

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1571
Wednesday, September 4, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---------------------------|-----------------------|----------------------|-----------------------|
| Carnes | Harris | Frank | Linker & Jackere, |
| Connery | Young | Gardner | Legal Counsel |
| Draughon | Harris | Setters | |
| Higgins | | | |
| Kempe, Chairman | | | |
| Paddock, Secretary | | | |
| VanFossen | | | |
| Wilson, 1st Vice-Chairman | | | |
| Woodard | | | |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 3, 1985 at 10:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:40 p.m.

MINUTES:

Approval of Minutes of August 21, 1985, Meeting No. 1569:

On **MOTION** of **PADDOCK**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **APPROVE** the **Minutes of August 21, 1985, Meeting No. 1569.**

REPORTS:

Committee Report:

Mr. Paddock advised the **Rules & Regulations Committee** met August 28, 1985 to consider the day care homes issue and, after due consideration, the Committee still had unresolved questions. Therefore, a recommendation was not made.

Chairman Kempe asked those in attendance on the Public Hearing on Day Care Homes who were interested in speaking to the Commission to please sign in on the roster with their names and addresses. (There were approximately 20 signatures.)

SUBDIVISIONS:

PRELIMINARY PLAT:

State Farm Service Center (Rev) (2483)
(continued from 8/21/85)

South of SE Corner 91st
& Memorial (CO)

The Staff presented the plat with the applicant represented by Maurice Clyma. Because this plat is in a Corridor (CO) District, any changes in the site plan or development require approval of the TMAPC and City, and thus will require amendment to the plat. The Insurance Building is being expanded from its original size and will necessitate moving the "development line" further east and some minor changes in the building setbacks. No changes are being in the easements and R/W, as filed on the previous plat. The site plan amendment was scheduled on the 8/28/85 TMAPC agenda and was approved. Stormwater Management advised that detention has already been provided. However, applicant should show or verify easement for storm drainage to detention pond. TAC recommended approval of this plat, the following conditions, and Staff agrees:

1. All conditions of Site Plan Review, as amended, Z-5620-SP-5 shall be met prior to final approval and release. Include applicable provisions in covenants. Show the site plan review number on face of plat.
2. Utility easements shall meet the approval of the **utilities**. Coordinate with Subsurface Committee, if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.
3. Show "Development Line" in long dashes. Fill in Book & Page numbers for access easement.
4. Pavement or landscape repair within restricted water line, sewer line or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner of the Lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat. (Already completed)
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. Paving and/or drainage plans shall be approved by the City Engineer or Stormwater Management, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.

8. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat (including documents required under Section 3.6(5) of Subdivision Regulations).
9. All Subdivision Regulations shall be met prior to release of final plat.

On **MOTION** of **HIGGINS**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **APPROVE** the Preliminary Plat, subject to the conditions.

Kingsridge Estate, Block 5 & 6 Amd PUD 281) (183) SW Corner East 64th
& South 91st East Avenue (RS-3)

On **MOTION** of **WILSON**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **CONTINUE Consideration of the above Preliminary Plat** until Wednesday, September 18, 1985 at 1:30p in the City Commission Room, City Hall, Tulsa Civic Center.

Riverside Chevrolet (2692) NE corner West 51st & South Indian Avenue
(IL, P)

The Staff presented the Plat with the applicant represented by Dan Tanner. Ms. Wilson asked Mr. Wilmoth for clarification of the building lines on the plat. Staff advised that the building lines are more restrictive than required by the zoning code and are volunteered by applicant. (No building line is required on the east and only 10' is required in the "P" District on the west.) Staff has no objections to the building lines as shown, if the applicant wants to restrict the setbacks. Access points are not required on a non-arterial street (Indian) unless recommended by Traffic Engineering. (The points shown are subject to approval of the TE, but designation is not required on the plat.) TAC recommended approval of this plat, and Staff agrees, subject to the following conditions:

1. Utility easements shall meet the approval of the **utilities**. Coordinate with Subsurface Committee, if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.
2. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
3. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.

4. Paving and/or drainage plans shall be approved by the City Engineer or Stormwater Management, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission. On site detention or 100 year storm drain to Arkansas River.
5. Limits of Access shall be shown on the plat as approved by City and/or Traffic Engineer. Include applicable language in covenants. (Highway Department approval also required and sight-distance data as per T.E.)
6. It is recommended that the developer coordinate with Traffic Engineering during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for release of plan.)
7. It is recommended that the applicant and/or his engineer or developer coordinate with the Tula City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
8. A Corporation Commission letter (or Certificate of Non-Development) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on any wells not officially plugged.)
9. The ordinance for Zoning Application Z-6062 shall be approved before final plat is released, or if not approved for IL & P, a revised plan should be submitted conforming to the applicable zone.
10. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat (including documents required under Section 3.6(5) of Subdivision Regulations).
11. All Subdivision Regulations shall be met prior to release of final plat.

On **MOTION** of **HIGGINS**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **APPROVE** the above Preliminary Plat, as recommended by Staff.

Minshall Park IV Resub Block 10 (PUD 190-D) (1083)

77th & South Granite Avenue (RS-3)

On **MOTION** of **CONNERY**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **APPROVE** the above Preliminary Plat, subject to Release Letters and the identification of 77th Street.

Family Worship Center (1094) North side East 21st @ South 152nd
East Avenue (AG)

On **MOTION** of **WILSON**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **CONTINUE Consideration** of the above Preliminary Plat until Wednesday, September 18, 1985 at 1:30p in the City Commission Room, City Hall, Tulsa Civic Center.

Stone Creek III (784) NE corner 73rd & South Mingo (CO)

On **MOTION** of **CONNERY**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **CONTINUE Consideration** of the above Preliminary Plat until Wednesday, October 2, 1985 at 1:30p in the City Commission Room, City Hall, Tulsa Civic Center.

FINAL APPROVAL AND RELEASE:

The Village @ Woodland Hills (PUD 379) (283) West side South Memorial @
East 68th Street (P, CS)

Mr. Wilmoth suggested approving the accompanying PUD #379 (Detail Site Plan Review and Detail Landscape Plan Review) along with this Final Approval and Release.

Staff Recommendation - Detail Site Plan Review

The subject tract has a gross area of approximately 33 acres, with a frontage along the west side of South Memorial Drive of 1,420' and a depth of 950'. The underlying zoning on the tract is CS and P. The proposed development is a mixed retail/commercial development with a department store of 77,150 square feet, a general retail area of 214,850 square feet, and a future commercial area of 28,000 square feet; total floor area of 320,000 square feet. A total of five access point are indicated on the Plan, all of which the Staff recommends for approval, subject to review and approval of the City of Tulsa Engineer. Primary access to the development is at the approximate mid-point of the tract and corresponds with similar access which presently exists to the Woodland Hills Mall area east of Memorial. A total of 1,671 parking spaces is provided. The majority of the development will be one-story, although a 30' building height is permitted 125' from the west boundary, and a portion of the development along the south boundary is indicated to be two-story.

