

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1627
Wednesday, November 19, 1986, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal Counsel
Doherty, 2nd Vice-Chairman		Gardner	
Draughon		Setters	
Kempe		Wilmoth	
Paddock, Secretary			
Parmelee, 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, November 18, 1986 at 10:54 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmelee called the meeting to order at 1:33 p.m.

MINUTES:

Approval of Minutes of November 5, 1986, Meeting #1626:

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-3** (Carnes, Doherty, Parmelee, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, Kempe, Paddock, "abstaining"; (Crawford, "absent") to **APPROVE** the **Minutes of November 5, 1986, Meeting No. 1626.**

REPORTS:

Report of Receipts & Deposits for the Month Ended October 31, 1986:

On **MOTION** of **DOHERTY**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmelee, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended October 31, 1986.**

Committee Reports:

Mr. Paddock advised the **Rules and Regulations Committee** had met this date and scheduled a follow-up meeting for Wednesday, December 3rd to continue discussions before presentation to the TMAPC.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Country Acres (2572) East 167th Street & South Peoria Avenue (AG)

On **MOTION** of **KEMPE**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **CONTINUE Consideration of the Preliminary Plat for Country Acres** until Wednesday, **December 3, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Heatherwood Mobile Home Park (PUD 323-3)(29 & 3290) S/side of Coyote Trail,
West of South 241st West Ave (RE, AG)

This plat had a "sketch plat" approval by TAC on 10/24/85, subject to 19 conditions. It was again reviewed on 5/29/86, but due to numerous requirements that had not been met, including an amendment to the PUD, it was TABLED without further action. The PUD has now been amended and the plat is submitted again for preliminary approval. The conditions, taken from previous reviews, plus additional requirements on the current submittal shall apply.

The TAC voted to recommend **approval** of the PRELIMINARY plat of Heatherwood Mobile Home Park, subject to the following conditions:

1. Remove owners name from main title and show on face of plat in smaller type, along with address and phone number. Show same for engineer.
2. Indicate on face of plat the total number of gross acres and the total number of lots. Show "PUD 323-3" on face of plat.
3. Show the private roadway easements within the plat as dashed lines, identify and dimension same as part of "Reserve A". (Identify all the open space and private roadways as part of "Reserve A".) Show a block number. Identify adjacent land as "unplatted".

Heatherwood Mobile Home Park - Cont'd

4. Identify the creek as "Restricted Drainageway Easement" to match language in covenants. Show bearings and distances so it can be accurately located. (Subject to approval of County Engineer.)
5. Omit "bridge" since same is owned by developer and an easement is not necessary.
6. Show additional utility easements as needed. Approval of easements subject to release letters from utility companies.
7. Water plans shall be approved by the applicable water supplier prior to release of final plat. (Release letter required.)
8. Paving and/or drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable), subject to criteria approved by the County Commission.
9. All curve data shall be shown on final plat as applicable (see #12).
10. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. (OK approved 11/13/86)
11. The method of water supply and plans therefore, shall be approved by City-County Health Department. (OK approved 11/13/86)
12. All lots, streets, building lines, easements, etc. shall be completely dimensioned. (Many dimensions missing on lots and drainageway.)
13. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
14. Covenants:
 - (a) Legal should be metes and bounds description around entire plat. (Subject to approval of County Engineer.)
 - (b) SECTION I: Reference to drainageway easement, subject to approval of County Engineer.
 - (c) SECTION II:
 1. PUD number is 323-3
 2. Paragraph 4, add: "dust free" after word "weather", per PUD.
 - (d) SECTION III:
 - B. After word "restrictions", add: "in Section II" and change first word from "These" to "The".
 - C. Omit "Section I and" phrase.
15. All conditions of PUD 323-3 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.

