

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1530  
Wednesday, November 14, 1984, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center  
(Moved from Langenheilm)

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery Higgins, 2nd Vice- Chairman Kempe, Chairman Paddock, Secretary VanFossen Wilson, 1st Vice- Chairman Woodard Young	Draughon Rice	Frank Gardner Wiles	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Friday, November 9, 1984, at 3:00 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Cherry Kempe called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of DRAUGHON, the Planning Commission voted 5-0-2 (Connery, Higgins, Kempe, VanFossen, Woodard, "aye"; no "nays"; Paddock, Wilson, "abstaining"; Draughon, Rice, Young, "absent") to approve the Minutes of October 31, 1984 (No. 1528).

REPORTS:

Chairman's Report:

Chairman Kempe appointed Mr. Bob Paddock to be Chairman of the Rules and Regulations Committee.

Committee Reports:

Rules and Regulations Committee:

Ms. Kempe requested that there be a Rules and Regulations Committee meeting to be held on Wednesday, November 21, 1984, for the purpose of reviewing the Planning Commission Procedures and Policies. This Committee meeting will follow the regularly scheduled Planning Commission meeting on that day.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-6012 and PUD 380  
Applicant: Walters (Southern Hills Church)  
Location: East of the SE/c 101st & Yale

Present Zoning: AG  
Proposed Zoning: RS-3

Date of Application: September 13, 1984  
Date of Hearing: November 14, 1984  
Size of Tract: 14.45 acres

Presentation to TMAPC by: Vic Hill  
Address: 3105 East Skelly Drive

Phone: 749-9741

Relationship to the Comprehensive Plan: Z-6012

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designated the subject property Special District--No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RS-3 zoning may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 14.45 acres in size and located on the south side of 101st Street east of the southeast corner of South Yale and 101st Street. It is partially wooded, relatively flat and presently vacant. This particular area is a part of a larger sump area where drainage away from the site can be a problem.

Surrounding Area Analysis -- The area north of the tract and north of 101st Street is presently vacant and zoned AG as is the area to the east. The areas south and west of the tract are also vacant and zoned RS-1.

Zoning and BOA History -- A recent zoning case rezoned property to the south and west from AG to RS-1.

Conclusion: -- The subject Z-6012 is tied to PUD 380. The applicant initially requested RS-3 zoning which the Staff could not support. The TMAPC met on October 24, 1984 to consider the RS-3 request and also indicated by consensus that a zoning less intense than RS-3 would be more appropriate. A sketch plat has been submitted which provides for 56 lots on the 14.45 acres. The proposed density conforms to the RS-2 zoning district densities which would allow up to 57 units on 14.45 acres. The sketch plat is not scheduled for review by the TAC until November 15, 1984.

Therefore, the Staff recommends DENIAL of RS-3 zoning, and APPROVAL of RS-2 zoning per the revised plans.

Z-6012 & PUD 380 (Continued)

Relationship to the Comprehensive Plan: PUD 380

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designated the subject property Special District--No Specific Land Use.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 14.45 acres in size and located on the south side of 101st Street east of the southeast corner of South Yale and 101st Street. It is partially wooded, relatively flat and presently vacant. This particular area is a part of a larger sump area where drainage away from the site can be a problem.

Surrounding Area Analysis -- The area north of the tract and north of 101st Street is presently vacant and zoned AG as is the area to the east. The areas south and west of the tract are also vacant and zoned RS-1.

Zoning and BOA History -- A recent zoning case rezoned property to the south and west from AG to RS-1.

Conclusion -- The subject PUD 380 is tied to zoning case Z-6012 where the applicant initially requested RS-3 zoning. The Staff did not support the original RS-3 application and the TMAPC, meeting in regular session on October 24, 1984, formed the consensus of also not being in support of RS-3 and supportive of a classification of lesser intensity. A sketch plat has been submitted and will be reviewed by the TAC on November 15, 1984. The sketch plat provides 56 lots, whereas RS-2 zoning would allow 57 dwelling units on 14.45 acres.

Given the above review and modifications 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, Staff recommends approval of underlying zoning of RS-2, and further recommends that the following conditions become conditions of approval for PUD 380:

1. That the applicants' Development Plan and Detail Text be made a condition of approval, unless modified herein.
2. Subject to TAC review and conditions regarding the plat approval process, especially as it relates to drainage.
3. Residential lots backing or siding into the proposed public street on the east and 101st Street on the north shall be screened by a privacy fence and landscaped as a buffer.

Z-6012 & PUD 380 (Continued)

4. A Homeowners' Association be created to provide for maintenance and operation of private interior streets, parks, and other related facilities.
5. Development Standards\*

	<u>Submitted</u>	<u>Recommended</u>
Number of Dwelling Units: (Maximum)	56	56
Lot Width: (Minimum feet)	50	50
Lot Area: (Minimum Sq. Ft.)	6750	6500
Land Area Per DU: (Minimum Sq. Ft.)	-	7100
Structure Height: (Maximum Ft.)	-	26
Livability Space per DU: (Minimum Sq. Ft.)	-	4000
Front Yard and Any Abutting		
Public Street: (Minimum Ft.)		
Secondary Arterial	35	35
Not an Arterial	35	35
Private	30	30
Rear Yards: (Minimum Ft.)		
Double Frontage with Minor Public Street	35	35
All other	-	20
Side Yards: (Minimum Ft.)		
One Side Yard	-	-
Other Side Yard	5	5
Minimum Separation Between Structures: (Minimum feet)	None Specified	10
Limits of No Access:	None Specified	LNA shall apply to all lots siding or rearing into all streets-- public or private-- regardless of classification for lots having double-frontage.