According to the PUD restrictions, the "restaurant area" is restricted to the south 750' of the east 400' of the tract. The Site Plan indicates the "restaurant area" to be the east 470', excluding 60' for the Memorial right-of-way. In accordance with this PUD restriction, the applicant

must utilize only the east 400' of said "restaurant area" for restaurant buildings. A significant landscape buffer of 55' wide with 25' of planted area and a 6' screening fence is provided along the west boundary, or rear of the development abutting the residential area. A PUD condition of approval was that the architectural treatment of the rear (west) of the development's buildings be harmonious in design, materials and construction with the front facades. It is not possible to evaluate this requirement without a building elevation, which the applicant has agreed to present to the TMAPC. Elevation drawings of the north elevations would also be helpful as the buildings would be allowed to be 30' tall relative to only a 6' tall screening fence required along the north boundary. A unique condition of PUD approval imposed by the TMAPC and City Commission was the applicant would contribute to and maintain the undeveloped area between the north boundary of this development and the south side of East 66th Street.

The Staff review of the Detail Site Plan and Text indicates that it is (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 the Detail Site Plan, subject to the following conditions:

(1) That the applicant's Plan and Text be made a condition of approval unless modified herein.

(2) Development Standards:

| | | |
|-----------------|---|--------------------|
| Land Area: | 1,434,200 sq ft | 32.9 acres (Gross) |
| | 1,349,000 sq ft | 31.0 acres (Net) |
| Permitted Uses: | Uses permitted as a matter of right in the CS Commercial District. Restaurants as a principal use shall be located only in the south 750' of the east 400' of 6800 Memorial Drive | |

Maximum Floor Area (Commercial): 320,000 sq ft

Minimum Building Setbacks:

| | |
|-----------------------------------|--------|
| from West Boundary | 85 ft |
| from South Boundary | 20 ft |
| from Centerline of South Memorial | 130 ft |
| from North Boundary | 35 ft |

Maximum Building Height (to top of parapet):

| | |
|-------------------------------------|-------|
| Within 125 ft of West Boundary | 22 ft |
| More than 125 ft from West Boundary | 30 ft |

Minimum Off-Street Parking: 1,671 spaces; 1 space per 225 sq ft for retail; 1 space per 75 sq ft for restaurant

Minimum Landscaped Open Space: 8% or 115,000 sq ft*

* Landscaped open space includes required arterial street landscaping; interior landscape buffer; landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.

- (3) That elevation drawings for the west and north building facades be submitted for TMAPC review so as to confirm that the design and construction materials of these building facades will be in conformity with front facades.
- (4) That all curb cuts be granted subject to approval of the City of Tulsa Traffic Engineer.
- (5) That the existing street stub from the west at South 78th Street East be vacated or redesigned and limited to a pedestrian accessway only.
- (6) That all outside trash receptacles be screened from ground level public view and that all air conditioning and other building utilities be so screened and located to not be clearly visible from adjacent residential areas to the west.
- (7) That all free standing exterior lights shall be so located and designed to direct light away from adjacent residential areas. Light fixtures mounted on the buildings shall be so designed to direct light downward and against proposed facilities.
- (8) That a Detail Landscape Plan shall be approved by the TMAPC and installed adjacent to abutting units for which occupancy is granted prior to issuance of an Occupancy Permit. This Plan shall include a 25' planting buffer on the west, and a six foot screening fence on the west and north.
- (9) That all signs shall comply with Section 1130.2(b) of the PUD Chapter of the Zoning Code, as of September 1985.
- (10) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Comments & Discussion:

Mr. Wayne Alberty, MPI Architects, 5110 South Yale, spoke regarding the screening wall and voiced agreement with Staff recommendations. Based on a statement from Mr. VanFossen, Staff suggested, if the fence was a concern to the Commission, make it a condition to the PUD and consider it as a Minor Amendment at a future meeting in order to meet advertising requirements, but go ahead and approve the site plan. Mr. VanFossen suggested that, when this comes up as a Minor Amendment, the Commission

be advised of the elevations of the north wall. Mr. Draughon inquired if detention was to be provided or were fees to be paid in lieu of. As a definite determination could not be made, Mr. Draughon suggested that Stormwater Management look at this before the Commission grant any approval.

Mr. Ken Adams, 7227 East 65th Place, Shadow Mountain Homeowners Association, stated a desire to have a pedestrian access on the area to the north of the subject tract, and noted that the Developer had agreed its maintenance.

On **MOTION** of **HIGGINS**, the Planning Commission voted 8-1-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; Draughon, "nay"; no "abstentions"; (Harris, Young, "absent") to **APPROVE** the **Detail Site Plan to PUD #379**, as recommended by Staff.

Staff Recommendation - Detail Landscape Plan Review

The Detail Landscape Plan provides that a minimum of 8% of the project area (115,000 sq ft) be dedicated to landscaped areas. These materials and landscape features will include deciduous shade trees 12' - 16' tall, 20 varieties of five gallon shrubs, seeded lawn areas, gravel surfaced areas and earth berms. The bermed areas will be concentrated mainly along South Memorial, which will also be heavily planted with trees and shrubs. Plantings will be placed on parking lot islands, and in particular, in the 25' landscape planting area along the west boundary. The Plan includes a detailed schedule of plant materials and sizes. The submitted Detail Landscape Plan meets all requirements of the approved PUD, therefore, the Staff recommends **APPROVAL** of the Detail Landscape Plan as submitted. **NOTE:** The landscaped area provided in this Plan exceeds the minimum requirements of 115,000 square feet by 42,122 square feet.

On **MOTION** of **PADDOCK**, the Planning Commission voted 8-0-1 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; Draughon, "abstaining"; (Harris, Young, "absent") to **APPROVE** the **Detail Landscape Plan to PUD #379**, as recommended by Staff.

On **MOTION** of **WILSON**, the Planning Commission voted 8-1-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; Draughon, "nay"; no "abstentions"; (Harris, Young, "absent") to **APPROVE** the **Final Plat of The Village at Woodland Hills** and release same as having met all conditions of approval.

WAIVER OF PLAT:

BOA 13721 Blue-Robb Addition (1794) 3000 Block South 129th East Avenue
(CS)

This is a request to waive plat on a portion of Lot 1, Block 1 of the above subdivision. A lot split has been approved separating the parcel in this application which will be used for construction of a new Post Office. (L-16512). An access change has been approved (7/25/85) by Traffic Engineering, moving an access point north to provide access for the northerly tract separated by the Post Office. This will accompany the plat waiver application and is scheduled for Planning Commission review today. The Post Office site is "subject to a plat" by virtue of being a Use Unit 2 in the above referenced Board Case. Since the property is already platted, access has been approved, and development controls provided in the Board of Adjustment review, Staff had no objection to a waiver, subject to: (a) Paving and grading plan approval by Stormwater Management, (b) Utility extensions and/or easements if required.

Stormwater Management and Engineering Department advised that some illegal filling had taken place on the northerly tract (not the P.O. site.) Since it was not part of the plat waiver it was not being reviewed at this time, however, this was pointed out to alert the owner of possible problems in the future when a building permit is sought. (This applies to the north tract in L-16512. Do not release any deeds without checking with Stormwater Management.) No easements were requested.

Technical Advisory Committee voted to recommend APPROVAL of the waiver of plat and access change on BOA 13721 subject to the following conditions: Grading and drainage plan approval by Stormwater Management. Onsite detention is required.

