

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1599
Wednesday, **April 9, 1986**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 8, 1986 at 9:55 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:31 p.m.

MINUTES:

Approval of Minutes of March 26, 1986, Meeting #1597:

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-1** (Carnes, Kempe, Paddock, Parmele, Selph, VanFossen, Woodard, "aye"; no "nays"; Doherty, "abstaining"; (Draughon, Wilson, Young, "absent") to **APPROVE** the **Minutes of March 26, 1986**, Meeting No. 1597.

REPORTS:

Committee Reports:

Mr. VanFossen announced a Comprehensive Plan Committee meeting scheduled for Wednesday, April 16th at 11:45. The meeting, in Room #1130 of City Hall, will address the Arkansas River Corridor Amendments to the District 6, 7, 9, and 10 Plans.

Director's Report:

Mr. Jerry Lasker advised the City Commission would be hearing the resolution from the TMAPC on changes to the Major Street and Highway Plan. Mr. Lasker stated the City Commission would probably be referring the item back to the Planning Commission for rehearing, due to the unknown 45 day time limit, which automatically approves such a resolution if not acted upon within that time. The City's feeling appears to be that they do not want an issue such as this to be approved in that manner; therefore, it may be referred back to the TMAPC. Mr. Lasker further advised the Special Housing issue will be heard on April 11th by the City Commission.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD 412 (Related Item Z-6101)** Present Zoning: AG
Applicant: **Moody (Highland Park)** Proposed Zoning: CS, RM-1, RS-3
Location: SE/c of Memorial & 81st Street
Size of Tract: 60 acres, approximate

Date of Hearing: April 9, 1986 (Originally heard March 12, 1986)

Continuance requested to April 23, 1986

Presentation to TMAPC: Mr. John Moody, 4100 BOK Tower (588-2651)

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Wilson, Young, "absent") to **CONTINUE Consideration of PUD 412 Moody (Highland Park)** until Wednesday, **April 23, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Comments & Discussion:

Mr. Paddock moved that, in connection with this continuance, if PUD 412 is not recommended for approval by this Commission in two weeks, the TMAPC consider rescinding their recommendation of approval on Z-6101 (3/12/86). Mr. Paddock stated that, as these two items are interrelated, it is important that, should this PUD not be approved, the Commission be in a position to rescind their previous action on the zoning; therefore, he requested the related zoning (Z-6101) also be placed on the agenda for April 23rd. Mr. VanFossen suggested making a motion to just reconsider the zoning as part of PUD 412.

PUD 412 Moody (Highland Park) - Cont'd

Mr. Paddock asked for an opinion from Legal. Mr. Linker advised that, as a portion of this matter was continued to a day certain, and since the zoning was contingent upon approval of the PUD, it would be proper to reconsider the vote on the zoning case, if the PUD was not approved at that time. Mr. Linker further advised that, if the matter had not been passed to a day certain, he would not take this position. Mr. Linker also suggested notifying those present at the previous hearing on the zoning that the zoning might be reconsidered. Chairman Parmele stated that he thought the underlying zoning was compatible with the surrounding land uses and was proper. Mr. Parmele asked Mr. Paddock if he was now trying to imply that, if applicant does not submit a PUD, the Planning Commission is wanting to change the underlying zoning. Mr. Paddock stated the requested zoning was granted as a compromise from an earlier application, and the transmittal of this approval was withheld until the PUD hearing, to allow the applicant time to redesign the PUD in accordance with objections raised at that meeting. If the applicant does not redesign the PUD accordingly, then the Commission should be in a position to rescind their earlier zoning action, which was taken to support the PUD as they were submitted together. Chairman Parmele remarked there are several instances where the TMAPC approves a zoning application where there is no PUD. Mr. Paddock stated he was wanting to bring this case to the attention of the Commission as the vote was taken separately, at the request of the applicant, so he could decide whether or not he wished to pursue the PUD. Ms. Wilson stated agreement to Mr. Paddock's comments that the TMAPC had the right to reconsider the zoning at the time of the PUD hearing.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Young, "absent") to **RECONSIDER Z-6101 Moody (Highland Park)** at the hearing of PUD 412 scheduled for Wednesday, April 23, 1986.

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Application No.: **Z-6106** Present Zoning: RS-3
Applicant: **Johnsen (Roland)** Proposed Zoning: OL
Location: North side 41st Street and East of South 100th East Avenue
Size of Tract: 2.5 acres, more or less

Date of Hearing: April 9, 1986
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Comments & Discussion:

Chairman Parmele advised a request for continuance had been submitted, although not in a timely manner. Mr. Johnsen explained the applicant had entered into a contract to purchase the property and, during the title examination, it became evident there was a problem with a private restriction. Therefore, a continuance was requested to allow the applicant and the seller time to seek a solution. Mr. Johnsen stated the attorney representing the protestants had been advised a continuance was being requested, as was Mr. W.N. Anderson, representing other interested parties and protestants. Mr. Johnsen advised that, should the continuance not be granted, they are not prepared to proceed and would be withdrawing the application.

Mr. W.N. Anderson, 10022 East 40th, Tulsa, OK, stated he was speaking on behalf of the protestants in attendance, and requested the continuance be denied.

In reply to Mr. VanFossen, Mr. Johnsen explained the untimely request for continuance was due to his waiting for a response from his client as to the progress of the title clearance issue, as well as wishing for more time to discuss this matter with Mr. Anderson and the other protestants.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Young, "absent") to **DENY** the **Continuance Request for Z-6106 Johnsen (Roland)**.

Therefore, Mr. Johnsen asked that the application be stricken and withdrawn.

On **MOTION** of **KEMPE**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Young, "absent") to allow the Applicant to **WITHDRAW Z-6106 Johnsen (Roland)**.

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Application No.: **Z-6100** Present Zoning: RM-2
Applicant: **Dale (Corbridge)** Proposed Zoning: OL
Location: NE/c East 8th & South Owasso, 733 South Owasso
Size of Tract: .1 acre, more or less

Date of Hearing: April 9, 1986
Presentation to TMAPC by: Mr. Rick Popp, 10 East Third, (584-1471)

Relationship to the Comprehensive Plan:

The District 4 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 OL District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .1 acre in size and located at the northeast corner of East 8th Street and South Owasso Avenue. It is non-wooded, flat, contains a single-family dwelling and detached accessory building and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north by single-family dwelling use which is also zoned RM-2, on the east by a small medical clinic zoned CH, on the south by vacant property and a cemetery zoned RS-3, and on the west by a duplex use zoned RM-2.

Zoning and BOA Historical Summary: The subject tract and surrounding area north of 8th Street was rezoned RM-2 by study map in 1970, but has continued to remain mostly single-family in use. The Oaklawn Plat was never filed of record but is recorded in the County Clerk's office prior to statehood in 1907. The same request was denied by the Staff, approved by the TMAPC, but denied by the City Commission in 1980.

Conclusion: Although the requested OL zoning is in accordance with the Comprehensive Plan, the request would not be supported by the Development Guidelines. Rezoning the subject tract to OL would be a clear encroachment into the existing residential area. Also, rezoning the area on a lot-by-lot basis could lead to a disorderly transition of the neighborhood.

Staff recommends **DENIAL** of the requested OL zoning.

For the record, Staff would advise that an application to the Board of Adjustment might be in order in this case. Office use can be approved as a Special Exception by the Board in an RM-2 District.

Comments & Discussion:

Ms. Wilson asked if the District 4 Plan was scheduled for review during this year. Mr. Gardner stated the Plan might need to be reviewed, and added he felt the intensity matches the underlying zoning, although it does not state any specific type of use. Staff is suggesting there might be other avenues more compatible than creating nonresidential uses in this area. In reply to Chairman Parmele, Mr. Gardner stated that the area, while blanket zoned in the 1950's for RM-2, remains primarily developed as single-family.

Applicant's Comments:

Mr. Rick Popp represented Family and Children's Services. Mr. Popp submitted photos and maps of the area, indicating those areas that are presently zoned OL and commercial. Based on this fact, Mr. Popp stated the request is not out of scale with the zoning of the area. Mr. Popp stated that six years ago this case was before the TMAPC, and the TMAPC approved OL zoning, which was later denied at the City Commission. Mr. Popp stated there is no evidence the area will redevelop as residential, and the photos indicate that, over the past six years, it has not redeveloped. Therefore, believing OL to be appropriate, Mr. Popp requested approval of this request.

