

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1589
Wednesday, January 29, 1986, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Young	Frank	Linker, Legal Counsel
Doherty, 2nd Vice-Chairman		Gardner	
Draughon		Jones	
Kempe		Setters	
Paddock, Secretary			
Parmeale, Chairman			
Selph			
VanFossen			
Wilson, 1st Vice-Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 28, 1986 at 12:02 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 1:37 p.m.

MINUTES:

Approval of Minutes of January 15, 1986, Meeting No. 1587:

On **MOTION** of **WOODARD**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Parmele, "abstaining"; (Young, "absent")) to **APPROVE** the **Minutes of January 15, 1986, Meeting No. 1587.**

Approval of Amended Minutes of May 1, 1985, Page 18, Meeting No. 1553:

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Parmele, "abstaining"; (Young, "absent")) to **APPROVE** the **Amended Minutes of May 1, 1985, Meeting No. 1553,** correcting the legal description for **Z-6041** (page 18).

MINUTES - Cont'd

Ms. Wilson asked for a correction to the January 8, 1986 minutes to read as follows: "Ms. Wilson asked Ms. Lew how a neighborhood could be a good role model to a group home in an area where the neighborhood is strongly opposed to them." Chairman Kempe directed this correction be made to page 20 of those minutes.

REPORTS:

Chairman's Report:

Chairman Kempe inquired if it was the intent of the Commission to schedule a meeting for December 31, 1986 when they adopted the 1986 Calendar of Meetings. After discussion by the Commission, it was agreed this was an oversight.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **DELETE** the Scheduled December 31st TMAPC Meeting from the 1986 Calendar.

Committee Reports:

Mr. Paddock advised of the joint committee meeting of the **Comprehensive Plan Committee** and the **Rules & Regulations Committee** this date to discuss the Special Housing Needs Study. It was agreed to recess the meeting until next Wednesday, February 5th, to continue discussions on the proposed definitions for the study.

Director's Report: Election of TMAPC Officers for 1986

Chairman:

The Chair declared nominations open for Chairman. Mr. Carnes nominated Bob Parmele; Mr. Draughon nominated Cherry Kempe.

The vote was six (6) for **PARMELE** (Carnes, Doherty, Parmele, Selph, VanFossen, Woodard) and four (4) for **KEMPE** (Draughon, Kempe, Paddock, Wilson), no abstentions. Ms. Kempe relinquished the Chair to the newly elected Chairman of the TMAPC, Bob Parmele.

Director's Report: Election of TMAPC Officers for 1986 - Cont'd

First Vice-Chairman:

The Chair declared nominations open for First Vice-Chairman. Mr. Draughon nominated Marilyn Wilson. There being no further nominations, the Chair declared the nominations closed.

On **MOTION** of **DRAUGHON**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **ELECT Marilyn Wilson as First Vice-Chairman** of the TMAPC.

Second Vice-Chairman:

The Chair declared nominations open for Second Vice-Chairman. Mr. VanFossen nominated Jim Doherty. There being no further nominations, the Chair declared the nominations closed.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **ELECT Jim Doherty as Second Vice-Chairman** of the TMAPC.

Secretary:

The Chair declared nominations open for Secretary. Ms. Wilson nominated Bob Paddock. There being no further nominations, the Chair declared the nominations closed.

On **MOTION** of **WILSON**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **ELECT Bob Paddock as Secretary** of the TMAPC.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6096
Applicant: Norman (Barnes)
Location: 4100 North Harvard
Size of Tract: 40 acres (approximate)

Present Zoning: RS-3
Proposed Zoning: RMH

Date of Hearing: January 29, 1986 (continued from January 15th)
Presentation to TMAPC: Mr. Charles Norman, 909 Kennedy Building (583-7571)

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately 40 acres in size and is located at the southeast corner of Harvard Avenue and Mohawk Park Road. It is partially wooded, rolling, contains several vacant buildings and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by the City of Tulsa Water Treatment Plant and vacant property zoned RS-3; on the east by a PSO substation and vacant property zoned RS-3 and AG; on the south by the Tulsa County District #1 Garage Facilities and large lot single-family dwellings zoned CG, CS and RS-3; on the west by scattered single-family dwellings and vacant property zoned RS-3; and to the southeast are quality single-family dwellings.

