres in size and has an underlying zoning of CS and RM-1. It also combines two previous PUDs (PUD #279 and PUD #305) both of which will be voided by an approval of this PUD. The applicant is now proposing commercial-office complex with consistent restrictions over the entire tract.

The Staff has reviewed the applicant's Outline Development Plan, underlying zoning, past PUD approvals, and find the proposal to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #357, subject to the following conditions:

- (1) That the applicant's Outline Development Plan be made a condition of approval.
- (2) Development Standards:

Development Area "A"

Land Area (Gross):	6.01 acres
(Net):	5.43 acres

Permitted Uses:

Buildings 1, 2, and 3:	As permitted by right within a CS District
------------------------	--

Buildings 4, 5, and 6:	As permitted by right within an OL District
------------------------	---

Maximum Floor Area:	58,619 sq. ft.
---------------------	----------------

CS Uses:	44,619 sq. ft.
----------	----------------

OL Uses:	14,000 sq. ft.
----------	----------------

Maximum Building Height:	1-story
--------------------------	---------

Minimum Landscape Open Space:	15% of net area
-------------------------------	-----------------

Minimum Building Setback:

From 71st Street Centerline:	125 feet
------------------------------	----------

From Quincy Centerline:	110 feet
-------------------------	----------

From "A" Development Area Centerline:	20 feet
---------------------------------------	---------

Application PUD #357 (continued)

Minimum Off-Street Parking:

CS Uses:	1 space per 225 sq. ft. of floor area
OL Uses:	1 space per 300 sq. ft. of floor area
Other Bulk and Area Requirements:	As required within a CS District

Development Area "B"

Land Area (Gross):	2.47 acres
(Net):	2.37 acres
Permitted Uses:	As permitted by right within an OL District
Maximum Floor Area:	44,000 sq. ft.
Maximum Building Height:	2 stories/35 feet
Minimum Landscaped Open Space:	20% of net area
Minimum Building Setbacks:	
From Quincy Centerline:	100 feet
From South Boundary:	50 feet
From East Boundary:	100 feet
From Area "A" Boundary:	10 feet
Minimum Off-Street Parking:	1 space per 300 sq. ft. of floor area
Other Bulk and Area Requirements:	As required within an OL District

(3) Sign Standards:

Signs accessory to the Development Area "A" uses shall comply with the restrictions of the Planned Unit Development Ordinance and the following additional restrictions:

Ground Signs:

Ground signs shall be limited to one ground sign identifying the project or tenants therein located at the 71st Street entrance to the project not exceeding 20 feet in height and not exceeding a display surface area of 120 square feet, and one monument sign identifying the project at Quincy entrance not exceeding 6 feet in height and not exceeding a display surface area of 64 square feet.

Wall or Canopy Signs:

Wall or canopy signs shall be limited to 1 1/2 square feet of display surface area per lineal foot of the building wall to which affixed.

Signs accessory to the Development Area "B" uses shall be limited to one monument sign identifying the project at the Quincy entrance not exceeding 4 feet in height and not exceeding a display surface area of 32 square feet.

Application PUD #357 (continued)

- (4) That a Detail Site Plan be approved by the TMAPC prior to the issuance of a building permit.
- (5) That the access point from Quincy Avenue to Development Area "B" not be constructed until Area "B" is developed.
- (6) That the architectural character of the east side of Buildings 1, 2, and 6 in Development Area "A" be consistent with the fronts of said buildings.
- (7) That a Detail Landscape Plan be approved by the TMAPC prior to occupancy, including a screening fence shall be constructed along the exterior boundaries of the project where they abut any R District and along the Quincy frontage the required screening shall be a combination of screening fence, berms, and landscaping.
- (8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and 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. Johnsen was present and stated he was in concurrence with the Staff Recommendation.

Protestants: None.

TMAPC Action: 9 members present.