In reply to Mr. VanFossen, Mr. Popp confirmed the intended use was parking and the lot was 45 feet wide. Mr. VanFossen stated this was a difficult dimension to get much parking. Mr. Popp stated they are attempting to get autos off the street and, even if they can get ten cars on the lot, this will alleviate some of the parking problems around the Family and Children's Services facility. In response to Ms. Wilson, Mr. Popp stated they will have to remove the structure currently on the lot. Ms. Wilson then inquired as to the number of parking spaces needed on a daily basis. Mr. Popp stated he was not sure as to an exact number. Mr. VanFossen and Commissioner Selph confirmed that this organization is in need of additional parking.

Mr. Carnes agreed with Staff in denying the OL zoning at this location because of the existing residences, but inquired as to what actions could be taken to allow parking without changing the zoning. Mr. Gardner advised the parking could be allowed in two ways: 1) Parking "P" classification; or (2) going to the Board of Adjustment (BOA), which has the power to grant a special exception without changing the zoning. Ms. Wilson asked Mr. Gardner if this would qualify as a special exception for BOA review. Mr. Gardner explained, to meet the terms of the Code, it must be contiguous to the commercial, industrial or office district, which this property is. The primary difference between the parking classification and the BOA application is, the BOA looks specifically at the proposal as to ingress and egress, etc.; the parking classification would require 10% landscaping, screening fences, etc.

Z-6100 Dale (Corbridge) - Cont'd

Mr. Carnes reiterated he would be against the zoning change and suggested going to the BOA. Mr. VanFossen asked Staff if they had any problem with "P" zoning, and Mr. Gardner advised Staff would prefer the BOA route. Chairman Parmele commented that, if the TMAPC could handle this matter themselves, they should not send it to the BOA. Mr. Gardner stated the Planning Commission had this option and the notice is broad enough to consider "P". Therefore, Mr. VanFossen moved that "P" Parking zoning be approved. Mr. Doherty explained, for the applicant, the requirements of BOA application versus zoning application, and asked the applicant what screening they had in mind for the lot. Mr. Popp advised the applicant intended to install an appropriate screening fence, replacing the existing fence, as well as remove the metal barn on the premises. Mr. Doherty confirmed with Staff that a dust free surface would be required, regardless of the zoning. Ms. Wilson asked Mr. Gardner the number of spaces that could be placed on a lot this size. Mr. Gardner stated that under the circumstances, approximately 15 - 20 spaces could be provided.

Interested Parties:

Ms. Letha Blair, 1604 East 55th Place, stated she owns property at 709 and 711 South Owasso, and is in favor of the zoning request as it would be an improvement over the existing use.

Additional Comments & Discussion:

Mr. VanFossen made a motion for approval of "P" zoning. Ms. Wilson stated she had a problem with the "P" zoning as it would be spot zoning, and she preferred going to the BOA. Mr. VanFossen commented that he has assisted, in the past, with a parking plan analysis for this site, and he advised that they could get approximately 13 spaces. Mr. Doherty agreed with Ms. Wilson that the applicant should analyze the number of spaces they could get from this lot; however, he felt it extremely unlikely any residence would ever be put on this lot and supported the motion. Mr. Paddock advised he was opposed to sending cases to the BOA that the TMAPC could handle, and this was an instance where OL or P would be appropriate, and would be favoring the motion for "P". Chairman Parmele stated that six years ago he was in favor of OL at that location and his position has not changed. Ms. Kempe commented she could support the "P", but would not be in favor of OL.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Woodard, "aye"; Wilson, "nay"; no "abstentions"; Draughon, Young, "absent") to **APPROVE Z-6100 Dale (Corbridge) for "P" zoning.**

Legal Description:

Lot 18 and the south 20' of Lot 19, Block 1, OAKLAWN ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

ZONING PUBLIC HEARING:

Application No.: PUD 414 Present Zoning: RS-2
Applicant: Vandaveer (Gulerwood IV East) Proposed Zoning: Unchanged
Location: West of the NW/c of Zunis Avenue & East 36th Street South
Size of Tract: 2.73 acres

Date of Hearing: April 9, 1986
Presentation to TMAPC by: Mr. Jack Arnold, 7318 South Yale (494-2730)

Staff Recommendation:

The subject tract has an area of approximately 2.7 acres and is located west of the northwest corner of Zunis Avenue and East 36th Street South. It is presently zoned RS-2 and no change in this zoning is being requested. The tract has a frontage on East 36th Street of approximately 82' and a depth of approximately 935'. It is approximately 165' at its widest point. The only access is from East 36th Street and all abutting properties have been developed for detached single-family residences. A total of ten single-family residential lots are proposed with Reserve Area A designated for the entrance/exit to the development from East 36th, and Reserve Area B for stormwater detention (it is noted that access must be provided to this area for purposes of maintenance, and the area may need to be increased in size for stormwater detention). Average lot sizes will range from 6,900 to 8,520 square feet with a land area of 11,892 square feet being devoted to each dwelling unit on an overall land area basis. The required livability space for each dwelling unit would be provided within the development, but not on each individual lot.

The narrowness of this tract will cause the design of the number of these dwelling units to be exactly suited to the building site. Staff would recommend that no blanket variances be given to yard requirements and that the TMAPC review requests for variances to this setback be on a case-by-case basis as building permits are requested. In accordance with this process, notice would be given to abutting property owners. The PUD Text indicates that garages may be attached or detached, to which Staff has no objection, based on the nature of this development being totally self-contained and having no frontage with conventional development on adjacent tracts. The applicant is also presenting the possibility that a secured entrance and exit could be constructed. If this is not specifically provided for in the PUD at the time of initial approval, it should be achieved only by a minor amendment, as vehicle storage entering from East 36th Street must be properly provided. The Text also indicates that a homeowners' association will be created to maintain the private internal streets and that the area will be fenced, although the exact character of the fencing is not specified.

The Staff has reviewed PUD 414 and finds that it is: (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, (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

PUD 414 (Vandaveer (Guierwood IV East) - Cont'd

Therefore, Staff recommends APPROVAL of PUD 414, subject to the following conditions:

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

2) **Development Standards:**

Land Area: 2.73 acres

Permitted Uses: Detached single-family residences and accessory uses.

	<u>Submitted</u>	<u>Recommended</u>
Maximum No. of Dwelling Units:	10	10
Minimum Lot Width:	Varies; average is 70.5'	Varies; average at 70.5' is acceptable
Minimum Lot Area:	9,000 sf/RS-2	9,000 sf/RS-2
Minimum Land Area/Dwelling:	11,892 sf average; 10 lots on 2.73 acres	10,875 sf minimum for RS-2
Maximum Building Height:	35'	35'
Minimum Livability Space/Dwelling:	Not Specified	5,000 sf/RS-2 provided in the PUD
Minimum Setbacks:		
Front Yard	20'	20' *
Rear Yard	10'	20' **
Side Yards		
One Side	10' min. between buildings	10'/RS-2
Other Side	10' min. between buildings	Same, or 5'/RS-2
Open Space/Recreational/ Detention Area: ***		
Entry Area	Reserve Area A	same
Detention Area	Reserve Area B	same

* This dimension is a variance from the 30' RS-2 minimum front yard.

** This dimension is a variance from the 25' RS-2 minimum rear yard.

*** Maintenance of the private, recreational and detention facility shall be by a homeowner's association created for that purpose.

- 3) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee. Access must be provided to Reserve Area B for maintenance of the detention area. The number of dwellings may be decreased if more detention area is required.

- 4) That the development be in general compliance with the RS-2 Zoning Code provisions, unless modified by the PUD Text and approved by the TMAPC. It is understood that variances will be required for yards and shall be handled in accordance with minor amendments and notice to the abutting property owners on a case-by-case basis.