Zoning and BOA Historical Summary: None.

Conclusion: The subject tract is situated among uses ranging from Industrial to large lot single-family residential. The zoning pattern and existing land use would not support a transition to an intense residential or industrial use at this time. Mobile home usage could be acceptable in this area, but not for the entire tract, and not at RMH intensities. Adjacent single-family areas located to the southeast of the subject tract are developed at approximately 1.17 dwelling units per acre. Consideration should be given for developing the southeast portion of the subject tract at RS standards and for conventional single-family uses. On the western portions of the subject tract and the northern most portion (as far south as the south boundary of the Water Treatment Plant), mobile home park use at reduced densities would be acceptable due to the Harvard frontage commercial zoning, under the control of a PUD with no access permitted between the RS-3 and RMH areas.

Therefore, Staff recommends APPROVAL of RMH zoning on the west 350' and denial on the balance of the subject tract (approximately ten acres), restricting mobile home development to the Harvard frontage, next to the County Garage. This would allow a maximum of 80 mobile homes in the RMH area. **NOTE:** If the Commission is inclined to increase that number, 15 acres (west 495') of RMH or 120 mobile homes with a PUD could be spread over the west 600' and the north 650'. The southeast (approximately 11 acres) would remain RS-3 single-family.

Applicant's Comments:

Mr. Charles Norman, representing Mr. Jim Barnes, advised this used to be the location of the Lakeview Amusement Park. Mr. Norman presented pictures of the site which showed the vandalism to buildings remaining on the property and how the site has been used as a dump area, as well as pictures indicating the condition and use of the surrounding areas.

Mr. Norman advised the applicant is not requesting RMH zoning on the single-family area adjacent to the southeast portion. Nor, are they requesting access to Knoxville or Louisville for the mobile home development. Mr. Norman suggested deleting the southeast ten acres, which would then permit Knoxville and Louisville to be routed north, turning east and inter-connect. Mr. Norman stated, in view of the publicly owned area to the north and the flood plain, it appeared unlikely the northeast ten acres would ever develop into single-family usage. Mr. Norman commented there is a demand for this type of housing and the applicant feels this development would be a substantial improvement over the existing use.

Ms. Wilson asked if the applicant was requesting an amendment to delete the southeast corner (ten acres) of the property. Mr. Norman confirmed this, and stated it would be the east 660' of the south 660'. Mr. Doherty asked if the applicant considered the northern 200' of the northwestern portion suitable for mobile homes. Mr. Norman stated it was suitable, except for some modifications for drainage, and reviewed the elevations of the tract. In reply to Mr. Woodard, Mr. Norman advised the access would all have to be from Harvard. Mr. Doherty inquired if the applicant might want access from Mohawk Boulevard. Mr. Norman commented he did not think that would work too well, and feels the best access points would be in the vicinity of the old points of access to the amusement park. Ms. Wilson asked Mr. Norman his opinion as to why this tract has not previously been developed as RS-3. Mr. Norman stated there may be several reasons, one of which is there is presently no available sewer service and there are other areas to the south and southwest more suitable for RS-3 development. Mr. Norman reiterated he felt the subject tract to be a location where mobile home usage and development would not adversely affect any of the existing uses, but would be compatible with these uses, and still provide an acceptable location for this type of housing.

Mr. VanFossen asked Mr. Norman to comment on the Staff recommendation where a PUD is suggested allowing 120 mobile homes, even though RMH zoning would permit approximately 240 units. Mr. Norman commented he did not think Staff was objecting to the usage on the 30 acres, therefore it becomes a matter of how many units and whether or not a PUD should be required. Mr. Norman continued by stating the Zoning Code for the RMH District established an acceptable density for mobile homes at eight units per acre, and he did not quite understand the basis of the Staff suggestion that the intensity permitted by the ordinance was unacceptable on this application. Ms. Wilson asked Staff to clarify the intent of their recommendation. Mr. Frank stated, considering that the RMH use is a "may be found" in all of the low intensity districts, Staff looked at the character and uses that surround this tract when making their recommendation. In response to Chairman Parmele, Mr. Frank clarified Staff is recommending approval of ten acres of RMH (eight units per acre), or an alternate of 15 acres with a PUD, but the PUD would set the number of units at four per acre. Mr. Norman stated that, economically, the circumstances are altered (plumbing, utilities, etc.) if they try to spread the units out to four per acre, as opposed to eight per acre, as permitted under the Code.