On MOTION of FLICK, the Planning Commission voted 9-0-0 (Beckstrom, Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for a Planned Unit Development, subject to the conditions set forth in the Staff Recommendation:

All of Lot 2, LESS the North 290.00 feet of the East 35.70 feet; All of Lot 3; All of Lot 4, LESS the North 290.00 feet, All in Valley Bend Subdivision, a Subdivision of Lot 1, Section 7, Township 18 North, Range 13 East, Tulsa County, Oklahoma, and ALL of Lot 1, Block 1, River Grove Subdivision, Tulsa County, Oklahoma, according to the recorded plat thereof.

Application No. Z-5938 Present Zoning: OM
Applicant: Reynolds (J & D, an OK Gen. Partnership) Proposed Zoning: CH
Location: 18th Street and South Boulder Avenue

Date of Application: February 15, 1984
Date of Hearing: March 28, 1984
Size of Tract: 1.04 acres

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building Phone: 583-7571

Relationship to the Comprehensive Plan: Z-5938

The District 7 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 requested CH District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.04 acres in size and located just west of the southwest corner of 18th Street and South Boulder Avenue. It is partially wooded, gently sloping, contains a three-story office building and parking lot and zoned OM.

Surrounding Area Analysis -- The tract is abutted on the north by a mixture of multifamily and single-family uses zoned RM-2, on the east by Boulder Park zoned RM-2, on the south by a multi-story private school zoned RM-2, and on the west by a small park and additional multifamily and single-family uses all zoned RM-2.

Zoning and BOA Historical Summary -- Past zoning has allowed the subject tract to go from residential zoning (RM-2) to nonresidential office zoning (OM).

Conclusion -- The Comprehensive Plan specifically calls for new high intensity development to stop at 18th Street in this area. The unrestricted CH would be in accordance with the Comprehensive Plan north and east of Boulder Park but not west. In addition, surrounding land uses do not support the expansion of CH. Given these facts, the Staff feels that office use is the appropriate zoning and we cannot support unrestricted CH zoning. Therefore, the Staff recommends DENIAL of the requested CH zoning.

For the record, the Commission may be influenced by the CH zoning located at the NW corner of 21st Street and Boulder Avenue and the high-rise development immediately south of the subject tract, however, these conditions may support a higher office zoning, but not CH zoning.

Applicant's Comments:

Mr. Charles Norman represented Mr. Jim Glass and his associates who have acquired the subject property and are in the process of remodeling and renovating a 3½ story building known as the Elizabeth Manor. They plan to keep that structure which has historical significance to the neighborhood and to early Tulsa development. Mr. Glass has proposed a project that would be constructed on this site with half office use and half offices and show rooms for a designer center similar to those that exist in Dallas and

Application No. Z-5938 (continued)

Kansas City which are only open to members of the trade or interior decorators. That type of operation requires a commercial use classification in order to have shopping goods and services. They intended to limit the purposes as described and then began to look at the zoning districts that would permit the proposed use which would take at least a CS zoning. The proposal was a building called a conservatory which contains over 80,000 sq. ft. and would limit the structure to 100' in height. The intensity of OM zoning which is the present zoning on the subject tract would only allow the construction of a building that has a floor area no greater than 1/2 the area of the tract. The existing OM District could not accommodate that size of building proposed. It would have to be in the higher office district. The approach of this application was to file an application for CH zoning which would permit unlimited size building and unlimited commercial use which they never thought would be appropriate in this location.

Mr. Norman stated that the applicant has drafted a definitive restrictive covenant agreement to exclude, if CH were to be granted, the undesirable type of uses such as a super market or dance hall by a private covenant with the neighborhood as beneficiary. They also proposed to have a limitation on the height and size of the building so this project could be constructed. Mr. Norman stated that the applicant is not here to zone the property for CH uses because it is not appropriate and feels the tract needs to be zoned in a way that would be more in keeping with the Boulder Park neighborhood.

He stated they could not build their proposed building, and it seems there is no way to get there with this type of setting under our existing Zoning Code, consequently, the applicant has abandoned his application. The issue before the Commission today is that you determine what would be the appropriate zoning for the subject tract. Because they have applied for the CH zoning all the office districts can be considered.