\*Specific house plans which would not meet the recommended minimum requirements may be considered as minor amendments to the PUD.

- (6) That a Detail Site Plan be approved by TMAPC prior to issuance of Building Permits, including details of exterior screening and landscaping treatment of public and other areas.
- (7) That a Detail Landscape Plan be approved by the TMAPC prior to granting occupancy of any residential units in the development.

Z-6012 & PUD 380 (Continued)

- (8) 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 within the Restrictive Covenants the Conditions of PUD approval, making the City of Tulsa beneficiary to said covenants.

Comments and Questions:

Mr. Gardner described what was discussed at the previous hearing of this case.

Mr. Paddock asked the Staff if this case is premature since it has not yet been heard by the TAC, and Mr. Gardner informed the applicant has done quite a bit of the work before going to the TAC. In his PUD text, the applicant states that he has the approval in concept of the Hydrology Department which is the main consideration as far as this being a special district because of the sump area. Condition #2 covers this consideration.

Mr. VanFossen asked about the side yard lines, and Mr. Gardner informed the Staff would allow consideration of a "0" lot line. There was discussion about what the side yard requirements should be.

Mr. Paddock asked what a minor public street is, and Mr. Gardner informed that that all streets which are less than collector standards are minor streets.

Applicant's Comments:

Mr. Hill submitted a revised set of plans and described them. He informed that he represents the developer of this property. He submitted a handwritten letter from the City Hydrologist which indicates that the plan they have essentially meets the requirements that he envisioned. He showed the water flow of the area on a topographic map and submitted a slope study of the area as well as an elevation. Mr. Hill informed they took an aerial photograph of the area and have pinpointed the tree trunk of every tree in the area. In the heavily treed area, their plans show a park area. They will be able to keep most of the trees in the area. They would like to have approval of RS-2 zoning, and they understand that the approval of the Planning Commission will be contingent upon the approval of the TAC.

Mayor Young asked the applicant if he can conform to the Staff's recommendation concerning the rear yard requirements, and the applicant informed that he can. Mr. Gardner informed that the applicant's plot plan shows a greater setback than what RS-2 zoning would require, and since the plan showed that, they assumed that the applicant was prepared to meet that setback.

Z-6012 & PUD 380 (Continued)

Interested Party: Mrs. G. R. Olsen

Address: 5685 East 101st Street

Interested Party's Comments:

Mrs. Olsen informed she owns the property across from the subject tract. She informed that she was under the impression that someone would not be allowed to have just one main road with this many houses. Mr. Gardner described to Ms. Olsen how the streets will be laid out and where the entrances will be. The applicant will have two streets.

Comments and Questions:

Mr. VanFossen asked if the paving of the streets in the project will be a part of the project, and Mr. Hill informed that it will be part of the project.

Mr. VanFossen asked Mr. Gardner if there is a requirement for the paving to be included, and Mr. Gardner informed that would be a part of the subdivision plat.

Mr. Connery asked if this property is a sump area, and he informed that the handwritten note from the City Hydrologist says that the plans "appear" to be acceptable, it does not say the plans "are" acceptable.

Mayor Young informed he thinks what Mr. Hays is saying is that the concept for detention as presented by this applicant appears to be acceptable. Full engineering review will have to be done before it can be signed off on. The applicant will be required to do what the City will require if it should make a change in this concept in order to comply with the existing City Ordinances. If this is deficient in the final engineering review, the City will impose a requirement through its own flood ordinances and hydrology regulations that will accomplish the desired goal.

Mr. Gardner informed that he is the one that requested that the applicant get the handwritten memo because he stated in his text that he had already gone through the preliminary step to get the endorsement of the Hydrology Department. That is all he would get at the TAC meeting. He would not get final approval of the TAC at the next meeting because he does not have any detail site plans. At the TAC meeting he will show that he can meet the standards. Condition #2 says that if the applicant cannot meet the standards, then Condition #2 applies, and the applicant may lose dwelling units because he may need a larger detention area. The City Hydrologist has approved the applicant's proposal in concept.

Ms. Wilson asked the Staff why they recommended RS-2 zoning rather than RS-1, and Mr. Gardner stated that the applicant's revised plan is a tremendous improvement over the first plan, and the Staff can support the revised plan.

Z-6012 & PUD 380 (Continued)

Ms. Wilson informed she is concerned about this being a sump area. She has not seen anything to indicate to her that this tract is higher than surrounding tracts. Mr. Hill described the elevations of the property in this area. He informed they met with the City Hydrologist twice, and he described what was discussed at those meetings. They realize that no signing off of a zoning or PUD request is official until the engineering studies have been submitted and have been very carefully reviewed.