PUD 414 (Vandaveer (Guierwood IV East) - Cont'd

- 5) That the development be screened on its perimeter boundaries and that existing fences shall be considered as meeting this requirement. However, said fences shall be subject to continued maintenance by the homeowner's association or individual owners of PUD 414 and, if installed, shall be installed with the finished side facing the exterior of the PUD.
- 6) That a homeowner's association be created to provide for maintenance and operation of drainageways, interior streets, parks and landscaped areas and related private improvements.
- 7) That the approval of a Final Plat by the TMAPC shall be considered as meeting a Detail Site Plan requirement. This shall be accomplished prior to issuance of Building Permits, including details of exterior screening and landscaping treatment of public and other areas.
- 8) That a Detail Landscape Plan and Sign Plan be submitted to and approved by the TMAPC prior to granting occupancy of any residential units in the development. This requirement shall apply to entry/exit areas only, and not to individual building lots.
- 9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.
- 10) That a secured entry/exit shall be considered only in accordance with a minor amendment and Detail Site Plan submitted at the time of TMAPC review and approval.

Comments & Discussion:

Chairman Parmele asked for interested parties and protestants on this application; there were several in attendance. Mr. VanFossen inquired as to condition #10, and Mr. Gardner stated that, if the applicant places the entry gate too close to 36th Street, it could present a problem with stacking/storage distance; therefore, Staff would like to review this before building commences. Ms. Wilson, in regard to condition #5, inquired as to the owners of the existing fences, and who would be responsible for repairs and/or maintenance to these fences. Mr. Gardner advised the abutting neighbors own the existing fences, and the developer would be responsible for replacing these fences. Although Staff does not normally recommend screening fences for abutting single-family developments, because of unique features of this application, Staff felt that screening would further identify this as a separate community.

Chairman Parmele verified that, under RS-2 zoning, the applicant would be allowed ten lots under normal platting, and could go to the BOA for any waiver. Mr. Gardner stated the primary reason for the PUD is the private street, which allows them the ten lots, which may be reduced to accommodate detention requirements. In reply to Chairman Parmele, Mr. Gardner confirmed that the requested density is compatible with RS-2.

PUD 414 (Vandaveer (Guierwood IV East) - Cont'd

Chairman Parmele read a letter from Mr. Gerald d'Aquin opposing the Staff recommendation and stating the application was not submitted in accordance with the Zoning Code. Mr. Gardner advised the only item not submitted, to his knowledge, was a soils analysis, and if this indicated the area was not suitable for single-family, then none of the area would be suitable for single-family. Mr. Gardner added that Staff is satisfied they have enough information to judge this development. Mr. Paddock clarified that some of the submittal to the PUD is in writing and some is in plan form such as this, and may be difficult for interested parties to evaluate.

Applicant's Comments:

Mr. Jack Arnold of Architectural Resources, stated agreement to what Staff was recommending in order to prepare these lots for single-family use. Mr. Arnold advised that Henry Daubert had been hired to engineer the drainage, and the application has been reviewed by Stormwater Management. Mr. Arnold also advised the applicant would be installing a fence surrounding the project.

In reply to Ms. Wilson, Mr. Arnold advised the cost of these homes would be approximately \$100 a square foot, which includes the lot, building fee and architect fee. Ms. Wilson inquired as to the condition of the existing fences. Mr. Arnold replied the fences are all different and the applicant intends to put up a solid wood fence around the entire project, and has discussed this with the homeowners. Ms. Wilson questioned the wording in condition #5 in regard to the existing fences. Mr. Arnold stated the applicant decided to put a fence around the entire project after Staff had written this condition in the PUD.

Mr. Henry Daubert, of Mansur-Daubert-Strella (1648 South Boston), advised the planned detention facility and the drainage have been reviewed by Stormwater Management and a representative of that department has been on site for observation. Mr. Daubert advised that, according to Stormwater Management ordinances, the applicant is required to develop the project in such a manner that water run-off is not worsened, but they are not required to improve existing water problems. Mr. Daubert also advised the storm sewer system in this area is not adequate to meet the current needs.

Interested Parties:

Mr. William C. Kellough	Address: 1965 East 33rd Place
Ms. Charlotte Boyd	2115 East 36th Street
Mr. Mike Fleming	3503 South Yorktown
Mr. Glenn Story	3408 South Zunis
Mr. Charles Campbell	2114 East 34th Street
Mr. Homer Hardy	?? Terwillegger
Mr. George Sandel	3644 Terwillegger Blvd.
Mr. George Schulz	3511 South Yorktown
Mr. Mark Mandeville	3329 South Yorktown
Mr. Jim Johanning	3519 South Yorktown
Mr. James Smith	3470 South Zunis

PUD 414 (Vandaveer (Guierwood IV East) - Cont'd

Mr. Kellough stated he has met with developer, but still has concerns which are shared by several of the homeowners, and presented petitions with signatures of the homeowners opposing the project. In addition to the proposed private street and cul-de-sac, Mr. Kellough stated other concerns were flooding in the area, lack of detail on the site plan, use of the existing fences, and the issue of the homeowner's association which is to be established. Mr. Kellough, in response to Mr. VanFossen, stated his problem is not so much with density as it is with the planned layout of the units.

Mr. Paddock pointed out the conditions of the PUD that address the stated concerns of Mr. Kellough, and advised he felt the applicant had submitted a whole package, which some of the neighbors may not have had a chance to review. Chairman Parmele also advised that, as directed in the conditions of the PUD, the Detail Site Plan and Detail Landscape Plan require TMAPC review and approval, and the Interested Parties speaking at this meeting could be advised of these hearing dates.

Mr. Daubert explained, in response to Mr. Kellough, that Stormwater Management has already advised a Class A permit will be required. Commissioner Selph asked Mr. Daubert to clarify the easement that would be required from the Salvation Army. Mr. Daubert stated the understanding, at this point, was that the Salvation Army has agreed the easement through the site is possible, but they will not grant the easement until Stormwater Management has approved the design.

In regard to a six foot solid fence, as mentioned by Ms. Wilson, Mr. VanFossen stated there is no fencing requirement in the Code and screening of a single-family development is not required in a PUD under the Code. Chairman Parmele advised that, if it would be of benefit to the neighbors, a solid screening fence could be made a condition of approval of the PUD. Mr. Doherty agreed that this should be written into the PUD.

Several of the Interested Parties stated protest in regard to the proposed density of this project, and most agreed that some type of solid screen fencing was needed. Ms. Boyd commented on the entrance/exit on 36th Street and others also voiced concerns as to traffic on 36th Street and off-street parking in the development. Several were also in agreement with comments by Mr. Campbell that the present drainage and sewer system was not adequate and additional development would only add to an existing watershed problem. Mr. Schultz questioned who was responsible for setting the standards to be met by the homeowner's association, and was concerned that this group would not properly maintain the fencing. Mr. Sandel reported that, as a member of the Salvation Army Board, he was not aware of any agreement being before the Board, in regard to the easement.

Additional Comments & Discussion:

Chairman Parmele stated he could not understand why there was a problem with the density proposed for this project, as the other additions had 13 homes while this development was only requesting ten homes, which could possibly be reduced further to accommodate detention requirements. Mr. Paddock commented that this development was an example of "in-fill", which is occurring in all sections of the City and, unfortunately, there is no good answer for all the parties concerned. Mr. Paddock continued by explaining the Planning Commission has to review these applications as to the best use that is most compatible with the surrounding neighborhood and would cause the least adverse impact on neighboring properties.

Ms. Wilson commented that the applicant does not, under RS-2 standards, even have to submit a PUD, but has chosen to do so, and the PUD would, in the conditions of approval, indicate the maintenance standards of the homeowner's association, and these are enforced by the City.

In regard to the easement agreement with the Salvation Army, Ms. Kempe stated that, without this easement which is needed to meet the drainage plans, there could be no development. Ms. Kempe commented that several protestants spoke about the 10' rear yard setback, and drew attention to the fact that Staff was recommending 20' front and rear yard setbacks.

To address the stated concerns as to the maintenance standards for the homeowner's association, Chairman Parmele advised that it is very difficult to define these standards and the TMAPC can ask that certain items be taken care of, but the interpretation of the conditions can vary from person to person. Mr. Gardner added that the covenants would require the association be formed and spell out the responsibilities as to street maintenance, open areas, fencing requirements, drainage, etc. The City would then be able to enforce the requirements of the covenants.