Mr. Norman then explained the surrounding zoning in the area. All of the area to the west of the alley line between Boulder and Cheyenne is zoned RM-2 which permits about 36 dwelling units per acre. To the northwest is University Club Tower which is zoned OH, and immediately to the south and at the corner of 21st and Boulder is zoned CH with 3-story office buildings and a restaurant. Immediately to the north of the subject property is an area zoned RM-2 with 200' of frontage which contains an apartment building eight stories high. He advised there are presently 6-story, 8-story and 11-story buildings in the subject area. None of the structures have parking that meets the requirements of our Code and are not required to meet the parking in CH Districts until or unless the Zoning Code is amended to require a parking requirement. By contrast, all of the office districts presently have built-in parking requirements for office zoning, therefore, he is requesting and amending his application from CH to OH to permit office development on this site in accord with the existing OH development standards. OH is unlimited in development restrictions and permits building area that is 8 times the ground area and requires parking at 1 space per 300 square feet of office structure. With a combination of the floor area limitation and office requirement it will result in a building that will be less than the full floor area permitted because the structured parking becomes so expensive.

He stated he was sorry that they could not come to you with an agreement proposal that would permit the design and decorator center at this location, but in the absence of that he requested that you approve OM zoning.

Application No. Z-5938 (continued)

<u>Protestants:</u> Norma Turnbo	Addresses: 1822 South Cheyenne Avenue
Barbara Ballard	1826 South Cheyenne Avenue
Vera Outhier	1831 South Cheyenne Avenue

Protestant's Comments:

Mrs. Turnbo, District 7 representative of the Greater Tulsa Council, submitted a protest petition bearing 196 signatures of property owners who are in protest to the CH zoning as was originally requested (Exhibit "C-1"). She stated she was not only speaking on behalf of herself but for those who signed the petition in protest to CH zoning and felt that they would be opposed to the OH zoning as amended. She stated that the project is not in accordance with the Comprehensive Plan which is being updated. There is no way when the plan is updated that the project would be in keeping with the plan, and she stated there is plenty of CH zoning in that neighborhood. North of 18th Street is designated high intensity which they are trying to downgrade to a medium intensity because the neighborhood has not gone high intensity. If the applicant were to go office under OM zoning she stated she would be supportive of the application.

Mrs. Ballard stated she is a member of the Planning Team and a member of the Comprehensive Plan Update Committee. She felt that one of the concerns of the higher intensity was the traffic and parking which occurs throughout the neighborhood. She stated she wanted to talk about the higher intensity from the standpoint of infrastructure. She felt that the water pressure is not what it should be and the sanitary sewer is not what it should be in this area. When the Commission considers a higher intensity zoning she requested that they please consider that their City utilities are not what they should be for that area.

Mrs. Outhier submitted two letters from Mr. Grant Hall, Chairman of the Maple Ridge Association, opposing CH zoning with an attached protest petition bearing 20 signatures (Exhibit "C-2"). They are concerned about the development and the infringement upon the residential area.

Mr. Norman stated he regretted that he could not attend a meeting with Mr. Glass and a formal group of the neighborhood. He stated he learned Tuesday of a major opposition to the CH by the surrounding property owners. We have always said that we would not ask consideration of something more than OM in view of all the circumstances. He stated he wanted a fair hearing and fair consideration but reminded the Commission and members of the Greater Tulsa Council and Planning Team that an applicant is allowed at any time to amend his application by deleting a portion or requesting a lesser zoning classification.

Chairman Young suggested that the Commission go into a review session to consider if the zoning application should be heard because it seems that most of the protestants stated their opposition to CH zoning and did not address the OH proposal. He stated he would be supportive of OH zoning because there are restrictions placed on it whereas CH zoning has few restrictions.

Mr. Beckstrom and Mr. Woodard suggested that the application be continued to allow the interested parties to be prepared to present their cases in regard to the OH request and to allow the attorney to more specifically address the OH proposal.

Application No. Z-5938 (continued)

Instruments Submitted:

Protest Petition bearing 196 signatures (Exhibit "C-1")
2 Letters and Protest Petition bearing
20 signatures (Exhibit "C-2")

TMAPC Action: 9 members present.