Mr. Gardner informed that the Comprehensive Plan shows this area as a sump area, meaning that the water drains internal to the section and then evaporates within ponds. Technically, the Staff's Plan Map is very broadbrush as far as the delineation of the sump area is concerned. The applicant is showing by his contour map that not all of this area is sump area--the northern part actually drains to the north and could be storm-sewered and taken out of the area. The applicant is showing, based on the topography, how he will handle the detention. Technically, not all of the applicant's property is a sump.

TMAPC Action: 8 members present. Z-6012

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, "absent") to recommend to the Board of City Commissioners that the following described property be zoned RS-2:

A tract of land lying in the northeast quarter (NE/4) of the northwest quarter (NW/4) of Section 27, Township 18 North, Range 13 East, more particularly described as follows:

The point of beginning being 450.00 feet west of the northeast corner of the NW/4 of Section 27; T-18-N; R-13-E; thence north 89 degrees 51 minutes 03 seconds west along the north line of said section a distance of 475.45 feet; thence south 00 degrees 17 minutes 23 seconds west a distance of 1321.14 feet; thence south 89 degrees 51 minutes 37 seconds east a distance of 475.45 feet; thence north 00 degrees 16 minutes 36 seconds east a distance of 1320.99 feet to the point of beginning containing 14.45 acres more or less.

TMAPC Action: 8 members present. PUD 380

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development as recommended by the Staff:

A tract of land lying in the northeast quarter (NE/4) of the northwest quarter (NW/4) of Section 27, Township 18 North, Range 13 East, more particularly described as follows:

Z-6012 & PUD 380 (Continued)

The point of beginning being 450.00 feet west of the northeast corner of the NW/4 of Section 27; T-18-N; R-13-E; thence north 89 degrees 51 minutes 03 seconds west along the north line of said section a distance of 475.45 feet; thence south 00 degrees 17 minutes 23 seconds west a distance of 1321.14 feet; thence south 89 degrees 51 minutes 37 seconds east a distance of 475.45 feet; thence north 00 degrees 16 minutes 36 seconds east a distance of 1320.99 feet to the point of beginning containing 14.45 acres more or less.

11.14.84:1530(8)



ZONING PUBLIC HEARING:

Application No. Z-5955  
Applicant: Cox (Conklin)

Present Zoning: AG  
Proposed Zoning: RS-3, FD

Location: West of NW/c 91st & Sheridan

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Date of Application: May 25, 1984  
Date of Hearing: November 14, 1984  
Size of Tract: 9 acres

Presentation to TMAPC by: The applicant was not present.

Staff Recommendation:

Z-5955 was originally heard and RS-2 zoning approved by the TMAPC on June 20, 1984, and by the City Commission on July 31, 1984. When Ordinance Number 16114 was published and ready to be posted, it was discovered that the applicant's legal description was in error. Although the map and case report were correct, this error was not caught until all action had been taken. The case is before you now, properly advertised, at the applicant's request. If approved here and at the City Commission, a corrective ordinance will be published voiding the previous ordinance and rezoning the proper tract.

Comments and Questions:

Mr. Gardner informed that there is no way to correct this without going through the formal process.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of CONNERY, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice, Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned RS-2:

The E/2, E/2, SW/4, SE/4, less and except the South 24.75' thereof in Section 15, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

11.14.84:1530(9)

Application No. CZ-124  
Applicant: Reed  
Location: SW/c 201st & S. Harvard

Present Zoning: AG  
Proposed Zoning: CG

Date of Application: September 24, 1984  
Date of Hearing: November 14, 1984  
Size of Tract: 4 acres

Presentation to TMAPC by: Ron Reed  
Address: Route 1, Mounds

Phone: 366-4041

Relationship to the Comprehensive Plan: CZ-124

The District 21 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area does not cover the subject tract; however, the Development Guidelines do apply.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 4 acres in size and located at the southwest corner of 201st Street and Harvard Avenue. It is non-wooded, flat, and contains a mobile home and accessory building and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north, east and south by vacant property zoned AG, and on the west by a single-family dwelling zoned AG.

Zoning and BOA Historical Summary -- none.

Conclusion -- Although the subject tract is not covered by the Comprehensive Plan, according to the Development Guidelines, the subject tract does fall within the typical 5-acre node created by the intersection of two secondary arterial streets. Also, with the subject tract abutting commercially used property, probably nonconforming, impact on surrounding residents would be lessened.

Although the Staff can support commercial zoning on the property, CG zoning is considered too intense according to present development. Therefore, the Staff recommends DENIAL of the requested CG zoning, and APPROVAL of CS zoning.

Comments and Questions:

Mr. Gardner informed that the applicant appears to have some sort of business out on the property which may require Board of Adjustment approval as well as CS zoning. He informed that the applicant says that his proposed use is a restaurant which would be allowed in CS zoning.

11.14.84:1530(10)

Application No. CZ-124 (Continued)

Applicant's Comments:

The applicant was present but did not wish to speak.

Interested Party: Rosemary Horton                      Address: Route 1, Box 145-A, Mounds

Interested Party's Comments:

Ms. Horton informed she lives north of the subject tract. She is concerned about what impact commercially zoned property will have on the residences in this area.