Commissioner Selph and Chairman Parmele assured the protestants that the conditions of the Staff recommendation, if approved by the TMAPC, will have to be adhered to by the applicant.

Applicant's Rebuttal:

In reply to Ms. Wilson as to the planned fencing materials, Mr. Arnold stated they were intending to use a New England/Maine theme which would use brick and wood. Mr. Paddock and Commissioner Selph asked the applicant to inform the Commission as to efforts to analyze the adequacy of the storm sewers and the accessibility into the development for emergency vehicles. Mr. Arnold stated they hired Mr. Daubert to analyze the drainage/sewer situation, and the reason the streets were placed where they are is an attempt to keep as many of the trees as possible, which will assist in watershed.

Mr. John Wohlman, speaking for the applicant, stated that sanitary sewers were in place on the property, and asked Mr. Daubert to address this issue. Mr. Wohlman stressed that, in regard to maintenance of the fence, the buyers of the proposed development would have just as much pride of ownership as the others in the neighborhood. Mr. Wohlman also stressed that this area is not a park, but an empty field that is rat infested. In regard to fire protection access, Mr. Wohlman stated that the platting process addresses these needs.

Mr. VanFossen stated that the platting process also addresses the sanitary sewers, utilities, as well as access by emergency vehicles, and if the requirements are not met, the development cannot be built.

Mr. Daubert confirmed that they have had conversations with Stormwater Management, the Fire Marshall's office and the Water and Sewer Department. Mr. Daubert, acknowledging the criteria for watershed has drastically changed over the last ten years, advised the storm sewers, under today's standards, are inadequate. In regard to the cul-de-sac length, the Fire Marshall's office stated they did not see this as problem, and Mr. Daubert advised there was a fire hydrant at the north end of the cul-de-sac. Mr. Gardner added that the cul-de-sac length does not make it unusual, but it is the number of units served off the cul-de-sac, which is few in relation to the length.

Mr. Doherty made a motion for approval, with modification to condition #5. After discussion of this condition, Mr. Gardner recommended adding, to condition #8, that the Fence Plan be approved by the TMAPC before granting any Occupancy Permit. Mr. VanFossen suggested that the property owners, going on record at this hearing, be given notice of any actions to be brought before the TMAPC. Mr. Doherty amended his motion to include these suggestions.

Commissioner Selph stated he had a problem with the number of units proposed for the 2.7 acres and would probably be voting against the motion. Mr. VanFossen commented that the property owners protesting are in areas zoned RS-3, which means the density is considerably greater. Ms. Wilson asked Staff, with the current zoning, how many single-family units could be built without a PUD. Mr. Gardner stated that, in regard to density, they could build as many, or more, than they are proposing. The key element is, without a PUD, an applicant must build a city street, which means the entrance would be mostly concrete and the street would be wider. This, in turn, would cause the lots to be smaller. Mr. Gardner continued by stating, that a private development does not need a street that wide. Mr. Paddock commented that what is proposed is compatible with the surrounding area, and is as good a solution for this "in-fill" area.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; Selph, "nay"; no "abstentions"; Draughon, Young, "absent") to **APPROVE PUD 414 Vandaveer (Guierwood IV East)**, subject to the conditions as recommended by Staff, with the following modifications:

- a) Condition #5 shall now read: That the development be screened on its perimeter boundaries. Said fences shall be subject to continued maintenance by the Homeowner's Association or individual owners of PUD 414 and, when installed, shall be installed with the finished side facing the exterior of the PUD.
- b) Condition #8 shall now read: That a Detail Landscape Plan, Fence Plan and Sign Plan be submitted to and approved by the TMAPC prior to granting occupancy of any residential units in the development. This requirement shall apply to entry/exit areas only, and not to individual building lots.
- c) The property owners on record at this hearing, shall be notified of any further action by the TMAPC on PUD 414.

Legal Description:

TRACT 1: All of the S/2 of the E/2 of W/2 W/2 SE/4 of NE/4 of 19-19-13, except the North 235' thereof, more particularly described as follows: Beginning at a point on the South line of the SE/4 of the NE/4 of 19-19-13, 82.53' East of the Southwest corner of said SE/4 of NE/4; thence North and parallel with the West line of said SE/4 of the NE/4 of 19-19-13 a distance of 424.73'; thence East and parallel with the South line of the SE/4 of NE/4 a distance of 82.49'; thence South on a straight line 424.74' to a point on the South line of the said SE/4 of the NE/4 and 165.06' East of the SW corner of the SE/4 NE/4, 19-19-13; thence West along the South line of said SE/4 of the NE/4 a distance of 82.53' to the POB, containing .73 acres, more or less.

TRACT 2: A portion of the SE/4 NE/4 beginning 425' North of the Southwest corner of SE/4 NE/4, thence North 260', East 82.5', North 250', East 82.5', South 510', West 82.5', South 150', West 22.5', North 150', West 60' to the POB, 19-19-13, containing 1.53 acres more or less.

TRACT 3: Part of the SE/4 NE/4 beginning 385' South of the Northwest corner SE/4 NE/4, thence South 250', East 82.5', North 250', West 82.5' to the POB, 19-19-13, containing .47 acres, more or less.

* * * * *

Application No.: Z-6105
Applicant: Walter
Location: 1319 East 35th Street
Size of Tract: .16 acre

Present Zoning: P
Proposed Zoning: OL

Date of Hearing: April 9, 1986
Presentation to TMAPC by: Mr. Steve Schuller, 610 South Main, #300 (584-1600)

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity--Residential.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .16 acre in size and located east of the northeast corner of 35th Street and Peoria Avenue.

It is nonwooded, flat, contains a single-family dwelling along with a detached accessory building and is zoned P (Parking).

Surrounding Area Analysis: The tract is abutted on the north by a single-family dwelling zoned RS-3, on the east by a converted single-family dwelling being used for a dentist office per a use variance from the Board of Adjustment and zoned RS-3, on the south by Stonehorse Shopping Mall and parking zoned CH, and on the west by mixed commercial activities zoned CH.

Zoning and BOA Historical Summary: Commercial zoning was denied on the subject tract in 1984. Office zoning was considered at that time with "P" zoning being finally approved. The abutting tract to the east has been approved by a Board of Adjustment Use Variance for limited office use on two occasions. OL zoning was approved on a tract to the south and east of the subject tract prior to the Zoning Code including a "P" Parking District--OL was used at that time as a comparable.

Conclusion: According to the "Brookside Area Special Study" prepared by INCOG in 1983, the subject tract would fall under an intermediate range solution stating, "New parking lots shall be adjacent to existing commercial zoning and/or existing parking lots. Residences should not be isolated between parking lots or commercial establishments and parking lots." It is important to remember that most of the OL zoning in the area came prior to 1975 before a parking district was established. It is still important that we safeguard these CH and nearby properties for proper parking facilities. CH zoning now has a parking requirement, which is only a partial solution. Office use will generate more parking demand but not help to alleviate parking on the residential streets in the area.

Based on the Comprehensive Plan and Brookside Area Special Study, Staff cannot support the requested OL zoning. Staff would continue to support "P" zoning on the subject tract and therefore, recommend **DENIAL** of the OL request.

For the record, if the applicant has a specific use in mind, there may be some relief through the Board of Adjustment. The double lot property to the east zoned Parking is also being requested for OL zoning at a subsequent meeting.

Applicant's Comments:

Mr. Schuller advised the applicant, who is a real estate broker, proposes to use the existing structure, with some remodeling, as an office. Mr. Schuller stated the tract is presently zoned for parking, but cannot be used for parking due to the structure on the site, except for the off-street parking that services the structure. Discussion followed on how and when this area became zoned "P".