On MOTION of CONNERY, the Planning Commission voted 9-0-0 (Beckstrom, Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Inhofe, "absent") to continue consideration of Z-5938 until Wednesday, April 11, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-105 Present Zoning: AG
Applicant: Miller (Lausen) Proposed Zoning: IM & FD
Location: East of U. S. Highway #75 and 66th Street North

Date of Application: February 15, 1984
Date of Hearing: March 28, 1984
Size of Tract: 90 acres

Presentation to TMAPC by: Howard Miller
Address: 5200 South Yale Avenue Phone: 496-9258

Relationship to the Comprehensive Plan: CZ-105

The District 15 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District for High-Intensity -- Industrial and Development Sensitive.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 90 acres in size and located at the southeast corner of U. S. Highway #75 and 66th Street North. It is partially wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land and one vacant single-family dwelling zoned AG, on the east and south by vacant land zoned AG, on the southwest by Bird Creek and on the west by U. S. Highway #75.

Zoning and BOA Historical Summary -- The BOA allowed a landfill operation south and west of the subject tract directly across Bird Creek from the subject tract. A light industrial zoning pattern has been established east of the subject tract and within the same Special District.

Conclusion -- The established zoning pattern in the surrounding area is restricted to IL zoning. Moderately objectionable environmental influences from IM such as the emission of odor, heat, smoke, noise or vibration is inappropriate at a highly visible major intersection such as the subject intersection. Therefore, the Staff recommends DENIAL of IM and APPROVAL of IL, except any portion of the tract that is determined to be in a regulatory floodway which shall be zoned FD.

Applicant's Comments:

Mr. Howard Miller, attorney representing the applicant, Mr. Fred Lausen, presented an aerial photograph to the Commission and indicated the various uses surrounding the subject property. The subject property, being located between U. S. Highway #75 and Yale Avenue is in a corridor, and the Comprehensive Plan calls for the subject property to be developed at a high intensity. A large portion of the subject tract is located within the 100-year floodplain, specifically the southwest portion. Even if the Commission approves IM zoning full utilization of the property would be impossible and possibly only 50% could be available for development. Any development in that tract would have to take place in the center of the tract away from the visibility of the highway and closer to the unplatted area in the industrial area immediately adjacent the property. Mr. Miller felt that IM

Application No. CZ-105 (continued)

zoning would be compatible in the area.

Protestants: None.

Comments:

Mr. Beckstrom questioned the use which would be developed on the subject tract and Mr. Miller stated he was not at liberty to refer to the company going into the subject tract because if the IM zoning is not approved the applicant plans to relocate and, therefore, wants their identity to remain confidential at the present time.

Mrs. Higgins asked the Staff if IL zoning were approved could the applicant apply for a PUD and manage to pull the utilization from that floodway onto the developable IL and the Staff agreed but stated that the intensity is really not limited because in the IL or IM there is no height limitations or floor area ratio, but there is a difference in the uses permitted. The Board of Adjustment has the power to grant a special exception to allow the IM uses.

TMAPC Action: 9 members present.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Beckstrom, Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned IL, except any portion of the tract that is determined to be in a regulatory floodway which shall be zoned FD:

Section 4, Township 20 North, Range 13 East, Tulsa County, Oklahoma; beginning at the center of Said Section 4; thence West to Bird Creek; thence along Bird Creek Northwesterly to Highway #75; thence along Highway #75 Northeasterly to a point, which point is 905 feet West of the Northeast corner of the NW/4, NE/4 of Said Section 4; thence East 326 feet; thence North 60 feet; thence East 539 feet; thence South to the Southeast corner of the NW/4, NE/4 of Said Section 4; thence West 660 feet; thence South 660 feet; thence West 660 feet; thence South 660 feet to the Point of Beginning, containing 90 acres, more or less.