Interested Parties:

Mr. Vernon Hobbs	Address: 3631 East 36th Street North
Ms. Sandra Alexander	3624 North Harvard
Ms. Naomi Claybon	3747 East 36th Street North
Mr. Wallace McLeod	3737 East 36th Street North
Mr. Troy Daniels	3675 North Louisville
Ms. Dorothy Pitts	3816 North Gary

Mr. Vernon Hobbs submitted photos of the homes in the neighborhood, and stated he did not feel the area was sparsely populated as the lots are three quarters of an acre or larger. Mr. Hobbs stated this was due to the homes not being on a sewer system, but septic tanks. Mr. Hobbs advised there were several parameters for nongrowth already in this area, such as a factory, the County Maintenance Yard and the City Maintenance Yard, and he felt a mobile home park would be an additional nongrowth parameter. Therefore, he requested the Commission deny this application.

Discussion followed in reference to the sewer/septic systems in the area, with the consensus being that a sewage lagoon would not be permitted. Possible routes for connecting with existing sewer facilities were also discussed.

Ms. Sandra Alexander, an attorney representing John M. and Alice Alexander, stated she has resided in this area for the past 23 years. Ms. Alexander presented a petition with 32 signatures of other homeowners in the area who have asked she also speak for them in requesting denial of the zoning request. Ms. Alexander advised that 75% of the residences in this development were there prior to annexation in 1966. At a later date this area was rezoned from AG to RS-3 and, although RS-3, the land use is at a low level of intensity. Ms. Alexander asked the Commission to think

of this area in terms of acres and not lots or plots, and in reality, it appeared to be more RS-1 usage. She continued by stating that the requested intensity of land use would be incompatible with the area, and requested denial of this application by the TMAPC.

Ms. Naomi Claybon stated she has been before the Commission many times to protest undesirable developments in this area, as the homeowners would like to keep it a nice residential area. Ms. Claybon stated she did not want a development that would depreciate their property values.

Mr. Wallace McLeod commented the homeowner's, in the past, had not wanted apartments at this location and they do not want mobile homes either.

Mr. Troy Daniels remarked this was one of the better residential areas on the north side, and the homeowner's would like to see it remain that way. He did not feel that the mobile home idea would be compatible to the area, and commented the homeowners have no indication as to the type of mobile homes or type of tenants that might move in. Mr. Daniels mentioned previous flooding in the area and voiced concerns about future flooding. He wondered why this was a particular focus area for mobile homes and stated similar housing as is already in the area would be better suited.

Ms. Dorothy Pitts inquired as to where water run-off would go and stated concerns over possible flooding.

Applicant's Rebuttal:

Mr. Norman clarified there has never been a zoning application on this property, as the applicant has owned this property for ten years. Mr. Norman stated the applicant has experienced no drainage problems on the property. Mr. Norman reiterated they are not asking to do anything that would adversely affect the area, and pointed out that all but one of the protestants lived further south and southeast of the subject tract. Mr. Norman confirmed this type of development could only occur with the installation of a sanitary sewer system. He also stated the uses to the west and north (City and County garages, factory, etc.) have not had an adverse affect on the quality of development and he did not feel that mobile home usage would be a detriment, but would be an asset.

In response to Mr. Doherty regarding the sewage system, Mr. Norman commented that if a lift is needed, the developer would have to provide this. Ms. Wilson asked if the applicant had a contract to sell the property, either before or after the zoning change. Mr. Norman replied the applicant does not intend to sell the property, but develop it himself. Mr. VanFossen stated he favored the PUD approach and asked if the applicant had considered a PUD application. Mr. Norman advised the applicant was not considering it at this time due to the disagreement with the Staff recommendation to reduce density. Mr. Carnes made a motion for denial of this zoning application.