Interested Parties:

Mr. Harold Grimer, 2140 East 31st Place, stated he was the owner of the second lot east of the subject property, which is also zoned "P". Mr. Grimer clarified that, at the time he had applied for rezoning of his lot, he tried to purchase the subject tract, and even attempted to get it rezoned. This action was during the time of the Brookside Study, and the property was approved for "P", as was his tract. Mr. Grimer advised that after rezoning of the subject tract, the owner (Mr. Germany) raised the price; therefore, the sale never came about. Mr. Grimmer stated that, subsequently, he received a letter from the City Commission rescinding the "P" zoning on the subject property. Mr. Grimer stated that allowing the applicant to have the OL zoning and establishing an office on this tract, with parking in the back, will do more for the parking situation in this area than it will leaving it as it is. Even though his lot is leased to B & B Parking, Mr. Grimer stated there are only four monthly leases for parking and the public prefers parking on the street for free.

Comments & Discussion:

Ms. Kempe stated the dental office, adjacent to the subject property, exists through BOA action, and inquired if it might be possible for the applicant to use the BOA process for his purpose. Mr. Gardner advised this dental office came before the Brookside Study; however, since the applicant is keeping the existing structure, Staff did suggest BOA action as an alternative.

Chairman Parmele stated he did not believe the TMAPC should zone an individual's property and tell that individual the best use of his property is to provide parking for another owner. In reviewing the zoning of the properties surrounding the subject tract, Chairman Parmele stated he thought OL appropriate. After verifying the zoning for the dental office as RS-3, Mr. Paddock stated he felt that, instead of going to the BOA, the TMAPC should recognize the physical features and the land use, and if OL is immediately abutting the subject tract, he believed the request to be reasonable.

Ms. Kempe agreed with Mr. Paddock that the request for the use may be reasonable, however, consideration should be given to the zoning of the parcel to the east which is still zoned RS. Mr. Paddock stated this was a technicality, but he believed the land use should be looked at, regardless of the zoning. Mr. VanFossen agreed that the usage seems appropriate, however, he agrees with the Staff recommendation and feels that it should go to the BOA.

Mr. Doherty stated he was curious as to how the Brookside Study addressed the issue of getting people off of free parking on the street and into paid parking in a lot. Mr. Doherty stated he had a problem with making people who have a lot, with an existing structure, tear down the structure to accommodate off-street parking. Mr. Paddock commented that the Planning Commission has frequently discussed OL being a good buffer between commercial and residential, and this case is appropriate for OL zoning. Mr. VanFossen stating that he felt CH was inappropriate at the time and two errors do not make a right; therefore, he moved for denial as recommended by Staff. Chairman Parmele stated agreement with Mr. Paddock, and the CH zoning, whether right or wrong, is in place.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **2-6-0** (Kempe, VanFossen, "aye"; Carnes, Doherty, Paddock, Parmele, Selph, Woodard, "nays"; no "abstentions"; Draughon, Wilson, Young, "absent") to **DENY Z-6105 Walter**, as recommended by Staff.

That motion failing, Mr. Carnes made a motion for approval of OL.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-2-0** (Carnes, Doherty, Paddock, Parmele, Selph, Woodard, "aye"; Kempe, VanFossen, "nay"; no "abstentions"; Draughon, Wilson, Young, "absent") to **APPROVE Z-6105 Walter for OL**.

Legal Description:

The West half of Lot 12, Block 2, OLIVERS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

Application No.: **PUD 415** Present Zoning: CS, RM-1, RS-3
Applicant: **Johnsen (Torchia)** Proposed Zoning: Unchanged
Location: Southwest corner of South Sheridan & East 101st Street South
Size of Tract: 23.4 acres, more or less

Date of Hearing: April 9, 1986
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Staff Recommendation:

The subject tract has a gross area of approximately 23.4 acres and is located at the southwest corner of South Sheridan and East 101st Street. Both of the abutting arterial streets are classified as Secondary Arterial Streets. The tract has underlying zoning of CS, RM-1, and RS-3. No change is proposed in the underlying zoning.

The PUD is divided into the following development parcels: **Parcel A** - 1.0 acre with restaurant, office, or financial institution uses; **Parcel B** - 7.5 acres with uses as permitted in a CS District, excluding certain uses within the south 190'; and **Parcel C** - 12.8 acres of apartments with 258 units at a developed density of 20 units per acre.

It is recommended that only Use Unit 11, Offices and Studios, be permitted on the northern most end of the building in Parcel "B" and that no wall or canopy signs be permitted on the north facade of said building or as an alternative to office use, restrict the hours of commercial uses so as to not conflict with adjacent residential uses as a condition of PUD approval.

Consideration should also be given to restricting the pylon sign (proposed to be 16' tall) on the 101st Street frontage of Parcel "B", to be permitted only east of the exit/entry to 101st Street. This exit/entry should be permitted no further west on 101st Street than is the present location of the west commercial drive to existing commercial development north of 101st Street.

The PUD Text and Illustrative Site Plan includes several considerations which address measures designed to assure the compatibility of the proposed development with existing development north of 101st Street and west of the apartment area. Staff recommendations follow which we believe will reinforce these standards to a level where compatibility and appropriate land use relationships will be assured.

A major Staff recommendation in this regard concerns reductions in residential intensity from the maximums requested in the PUD, to the minimums permitted as presented in the recommended Development Standards.

The Staff has reviewed PUD 415 and finds that, if modified as recommended above and below per the recommended Development Standards, it would 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 (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

PUD 415 Johnsen (Torchia) - Cont'd

Therefore, Staff recommends approval of PUD 415 subject to the following conditions.

- 1) That the applicant's illustrative Site Plan and PUD Text be made conditions of approval, except as modified herein.
- 2) Development Standards:

STATISTICAL SUMMARY -- PARCELS A, B, and C

<u>Parcels</u>	<u>Gross Area</u>	<u>Floor Area</u>	<u>Dwelling Units</u>
A - Restaurant	1.5 acres	7,200 sf	-
B - Shopping	8.3 acres	82,640 sf	-
C - Multi-family	<u>13.6 acres</u>	<u>-</u>	<u>258</u>
	23.4 acres	89,840 sf	258

Existing Zoning:

CS	217,800 sf	5.0 acres
RM-1	226,800 sf	5.2 acres
RS-3	<u>574,992 sf</u>	<u>13.2 acres</u>
TOTAL =	1,019,952 sf	23.4 acres

Development:

Commercial @ .5 FAR 108,900 sf*

	<u>Requested</u>	<u>Recommended</u>
Dwelling Units		
RM-1	130 @ 1700 sf/DU	103 @ 2200 sf/DU
RS-3	96 @ 5000 sf/DU	69 @ 8400 sf/DU
Unused CS*	<u>32 @ 1200 sf/DU</u>	<u>27 @ 1400 sf/DU</u>
TOTAL =	258 DU's	199 DU's

* 108,900 sf - 89,840 sf = 19,060 sf/floor area for conversion to DU's @ RM-2 intensity.

PARCEL A

Parcel "A" is proposed for development as a freestanding restaurant or as an office or financial institution.

Land Area (Net): 1.0 acre

	<u>Requested</u>	<u>Recommended</u>
Permitted Uses:	Restaurant, office, or financial institution	Same, except no bar, nightclub, tavern, or liquor store shall be permitted

PUD 415 Johnsen (Torchia) - Cont'd

	<u>Requested</u>	<u>Recommended</u>
Parcel A:		
Maximum Building Height:	35 1/2 stories	35 1/2 stories
Maximum Building Floor Area:*	7,200 sf	7,200 sf
Minimum Building Floor Area:*	3,500 sf	3,500 sf
Minimum Off-Street Parking:**		
Restaurant	1 space/100 sf of floor area plus 1 space/75 sf of accessory bar	Same, except no tavern or bar permitted as principal use
Office or Financial Institution	1 space/300 sf of floor area	Same
Minimum Building Setbacks:		
from Centerline of 101st	130'	130'
from Centerline of Sheridan	130'	130'
from West Boundary	20'	20'
from South Boundary	20'	20'

Minimum Landscaped Open Space: 35% of Net Area *** Same ***

Other Bulk and Area Requirements shall be as required within the CS Shopping Center District.

* Unused floor area from Parcel A may be reallocated to Parcel B; however, it may not be reallocated to Parcel C.

** Required parking need not be located within a development parcel, if effective cross parking easements are established and within the two commercial parcels, there exists in the aggregate the required parking for the various permitted uses.