Mr. Wilmoth answered question from Ms. Higgins and Mr. Draughon regarding the onsite detention and ownership of the two tracts.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **APPROVE** the **Waiver of Plat on BOA 13721**, as recommended by Staff.

Z-5933 & 5295(Unplatted) (3492) West 51st & South 28th West Avenue
(OL,P)

This is a request to waive plat on a 1.9 acre tract. A medical facility is planned and plot plan has been submitted for review. Since this is less than 2 1/2 acres, meets the zoning code, and adequate right-of-way exists on 51st, Staff has no objection to a waiver, subject to:

- a) Paving and drainage plan approval by City Engineer/Stormwater Management (onsite detention);
- b) Utility easement as needed, including a 10' U.E. parallel to 51st Street;
- c) Access limitation agreement as per Traffic Engineer.

In reply to a question from Ms. Wilson, Mr. Wilmoth advised that 50' total width is the current right-of-way designation on 51st Street and the applicant has 70' total, which exceeds the Street Plan requirements.

On **MOTION** of **WILSON**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **APPROVE** the **Waiver of Plat on Z-5933 & Z-5295**, as recommended by Staff.

Z-4028 Greenfield Acres (2792)

4820 South Union Avenue (CS)

Mr. Wilmoth gave a detailed presentation and recommendation of the research on this project, as follows:

This is a request to waive plat on Lot 1, Block 2 of the above subdivision. Proposed use is a Braums Ice Cream Store. Review of applicant's plot plan reveals several discrepancies or conflicts with the zoning, subdivision regulations and Major Street Plan. Applicant is requesting waiver of the street plan requirements. The following list is a result of research by Staff of the available records in our files.

- a) Street Dedications: Attached map show R/W dedications and widths of South Union between 47th & 51st St. Most of the land on the east side has been fully dedicated, 50' from C/L as required by Street Plan. Some has been obtained by lot split, some on plat waivers, and the portion between 49th & 51st was dedicated in 1956. Much of the land on the west side of Union remains only 25' dedication by the Greenfield Acres plat. R/W north of 48th was obtained by lot splits and plat waivers and meets the 50' requirement. That portion of Union totals 100 feet. From 48th south to 51st, the only R/W obtained was 8' from the Quik-Trip tract near the corner of 51st & Union. The remainder of this block is still mostly single family homes, but they are in a CS District and NOT SUBJECT TO PLATTING. (Zoning was done long before 1970, by Study Area, as early as the 50's) R/W on 48th Street is only platted at 40', but additional 5' dedications have been received on all the property between Union & Vancouver except the lot currently under application.
- b) Street Improvements: South Union is improved to four lanes, curb/gutter.
- c) Building Setbacks: The proposed building will be 78' from C/L of Union. Normal setback is 100'. However, the zoning code permits averaging to line up with existing buildings so the 78' IS PERMITTED. The proposed sign is 26' from C/L which is within the Major Street Plan area.

- d) Parking: Nine spaces encroach into the MSP setback on Union. Ten spaces encroach into the minimum street R/W on W. 48th St.
- e) Access: Access is not controlled by plat at this time.

Conclusion: Approval of the request will require waiver of the Major Street Plan requirement, an access control agreement, Drainage Plan approval by Stormwater Management, and utility easements and/or extensions as needed by Utilities. Due to the existing building alignments on the west side of South Union, some compromise may need to be reached on dedication on Union. Staff see no hardship on West 48th, so no waiver of the R/W requirement on that street is recommended. An additional 5' can be dedicated to match the rest of the street and the building and parking moved about 5' south.

In discussion, the TAC would not recommend a waiver of the 50' from center line R/W requirement. Applicant was agreeable to 5' on 48th St. PSO may require the driveway on 48th next to their sub-station be moved east slightly. C.E. advised street improvement will be required on 48th St. T.E. advised that one parking space at the NE/corner of the property needed to be eliminate even if plat is waived.

TAC recommended approval of the WAIVER of plat on Z-4028, subject to the following conditions:

- a) Dedicate R/W on Union to meet Street Plan (50' from Center line).
NOTE: Applicant requesting waiver of this item.
- b) Dedicate R/W on 48th to meet Street Plan (5' additional)
- c) Improve 48th Street as recommended by City Engineer.
- d) Grading and drainage plan approval by Stormwater Management (onsite detention)
- e) Eliminate one parking space at NE corner of lot.
- f) Move west driveway further away from substation as required by PSO.

Comments & Discussion:

Mr. Paddock inquired as to the waiver of the right-of-way requirement. Mr. Wilmoth indicated consideration should be given as Staff feels this is a hardship situation due to the arrangement of surrounding buildings. Mr. Wilmoth further added, in reply to Mr. VanFossen, that any parking shown within the 50' R/W was not required to meet the zoning.

Mr. Joel Hersh, 3000 NE 63rd, Oklahoma City, stated he would be amicable to the dedication of the land and then seeking a reverse parking agreement from the City. Mr. Gardner felt some kind of relief was in order due to the encroachment of the surrounding buildings. Further discussion followed regarding the 50' right-of-way.

Mr. Carnes made a motion to approve the waiver, subject to condition that the applicant would dedicate the land and be required to get City approval for a reverse parking agreement. Before vote on this motion,

Mr. Hersh suggested an alternative of dedication to the City of 15' for R/W and then the dedication of an additional 10' as an easement for utilities, with the recommendation of maintaining the right of going to the City for a reverse parking agreement. This method would protect eight parking spaces in the future. Mr. VanFossen then suggested amending the motion to read as Mr. Hersh recommended to change item (a) above.

Mr. Linker advised that the 50' R/W dedication and the split of the dedication for R/W and easement should not be considered the same, as the City would have to acquire the additional 10' should they ever need it for street. Sometimes, though, they will settle for an easement for utilities plus the dedication.

Chairman Kempe called for a vote on the amendment, which lost in a 4-5-0 count. Chair then asked for vote on a motion to approve Staff recommendation, subject to the stated conditions, and with a recommendation to the City for a reverse parking agreement. Ms. Higgins stated she felt it was unfair to make the applicant dedicate 50' on Union. Mr. Paddock stated he would be voting against the motion. Mr. Draughon and Mr. VanFossen stated favor of the motion.

The Planning Commission voted 6-3-0 (Connery, Draughon, Kempe, Wilson, Woodard, VanFossen, "aye"; Carnes, Higgins, Paddock, "nay"; no "abstentions"; (Harris, Young, "absent")) to **APPROVE** the **Waiver of Plat on Z-4028**, subject to the conditions and with a recommendation to City to consider a reverse parking agreement.

CHANGE OF ACCESS

Richard Henry Addition (1794) SE Corner 21st & South Garnett (CS)

The purpose or reason for change is to reduce the number of access points on Garnett from three to one and reduce the number on 21st Street from two to one. Recommendation of Traffic Engineer and Staff is APPROVAL.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 7-0-1 (Carnes, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; Draughon, "abstaining"; (Connery, Harris, Young, "absent")) to **APPROVE** the **Change of Access**, as recommended by Staff.