Application No. CZ-106 Present Zoning: AG
Applicant: Colton (Black Jack Development Co.) Proposed Zoning: RMH
Location: 1/4 mile east of South 225th West Avenue on South Side of West
41st Street

Date of Application: February 16, 1984
Date of Hearing: March 28, 1984
Size of Tract: 10.5 acres

Presentation to TMAPC by: Steve Kuns
Address: 1223 East Forest Drive, Sand Springs, Okla. Phone: 245-1954

Relationship to the Comprehensive Plan: CZ-106

The Comprehensive Plan for the Tulsa Metropolitan Area does not cover the subject property, however, the Development Guidelines would designate this area to be a part of a subdistrict and appropriate for low-intensity residential uses.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 10.5 acres in size and located 1/4 mile west of the southwest corner of 41st Street and South Campbell Creek Road. It is wooded, sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a convenience store and auto salvage zoned CS and AG, on the east by several scattered single-family dwellings and mobile home dwellings zoned AG, on the south by vacant land zoned AG, and on the west by several scattered single-family dwellings and mobile home dwellings zoned AG.

Zoning and BOA Historical Summary -- The area surrounding the subject tract has been established as low-intensity residential except for the convenience store and auto salvage abutting the tract on the north which existed prior to the county zoning mapping of the area.

Conclusion -- Clearly the residential development surrounding the subject tract and the Development Guidelines do not support the densities allowed under RMH zoning (8 units/acre). Even the "grandfathered" CS north of the tract does not outweigh the substantial low density residential in the surrounding area. However, the Development Guidelines and good planning will not allow the existing CS and commercial uses to be disregarded. The Staff feels residential development abutting or adjacent to commercial zoning is deserving of a higher density to aid in the development as residential and to serve as a transitional buffer. Normally, the Staff would consider a zoning district density no greater than that allowed under AG-R or RE, however, given the existing CS zoning the Staff would support RS zoning on the subject tract. This would allow mobile homes to be placed on the tract by either Board of Adjustment approval or PUD zoning but at a density which is more consistent with the surrounding uses.

Therefore, the Staff recommends DENIAL of RMH and APPROVAL of RS zoning.

For the record, if the applicant is limited to a septic system for sewer disposal, then RE zoning would be more appropriate.

Application No. CZ-106 (continued)

Applicant's Comments:

Mr. Kuns stated he is the developer of the subject property which is a 10½ acre tract containing approximately 16 lots. He outlined the surrounding uses and advised that the proposal for the subject tract is for a mobile home subdivision, and they anticipate that 10 to 11 families will place their mobile homes in this subdivision.

Protestants: Mr. Robert Townsend Address: Unknown

Protestant's Comments:

Mr. Townsend stated he also represented Mr. Jerry Overall. Mr. Townsend expressed a concern that the gas pressure during the severe cold weather does not currently meet the demand in the area, and if additional homes are permitted there would be more problems. He also was concerned with the added students in the Keystone School System which serves this area and is currently overcrowded. He then stated he was not opposed to the RE zoning as suggested by the Staff but would be opposed to RMH zoning.

Comments:

There was some discussion whether RE or RS zoning would be most appropriate for the development proposed on the subject property. Commissioner Rice stated that RE zoning would give him everything he wants but RS would give him more flexibility. The Staff suggested that RE zoning would be more appropriate because those lots are at least 1/2 acre in size, and they would be supportive of a Board of Adjustment application. The Commission must decide on a density which would be consistent in the area and with what is being proposed.

Mr. Connery stated he could not support this application because he was aware that the Commission denied at least two previous cases where there was a severe water pressure problem and an extreme pressure placed on the school system.

Mr. Gardner advised that the Staff would not be recommending approval of the zoning if we felt it would lead to an increase in the problems in the area. If the rural water and gas district cannot handle these developments the subdivision plats should not be approved.

TMAPC Action: 9 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-2-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Woodard, Young, "aye"; Connery, Rice, "nay"; no "abstentions"; Kempe, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned RE:

Commencing at the Northeast corner of the Northwest Quarter of Section 27, Township 19 North, Range 10 East, Tulsa County, Oklahoma; thence West 250 feet to the point of beginning; thence West 850 feet; thence South 545 feet; thence East 850 feet; thence North 545 feet to the point of beginning and containing 10.5 acres.