Mr. Gardner informed that commercial zoning, under the Guidelines, would be limited to the intersection and would not go north or south and strip out the streets. He informed that the Commercial zoning that is in the area is there as a matter of right--it was there before the County had zoning jurisdiction (control). Mr. Gardner described the activity in the area.

Ms. Horton wanted to know what the boundaries of commercial zoning in the area would be. Mr. Gardner described the commercial zoning that could take place in the area.

Ms. Horton informed she is concerned about the traffic this zoning change could bring to the area and the impact it will have on the people in the area. She is also concerned because this is a rural area.

Ms. Kempe informed the interested party that five acres of commercial zoning could be allowed at the corners of the intersection, and this request is a reduction of that amount.

Mr. Gardner informed that the Staff's investigation has shown that, with the exception of possibly a restaurant, this area is pretty well served by the commercial needs. He does not think there is much demand for commercial zoning in this area.

Mr. Connery wanted to know if the applicant's proposed development includes the on-site sale of alcoholic beverages, and the developers indicated that they do not have plans to sell alcoholic beverages from the tract.

Mr. VanFossen informed that in a zoning application he does not think the Planning Commission can limit what will be sold from the tract, but it does show his intent.

TMAPC Action: 6 members present.

On MOTION of PADDOCK, the Planning Commission voted 6-0-0 (Connery, Kempe, Paddock, Vanfossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, Rice, Young, "absent") to recommend to the Board of County Commissioners that the following described property be zoned CS:

Application No. CZ-124 (Continued)

The East 528' of the N/2 of the N/2 of the NE/4 of the NE/4 of  
Section 17, T-16-N, R-13-E, Tulsa County, Oklahoma.

11.14.84:1530(12)

Application No. Z-6013  
Applicant: Davis (Jaycees)  
Location: N. of NE/c 22nd Street and Riverside

Present Zoning: RS-2  
Proposed Zoning: OL

Date of Application: September 25, 1984  
Date of Hearing: November 14, 1984  
Size of Tract: 1 acre, more or less

Presentation to TMAPC by: Kenneth Brune  
Address: 10 East 3rd

Phone: 584-1471

Relationship to the Comprehensive Plan: Z-6013

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 and Medium Intensity -- Office.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested OL District is in accordance with the Plan Map for the office portion and may be found in accordance with the "No Specific Land Use" portion of the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1 acre in size and located at the northeast corner of Riverside Drive and 22nd Street. It is partially wooded, gently sloping, vacant, and zoned RS-2.

Surrounding Area Analysis -- The tract is abutted on the north by a parking facility zoned OL, on the east by a parking facility and office building zoned OL, on the south by a single-family dwelling on a large lot converted to office use zoned RS-3, and on the west by Riverside Drive zoned RS-2.

Zoning and BOA Historical Summary -- Office zoning has, for the most part, been held to property north of 22nd Street. Board of Adjustment action has allowed office use south of 22nd Street.

Conclusion -- With the expansion of Riverside Drive and the 21st Street Interchange, the subject tract would not be suitable for its present zoning of RS-2 residential.

Based on the above information along with existing zoning and land use patterns, the Staff recommends APPROVAL of OL zoning as requested.

Comments and Questions:

Mr. Paddock asked Mr. Gardner what the Staff Recommendation is referring to as far as the expansion of Riverside Drive, and Mr. Gardner informed that is referring to the 21st Street Bridge and Riverside Drive Interchange. Mr. Gardner informed that the lots to the west that are shown as vacant on the map are now part of the City right-of-way. He described why the applicant is requesting the OL zoning on the property.

Application No. Z-6013 (Continued)

Mr. VanFossen informed he would like the record to show that the property to the west is city-owned property and is not used for RS-2 purposes.

Mr. Gardner informed that there is not a specific zoning classification for streets and expressways. Most of the expressways are zoned RS.

Applicant's Comments:

The applicant was present but did not wish to make any comments.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of VANFOSSEN, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Rice, Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned OL:

A part of Lot 11, Block 3, Third Amended Plat of Riverside Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded plat thereof, and being more particularly described as follows, to wit: Beginning at the Southwest corner of said Lot 11, Block 3; thence North along the West line 32.38 feet; thence Northeasterly along a curve to the left having a radius of 246.58 feet a distance of 122.74 feet to a point on the North line of said Lot 11, 38.79 feet East of the Northwest corner thereof; thence East along said North line 31.21 feet; thence South parallel to the West line of said Lot 11, 147.50 feet to the South line thereof; thence West along said South line 70.00 feet to the point of beginning (this tract is hereby restricted from being transferred and conveyed as above described without including Lot 12, Block 3, Third Amended Plat of Riverside Drive Addition to Tulsa, Oklahoma, unless Tulsa Metropolitan Area Planning Commission, or its successors according to law, approves such conveyance or transfer).