Mr. Draughon commented he was concerned that there was no floodplain determination or information from Stormwater Management and he felt uncomfortable acting on the zoning application without this. Mr. Frank advised Stormwater Management will be presenting the new ordinances to the TMAPC at the February 19th meeting. Mr. Frank stated that, under PUD's and/or Site Plan, the procedures require applicants to go before the Technical Advisory Committee (TAC), which has Stormwater Management, Engineering, Water and Sewer, Traffic, etc. information included in their presentation. The TAC recommendations are noted in Staff recommendations to the Planning Commission.

Mr. Doherty stated, although he felt mobile home usage may not be inappropriate, a PUD to protect the single-family use of the area might be in order, but he was not in favor of the application as presented. Mr. VanFossen asked if the applicant might want a continuance to allow time to consider a PUD application. Mr. Norman stated he did not see how his client could rationally prepare a PUD without some indication of what intensity might be considered appropriate. If it is the intention of the Commission to deny the use entirely, he did not think that preparing a PUD would be helpful. Mr. Frank commented it would be appropriate, if it was the consensus of the Commission to be supportive of the use, to state a range of intensity. Mr. Carnes reminded the Commission that a motion and second had been made for denial.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-2** (Carnes, Doherty, Draughon, Kempe, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Paddock, VanFossen, "abstentions"; (Young, "absent") to **DENY Z-6096 (Barnes) for RMH.**

ZONING PUBLIC HEARING:

Application No.: **Z-6098** Present Zoning: **RS-3**
Applicant: **Moore** Proposed Zoning: **CS**
Location: West of the SW/c of Peoria & 36th Street North
Size of Tract: 1.6 acres (approximate)

Date of Hearing: January 29, 1986
Presentation to TMAPC: Mr. James Moore, 2555 East 47th Place North (428-1064)

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity-No Specific Land Use.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately 1.6 acres in size and located West of the Southwest corner of 36th St. North and Peoria Avenue. It is non-wooded, gently sloping, vacant, with some construction work taking place on the south portion and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the North by vacant property zoned RS-3 and CH, on the East and West by vacant property zoned CS, and on the South by the Nathaniel Hawthorne Elementary School and Park zoned RS-3.

Zoning and BOA Historical Summary: Review of the case maps shows existing CS zoning on the east and west side of the subject tract. There is also industrial zoning and land uses in the area.

Conclusion: Based on the Comprehensive Plan and existing zoning patterns, Staff can support the requested CS zoning and recommends APPROVAL.

TMAPC ACTION: 10 members present

On **MOTION** of SELPH, the Planning Commission voted 10-0-0 (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **APPROVE Z-6098 (Moore) for CS**, as recommended by Staff.

Legal Description:

Lot 5 of vacated Plat #1717, Iris Gardens Addition to the City of Tulsa, Tulsa County, Oklahoma and a portion of the North half of the NE Quarter of the NE Quarter of Section 24, Township 20 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma. Beginning at a point 50.0' South of the North Line of Section 24 and 691.0' West of the NE corner of Section 24, thence South a distance of 538.0', thence West a distance of 134.48', thence North a distance of 538.0', thence East a distance of 134.48' to the point of beginning, containing in all 1.66 acres.

* * * * *

Application No.: PUD #166-D Present Zoning: CS, RM-1, RS-3
Applicant: Johnsen (Anderson Properties) Proposed Zoning: Unchanged
Location: South & East of the SE/c of 91st & Sheridan
Size of Tract: 11.12 acres (approximate)

Date of Hearing: January 29, 1986
Presentation to TMAPC: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Staff Recommendation - Major Amendment

The application will supersede PUD #166-A if approved. The subject tract has an area of 11.12 acres and has been allocated 119,225 square feet of floor area. Underlying zoning for this tract is CS at the intersection node, RM-1 wrap around, and RS-3 on the south boundary which abuts East 93rd Street. The uses approved under PUD #166-A are those uses permitted by right in a CS District, excluding Use Unit 8 - Multi-family Dwellings, Use Unit 17 - Automotive and Allied Activity, and Use Unit 20 - Commercial Recreation/Intensive (was Use Unit 18.) The presently approved Plan allows the commercial uses to be spread south from the CS area, across the RM-1 area, and to the extreme south boundary of the PUD which is the north right-of-way line of East 93rd Street. The south approximately 125' of the PUD is zoned RS-3 Single-Family Residential. The Detail Site Plan (approved by the TMAPC 7/11/79) allows two curb cuts from East 93rd for a secondary drive which would serve only the rear or south and east of the commercial buildings. This Plan would permit the heaviest and largest trucks to enter the development from the residential collector street.