LOTS SPLITS FOR WAIVER

L-16848 Sophian Plaza (1192) SW corner 15th & South Frisco (RM-2)

This is a request to split a 2.4 acre tract into two irregular shaped lots. The proposed Tract 1 is to be 1.45 acres in size and it contains 14 one bedroom units and 32 two bedroom units, 60 parking spaces, a pool

and tennis court. Proposed Tract II is vacant and encompasses .996 of an acre. The applicant is asking for a waiver of the street plan and subdivision regulations because the location of the existing structure does not allow him to dedicate the required right of way for 15th Street. This lot split will also require a variance from the City Board of Adjustment because of the parking spaces required and because of the sideyard setbacks of the structures from the proposed lot lines. There was some discussion for the reasons to file the split application, which was to clear title. Also, some R/W on 15th Street would be desirable if the curb actually encroaches on private property. A survey should show the proper location. TAC did not recommend waiver of Street Plan, being consistent with policy, however, since everything was already existing there were no actual objections to the split, subject to the conditions listed.

Technical Advisory Committee voted to recommend approval of the L-16484, subject to the following conditions:

- a) Waiver of Subdivision Regulations requiring conformance with Street Plan on 15th Street. (Applicant's request)
- b) Board of Adjustment approval for parking and yard variances, per plot plan.
- c) Onsite stormwater detention or 100 year storm drain to river is required for development for vacant tract.
- d) Sanitary sewer relocation and watermain extension required for development and vacant tract.

Comments & Discussion:

Mr. Tom Mann, 525 South Main, representing the applicant, in reply to Ms. Wilson informed the Commission the applicant, while having no prospective buyers, does have the land for sale. Mr. Mann gave further background information on the tract, and stated that the Homeowners Association demanded a Lot Split approval.

Mr. Steve Schuller, 610 South Main, attorney for the Association of Unit Owners in Sophian Plaza, stated they were not opposed, in principle, to the lot split application, as they did demand that Mr. Mann obtain lot split approval. However, Mr. Schuller asked the Commission to examine the application very closely, as he felt it presented a number of problems from a planning perspective, and detailed several of the potential problems.

Mr. Gardner recommended that, because of the complexity of this application and the questions raised, it be continued for two weeks. Mr. Paddock suggested those in attendance leave their names and addresses. Chairman Kempe and several Commissioners felt this to be the best course of action.

Interested Parties:

| | |
|-------------------------|---------------------------------|
| Mr. Dewey Bartlett | Address: 1500 South Frisco, #6A |
| Ms. Mary Dees | 1500 South Frisco, #4F |
| Ms. Virginia M. Hocult | 1500 South Frisco, #6E |
| Mr. Kenneth E. Proctor | 1507 Riverside Drive |
| Mr. William Stewart | 1500 South Frisco, #5E |
| Ms. Mary Graham | 1500 South Frisco, #5F |
| Mr. Richard L. Phillips | 1500 South Frisco, #8D |
| Mr. Royce Wright | 6315 South Memorial Drive |

On **MOTION** of **CARNES**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **CONTINUE Consideration of L-16484, Sophian Plaza** until Wednesday, September 18, 1985 at 1:30p In the City Commission Room, City Hall, Tulsa Civic Center.

L-16524 Kannady (172) 12505 South Elwood Avenue (AG)

This is a request to split a 2 1/2 acre tract into two lots, one being 100' x 280' (net) and another being 230' x 280' (net), containing approximately .6 acre and 1 1/2 acre each. Since the tract is zoned AG, a variance is being requested to permit the smaller lot sizes. There are other small tracts in the area so the Staff will have no objection to the request, subject to Health Department approval of percolation tests, and any easements and/or utility extensions needed. (Applicant has not asked for waiver of Street Plan requirements). County Engineer recommended that if fence along Elwood is replaced, it be along the new R/W line (50' from centerline).

Technical Advisory Committee voted to recommend approval of the L-16524, subject to the following conditions: (a) Board of Adjustment approval of lot width and area, (b) Health Department approval for septic systems.

Ms. Wilson inquired as to the recommendation of the fence. Mr. Draughon asked if this should be made a condition of approval. Mr. Wilmoth advised this was only a comment, not a condition.

On **MOTION** of **WILSON**, the Planning Commission voted 9-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Young, "absent") to **APPROVE L-16524, Kannady**, as recommended by Staff.

L-16467 W. Miller (1692) SE corner of West 21st and
South 49th West Avenue (IL, IM)

This is a request to split a 5.5 acre tract into four lots. The applicant has been advised of the 25.25' additional R/W needed for 49th West Avenue and the 10' additional R/W needed for West 21st Street. A variance from the Board of Adjustment has already been granted on 7/16/85

to permit the lot split and 172' widths in the IM District (Case #570). Further research, however, reveals that this whole tract is "subject to a plat" under zoning application Z-3842, approved 1/8/71. No request to waive plat has been received as of 8/23/85. Staff is concerned that if this split is approved, then title can be transferred and, instead of one owner having one tract "subject to a plat", then we are dealing with a potential four owners and possibly no plat. The acreage involved is over the minimum size of 2 1/2 acres which could possibly be done by policy on plat waivers. It may be best that this property is platted, then no lot splits will be necessary. Regardless of whether this is done by lot split, waiver of plat, or plat, the following requirements will apply:

- a) City County Health Department approval of percolation tests for septic systems.
- b) Dedication of rights of way required by the Major Street Plan, including 25.25' additional on 49th and 10' additional on W. 21st, to total 50' and 60' each.
- c) Access control on both streets, subject to approval of County Engineer.
- d) Grading and drainage plans, including stormwater detention and/or easements, subject to approval of County Engineer.
- e) Utility easements and/or extension of facilities as required by various companies and departments.
- f) Board of Adjustment approval of lot widths. (OK, Case #570) Would still be valid for the lot width as far as the Staff is concerned.

After discussion of the merits of plat versus lot split or plat waiver, the TAC favored a plat as having more control and providing all the necessary easements, R/W and access limitations. Also County Engineering recommended that the R/W be cleared (fences removed or replaced) back to the new property line (50' from centerline on 49th and 60' from centerline on 21st).

TAC recommended the property be platted in accordance with Section 260 of the Zoning Code, subject to the conditions outlined by Staff and TAC above, and Staff, therefore, recommends a DENIAL of the lot split.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 8-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Woodard, Young, "absent") to **DENY L-16467 Miller**, as recommended by Staff.

L-16511 L. Howard (2783) North of NE corner 105th & South Yale (AG)

The applicant advised the TAC that the primary purpose of the present application was to separate it for financing purposes. In order to cut down on the number of lots and variances and/or waivers required, the applicant has resubmitted the request, to create only two tracts. The two tracts meet all the requirements except one, and that is the lot width. (200' is required and they will only have 165' each, but well over 2 acres in area, not including any R/W which will be dedicated.)

Staff is still concerned about the potential for further splits and/or development, but many splits similar to the revised proposal are approved all over the metro and county areas, so it is no different than many others already approved. However, it should be clear that further splits on either half of this tract as submitted will be subject to close review and rezoning and platting may be required for the same reasons that the first proposal was denied by the TAC. If approved in the present format, the following shall apply:

- a) Approval of percolation tests by City/County Health Department for septic system.
- b) Board of Adjustment approval of variance of lot width from 200' to 165'.
- c) Approval of utilities including easements and extensions as required.
- d) Drainage plan approvals as required by Stormwater Management.