Application No. Z-6014  
Applicant: Stringer (Fry, Christmas)  
Location: East of the SE/c 91st & Mingo

Present Zoning: AG  
Proposed Zoning: CS or CO

Date of Application: September 26, 1984  
Date of Hearing: November 14, 1984  
Size of Tract: 5.28 acres

Presentation to TMAPC by: P. M. Stringer  
Address: 7203 East 41st

Phone: 628-0296

Relationship to the Comprehensive Plan: Z-6014

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

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

Staff Recommendation:

Site Analysis -- The subject tract is 5.28 acres in size and located east of the southeast corner of 91st Street and Mingo Road. It is partially wooded, gently sloping, contains a single-family dwelling and accessory building and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned CO, on the east by scattered single-family dwellings zoned AG, on the south by mostly vacant property zoned AG, and on the west by a single-family dwelling and accessory building on a large lot zoned AG.

Zoning and BOA Historical Summary -- Medium Intensity zoning, including CO, have been approved in the area.

Conclusion -- The subject tract does not fall within the typical 467' x 467' node for commercial zoning, but is designated for Corridor by the Comprehensive Plan. Likewise, similar property to the north is zoned CO. Based on the above information, the Staff cannot support the CS Commercial zoning and recommends DENIAL of CS Commercial zoning and APPROVAL of CO Corridor District zoning.

Comments and Questions:

Mr. Gardner informed that the Staff has not recently supported any Corridor zoning west of Memorial. He told why they can support this request for Corridor zoning.

Mr. Paddock asked Mr. Gardner if the Comprehensive Plan was predicated upon the Creek Expressway or the expansion of the Mingo Valley Expressway

Application No. Z-6014 (Continued)

coming into this area. He informed that the Corridor district is established to allow and encourage high-intensity multi-functional development in compliance with an approved site plan within appropriate freeway corridors. He asked why the Staff would recommend Corridor zoning if this is no longer a freeway corridor. Mr. Gardner informed that this is still a freeway corridor. The adopted Major Street and Highway Plan is what the Comprehensive Plans were based on. He is advising the Commission that there is talk about changing those. When they hear talk like that, it affects how the Staff looks at applications, because it cannot be both ways. The Staff is satisfied that Corridor is appropriate in this area whether the plan stays the same or is amended to go further south. Intensity of land use can be determined at the detailed site plan hearing of the physical facts at that time.

Applicant's Comments:

The applicant was present but did not wish to speak.

Interested Party: L. T. Smith

Address: 10102 East 91st Street

Interested Party's Comments:

Mr. Smith informed he owns the property just east of the subject tract, and he has no objection at all to this requested zoning change.

Comments and Questions:

Ms. Wilson asked the applicant what type of commercial use he is wanting to have with possible Corridor zoning on the property, and Mr. Stringer informed he owns Stringer Nursery, and he wants to put a retail horticulture nursery on the property.

TMAPC Action: 7 members present.

On MOTION of WILSON, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice, Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned CO:

The East 302' of the North 330' and the East 330' of the South 396' of the North 726' of Lot 1 of Section 19, T-18-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

11.14.84:1530(16)



Application No. Z-6015  
Applicant: Cameron (BOK)  
Location: West of NW/c 11th & 123rd E. Ave.

Present Zoning: RS-3  
Proposed Zoning: CS

Date of Application: October 1, 1984  
Date of Hearing: November 14, 1984  
Size of Tract: 2.35 acres, more or less

Presentation to TMAPC by: William B. Jones  
Address: 201 West 5th, Suite 400

Phone: 581-8200

Relationship to the Comprehensive Plan: Z-6015

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Consideration Area I -- Medium Intensity Uses -- Compatible with Adjacent Activities.

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

Staff Recommendation:

Site Analysis -- The subject tract is 2.35 acres in size and located on the northside of 11th Street, west of 123rd East Avenue. It is partially wooded, flat, vacant, and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned RS-2, on the east by two unoccupied single-family dwellings zoned CS, on the South by East Central High School Zoned RS-3, and on the west by vacant property zoned CS.

Zoning and BOA Historical Summary -- Several zoning cases have allowed CS zoning in the area along 11th Street.

Conclusion -- Based on the Comprehensive Plan and existing zoning patterns in the area, the Staff can support commercial zoning on the subject tract and recommends APPROVAL of CS Commercial zoning as requested.

Applicant's Comments:

Mr. Jones informed he is representing the Bank of Oklahoma. He showed where the Bank owns other property in the area and pointed out other uses in the area.

Interested Party: Don Thomas

Address: Unknown

Interested Party's Comments:

Mr. Thomas wanted to know what was going to go on a certain piece of property in the area. Mr. Jones informed that this property is platted  
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Application No. Z-6015 (Continued)

into a subdivision. The tract that the interested party was concerned about is east of the subject tract.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice, Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned CS:

Lot 34, Plainview Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

SUBDIVISIONS:

Final Approval and Release:

Kings Ridge Estates, Blks 5 & 6 (PUD 281)(183) SW/c E. 64th & (RS-3)  
S. 91st E. Ave.

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

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice, Young, "absent") to approve the final plat for Kings Ridge Estates and release same as having met all conditions of approval.

LOT SPLITS:

Lot Split For Discussion:

L-16311 Word/Ramsey (583) S. of SE/c 67th & S. Evanston Ave. (RS-1)

In the opinion of the Staff, the lot split(s) listed above meets the subdivision and zoning regulations, but since the lot(s) may be irregular in shape, notice has been given to the abutting owner(s) so that property owners in the area may be aware of the application. Approval is recommended.