Heatherwood Mobile Home Park - Cont'd

16. Section line right-of-way should be properly vacated or shown on plat as "24.75' Statutory Right-of-Way". If vacated, cite case or resolution number for reference.
17. This plat has been referred to Mannford and Sand Springs because of its location near or inside a "fence line" of that municipality; otherwise only the conditions listed apply.
18. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
19. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Wilmoth advised conditions #7, #10 and #11 had already been met. In reply to Mr. Doherty, Mr. Wilmoth stated the method of sewage disposal approved was a group approval for six septic tanks for the entire development. Commissioner Selph questioned where the applicant was obtaining his water supply. Mr. Harry Adkins, representing the applicant, advised it was a private water supply (approved by the State).

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-1** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Doherty, "abstaining"; Crawford, "absent") to **APPROVE** the **Preliminary Plat of Heatherwood Mobile Home Park**, subject to the conditions as recommended by the TAC and Staff.

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Victory Christian Center (783) W/side South Lewis, 7700 Block South (AG)

This plat has a "Sketch Plat" approval (3/27/86) by TAC subject to 13 conditions as listed in the minutes. A copy of the minutes was provided for background and review. The applicant did not take the plat on to the Planning Commission, so the only action is that of the TAC on the sketch plat. It is the understanding of the Staff that an application has been or will be made to vacate East 78th Street at the west end of this tract. The new plot plan does not show a connection across the drainage area to 78th Street. IF the street is vacated, then this will solve the question of whether a dedicated street is to be extended through to South Lewis. **HOWEVER**, if 78th Street is vacated then Lot 2 will not have frontage on a dedicated street and Board of Adjustment approval will be required for a variance of the zoning. If Lot 2 is for drainage and/or storm water purposes, Staff suggests that the lot number be dropped and the area shown as a "Reserve" and its purposes indicated in the restrictive covenants.

Z-6056 Woodland Hills Mall - Cont'd

- (a) Grading and drainage plan approval subject to Stormwater Management review. (This condition has been met.)
- (b) Extension of sewer is required. Easements required with extension.
- (c) Approval limited to this tract only. Remainder of Z-6056 still "Subject to plat" or waiver application.

The TAC voted to recommend **approval** of the waiver of plat on Z-6056 noting that the provisions of Section 260 will be met upon completion of the conditions outlined by the Staff.

Comments & Discussion:

Mr. Wilmoth pointed out that condition (a) had been already met, and clarified for Mr. Draughon that this has also been platted. It was also noted that condition (b) was not applicable.

TMAPC ACTION: 10 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Crawford, "absent") to **APPROVE** the **Waiver Request for Z-6056 Woodland Hills Mall** on only that portion related to L-16383, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS:

LOT SPLITS FOR WAIVER:

L-16768 Vanscoy (1482) South of the SW/c of 81st Street & Elwood Avenue (AG)

This is a request to split-off a 134.26' x 659.13' lot from a 10 acre tract which has had several lots created from it, all of which are over 2-1/2 acres in size. This application is only being filed to clear title to the 2.03 acre tract.

Staff notes that there are comparable lots in the area, and recommends **APPROVAL** of this request subject to the following conditions:

- (1) Approval from the City Board of Adjustment for the variances of the bulk and area requirements needed in order to allow the lot split.
- (2) Approval from the City-County Health Department for percolation test on the subject tract.

L-16768 Vanscoy - Cont'd

- (3) A approval letter from Creek County Rural Water District, stating water service is available to the subject tract.
- (4) Any utility easements that may be necessary in order to service the subject tracts. Recommend 11' utility easement on north, west and south.
- (5) Fifty feet of right-of-way dedicated for Elwood Avenue in order to bring the current dedication up to the standards as required by the Major Street and Highway Plan.

The TAC voted to recommend **approval** of L-16768, subject to the conditions outlined by Staff.

TMAPC ACTION: 10 members present

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"; (Crawford, "absent")) to **APPROVE** the **Lot Split Waiver for L-16768 Vanscoy**, subject to the conditions as recommended by the TAC and Staff.