For the record, the TAC still expressed concern about future development, but had no immediate objections to the two lots as submitted, and voted to recommend approval of the L-16511, subject to the conditions, noting the concern about future development. Staff agrees and recommends APPROVAL of L-16511.

On **MOTION** of **HIGGINS**, the Planning Commission voted 5-3-0 (Carnes, Draughon, Higgins, Kempe, VanFossen, "aye"; Connery, Paddock, Wilson, "nay"; no "abstentions"; (Harris, Woodard, Young, "absent") to **APPROVE** L-16511 **L. Howard**, as recommended by Staff.

PUBLIC HEARING:

Public hearing to consider an Amendment to the Tulsa Zoning Code providing for State Licensed Family Day Care Homes with fewer than six (6) children, as permitted accessory uses in all residential districts.

Chairman Kempe asked those in attendance who wished to address the Commission to please sign their names and addresses to the roster. There being 21 signatures, the Commission voted to set a time limit of three minutes per speaker. This would not include the time needed for questions and answers from the Commission members.

Mr. Gardner made opening remarks stating the Staff proposal is to accommodate family day care homes in residential districts, subject to conditions as recommended, in response to a request from the City Commission. The State defines the requirements for child care based on the number of children being cared for, while the present zoning code for the City of Tulsa does not make any distinctions as to number of children. Therefore, all day care homes and day nurseries are required to come before the Board of Adjustment for

approval. Although it has not been the practice, it is the law at present. Mr. Gardner informed that the day care homes would be considered accessory uses under the proposed amendment and would be listed with those uses customarily found in a residential area. Accessory use conditions recommended by Staff are:

1. Must obtain a zoning clearance permit from the City Building Inspector.
2. A maximum of five children, including those preschool age children that reside in the residence, may be cared for in the home.
3. Days and hours of operations are limited to Monday through Friday, 6:30 a.m. until 6:30 p.m.
4. No person shall be employed other than a member of the immediate family residing on the premises.
5. No signs, display or advertising on premises, visible from outside the home, shall be permitted.
6. No exterior alterations of the structure shall be made which would detract from the residential character of the structure.
7. No day care home lot may be located within 300 feet of another day care home lot.

Definitions:

Day Care Home: A dwelling used to house and provide supervision and care for five children during the day, said total to include those preschool age children who reside in the residence.

Day Nursery/Nursery School: A public center for the care and training of young children, primarily preschool age children.

Mr. Gardner noted that relief from the Board of Adjustment would still be available if a day care home operation could not meet the recommended regulations.

Comments & Discussion:

Ms. Jacqueline Roach, representing the Department of Human Services - Child Care Licensing, addressed the Commission on State requirements and standards and the status of child care needs in the Tulsa area. Ms. Roach detailed these standards in answer to several questions from various Commission members.

Interested Parties:

Ms. Julia Eyberg Address: 3522 South Toledo, Tulsa
Made a statement as to her past involvement on this matter and stated reasons why she was against any home occupations in a residential area. She is a neighbor of a day care home operated by Ms. Susan Eckelt. (Her statement was submitted as an Exhibit.)

Mr. Clinton Garland Address: 3535 South Toledo, Tulsa
Stated he represented 18 neighbors and asked the Commission to not grant any segment of business encroachment into a residential area and leave the City Zoning Ordinance as is. Mr. Garland also suggested no alterations be allowed to the home and no day care home be permitted in the center of the block if the Commission decided to amend the ordinance.

Ms. Susan Eckelt Address: 3539 South Toledo, Tulsa
Has been a day care home operator for four years. Stated that, although Ms. Eyberg and Mr. Garland are opposed to her operation, 39 neighbors signed a petition in support of her facility. Ms. Eckelt submitted, as exhibits, over 3,600 signatures of citizens wanting the Tulsa zoning laws amended to allow day care homes which are licensed by the State of Oklahoma to not be required to obtain a special exception to the City's zoning ordinances. She further stated her involvement as Chariman of Children's Rights and Daycare's Licensed Exceptions (CRADLE). Ms. Eckelt has appeared before the Board of Adjustment for an exception ruling and her case was defeated in a 2-2-0 tie vote. Several Commission members had questions for Ms. Eckelt.

Mr. Michael D. Conklin Address: 200 Roosevelt, Sand Springs
Attorney representing the Eckelts. Quoted Tulsa census information and comparison situations in other metropolitan areas, and the need for Tulsa to amend their ordinances. Mr. Conklin informed the Commission that, for every licensed facility, there are nine not licensed.

Mr. Paul Stevenson Address: 1537 South Owasso, Tulsa
Director of the Crosstown Day Care Center and served on the Community Services Council Day Care Study Committee. Mr. Stevenson provided information to the Commission indicating the need in Tulsa County for infant and child care. He stated the essential role of the day care homes in meeting these needs.

Mr. Fred Bodenhamer Address: 8244 East 34th Street, Tulsa
Presently operates two day care homes and has been in the business for eight years. Suggested dual licensing, so that when an application is made to the State, the City would be advised.

Ms. Maryann Sontag Address: 2444 South Urbana, Tulsa
Is a mother using a day care home, who investigated 20 various day care homes and day care centers before deciding on one for her child. She stated she never encountered a traffic problem or ever observed an area where it was obvious a day care home was in the neighborhood.

Ms. Dorothy Gideon Address: 2013 South Canton, Tulsa
Resident who is not able to offer piano lessons out of her home because of covenants against it in her neighborhood. She stated if the City allowed day care homes in a neighborhood in violation of covenants, all other covenants would likely be voided by the court. If a piano studio is considered a business, she felt a day care home should be considered one also. Asked the Commission to give adequate time and publicity to this matter, as this is of great importance to citizens and children.

Ms. Sherry Patrick Address: 3124 So. 137th E. Ave., Tulsa
Is a licensed day care home operator. Suggested the possibility of getting automatic zoning clearance from the City when the State issues the license. Stated that traffic has never been an issue in her neighborhood. Advocated less restrictive regulations as to the hours of operation than the regulations proposed by Staff.

Mr. Charles Eckelt Address: 3539 South Toledo, Tulsa
Husband of Susan Eckelt. Commented the main consideration should be children's care.

Ms. Louise McKay Address: 1752 South Fulton, Tulsa
For four years, she had tried to close an unlicensed day care home, which finally became licensed; closed a beauty shop, which is now open; and closed a mechanic's shop, all in her neighborhood. Realizes the need for day care, but asked for limitations of the number of children and one-quarter to one-half mile spacing between the day care homes.

Mr. Don Anderson Address: 2383 West Tecumseh, Tulsa
State Representative from Tulsa. Stated the accessory use permit is a positive approach as a means of control, as opposed to the zoning ordinance exception method. Recommended that, in order to get the accessory use permit, an applicant would have to submit proof of a licence issued by the State.

Ms. Laura Harvell Address: 10516 South Sandusky, Tulsa
Spoke as a mother who uses a day care home (Susan Eckelt). As a parent, she monitors the number of children in and quality of the day care home.

Mr. John Sanders Address: 835 South Jamestown
Voiced strong opposition to day care homes by right, as there is one in his neighborhood that also houses boarders and creates a traffic problem.