Comments and Questions:

Mr. Wilmoth informed that this was continued because the Planning Commission had a concern about protection of the pond at the east end of the property. The Staff recommendation was for approval of this lot split to create four lots out of the large tract. The applicant has prepared a rough draft of a document that would address the protection of the pond.

L-16311 (Continued)

Mr. Linker informed he received a copy of four conditions (Exhibit "A-1"), but he has some questions about them. He informed that if the protection is going to be done by covenant, they are going to have to determine who will enforce the covenant--it will have to run to someone. He is not sure that this is the type of situation where they would want the City enforcing restrictions on a private lake.

Mr. VanFossen informed the applicant's attorney has suggested that they will be making restrictive covenants of the subdivision, as these four lots will be considered, and that they will incorporate these conditions as part of the subdivision requirements.

Mr. Linker informed that the covenant has to run to someone--someone has to have the power to enforce the restrictions in the covenant. He asked if the owners around the lake are the only ones who have the power to enforce the covenant. Mr. VanFossen informed that it is his understanding concerning restrictive covenants, that the only people who have any enforcement are those within the subdivision. These four lots would be the only ones that would have any power on this--no one else.

Mr. Linker asked if these covenants would be adopted by all the property owners that abut the lake or if it would just be adopted by the two owners. Mr. VanFossen informed it is only being proposed to have it cover the four lots this lot split will create.

Mr. Linker informed that in the first paragraph the current shoreline should be defined. That definition would probably have to be done by a legal description. He informed that it might be defined by an elevation or by lot lines as well if they are platted lots.

Ms. Kempe asked what purpose these covenants would serve if they do not include the other two property owners who abut the pond, and Mr. VanFossen informed this is to try to prevent any damage by these people who are developing these lots.

Mr. Gardner informed that there are only two property owners on the lake.

Mr. VanFossen informed the owners of the subject tract have suggested that they will get with the other property owners who abut the lake and make this a restrictive covenant on both tracts of land; however, that particular issue is in court at this time.

Ms. Kempe informed that if this lot split is approved there will ultimately be four property owners abutting the pond, and

L-16311 (Continued)

she wondered if restrictive covenants should apply to all property owners on the pond rather than just two of them. Mr. VanFossen informed the restrictive covenants will benefit the two property owners of this lot split that will not be on the pond because it provides a visual effect, and that is part of what they are trying to accomplish here-- a nice development of four lots.

Ms. Wilson asked Mr. Linker if anything can be done to include in the covenants the other property that abuts the pond.

Mr. Linker informed it his understanding that the only parties that would have power to enforce these covenants and the only parties that would be affected by these covenants are the ones in this application. There are other lots that abut the lake that will not be affected by the covenants. There is no way to restrict the other two lots.

Applicant's Comments:

Mike Taylor, representing Sisemore-Sack-Sisemore, 5359 South Sheridan, informed these covenants were drawn up merely to abide by the direction of this Commission. He pointed out that these were drawn up under protest because they feel that this is private property with a private lake and that any restrictions or conditions that are imposed on the lake will be handled through the appropriate City departments. Mr. Taylor informed that they have intended to have private deed restrictions in the form of restrictive covenants and an agreement for the subject lot. They do not have the legal right to impose restrictions upon anything other than their property.

Comments and Questions:

Ms. Kempe asked if this pond is a retention pond for this area, and Mr Taylor informed that it is a natural pond in the basin. It is not in a floodplain; it is just a natural drainageway.

Mr. Paddock read the provisions which were submitted by the applicant. They read as follows:

GOLDEN POND ESTATES

1. No action shall be carried on upon any lot which shall directly or indirectly, encroach upon the integrity of the current shoreline, save and except the construction, erection and maintenance of a retaining wall, which shall not encroach upon the current shoreline in excess of \_\_\_\_\_ feet.

L-16311 (Continued)

2. No action shall be carried on upon any lot which shall cause damage to the quality of the water in the lake by presenting noxious or poisonous properties harmful to human or animal life; provided, however, that it shall be permissible to present such chemicals as may be necessary for the control of insects and vegetation.
3. No action shall be carried on upon any lot which shall cause the lake to be drained for the purpose of filling-in the land area presently occupied by the lake; provided, however, that it shall be permissible to drain the lake for the sole purpose of dredging and cleaning the lake bottom, and refilling the lake with water by natural or artificial means.
4. The Owners, their heirs, legal representatives, successors and assigns shall exercise their best efforts to maintain the natural integrity and aesthetic beauty of the lake and lakeshore located within the property described herein.

Mr. Taylor informed the blank in the draft will be filled in with a number which shall be determined upon the completion of a detail site plan which they are now preparing.

Mr. VanFossen informed he was told that the number would be between 5 and 10 feet. Mr. Taylor informed the number will be within those measures.

Ms. Wilson suggested approving this subject to the 10 feet with that number to be changed when an exact figure is determined.

Mr. Linker informed that the footage referred to in the first paragraph deals only with the retaining wall. There is no definition of what the shoreline is to prevent other encroachment, and that is a problem. He is concerned that if that is not defined, it could mess up the title to the property.

Ms. Kempe informed she feels very strongly about the fact that the other two property owners that will abut the lake will not have the conditions that are being suggested for this side of the pond.