*** Landscaped open space shall include internal and external landscaped open areas, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.

PARCEL B

Parcel B is proposed as a center for retail shops:

Land Area (Net): 7.5 acres

	<u>Requested</u>	<u>Recommended</u>
Permitted Uses:	As permitted in a CS District; provided, however, no liquor store, bar, nightclub, or other establishment serving alcoholic beverages shall be located within 190' of the south boundary of Parcel "B"	Same

PUD 415 Johnsen (Torchia) - Cont'd

	<u>Requested</u>	<u>Recommended</u>
Parcel B:		
Maximum Building Height:	35 ¹ / ₂ stories	Same
Maximum Building Floor Area:	82,640 sf*	Same*
Minimum Off-Street Parking:	1 space/225 sf of floor area	Same
Minimum Building Setbacks:		
from Centerline of 101st	130'	130'
from Centerline of Sheridan	130'	130'
from West Boundary	40'	40'
from South Boundary	40'	40'
Minimum Landscaped Open Space	12% of Net Area**	Same**

Other Bulk and Area Requirements shall be as required within the CS Shopping Center District.

* The maximum floor area within Parcel B may be increased by reallocation of unused floor area from Parcel A; however, said area shall not be transferred to Parcel C.

** Landscaped open space shall include internal and external landscaped open areas, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.

PARCEL C

Parcel "C" is proposed for development as multifamily dwellings.

Land Area (Net): 12.8 acres
 Permitted Uses: Multi-family dwellings

	<u>Requested</u>	<u>Recommended</u>
Maximum Number of Units:	258	199
Minimum Livability Space per Dwelling Unit: *	1,245 sf	1,725 sf average, or as required per the Zoning Code
Maximum Building Height:	35 ¹ / ₃ stories	35 ¹ / ₃ stories, except 24 ¹ / ₂ stories maximum on the west 150'
Minimum Off-Street Parking:	1.5 spaces for each 1 bedroom unit, and 2 spaces for each 2 or more bedroom dwelling units.	

PUD 415 Johnsen (Torchia) - Cont'd

Parcel C:

Minimum Building Setbacks:		
from Centerline of 101st	100'	100'
from Other Development Areas	20'	25'
from West Boundary	20'	--
Abutting RS-1	--	75'
Abutting AG	--	50'
from South Boundary	20'	50' (west 455')

Other Bulk and Area Requirements as required in the RM-1 District unless otherwise specified.

* A 25' minimum heavily landscaped buffer shall be required (uninterrupted) along the west boundary and along a 50' wide minimum area on Parcel "C" off the public right-of-way from 101st Street.

- 3) Subject to the recommendations and conditions of the Technical Advisory Committee. Special attention shall be given to drainage characteristics of the tract to address the general flatness and "sump area" characteristics in particular along 101st Street.
- 4) That all trash, utility and equipment areas shall be screened from public view. A six foot screening fence shall be required along the south and west boundary of Parcel "B".
- 5) That all parking lot lighting shall be directed downward and away from adjacent residential areas.
- 6) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code, unless otherwise specified in the PUD Text. No sign(s) shall be permitted on the north elevation of the closest building facade of a building built on Parcel "B" which faces 101st Street. The pylon sign on Parcel "B" is not permitted to be located within the west 275 feet.
- 7) That a Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit.
- 8) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit. The Plan submission shall include elevations of the west and south sides of buildings constructed on Parcel "B" which shall reflect that the design and material used in these facades shall be generally compatible with those of the east and north elevations. The most northerly tenant space of Parcel "B" (fronting 101st) shall be limited to Use Unit 11, Offices and Studios or alternatively is permitted to be a CS use with business hours restricted to only those hours between 8:00 a.m. until 6:00 p.m.

- 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.

Applicant's Comments:

Mr. Johnsen, representing Dr. James Torchia, reviewed the previous zoning requests filed on this tract and the unique topography of the tract as to drainage. Mr. Johnsen also reviewed the site as to its relationship with the development of the surrounding areas. Pointing out the AG zoning on the west boundary, Mr. Johnsen suggested a 25' wide landscaped area along this area, having the use of the extensive trees on the site. Mr. Johnsen reviewed the Illustrative Site Plan for Parcels A, B and C.

In regard to condition #8 which places the time restrictions on business hours, Mr. Johnsen stated disagreement with the Staff recommendation and requested more flexible hours. Mr. Johnsen stated the Staff recommendation on signs seemed unnecessarily restrictive; however, he would be agreeable to no signs within 250' of the south boundary of Parcel B, and would accept the 275' restriction on the north side. Mr. Johnsen stated that, in looking at the signage at the Village South Shopping Center, he felt one ground sign in the restaurant area and a ground sign on both frontages of the shopping area would be a reasonable request.

In an effort to keep the open space as shown on the Detail Site Plan, Mr. Johnsen stated he would need to have some modification of the requirement on the screening fence on the south and west boundary of Parcel B. Mr. Johnsen suggested not having to extend the screening fence closer than 200' from the centerline of 101st Street, and possibly modify the restriction on the west boundary, as he felt taking the sign out to the right-of-way may not be as visually attractive as taking the sign back approximately 100'.

Mr. Johnsen suggested, and Staff agreed, that it would be appropriate to allow an accessory bar in the restaurant parcel (Parcel A). In regard to density in the multi-family area, Mr. Johnsen suggested a compromise of 223 dwelling units instead of the 199 units recommended by Staff. Mr. Johnsen pointed out this was a significant reduction from the 258 units originally requested.

Mr. Doherty asked, in regard to the screening fence, if it would be appropriate to extend the fence to the edge of the buildings in the commercial area, on both ends. Mr. Johnsen stated he had no problem with this, and Staff stated agreement. In regard to the suggested compromise of 223 units, Mr. Doherty asked Staff if this was appropriate. Mr. Gardner advised the number of units that were developed at the northeast corner did not give the developer any benefit of a PUD, and Staff's main

PUD 415 Johnsen (Torchia) - Cont'd

concern was the setback and drainage requirements, and whatever is left will determine the number of units. Mr. Doherty agreed to placing a restriction on the hours of operation and asked if a 9:00 a.m. to 9:00 p.m. would accomplish what Staff was intending. Mr. Gardner stated that consideration should be given to the residential, but a lot depended on the actual use.

Mr. Paddock confirmed with Mr. Johnsen, that the suggested mix of 75% one bedroom to 25% two bedroom in the multi-family area, is a suggestion and not meant to be a restriction. Mr. Paddock stated he was receptive to the compromise on the 223 units, but suggested not restricting future development to the 75/25% mix. Mr. Paddock commented that he agreed 6:00 p.m. was unduly restrictive as to closing and was receptive to more flexibility, possibly 9:00 p.m.

Interested Parties:

Mr. David Davies	Address: 6601 East 103rd
Mr. Don Forlenza	10015 South Maplewood
Mr. Mike Dankbar	10014 South Maplewood

Mr. Davies questioned the need for further commercial development at this location and informed the Commission of other commercial and retail establishments that have left this area with retail space still vacant. Mr. Davies also expressed concerns over additional traffic that would be generated at this intersection. Referring to PUD 267 (Sheridan Park across from this site), Mr. Davies stated he would like to see the some of the same conditions applied to this application in regard to fencing, landscaping, signage, etc.

Mr. Forlenza, representing the Bayberry homeowners, stated concerns as to drainage and advised of traffic accidents caused due to water build up on 101st after a rain, and the efforts to work with the City in addressing this water problem.

Mr. Dankbar stated the residents in the Bayberry Addition, while basically pleased with the development in the 101st & Sheridan area, would like to see the area kept residential in nature where zoned RS-3 and not be developed for multi-family.

Applicant's Rebuttal:

In regard to the development standards of Village South, Mr. Johnsen advised that many of these have been incorporated into this presentation. Mr. Johnsen stated the height restriction in Parcel B, to one story (26'), would be acceptable, but would like the option for two story remain in Parcel A. Mr. Johnsen submitted a study done by Poe & Association on the drainage situation.