PUD #300-2 (continued)

Maximum Building Height:	26 feet	17 feet
Minimum Internal Open Space:	15%	Exceeds
Minimum Building Setback:		
From Abutting Arterial St.:	50 feet	75 feet
From North Boundary:	40 feet	56 feet
From East Boundary:	50 feet	54 feet
From West Phase Line:	NA	Per Plan
Off-Street Parking:	Per Code	
	201 spaces	204 spaces

We also find that the architectural design theme of the front of the building has been carried through to the north and east sides of the building.

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

Mr. Linker, Assistant City Attorney, advised the Commission that this request raises a problem with the Ordinance because we do not have a definition in the Ordinance as to what constitutes a minor amendment to a PUD and what is a major amendment to a PUD. For instance, a 20,000-foot increase would constitute a major amendment. We need an Ordinance that authorizes the Planning Commission to adopt a list of what is minor and what would be considered a major amendment. He suggested that the Planning Commission first vote if this request is a minor amendment to the PUD, and if so, then approve this application. It was then suggested that the Staff and Legal Department work together in trying to arrive at some kind of criteria that the applicants will automatically know if they are requesting a minor or major amendment.

Mr. Gardner advised that at this point it is a subjective judgement as to what is minor and what is major. He stated there is an increase from the 47,000 sq. ft. to 49,000 sq. ft. but the 49,000 sq. ft. represents a number less than what the zoning would permit. The applicant voluntarily restricted himself the first time to that footage. If it was an increase to 2,000 feet of additional retail we would not consider that minor. The fact that he is reducing his retail by 13,000 sq. ft. and putting it into office it is apparent that it is less intense. Mr. Gardner asked Mr. Johnsen how much of that internal Corridor is really service area and not retail space, and Mr. Johnsen indicated that it is slightly less than 1,000 sq. ft.

TMAPC Action: 8 members present.

On MOTION of FLICK, the Planning Commission 8-0-0 (Beckstrom, Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, Inhofe, "absent") to consider this request as being a minor amendment.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, Inhofe, "absent") that the Staff and Legal Department report back to the Commission with some direction whether there should be some written qualifications between minor and major amendments.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, "aye"; no "nays";

PUD #300-2 (continued)

no "abstentions"; Kempe, Young, Inhofe, "absent") to APPROVE the increased floor area in Tract C, subject to a minimum of 15,000 square feet of office use to be provided in Building C and to APPROVE the change in access points as submitted, subject to Traffic Engineering Department's approval and to APPROVE the Detail Site Plan for Tract C, subject to the plans submitted.

PUD #243 (Lot 29, Block 1, Glenoak Addition) - Detail Site Plan Review and Minor Amendment

The subject lot is located in Glenoak Subdivision which is just north of the northeast corner of 61st Street and South Harvard Avenue. It was approved for a duplex development with one single-family dwelling and 25 duplexes (51 dwellings total). The applicant has changed his original proposal to include more single-family detached dwellings than approved. Therefore, he is required to receive TMAPC approval of a new Detail Site Plan or Plans.

The Staff reviewed the Plans submitted for Lot 29 and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Permitted Uses:	Single-family attached or detached	Detached Single-Family
Minimum Lot Size:	7,000 sq. ft.	9,045 sq. ft.
Maximum Building Height:	26 feet to top of top plate	22 feet
Minimum Livability Space:	6,000 sq. ft.	6,216 sq. ft.
Minimum Setbacks:		
Front:		
Residence:	20 feet	34 feet
Garage:		
Front entry:	20 feet	22 feet
Side entry:	10 feet	NA
Side: Between Buildings:	15 feet or 7.5 feet each side	7.33 feet or 8.50 feet*
Rear:	20 feet	17.33 feet*
Minimum Parking:	2 enclosed spaces	2 enclosed spaces

*One side yard is .17 feet short of the required 7.50 feet, and the rear yard is 2.67 feet short of the required 20 feet. The lot backs up to 20 feet of common open space, and the side yard encroachment is 2 inches. The Staff considers both of these encroachments minor.

Based upon the above review, the Staff recommends APPROVAL of the minor amendment and the Detail Site Plan for Lot 29, Block 1, Glenoak Addition, subject to the plans submitted.

On MOTION of FLICK, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Higgins, Hinkle, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, Inhofe, "absent") to approve the minor amendment and the Detail Site Plan for Lot 29, Block 1, Glenoak Addition, subject to the plans submitted.