Ms. Carol Darling Address: 3734 East 37th Street, Tulsa
Spoke as a mother using a day care home. Stated the advantages of using a day care home, instead of a day care center. Confirmed that traffic has never been a problem.

Chairman Kempe read a letter from Michelle Ferguson supporting the amendment to the zoning code. Chairman Kempe also read a message from a Mrs. McIntosh who operates a day care home and suggested more flexibility on the hours of

operation. Mr. Paddock read a message from Ms. Isabelle Guerrero of the Wedgewood Addition, who indicated a potential problem if the numbers of these homes in a certain area were not regulated.

Additional Comments & Discussion:

The Commission members questioned the interested parties in an effort to fully understand their situations and gain as clear a picture of the impact of the decisions made by the TMAPC. Mr. Linker clarified for Ms. Higgins and Mr. Paddock that, legally, a distinction could be made and day care homes could be permitted by right, while others that are considered home occupations could, in fact, be turned down. In depth conversation followed between the Commission members, and Legal Counsel, to further cover any points that might have been missed.

Ms. Linda Gale, a licensing worker for the Department of Human Services, answered questions from the Commission regarding the State's regulations. She further indicated agreement to a comment that there were areas in Tulsa where the need was far greater, and day care homes were clustered together.

Mr. VanFossen made a motion to approve the Staff Recommendation, with the following modifications:

- 1) That Day Care Homes should be changed to read Family Day Care Homes, consistent with the State.
- 2) Must obtain a zoning clearance permit from the City Building Inspector, which must be renewed annually from date of issue. A valid state license shall be a condition of approval.
- 3) A maximum of five children, including those preschool age children that reside in the residence, may be cared for in the home at any one time. No other services shall be provided from this location other than child care.
- 4) Days and hours of operations for the care of more than two children are limited to Monday through Friday, 6:30 a.m. until 6:30 p.m. One child, or two children of the same family, other than residents, may be cared for at any time, but not in excess of ten hours in a 24 hour period.

Discussion among Staff, Legal and Commission members followed on the proposed motion. Various members voiced opposition to the motion, some because of the specific conditions recommended. As more fully reflected on the official tape recording of the proceedings, each Commissioner stated his/her position on the issue:

Mr. Woodard had no comment at this time.

Ms. Higgins stated she felt, to insure that all sides were protected and out of a sense of fairness, that, after hearing concerned parties today, the Rules and Regulation Committee should meet to further discuss this issue.

Ms. Wilson felt the proper structure was already in place with the BOA and it would be wise to keep it intact, as some of the proposed requirements would cause more of a hindrance.

Mr. Paddock stated he thought it was unduly burdensome to have to go through the BOA process, unless we created a separate exception category that dealt with day care homes laying out the criteria so the BOA would have to grant the special exception. Mr. Paddock added the advantage to the staff proposal was not having to go through the BOA; however, there has to be adequate safeguards to balance the interested parties on both sides. Mr. Paddock finished by saying that, with careful phrasing of the requirements for day care homes, they should be made a part of the zoning code.

Mr. VanFossen believed we had a need to provide this accessory use in this area because he felt it was something that would not be accepted by the BOA in most cases, as there is always going to be a person who is not happy with it in some location, and this would be putting too much on the BOA for minor item. Mr. VanFossen, because he felt it was a good item that should be accepted, made the above motion.

Mr. Connery stated he had not been presented sufficient statistical community-type information to assist in getting answers to his questions. He further stated he had some difficulty with the 300' limitation in the cluster areas of the City where the day care homes are most needed.

Mr. Carnes voiced concern on the spacing limitation and agreed with Mr. Paddock and Mr. VanFossen that the BOA system would create more problems. He added it seemed unfair to penalize people working night shifts by setting too restrictive hour limitations. Mr. Carnes complimented the Staff on their efforts regarding this issue.

Mr. Draughon stated having a problem with the situation of the State licensing the homes and the City of Tulsa not knowing anything about who is licensed and who is not. Mr. Draughon inquired of Legal Counsel if we could ask the State to advise the City when a license is issued. He ended by stating agreement with Ms. Wilson that the BOA offers the remedy.

Ms. Kempe stated it is a fact that day care homes are a home occupation and favors the existing procedure of going through the BOA. Ms. Kempe added that, if the Commission was inclined to amend the zoning codes, a closer look should be given to the conditions and restrictions.

Mr. Gardner suggested, at this point, taking an informal poll to see how each Commission member stood as to permitting day care homes by right with conditions, or day care homes by Board of Adjustment approval, which is no change to the code. Those wishing to consider amending the zoning code, with some modifications, were Paddock, VanFossen and Carnes. Those in favor of Board of Adjustment consideration, as is now required, were Woodard, Higgins, Wilson, Kempe, Connery and Draughon.

Based on this poll, Mr. VanFossen withdrew his motion. Mr. Connery motioned for a continuance, and after discussion withdrew the motion. Mr. VanFossen then motioned for denial in order bring the matter to a vote and conclusion.

The Planning Commission voted 5-4-0 (Draughon, Higgins, Kempe, Wilson, Woodard, "aye"; Carnes, Connery, Paddock, VanFossen, "nay"; no "abstentions"; Harris, Young, "absent") to DENY an Amendment to the Tulsa Zoning Code for family day care homes.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6070
Applicant: Irvine, et al
Location: SE corner 71st & Peoria

Present Zoning: RM-2, RD
Proposed Zoning: CS

Date of Hearing: September 4, 1985
Continued from Hearing Date: August 14, 1985
Size of Tract: 4 acres, more or less
Presentation to TMAPC by: Roy Johnsen, 324 Main Mall

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

Site Analysis: The subject tract is approximately four acres in size and located at the southeast corner of the proposed Riverside Parkway and East 71st Street. It is partially wooded, flat, contains three single family dwellings and is zoned RD and RS-2.

Surrounding Area Analysis: The tract is abutted on the north by a convenience store zoned CS, on the east by a commercial development presently under construction zoned CS, RM-1 and PUD, and on the south and west by scattered single-family dwellings on large lots zoned RS-2.

Zoning and BOA Historical Summary: Medium Intensity uses have been allowed along 71st Street, between the Arkansas River and Lewis Avenue. The depth of medium intensity zoning along 71st Street varies. On the south side of 71st Street, it is generally 330' without a PUD and 375' with a PUD. The PUD then allows spreading of the commercial uses 700' from the centerline of 71st Street. Ten acres is permitted at the major intersection of Peoria Avenue and 71st Street based on the Development Guidelines.

Conclusion: Peoria Avenue is unimproved south of 71st Street and, therefore, the District 18 Comprehensive Plan did not recognize this intersection as a Type II Node. However, Riverside Parkway (right-of-way purchased and bids to go out) will extend south to 81st Street, thereby creating a four way intersection and Type II Node.

Based on these factors, the Staff recommends APPROVAL of CS, except any portion within the Riverside Parkway right-of-way, and except for "P" parking classification on the south 75' thereof.

Comments & Discussion:

In reply to a question from Mr. Paddock, Mr. Gardner informed that, since there will be a four way intersection at the subject tract, we can consider it a Type II Node. Mr. Johnson further clarified the actual property lines and abutting properties.