Mr. VanFossen inquired as to the approximate quantity of land required for detention. Mr. Johnsen stated that, since the time of the study the church has been required to do their own detention, but the report indicates that 4.1 acre feet would be required. Mr. Paddock inquired as to the qualifications of Mr. Kenneth Hill who did the drainage study. Mr. Bland Pittman, Pittman, Poe & Associates, stated Mr. Hill was an engineer with his firm that does the hydrological studies. Mr. Pittman added that this study has been reviewed by the Hydrology Department as well as the TAC.

Additional Comments & Discussion:

Mr. Davies suggested removing the words "parking lot" from condition #5, which directs lighting requirements. Mr. Johnsen stated agreement. Mr. VanFossen suggested amending the Staff recommendation so that no ground signs be allowed on the south 250' of the Sheridan frontage; no fence be required on the northerly 150' of the west line of Parcel B or the easterly 75' of the south line of Parcel B. Mr. Johnsen stated this would be acceptable. Mr. VanFossen continued by amending the wording directing the minimums/maximums of the PUD (page 1, paragraph 5 of the Staff recommendation) to read "...to the maximums permitted as presented...". In regard to the number of dwelling units permitted, Mr. VanFossen suggested modifying to allow 223 units, if an acceptable plan is presented as part of the Site Plan review, and if the land required to be allocated to drainage detention exceeds that shown on the submitted Concept Plan, the number of dwelling units must be proportionately reduced in the Site Plan. Upon request of Mr. Paddock, Mr. Linker advised that this recommendation on the number of units and drainage could be permitted and imposed.

In regard to the maximum building heights in Parcel B, Mr. VanFossen suggested a restriction to 27', one story, and agreed that the final motion should incorporate Mr. Davies' suggestion that the words "parking lot" be deleted from condition #5. After discussion on the hours of operation, it was agreed that 7:00 a.m. to 9:00 p.m. would be permissible.

TMAPC ACTION: 7 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-0-1** (Carnes, Doherty, Kempe, Parmele, Selph, VanFossen, "aye"; no "nays"; Paddock, "abstaining"; Draughon, Wilson, Woodard, Young, "absent") to **APPROVE PUD 415 Johnsen (Torchia)**, subject to the conditions as recommended by Staff and further amended, as follows:

- 1) No ground signs be allowed on the south 250' of the Sheridan frontage.
- 2) No fence be required on the northerly 150' of the west line of Parcel B or the easterly 75' of the south line of Parcel B.
- 3) Amend the wording directing the minimums/maximums of the PUD (page 1, paragraph 5 of the Staff recommendation) to read "...to the maximums permitted as presented...".

PUD 415 Johnsen (Torchia) - Cont'd

- 4) Amend the number of permitted dwelling units to allow 223 units, if an acceptable plan is presented as part of the Site Plan review, and if the land required to be allocated to drainage detention exceeds that shown on the submitted Concept Plan, the number of dwelling units must be proportionately reduced in the Site Plan.
- 5) The maximum building height in Parcel B be restricted to 27', one story.
- 6) All lighting shall be directed downward and away from adjacent residential areas.
- 7) The business hours shall be restricted to only those hours between 7:00 a.m. and 9:00 p.m. in the CS area.
- 8) The permitted uses in Parcel A shall be amended to allow an accessory bar to a restaurant.

NOTE: Staff was directed to notify the Interested Parties of the hearing dates of the Detail Site Plan and the Detail Landscape Review.

Legal Description:

A tract within the NE/4 of the NE/4 of Section 27, Township 18 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as the N/2 of the NE/4 of the NE/4 of said Section 27, and the N/2 of the S/2 of the NE/4 of the NE/4 of said Section 27, less and except the South 330' of the East 865' thereof.

* * * * *

Application No.: PUD 416
Applicant: Pittman (Enterline)
Location: 2100 East 41st Street
Size of Tract: 3.6 acres, more or less

Present Zoning: RS-1
Proposed Zoning: Unchanged

Date of Hearing: April 9, 1986
Presentation to TMAPC by: Mr. Bland Pittman, 10820 East 45th (665-8800)

Staff Recommendation:

The subject tract is approximately 3.6 acres in size and is located 1,155 feet west of the intersection of East 41st Street and Lewis Avenue on the north side of the street. It is presently zoned RS-1 and no change in the underlying zoning is being requested. The tract has 330 feet of frontage on East 41st Street and a depth of 470 feet. A total of 7 single-family residential lots are proposed with access by a private cul-de-sac. Lot size for the development will average 22,157 square feet with an average land area of 24,514 square feet on an overall basis. The PUD Text indicates that a water detention area will be to the north portion of Lots 3, 4 and 5 and will be maintained by the lot owners with the provision that the homeowners' association has the right to maintain the area subject to the lot owners failure. Staff would recommend the text be amended to read that the

PUD 416 Pittman (Enterline) - Cont'd

homeowners' association will have the primary responsibility for maintenance and no delegation to the City of Tulsa is permitted or made a condition of PUD approval. Staff also notes that due to the configuration of the lots, minor amendments to the PUD may be needed to accommodate dwelling units. In accordance with this process, notice will be given to abutting property owners. The PUD Text also designates a minimum home size of 2,500 square feet, minimum amount of masonry (exterior) and minimum number of enclosed parking spaces; conditions to which the Staff recommends the City of Tulsa not become a party. The interior street will be a private cul-de-sac with a 24 foot paving width.

The Staff has reviewed PUD 416 and finds that it is: (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, (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 416 subject to the following conditions:

- 1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
- 2) Development Standards:
Land Area: 3.94 Acres Gross
Existing Zoning: RS-1
Permitted Uses: Detached single-family residences and Accessory Uses.

	<u>Submitted</u>	<u>Recommended</u>
Maximum Number of Dwelling Units:	7*	7*
Minimum Lot Frontage:	90 feet**	90 feet**
Minimum Lot Area:	16,000 sf	16,000 sf
Minimum Land Area/Dwelling Unit:	24,514 sf average for 7 lots on 3.94 acres	Same
Maximum Structure Height:	40 ft	35 ft./RS-1
Minimum Livability Space/Dwelling Unit:	Not Specified	7,000 sf/RS-1
Minimum Front Yard Setback:	30 feet***	30 feet***
Minimum Rear Yard Setback:	25 feet	25 feet
Minimum Side Yard Setback:		
One Side	10 feet	10 feet
Other Side	5 feet	5 feet
Minimum of 10 feet separating buildings.		

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Roadway Easement Width:	40 feet	40 feet
Paving Width:	24 feet	24 feet

* One lot will be devoted to an existing single-family residence.

** On cul-de-sac and curves, pie shaped lots may have less than the minimum frontage measured at building line.

*** Lot 5 shall have a 25 foot front setback.

- 3) Subject to the review and conditions of the Technical Advisory Committee.
- 4) That the development shall be in general compliance with the RS-1 Zoning Code provisions unless modified by the PUD Text and approved by the TMAPC. It is understood that if minor amendments are required they shall be handled in accordance with notice to the abutting property owners.
- 5) That a Homeowners' Association be created to provide for maintenance and operation of drainageways, interior streets, parks and landscaped areas and related private improvements. Further, that the responsibility for maintenance of these areas shall not be considered to be delegated to the City of Tulsa.
- 6) That the approval of a Final Plat by the TMAPC shall be considered as meeting a Detail Site Plan requirement. This shall be accomplished prior to issuance of any Building Permits, including details of exterior screening and landscaping treatment of public and other areas.
- 7) That a Detail Landscape Plan and Sign Plan be submitted to and approved by the TMAPC for entry areas only, and installed prior to granting occupancy of any residential units in the development and maintained as a continued condition of occupancy.
- 8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants. Staff notes that this is not a requirement that can be accomplished on a lot-by-lot basis as discussed in the PUD Text. The covenants enforceable by the City of Tulsa shall not include restrictions on minimum dwelling unit size, covered parking areas and building facades.
- 9) It is understood that certain adjustments to building setbacks may be required and will be considered on the basis of minor amendments submitted to the TMAPC for review and approval with notice to the abutting property owners.
- 10) The entire perimeter of PUD 416 shall be enclosed by a screening fence which shall be a minimum of 6 feet tall and maintained by the individual property owners on each lot or by the homeowners' association where said fence abuts common areas. The finished side of the fence shall be required to face the exterior of the PUD.