The major amendment is requested to permit the subject tract to be divided into four Development Areas: **Area 1** - 2.38 acres presently developed for retail and shopping uses; **Area 2** - 6.97 acres proposed for CS uses; **Area 3** - .95 acres proposed for restricted restaurant uses (no bar); and **Area 4** - .82 acres proposed for a childrens' day care center.

Area 2 would confine all of its access to three points along Sheridan only, which Staff considers a significant improvement upon the previous Plan. Area 3 would share the furthest south access point with Area 2 and have no access from the residential collector street. Area 4, located at the southeast corner of the subject tract, would have two points of access from the residential collector street and off-street parking for 15 cars. It is also provided with a 40' landscape buffer along the east boundary and the circular driveway design is intended to eliminate any parking on the street. Generous landscaping and a screening fence/berm is also proposed along the south boundaries of Areas 3 and 4. Signage controls for Areas 3 and 4 are most restrictive and should lessen the impact of this development upon adjacent residential areas to the south of 93rd. These residential areas do not face into the subject tract. The transition from commercial to residential is difficult; however, Staff believes the applicant has addressed the major areas of concern (screening, access, buffering, landscaping, restrictive signage, and restrictions placed upon the uses of Areas 3 and 4 in particular).

PUD #166-D Johnsen (Anderson Properties) - Cont'd

Therefore, Staff review of PUD 166-D finds it to be: (1) Consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site and an improvement upon PUD 166-A; and (4) consistent with the stated purposes and standards of PUD Chapter of the Zoning Code.

Staff recommends APPROVAL of PUD 166-D subject to the following conditions:

- 1) That the applicant's illustrative Site Plan, Text, and Exterior Facade Detail for Area 4 be made conditions of approval, unless modified herein.
- 2) Development Standards:

Development Area 1

Development Area 1 has been developed as an earlier phase of PUD 166 (Development Area A) and complies with the following development standards:

Net Area:	2.38 acres
Permitted Uses:	As permitted within a CS Shopping District
Maximum Floor Area:	24,100 sf
Maximum Building Height:	28 ft
Maximum Stories:	2 stories
Minimum Building Setbacks:	
from centerline of 91st	100 ft
from East property line	30 ft
from Southerly development area line	40 ft
from West property line	25 ft
Parking Ratio:	1 space/225 sf of floor area
Minimum Interior Landscaped Open Space:	10% of net area, excluding landscaped right-of-way
Other Bulk & Area Requirements:	As required within a CS Shopping District

Development Area 2

Net Area: 6.97 acres
Permitted Uses: As permitted within a CS Shopping District
Maximum Floor Area: 81,425 sf
Maximum Building Height: 28 ft
Maximum Stories: 2 Stories
Minimum Building Setbacks:
 from centerline of Sheridan 100 ft
 from East property line 35 ft
 from Northerly development area line 30 ft
 from Southerly development area line 20 ft
Parking Ratio: 1 space/225 sf of floor area
Minimum Interior Landscaped Open Space: 8% of net area, excluding landscaped right-of-way
Other Bulk & Area Requirements: As required within a CS Shopping District

Development Area 3

Development Area 3 is proposed for development as a free standing restaurant, or ice cream/food establishment, or as an office building.

Net Area: .95 acres
Permitted Uses: Restaurant, or ice cream/food establishment, or office; provided however, that a bar (whether an accessory or principal use), shall be prohibited.
Maximum Floor Area: 7,000 sf
Minimum Floor Area: 2,000 sf
Maximum Building Height: 23 ft
Maximum Stories: 1 Story
Minimum Building Setbacks:
 from centerline of Sheridan 100 ft
 from property line of 93rd 45 ft
 from North development area line 10 ft
 from East development area line 10 ft
Drive-In Window Location: The drive-in window, if any, shall be located on the North wall of the building.