TMAPC ACTION: 8 members present

On MOTION of CARNES, the Planning Commission voted 8-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Woodard, Young, "absent") to APPROVE Z-6070 for CS, as recommended by Staff.

Legal Description:

South 345' of Lot Seven (7); the south 435' of Lot Six (6); Lot Five (5) and the north 35' of Lot Six (6), Pelton, a subdivision of Lot Five (5); the south 50' of Lot Six (6) and all of Lots Seven (7), Eight (8) and Nine (9), Pelton, a subdivision of Lot Five (5); Lots Ten (10), Eleven (11) and Twelve (12), Pelton, a subdivision of Lot Five (5), Valley Bend Subdivision, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

A parcel of land lying in Lot 8, Valley Bend Subdivision of Lot 1, Section 7, Township 18 North, Range 13 East, Tulsa County, Oklahoma being more particularly described as follows, to wit: Lot 8 less and except a parcel beginning at a point on the west line of said Lot 8, 25.00' south of the northwest corner thereof; thence south along the west line, 600.00' to the southwest corner of Lot 8; thence N 89° 25' 55" E along the south line of Lot 8, 147.61'; thence N 8° 21' 53" W, 595.57'; thence N 40° 32' 02" E 7.89 feet; thence N 89° 25' 55" E 90.86' to a point on the east line of Lot 8; thence N 0° 19' 29" W along the east line of Lot 8 4.00'; thence S 89° 25' 55" W 157.49' to the point of beginning.

Application No.: PUD #397 Present Zoning: Vacant
Applicant: Moody (61MM 1-70) Proposed Zoning: RS-3, RM-1 & RD
Location: South Side of 61st & 1/2 mile East of Memorial

Date of Hearing: September 4, 1985
Continued from Hearing Date: August 21, 1985
Size of Tract: 39 acres, more or less
Presentation to TMAPC by: John Moody, 4100 Bank of Oklahoma Tower

Staff Recommendation:

The TMAPC reviewed this PUD on July 17, 1985, and indicated conditional support if the applicant would confine the south boundary of the RM-1 zoning to the south boundary of the AG District on the west, and also confine RM-1 zoning only to all remaining areas east of the South 91st East Avenue extension. The area west of South 91st and south of the RM-1 area was to be rezoned RS-3; although, duplex densities of 8.7 units per acre could be utilized for purposes of transfer if this area was limited to actual single family detached development. The applicant submitted a revised development plan on August 29, 1985, which requests the following: 240,000 square feet of office space to be developed mid-rise (six story/72 feet tall) and office park (two story/26 feet tall) and 376 units of apartments east of 91st and 56 dwelling units on the balance. Some of the apartment units would be 37 feet or three stories tall. The Staff calculations indicates that RM-1 zoning, in accordance with TMAPC direction, would support 240,000 square feet of office development, 376 units of multi-family, plus 56 units of single family and duplex within the RS-3 area. The Staff is not supportive, however, of the applicant's revised Plan because we are not support of the Development Plan for areas E and F. We feel strongly that these area should contain only detached single family homes such as are being developed in the Kingsridge Addition to the south.

The requested Development Standards are shown on the attached, "Amended Woodland Valley Development Specifications". The Project is divided into Development Areas A - F: **Area A** - mid rise office; **Area B** - low rise office; **Area C** - elderly housing; **Area D** - apartments; **Area E** - duplexes; and **Area F** - houses. The Staff would recommend, in particular, that the amended plan be revised as a minimum to change Area E from duplexes to single family detached houses, and that no residential units be allowed to front onto South 91st. Further, that a screening fence and landscape buffer be required along the west right-of-way of South 91st where it abuts the single family detached residential area and that the development maximums be as follows: Office - 240,000 square feet as requested; 376 multi family units, as requested (east of 91st East Avenue); and that the area west of 91st East Avenue, Areas E and F be limited to 56 single family detached units and that no duplexes be permitted.

AMENDED WOODLAND VALLEY DEVELOPMENT SPECIFICATIONS

Area A - mid rise office:

| | |
|-------------------------------------|------------|
| Maximum floor area | 100,000 sf |
| Land area | 225,000 sf |
| Parking req. 100,000 / 300 = | 333 spaces |
| Parking shown | 333 spaces |
| Minimum open space | 88,000 sf |
| Maximum height of building - 6 x 12 | 72 ft. |
| Set-backs - arterials | 240 ft. |
| non-arterials | 100 ft. |
| West Boundary | 100 ft. |
| South Boundary | 100 ft. |

Area B - low rise office:

| | |
|-----------------------------------|------------|
| 7 - 2-story buildings - total sft | 140,000 sf |
| Land area | 359,000 sf |
| Parking req. - 466 spaces | 466 spaces |
| Parking shown | 466 spaces |
| Minimum open space | 89,406 sf |
| Height of building | 26 ft. |
| Set-backs - arterials | 90 ft. |
| non-arterials | 40 ft. |
| abutting R district | 60 ft. |

Area C - elderly housing

| | |
|---|------------|
| 2 & 3 story apartment buildings (156 units) | 138,600 sf |
| Land area | 250,000 sf |
| Parking at 1 per unit | 156 spaces |
| Parking area 156 x 270 = 42,120) | |
| drives at .03% = 1,263) | 43,383.6 |
| Land area per dwelling unit | 1,602 sf |
| Open space - building area - 30,800 | |
| parking - 43,383 | |
| 250,000 - (30,000 + 43,383) = | 175,817 sf |
| Livability space per unit | 1,127 sf |
| Height of building - maximum | 37 ft. |
| Set-backs - non-arterial | 110 ft. |
| property min. | 40 ft. |

Area D - apartments

| | |
|--|----------------|
| Building areas - | |
| 2 Bd. 860 sf x 72 = 61,970) | |
| 1 Bd. 7900 x 148 = 103,600) | 165,520 sf |
| Land area | 366,000 sf |
| Land area per dwelling unit | 1663 per unit |
| Parking req. | |
| 2 Bd. 72 x 2 = 144) | |
| 1 Bd. 148 x 1.5 = 222) | 366 spaces |
| Parking shown | 366 spaces |
| Open Space | |
| Buildings | 165,520 |
| Parking 366 x 270 = 98,820 at 3% - 2,964 | <u>101,784</u> |
| | 267,304 |
| 366,000 - 267,304 = | 98,696 sf |
| Livability space per D.U. | 448 sf |
| Height of buildings - max. | 35 ft. |
| Set-backs - rear | 20 ft. |
| side | 10 ft. |
| minimum distance between building | 20 ft. |
| arterial streets | 35 ft. |
| non-arterial | 25 ft. |

Area E - duplexes

| | |
|-------------------------------|------------|
| Building areas (1400 sf x 16) | 22,400 sf |
| Land area | 113,910 sf |
| Minimum lot area | 7,119 sf |
| Height of buildings - max. | 35 ft. |
| Set-backs - front yard | 35 ft. |
| side | 10 ft. |
| rear | 10 ft. |

Area F - houses

| | |
|----------------------------|------------|
| Each house 1600 sf x 40 | 70,400 sf |
| Land area | 370,755 sf |
| Minimum lot area | 6,300 sf |
| Height of buildings - max. | 35 ft. |
| Set-backs - front yard | 35 ft. |
| side | 10 ft. |
| rear | 10 ft. |

Applicant's Comments:

Mr. John Moody presented a detailed description of the amended PUD plans. In response to a question by Mr. Draughon, Mr. Moody clarified the use of the detention pond and compensatory storage. To clear any confusion between Applicant, Staff and Stormwater Management, the Commission asked Staff to obtain a report from Stormwater Management as to the status of the detention pond, compensatory storage and/or any "fees in lieu of".