Mr. VanFossen informed this came about because the Mayor was concerned based upon an action on the other lots. He did not like the fact that this lot could be damaged or destroyed. Mr. VanFossen informed he was surprised by the applicant's comment that these covenants were drawn up under protest because it was his understanding that this was a voluntary favorable item that was blending with the intent of this property.

L-16311 (Continued)

Mr. Gardner informed that the Planning Commission needs to realize that this is not a Planned Unit Development. The Commission does not have any control over the applicant filing amended covenants after these have been filed. He stated that if the concern is drainage, there are measures of protection already in place. He informed that the Courts have already decided that property owners who do not abut the lake have no control over the lake.

Ms. Wilson asked Mr. Linker what he would advise the Commission concerning the restrictive covenants, and Mr. Linker informed that these four owners can enforce the covenants as long as they want to, but if they do not want to enforce the covenants, then they have nothing as long as the covenants run just to those four parties. He informed that the only parties who can enforce the covenants are the ones they run to by their terms.

Ms. Higgins informed she does not believe the Planning Commission should enforce things on lot splits that they have not enforced on others.

Mr. Connery informed the Planning Commission could deny this application, and he was informed that it meets the bulk and area requirements for a lot split.

Ms. Wilson asked Mr. VanFossen about his feelings on this case, and Mr. VanFossen informed he is disappointed because the covenants were drawn under protest, and he informed that he would probably vote "no" out of protest.

Mr. Gardner informed that the Planning Commission does have the right to deny the application. The legal test is basically the intent of the Ordinance because where the lots are 30 feet on the street, which is required by the Subdivision Regulations, and the lot averages 100 feet in width, he reminded the Commissioners that in the design, the lots start out at 30 feet and then go up on a slant and narrow to 15 or 20 feet. He described how this affects the intent of the Ordinance. If the intent is that the minimum of any portion of the lot be 30 feet, then this would not meet the Subdivision Regulations or the zoning. There is a question involved in this case because of the minimum width.

Mr. VanFossen informed he thinks this is an excellent division of a piece of property, and he feels that the intent is good. He is disappointed only from the standpoint of the attempt that was made to satisfy one concern that was brought up at the previous meeting.

Mr. Wilmoth informed that of all of the other lot splits in this area, this is the best one they have looked at as far as the format. There is no doubt as to what is the back yard.

L-16311 (Continued)

Mr. Gardner informed that once the street is built, this will look like any other cul-de-sac street in the City except that it will have a planting strip in the middle that is not allowed on dedicated streets.

Ms. Higgins made a motion to approve the lot split with the notation that they do hope that the developers will take into consideration the Planning Commissioners' concerns and will incorporate what the Commissioners have asked within their covenants.

Mr. Paddock informed he would like the motion amended to include a definition for the shoreline.

Mr. Taylor informed he has been instructed to protest some of the language of the restrictions due to the lake. It is the intent of the owner to have some very restrictive conditions imposed upon the tract. He informed that the retaining wall is intended to be parallel to the shoreline of the pond. He informed that the retaining wall will be within 5 to 10 feet. They do intend to do some grading on the back lots once the engineering plans are done. The four owners of the lots will have to agree upon several common and mutual factors--the responsibility of maintenance and upkeep of several things they are planning on doing in the area.

Ms. Kempe informed that the way the motion was stated, the lot split does not hinge on the applicant adopting the submitted restrictions as part of their covenants. It is a request that they consider them, not an order.

Mr. VanFossen informed he will be voting in favor of the motion simply because the intent is what was originally intended. Mr. VanFossen informed he does not think the Commission needs the further definition of the shoreline because of the looseness of the intent.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Rice, Young, "absent") to approve L-16311 with the notation that they do hope that the developers will take into consideration the Planning Commissioners' concerns and will incorporate what the Commissioners have asked within their covenants.

OTHER BUSINESS:

Z-5957

Staff Recommendation: Refund of Fees

This specific case relates to PUD #361 and Zoning Case Z-5925. Zoning Case Z-5925 was a request for OL on Lots 13 and 14 of Fairhill 2nd Addition. It was denied and parking was approved on Lot 14. Both the Planning Commission and City Commission recommended that the applicant file a PUD application because they felt they could support the proposed development if they could ensure that further encroachment to the north of nonresidential uses would not occur and that proper protection could be provided to surrounding residential and Alcott School. The applicant filed a PUD then requested a continuance at the Staff's request to provide a more complete file. Following the continuance on the PUD case, the applicant filed the subject application, Z-5957 zoning case. This application was an OL request again on Lots 13 and 14 of Fairhill 2nd Addition. When it was discovered that it was the same request as previously heard and denied by the Planning and City Commissions, the Staff placed it in a "Hold" file. Since the PUD application is now being carried through, the applicant is requesting a refund of all or a part of his fees on this case.

Case reports and maps were developed prior to the discovery that it was the same case where action had already been taken, but notice procedures had not been started. Fees collected were as follows:

Postage:	\$ 7.80
Sign:	\$ 50.00
Zoning Fee:	<u>\$180.00</u>
Total:	\$237.80

The Staff feels that approximately \$80.00 of the zoning fee was used in preparation time before this case was placed in "Holding". Therefore, we would recommend a refund of \$157.80.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Rice, Wilson, Young, "absent") to refund \$157.80 of the fees paid for Z-5957 to the applicant.