Parking Ratio:
Restaurant, Ice Cream/Food Establishment 1 space/100 sf of floor area
Office 1 space/300 sf of floor area
Minimum Interior Landscaped Open Space: 10% of net area, excluding landscaped right-of-way
Other Bulk & Area Requirements: As required within a CS Shopping District

Development Area 4

Net Area: .82 acres
Permitted Uses: Childrens' day care center
Maximum Floor Area: 6,700 sf
Maximum Building Height: 23 ft
Maximum Stories: 1 story
Minimum Building Setbacks:
from property line of 93rd 65 ft
from East property line 40 ft
from North development area line 8 ft
from West development area line 75 ft
Parking: 15 spaces plus circular drive
Hours of Operation: The hours of operation of the childrens' day care center shall be limited to Monday through Friday, 6:00 a.m. to 7:00 p.m.
Building Specifications: Accompanying this submittal is a rendering depicting the facade of the proposed building. The building materials and general residential character of the depicted building shall be incorporated within the subsequent submittal of the required Detail Site Plan.

- 3) That all trash, utility and equipment areas shall be screened from public view. A 6' screening fence shall be provided along the west boundary with a combination of screening and landscaping along the south boundary of Areas 3 and 4 as designated in the landscape requirements.

PUD #166-D Johnsen (Anderson Properties) - Cont'd

- 4) That all parking lot lighting shall be directed downward and away from adjacent residential areas. All lighting along the west boundary of Areas 2 and 4, and the south boundary of Areas 3 and 4 shall be shielded and directed away from the adjacent residential areas.
- 5) All signage shall be in accordance with Section 1130.2 (b) of the PUD Chapter of the Zoning Code and as further restricted by the "Outline Development Plan Amended Text". A Detail Sign Plan shall be submitted to the TMAPC for review and approval prior to installation.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. All landscaping and screening shall be installed according to the standards contained in Section V of the "Outline Development Plan Amended Text", which includes, but is not limited to screening along the south and east boundaries, a 40' landscape buffer along the east side of Area 4 and a 20' and 25' buffer with screening fence and berming along the south boundary of Areas 3 and 4, respectively.
- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 8) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit for each Development Area or by phases within an Area. Elevations of building facades shall be required for each of Areas 2, 3, and 4.
- 9) 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. The applicant has requested that replatting not be required; however, that subject should be addressed separately.

Comments & Discussion:

Mr. Gardner reviewed the changes made to this application from the presentation made for PUD #166-A, which had allowed the shopping center extension to 93rd Street and it also allowed heavy truck traffic to enter from backside on 93rd. The new proposal eliminates these options, thereby allowing only the day nursery access on 93rd, and is more restrictive in terms of use, setbacks, signage, etc. In reply to Mr. Paddock, Mr. Gardner confirmed the size of the node is in compliance with the Development Guidelines. Ms. Wilson inquired as to the maximum number of children permitted in the day care center in Area 4. Mr. Gardner advised this is based on the square footage of the building, and commented the applicant redesigned the play areas to be located on the north and west sides, away from the residential area.

Applicant's Comments:

Mr. Roy Johnsen, attorney for the applicant, remarked the day care facility can be licensed for as many as 150 children. Mr. Johnsen reviewed PUD #166 and the history of the Planning Commission actions on this PUD. Along with a Concept Plan, Mr. Johnsen reviewed the changes made to the Detail Site Plan, which was presented to the homeowners in the area. He stressed the design concept for Area 4 was to keep exterior architecture residential in nature.

Ms. Wilson inquired if the applicant had considered fronting the day care center on South Sheridan and not have any access on the residential collector street (93rd). Mr. Johnsen replied they did consider this, but every effort ended with an awkward design layout and reduction in use. Mr. Johnsen reviewed for Mr. Paddock the berm and fencing layout and access for the day care center. In reply to Commissioner Selph, Mr. Johnsen confirmed the square footage of the day care center and the number of children allowed. Mr. Carnes asked, since this is a PUD, if the TMAPC had the authority to limit the number of square feet of the day care center which, in turn, would limit the number of children allowed. Mr. Gardner advised that the Commissioners could make such a condition, as long as it could pass the test of reasonableness.