Ms. Wilson asked Mr. Moody if his client was in agreement with the Staff recommendation, with the exception of Areas E and F. Mr. Moody replied they would like flexibility on the side yard setbacks. Mr. Frank advised Staff did not expect final action from the Commission on this today, as Staff had reviewed the Development Standards generally, only from the standpoint of density and intensity. Mr. Frank stated the changes in Areas E and F were recommended because Staff did not feel it was good land use to have duplexes across the street from single family dwellings. Based on a question by Mr. Paddock, Mr. Moody stated that, after conversation with this client, they would accept the limitation recommended for Area E and would have to present the changes at the next meeting, subject to having the right of making one side yard a zero side yard with 10' separation between buildings.

Comments & Discussion:

Mr. VanFossen, after obtaining the access points of the PUD, stated support of the Staff recommendation. Ms. Higgins asked Staff for clarification of the lot lines.

TMAPC ACTION: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 9-0-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, VanFossen, "aye"; Draughon, "nay"; no "abstentions"; (Woodard, Harris, Young, "absent") to APPROVE PUD #397, as recommended by Staff, with the right to consider patio homes in Areas E and F, and subject to a final review by TMAPC.

Application No.: Z-6067
Applicant: Blackburn
Location: West of SW Corner of 51st & Peoria

Present Zoning: RM-2
Proposed Zoning: CS

Date of Application: July 12, 1985
Date of Hearing: September 4, 1985
Size of Tract: .7 acres, more or less

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Residential, Corridor.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .7 acres in size and located on the south side of the Skelly Drive Expressway Service Road, between Peoria Avenue and Norfolk Avenue. It is non-wooded, flat, contains an unoccupied service station and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north by the Skelly Drive Expressway zoned RS-3, on the east by a motel complex zoned CH, on the south by an apartment complex zoned RM-2, and on the west by vacant property zoned OM.

Zoning and BOA Historical Summary: Research by the Staff indicates that the service station is a nonconforming use in the RM-2 district.

Conclusion: Although the service station is considered a legal nonconforming use, the use could not be changed to a restaurant. The zoning request is consistent with the Comprehensive Plan. The subject tract is adequately buffered and separated from adjacent single-family residential areas.

Based on the above information, the Staff can support commercial zoning on the subject tract and recommends APPROVAL of CS zoning as requested.

Applicant's Comments:

Ms. Jean Blackburn, 5801 SW Rogers Point Road, Claremore, representing the owners, requested explanation of the CS zoning.

TMAPC ACTION: 7 members present

On MOTION of PADDOCK, the Planning Commission voted 7-0-0 (Carnes, Draughton, Connery, Higgins, Kempe, Paddock, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Wilson, Woodard, Young, "absent") to APPROVE Z-6067, as recommended by Staff.

Legal Description:

A portion of the Northeast corner of the NE 1/4 of the NE 1/4 of Section 36, T19N, R12E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows to-wit: COMMENCING at a point on the southerly R/W of the 51st Street Bypass, said point being 655' west of the NE corner of said section, and 100.36' South of the North Boundary of said section, thence in a SELY direction along said R/W a distance of 150.58' to a point which is 113.68' south of the north boundary of said section, a distance of 143.34' to a point, thence west a distance of 150' to a point which is 257.02' south of the north boundary of said section, thence north and parallel to the east boundary of said section a distance of 156.66' to the southerly R/W of said bypass and the point of beginning.

OTHER BUSINESS:

PUD #198-A-3

Lot 9, Block 1, South Tulsa Office Park

Staff Recommendation - Minor Amendment to Allow Lot Split

The subject is located at the southwest corner of East 61st Street and Maplewood Avenue. A medical office building presently exists on Lot 9, Block 1, and the applicant is requesting to split the building to allow two separate ownerships and will own the parking area in common between the new owners.

The Staff recommends APPROVAL of PUD #198-A-3, subject to the following conditions:

- (1) Approval of a lot split application dividing the building improvements on Lot 9, Block 1, along common party walls.
- (2) Filing of an amendment to the Deeds of Dedication as approved by the City of Tulsa Legal Department, affirming an undivided ownership of the new parcels in the common parking areas.
- (3) Subject to the parking area meeting a minimum requirement of one parking space per each 250 square feet of gross floor area in the building or a suitable agreement on file guaranteeing shared parking in accordance with the City of Tulsa Zoning Code.

Comments & Discussion:

Mr. VanFossen inquired as to the firewall requirement. Mr. Al Givray, attorney for one of the parties seeking the split, advised the wall was built from scratch, but could not confirm if it was a firewall. Mr. VanFossen suggested a continuance until Staff could verify with Building Inspection that the building will meet the requirements of a lot line separation. Mr. Paddock recommended adding this as a condition of approval; Mr. VanFossen agreed. Mr. Linker requested the Commission approve the covenant, subject to Legal Department approval and verification of the firewall.

TMAPC ACTION: 7 members present

On MOTION of VANFOSSEN, the Planning Commission voted 7-0-0 (Carnes, Draughton, Connery, Higgins, Kempe, Paddock, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Wilson, Woodard, Young, "absent") to APPROVE PUD #198-A-3, subject to approval by the Legal Department and confirmation by Building Inspection the building, as constructed, complies with requirements of crossing a lot line, with reference to the Fire Code.

Staff Recommendation - Detail Landscape Plan

PUD #274, One Summit Plaza, is located north of the northeast corner of 61st Street and Lewis Avenue. It is approximately 13.85 acres in size and was approved in January 1982 for office and attached residential dwelling use. The applicant is now requesting Detail Landscape Plan approval for Development Area B, which includes 5.69 acres of multi-story office use. The structure is complete and appears to be ready for occupancy at this time.

After review of the applicant's submitted plans, the Staff finds the request to be consistent with the original PUD and the required 21% minimum interior landscaped open area has been met. The applicant has also supplied a detail schedule of planting types and sizes for the file. The proposed plans makes use of landscaping next to the subject building, as well as island landscaping in the parking area. Three berms are proposed along the Lewis frontage that should screen parked cars from passing traffic.

Based on the above facts, the Staff can support the proposed request and plans and, therefore, recommends APPROVAL of the Detail Landscape Plans for PUD #274, Development Area "B".

TMAPC ACTION: 7 members present

On MOTION of VANFOSSEN, the Planning Commission voted 7-0-0 (Carnes, Draughon, Connery, Higgins, Kempe, Paddock, VanFossen, "aye"; no "nays"; no "abstentions"; (Harris, Wilson, Woodard, Young, "absent") to APPROVE PUD #274, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 7:45 p.m.

Date Approved September 18, 1985

Cherry Kempe
Chairman

ATTEST:

RR Paddock
Secretary