Comments & Discussion:

Mr. Gardner stated that, while this has been before the BOA, the five minute time limit for speaking does not allow proper time for the drainage concerns. Therefore, the applicant has filed this PUD. Mr. VanFossen commented that, theoretically, the applicant could do this project on a public street, without a PUD. Mr. Gardner confirmed this and added that the drainage is the major concern on this property. Mr. Paddock inquired as to why the BOA turned this down on prior occasions. Mr. Gardner advised the BOA wanted a Subdivision Plat and stated the drainage issue should be taken through the formal process. Ms. Kempe asked Staff if the City had the authority to enforce a homeowner's association to maintain the private streets up to a certain standard. Mr. Gardner stated they had the authority to require an association to maintain them, but then it gets into what extent. In regard to these private streets, Mr. Doherty asked for clarification as to emergency vehicle access.

Applicant's Comments:

Mr. Bland Pittman reviewed the application site in relation to the surrounding areas, highlighting the drainage, entrance/exits, etc. as indicated on the Detail Site Plan.

Interested Parties:

Ms. Evelyn Neinhise	Address: 2032 East 38th
Ms. Salley Ryan	4111 South Wheeling
Ms. Lisa Jennay	? 41st Street

Ms. Neinhise stated she did not object to the development, but had concerns about the drainage, as she has had an engineer contour her property due to the amount of watershed across her property. Ms. Neinhise also stated concerns that the position of the proposed wall and the 30' placement on Lot 5 would effect the contouring work done on her property. Ms. Ryan and Ms. Jennay stated opposition to the planned development and submitted a list of others objecting to this application.

Applicant's Rebuttal:

Mr. Pittman stated the applicant would be flexible as to the wall on north boundary and does not plan to interfere with the contouring already in place.

Additional Comments & Discussion:

In response to Ms. Kempe, Mr. Gardner explained that it is not unusual to have a wall/embankment if there is a requirement for detention, as is the case on this application. Mr. VanFossen and Mr. Carnes commented that, while having difficulty on cases such as this on estate lots, it is in accordance with the Zoning Code, and they would be voting in favor of this

PUD 416 Pittman (Enterline) - Cont'd

application. Mr. Paddock commented that in looking at the net acreage under RS-1 standards, the density would allow at least nine units and only seven are being proposed; therefore, he would be voting in favor. Mr. VanFossen commended Staff on their careful review of this application in connection with stormwater.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, "aye"; no "nays"; no "abstentions"; Draughon, Wilson, Woodard, Young, "absent") to **APPROVE PUD 416 Pittman (Enterline)**, as recommended by Staff.

Legal Description:

The south 470.00' of Lots 6 and 7, ROYAL OAK HEIGHTS, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being described by metes and bounds, as follows to-wit: BEGINNING at the southeast corner of Lot 6; thence N 89°20'38" W along the south line of Lot 6 and 7 a distance of 330.0' to the southwest corner of Lot 7; thence due north along the west line of Lot 7 a distance of 470.0'; thence S 89°20'38" E a distance of 330.0' to a point on the east line of Lot 6; thence due south along the east line of Lot 6 a distance of 470.0' to the POB and containing 3.56 acres, more or less.

* * * * *

Application No.: **CZ-146** Present Zoning: RMH
Applicant: **Burger** Proposed Zoning: CG
Location: East of the SE/c of US #169 and 66th Street North
Size of Tract: 3.0 acres, more or less

Date of Hearing: April 9, 1986
Presentation to TMAPC by: Mr. John Ramsay, 4143 East 31st Street (749-8891)

Relationship to the Comprehensive Plan:

The District 15 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area does not cover the subject tract. However, The North Tulsa County Comprehensive Plan 1980-2000 designates the subject tract a Special District 3 (Open Space/Recreational).

Staff Recommendation:

Site Analysis: The subject tract is approximately 3 acres in size and located at the southeast corner of 66th Street North and the Mingo Valley Expressway. It is non-wooded, gently sloping, contains a mixture of uses including mini-storage and recreational vehicle sales and is zoned RMH.

Surrounding Area Analysis: The tract is abutted on the north by an office and equipment storage facility zoned IL, on the east and south by a mobile home park and vacant property zoned RMH and on the west by mini-storage and office use zoned IL.

Zoning and BOA Historical Summary: Both industrial and mobile home zoning has been approved in the area. A special zoning study of the area between 66th Street and 76th Street along the Expressway was made in 1974 and recommended property in this general area be considered for industrial zoning.

Conclusion: The recreational vehicle business is permitted in either CG Commercial General or IL Light Industrial Zoning. Industrial zoning is consistent with the zoning pattern in the area and also consistent with the 1974 Special Zoning Study. The Staff prefers and recommends IL Industrial zoning be approved which would require the tract be readvertised. We recommend CG zoning be denied.

Note: The entire area is subject to flooding, especially the southern portion and, therefore, any building must be elevated above the 100 year flood elevation per the County FIA Maps.

Applicant's Comments:

Mr. Ramsay stated that in light of the Staff recommendation for IL, should the TMAPC not want to grant CG zoning, the applicant would like to have this matter continued to allow time for readvertising for IL. Mr. Ramsey commented the applicant has a travel trailer sales lot which is adjacent to an existing mobile home park, and is wanting to add a building to do service and repairs on these travel trailers.

Ms. Kempe asked Mr. Ramsay if he was requesting a continuance to readvertise. Mr. Ramsay stated that if the Commission would approve the application for commercial it would satisfy their request, but if not approved, they need a continuance. Chairman Parmele commented that, in looking at the surrounding zoning patterns and the Staff recommendation, it appeared it might be denied.

Interested Parties:

Mr. John Kornegay, 11502 East 66th Street North, stated his property was adjacent to the subject tract. Mr. Kornegay stated opposition to this application as he felt it is not a good location for a sales lot due to traffic. Chairman Parmele pointed out that IL zoning was across from the subject tract, and asked Mr. Kornegay if he was opposed to the IL zoning. Mr. Kornegay stated he felt there were more hazards with the sales/service lot than with his mini-storage lot, which in an IL zoned area.

CZ-146 Burger - Cont'd

Additional Comments & Discussion:

Chairman Parmele stated he felt this application should have been continued and/or withdrawn to allow time to readvertise for IL. Mr. VanFossen clarified that, if continued, the only additional costs would be for advertising. Mr. Gardner commented that the applicant has not reviewed this with Staff. Mr. VanFossen stated that he would probably be favoring IL zoning for this area.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, "aye"; no "nays"; no "abstentions"; Draughton, Wilson, Woodard, Young, "absent") to **CONTINUE Consideration of CZ-146 Burger** until Wednesday, **May 7, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 199-7:

2904 South 121st East Place

Staff Recommendation - Minor Amendment to the 5' Side Yard Requirement

The subject tract is located at the corner of South 121st East Place and East 29th Street South and has an underlying zoning of RS-3. The lot is small and irregular in shape and is part of a developing single-family subdivision and has already received a minor amendment from the TMAPC to allow a 14.0 foot front setback requirement (PUD 199-6, December 19, 1984). The applicant is requesting a minor amendment to permit an existing encroachment of rock fascia into the minimum five foot side yard requirement to 4.6 feet for the north yard and 4.7 feet for the south yard. Staff would note that the encroachment into the north yard is over a five foot utility easment.

Upon review of the applicant's submitted plat of survey, Staff finds the request to be minor in nature and in compliance with the approved Planned Unit Development. Therefore, Staff recommends **APPROVAL** of the minor amendment, subject to the applicant's Plat of Survey and subject to the applicant vacating that portion of the utility easement to which the structure is encroaching.

On **MOTION** of **DOHERTY**, the Planning Commission voted **6-0-0** (Carnes, Doherty, Kempe, Parmele, Selph, VanFossen, "aye"; no "nays"; no "abstentions"; Draughton, Paddock, Wilson, Woodard, Young, "absent") to **APPROVE** the Minor Amendment to PUD 199-7, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 7:46 p.m.

Date Approved

4-23-86

Robert J. [Signature]
Chairman

ATTEST:

RBPaddock
Secretary