Interested Parties:

Mr. Mike Cox	Address: 9328 South 65th East Place
Mr. Jim Sanwick	9361 South 67th East Avenue
Ms. Joy Longmire	9422 South 68th East Avenue
Ms. Sara Cox	9328 South 65th East Place
Mr. Bill Schreiber	6741 East 93rd Street
Mr. Brad Keller	6744 East 93rd Street

A general consensus among the Interested Parties was a deep concern over the safety of the children in the Heatheridge Addition, and the extension of commercial into the residential area and access on the residential collector street. Mr. Cox inquired as to the number of parking spaces for the day care center and expressed concern over the cluster of cars during morning and evening pick up times. Mr. Sanwick submitted photos of other day care centers where there was little or no landscaping and inquired as to the enforcement of the conditions of the landscaping plans. He also submitted petitions protesting this commercial development. Mr. Schreiber also stated concerns over the day care center parking and feels restaurant parking would also present a problem. Mr. Keller advised it was his understanding the Planning Commission could rezone an area if there was nothing currently built on it, such as is the case for Areas 3 and 4. He felt, as did the others, this request should be denied. Mr. Keller also asked that the Commission investigate restricting to something other than CS on Areas 3 and 4.

PUD #166-D Johnsen (Anderson Properties) - Cont'd

Ms. Wilson asked Legal if the Planning Commission could place a condition that landscaping be installed and maintained. Mr. Linker advised the Commission could do this, but it would be easiest to enforce for privacy screening considerations as opposed to screening for aesthetic purposes. Based on concerns expressed by the protestants to preserve the neighborhood, Mr. VanFossen clarified that, with the new PUD, the homeowners would no longer be looking at the backside of a building. Ms. Wilson asked if there had been traffic/parking requirement studies done in the past on day care centers.

Ms. Kempe asked Legal about the Commission having the authority to downzone property, and stated it was her understanding that, with a PUD, the City has a form of contract with the developer which is based on the underlying zoning. Mr. Linker stated Mr. Keller's comments were, generally, correct in that there is no vested rights in zoning, even a PUD; however, that is modified when the owner starts development, as they then become vested in their rights. As some development has already taken place in this PUD, Mr. Linker advised it was not that clear as to whether or not there were vested rights. Mr. Carnes, stating a school bus route has been established in this area since the original PUD was first presented (which could create a dangerous situation), asked Legal if traffic conditions could be placed on this PUD. Mr. Linker counseled if the conditions are reasonable and based on facts, they could possibly be imposed even though the applicant does not agree and even though the PUD as it existed before does not have those conditions. Mr. Carnes stated he was not talking about downzoning, but was concerned about traffic in the school bus route on 93rd.

Applicant's Rebuttal:

Mr. Johnsen discussed the downzoning/rezoning issue from an academic standpoint, stating if done, it must be done so on a reasonable and factual basis. Mr. Johnsen commented the applicant is vested in his rights as development has taken place on the subject tract, utilities have been placed, etc. In addressing the issue of traffic from the day care center, Mr. Johnsen reminded that the drivers to the day care center are parents, and as such, are just as concerned about the safety of children. In regard to peak hour traffic, Mr. Johnsen feels it a false issue that these people would pose a threat to the children waiting for the school bus, as the day care center, which opens at 6:30 a.m., staggers the traffic flow, and is closed on weekends. In comparing traffic flow at the Daybridge Learning Center, Mr. Johnsen stated he observed no instances where a driver had to park on the street to take their child up to the center.

Additional Comments & Discussion:

Mr. VanFossen stated he did not think the plan originally approved was good, and although this plan is better, it is still not great. Mr. VanFossen did move for approval with the addition of a condition to insure the landscaping and screening installed will be maintained. Ms. Wilson stated she preferred the old plan over the new one, as what is presented today is not an integrated approach, and would be voting against the

PUD #166-D Johnsen (Anderson Properties) - Cont'd

motion. Chairman Parmele stated he felt the applicant had the right with the existing zoning and the existing PUD to have the requested uses within the shopping center. Commissioner Selph, while agreeing the applicant may have that right, stated he had strong concerns about the traffic issue in regard to the access on 93rd. Ms. Wilson stated she felt access would be better from on 91st and Sheridan.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-3-0** (Draughon, Kempe, Paddock, Parmele, VanFossen, Woodard, "aye"; Carnes, Selph, Wilson, "nay"; no "abstentions"; (Doherty, Young, "absent")) to **APPROVE Major Amendment to PUD #166-D Johnsen (Anderson Properties)**, subject to the conditions as recommended by Staff, and amending condition #6 to include installation and maintenance of the screening and landscaping materials.