11.14.84:1530(24)



PUD #179-J Century Tower

Staff Recommendation: Detail Site Plan Review

The subject tract is located at the northeast corner of 74th Place and South Memorial Drive and has a total area of 4.27 gross acres. It has a combination underlying zoning of CS and PUD #179-A (on part).

The applicant is now before the TMAPC requesting Detail Site Plan approval for Development Area "A" and "B". The proposed uses of the area include a six-story office building on Development Area "A" and a drive-in bank facility on Development Area "B".

The Staff has reviewed the applicant's submitted plans and find the following:

DEVELOPMENT AREA "A"

	<u>Approved</u>	<u>Submitted</u>
Land Area (Gross):	3.34	3.34
(Net):	2.56	2.56
Permitted Uses:	Those uses permitted by right and accessory use for the OM District according to the Tulsa Zoning Code in force & effect on March 15, 1984.	Those uses permitted as a matter of right and special exception in the CS zoning district according to the Tulsa Zoning Code in force and effect on March 15, 1984.
Maximum Floor Area:	72,000 sq. ft.	72,000 sq. ft.
Maximum Building Height:	6 stories	6 stories
Minimum Off-Street Parking:	1 space per 300 sq. ft. of floor area	1 space/300 sq. ft. of office area
Minimum Landscaped Area:	23,750 sq. ft.	23,750 sq. ft.
Minimum Building Setbacks:		
From Centerline of Memorial Drive	300 feet	200 feet
From Centerline of 74th Place	50 feet	50 feet
From East Boundary Line	200 feet	240 feet

PUD #179-J Continued)

From North Boundary Line	75 feet	None Specified
<u>DEVELOPMENT AREA "B"</u>		
	<u>Approved</u>	<u>Submitted</u>
Land Area (Gross: (Net):	.93 acres .84 acres	.93 acres .84 acres
Permitted Use:	Drive-in bank facility and accessory uses.	Drive-in Bank facility and accessory uses.
Maximum Floor Area:	4,397 sq. ft.	4,397 sq. ft.
Maximum Building Height:	2 stories	2 stories
Minimum Off- Street Parking Spaces:	1 space per 200 sq. ft. of floor area.	1 space per 200 sq. ft. of office/commercial area.
Minimum Landscape Open Area	10,928 sq. ft.	10,928 sq. ft.
Minimum Building Setbacks:		
From Centerline of 73rd Street	55 feet	55 feet
From East Boundary Line	30 feet	30 feet
From South Boundary Line	150 feet	150 feet
From West Boundary Line	30 feet	30 feet

The Staff recommends APPROVAL of the Detail Site Plan, subject to the following conditions:

- (1) That the applicant's Development Plan and Detail Text be made a condition of approval, unless modified herein.
- (2) Development Standards:

DEVELOPMENT AREA "A" -- Six Story Office Building

Permitted uses being only those uses permitted by right and accessory use for the OM District according to the Tulsa Zoning Code in force and effect on March 15, 1984.

Minimum off-street parking being provided at a ratio of one (1) space per 300 square feet of gross floor area.

PUD #179-J Continued)

Minimum building setback from the north boundary shall be 75' as specified on the site plan.

Minimum building setback from the west boundary shall be 300 feet per the site plan submitted.

DEVELOPMENT AREA "B" -- Drive-in Bank Facility

Minimum off-street parking being provided at a ratio of one (1) space per 200 square feet of floor area.

- (3) Signs accessory to the principal uses are permitted and shall comply with the following restrictions:

Ground Signs

For each building ground signs shall be limited to two monument signs identifying the building and not exceeding 6 feet in height and not exceeding a display surface area of 120 square feet.

Wall or Canopy Signs

Wall or canopy signs shall be limited to one sign for each principal building and shall not exceed a display surface area of one square foot per lineal foot of the building wall to which the sign or signs are affixed.

- (4) That a Detail Landscape Plan for each Development Area be approved by TMAPC prior to occupancy.
- (5) 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 within the Restrictive Covenants, conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments and Questions:

Mr. Frank presented a plot plan for the Commissioners to view.

Mr. Gardner informed that the drawings submitted show that the applicants can meet the approved standards, and they are recommending that the applicant meet the standards as per the drawing and as per the recommendation and original approval action.

Mr. Connery asked about the location of the development.

Mr. VanFossen asked where the ground signs will be located, and Mr. Gardner informed that the location of the signs will be shown on the landscape plan.

PUD #179-J Continued)

The applicant, Mike Taylor, 5359 S. Sheridan Road, asked about the uses that will be allowed, and Mr. Gardner informed the Staff wants the applicant to stay with what was originally approved.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Connery, Higgins, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice, Wilson, Young, "absent") to approve the detail site plan for PUD 179-J subject to the conditions outlined by the Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:23 p.m.

Date Approved

November 5, 1984

Cherry A. Kempe  
Chairman

ATTEST:

RBPaddock  
Secretary

11.14.84:1530(28)