SUBDIVISIONS:

Final Approval and Release:

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

The Staff advised that all release letters have been received and there is no problem with the final approval, subject to Board of Adjustment approval as to the lots that have no frontage because they are on a private street. The Staff Recommendation is for final approval, subject to Board of Adjustment approval and to withhold release to April 11th and place the item back on the April 11, 1984 agenda. The Board of Adjustment will act on this matter on April 5, 1984, and after that time the item can be released.

Mr. Leon Ragsdale stated the reason he is asking the Commission's consideration for a minor adjustment in the Staff Recommendation is in that it relates to the release time. The applicant wanted to receive approval of the plat and get a release, subject to Board of Adjustment approval on April 5, without having to come back on April 11, 1984. There was a miscommunication when the matter was filed and as a result has caused a hardship on the applicant who is, therefore, asking that the Commission act on this matter as being the final approval and the release subject to Board of Adjustment approval without having to reappear before the Planning Commission.

Mr. Linker, Legal Counsel, stated he had no problems with that suggestion.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Draughon, Flick, Higgins, Hinkle, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Rice, Young, Inhofe, "absent") to approve the Final Plat of Park Place 44 Addition and release, subject to Board of Adjustment approval and that the Staff withhold the release until the Board of Adjustment approval.

OTHER BUSINESS:

PUD #281-4 Norman North and West of 64th Street South and South 91st East Ave.

Minor Amendment

Chairman Young advised that a request was timely filed for a 2-week continuance of this minor amendment.

On MOTION of RICE, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Kempe, Inhofe, "absent") to continue consideration of minor amendment to PUD #281-4 until Wednesday, April 11, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Staff Recommendation - Minor Amendment

The subject PUD is located at the northeast corner of 81st Street and South Sheridan Road. The tract is zoned a combination of CS and RM-0 and was approved for a commercial shopping center. The applicant is now requesting the following:

- (1) Minor Amendment to Tract C to decrease the floor area allocated to commercial uses and increase the floor area allocated to office uses for a total floor area increase in Tract C from 47,000 square feet to 49,000 square feet.
- (2) To amend the covenants to reflect the change in floor area in Tract C from 47,000 square feet to 49,000 square feet.
- (3) To change the access points from 81st Street that will better serve the subject PUD per the traffic engineer.
- (4) Detail Site Plan review of the proposal for Tract C.

The Staff has reviewed the requests and find that we can support the request as a minor amendment to increase the floor area in Tract C by 2,000 square feet since the request also involves changing uses that will in return reduce the intensity. The applicant wants to reduce the approved 47,000 square feet of commercial use to a maximum of 34,000 square feet of commercial floor area. At the same time he desires to have a minimum of 15,000 square feet of office use. The Staff feels that this trade-off in land use, which is permitted under the underlying zoning and which will reduce the overall intensity of the project, is not a significant change from what was originally approved. Therefore, we recommend APPROVAL of the increased floor area in Tract C, subject to a minimum of 15,000 square feet of office use to be provided in Building C.

The Staff also supports the change in the covenants to reflect the floor area change, subject to 15,000 square feet of office use being provided in Building C and Legal Department's review.


The requested change in access points was reviewed and the Staff can recommend APPROVAL of this request as submitted, subject to Traffic Engineering Department's approval.

Finally, the Staff reviewed the Detail Site Plan for Tract C and find the following:

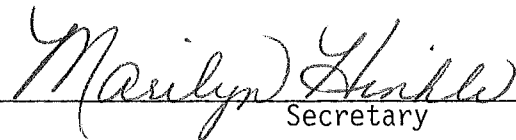
<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Area:	4 acres	4 acres
Permitted Uses:	CS	CS, except that a minimum of 15,000 sq. ft. of office uses shall be provided in Building C.
Maximum Floor Area:	49,000 sq. ft.	34,000 sq. ft. Commercial 15,000 sq. ft. Office

There being no further business, the Chair adjourned the meeting at 4:05 p.m.

Date Approved April 11, 1984.


Chairman

ATTEST:


Secretary