Legal Description:

Lots 1 and 2, Block 1, SHERIDAN SQUARE ADDITION, to the City of Tulsa, Tulsa, State of Oklahoma.

OTHER BUSINESS:

PUD #260-A-1

NE/c of East 71st Street & South Yale

Staff Recommendation: Minor Amendment for Signs in Development Area "C" and Detail Sign Plan Review

The approved PUD required compliance with Section 1130.2(b) of the PUD Chapter of the Zoning Code and further limited ground signs to a maximum of two, not to exceed eight feet in height with a maximum display area of 64 square feet, and wall or canopy signs to a maximum of two, with an area not to exceed 75 square feet each (150 square feet total). The submitted Detail Sign Plan complies with ground signage standards; however, the applicant has proposed four wall signs with an area of 178 square feet. Increased numbers of signs is considered to be a minor request, considering there is no such limit in the Zoning Code, and the sign area is only slightly increased from 150 to 178 square feet. Therefore, Staff recommends APPROVAL of PUD #260-A-1 to increase the number of wall signs from two to four and sign display area from 150 square feet to 178 square feet. **NOTE:** Although Staff is supportive of this PUD request, concern is expressed over the height of the wall sign per the Detail Sign Plan review.

Comments & Discussion:

In reply to Ms. Kempe, Staff advised height was not being addressed in the minor amendment, just number of signs and footage. Mr. VanFossen stated he would not be approving any increase for signs as he feels the building "sticks up like a sore thumb" at this hillside location.

Applicant's Comments:

Mr. Rex Ruils of Architects Collective, 4960 South Memorial, stated confusion as he comes up with a different number of signs and different square footage involved in the signs.

Due to confusion between the applicant and Staff as to the actual number of signs and square footage, Ms. Kempe moved for a continuance of this request.

On **MOTION** of **KEMPE**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Young, "absent") to **CONTINUE** Consideration of the **Minor Amendment to PUD 260-A-1 and the Detail Sign Plan for PUD 260-A** until Wednesday, February 5, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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PUD #171:

North of the NW/c of East 81st & South Sheridan,
H-J Plaza, Area B

Staff Recommendation - Amended Deeds of Declaration & Covenants

The TMAPC approved a minor amendment to this PUD on 12/4/85 reducing the north setback line on Lot 1, Block 4 from 25 feet to 13 feet. The applicant has now submitted the necessary Amended Deeds of Declaration and Covenants to incorporate this change. Staff recommends APPROVAL of this request, subject to approval of the City Legal Staff and City Commission.

On **MOTION** of **WILSON**, the Planning Commission voted **8-0-1** (Carnes, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; (Doherty, Young, "absent") to **APPROVE** the **Amended Deeds of Declaration & Covenants for PUD #171**, as recommended by Staff.

PUD #128-A-13

NW/c of 74th & Trenton

Staff Recommendation - Minor Amendment for Setbacks

PUD #128-A is located on the South side of 71st Street on both sides of Trenton Ave. The property has been platted into single-family and duplex lots. It has been approved for a maximum of 2,849 dwelling units on 136 acres. The applicant is now requesting an amendment to the rear yard 20' requirement for seven lots within the subdivision.

After review of the applicant's submitted plans, Staff finds the request to be minor in nature and consistent with the original PUD. In March 1981, a similar minor amendment for the entire subdivision was denied by Staff and TMAPC, based on the opinion the subdivision was being redesigned by minor amendment. Staff suggested a review on a lot-by-lot basis for amendments. Staff recommends APPROVAL of the Minor Amendments per plot plans submitted.

Comments & Discussion:

Staff advised the location of this site is at 74th Street, not 73rd as advertised. Therefore, Staff requested a one week continuance.

On **MOTION** of **WILSON**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Young, "absent") to **CONTINUE Consideration of PUD 128-A-13** until Wednesday, February 5, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

There being no further business, the Chairman declared the meeting adjourned at 5:40 p.m.

Date Approved 2-19-86
[Signature]
Chairman

ATTEST:

[Signature]
Secretary