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L-16770 B & C Enterprises (2203) North of the NW/c of Apache & Sheridan (IL)

This is a request to split a 55' x 190' lot from a irregular-shaped industrial lot. This action will require a variance from the City Board of Adjustment because the only access to this lot is by a private street.

Since the only concern in this case is the access to the street, the Staff recommends **APPROVAL** subject to the following conditions:

- (1) Approval from the City Board of Adjustment for the above mentioned variance.
- (2) Extensions of sewer lines and easements that may be necessary to service the subject tracts.
- (3) That a copy of the roadway easement document be kept in the lot split application file, after this instrument has been filed of record at the courthouse.
- (4) The dedication for Sheridan Road should be 50 feet, if not, additional right-of-way will be required in order to conform with the Major Street Plan.

PSO advised that some additional easement may be needed by separate instrument. The Water and Sewer Department advised that this split will separate the parcel from both water and sewer. Extensions will be required. The possibility of changing the access "easement" to a part of the ownership to abut Sheridan was discussed.

Victory Christian Center - Cont'd

No new restrictive covenants were prepared so the information provided may need to be updated, particularly to include the necessary language for storm water purposes.

The majority of the remaining conditions are of routine nature and will still apply.

There was some discussion regarding the need for additional easement along South Lewis due to numerous specific easements. It was suggested that the plat show a "50' Building Line and Easement". It was also recommended that the 17-1/2' perimeter easement also be retained as shown on plat.

The TAC voted to recommend **approval** of the PRELIMINARY plat of Victory Christian Center, subject to the following conditions:

1. Show applicable drainageway easements and/or detention as required by Stormwater Management.
2. Omit Lot 2 and show necessary easements for drainage and/or stormwater facilities.
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. (Show complete ONG easement. Also show "50' building line and easement" on Lewis.)
4. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
5. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
7. Paving and/or drainage plans shall be approved by Stormwater Management including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. (Class "A" Permit required.) (Include language for overland drainage easement as directed by Department of Stormwater Management.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
9. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by Traffic Engineer. Include applicable language in covenants. Review south access in relation to existing culvert. Show 40' width for all three access points. Plat should match plot plan.

Victory Christian Center - Cont'd

10. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
12. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
13. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Wilmoth commented that, in regard to condition #2, there would be a Lot 2, which would abut the end of 78th Street. Mr. Wilmoth also advised that the 17-1/2' perimeter easement has been dropped, per meetings with the utilities involved. In reply to Mr. VanFossen, Mr. Wilmoth clarified that 78th Street would not be completely vacated, but could be closed by ordinance due to the water line going to Lewis and the need for a utility easement.

TMAPC ACTION: 10 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **APPROVE** the **Preliminary Plat for Victory Christian Center**, subject to the conditions as recommended by the TAC and Staff.

REQUEST FOR WAIVER (Section 260):

Z-6056 Woodland Hills Mall (183) North of the NE/c 71st & Memorial (CS, AG)

This is a request to waive plat on a portion of Lot 1, Block 1 of the above plat. This particular parcel has been separated by Lot Split #16383, approved 3/6/84. A restaurant is proposed on the first parcel (plot plan submitted) although more land was included in the zoning application. Therefore, this recommendation and review only covers that portion within the plot plan submitted and the approved lot split. As this corner develops we should expect to see additional plot plans and requests for waiver on the remainder. Since it is already platted and access is limited to the private "ring-road", Staff sees no objection to the request on this tract, subject to the following:

L-16770 B & C Enterprises - Cont'd

The TAC voted to recommend **approval** of L-16770, subject to the conditions outlined by Staff, including comments from Water and Sewer Department and PSO.

TMAPC ACTION: 10 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent")) to **APPROVE** the **Lot Split Waiver for L-16770 B & C Enterprises**, subject to the conditions as recommended by the TAC and Staff.

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L-16775 Drury (593)

2824 East Admiral Court

(RS-3)

This is a request to split the north 93' and the west 5' of the north 50' of the south 185' of Block 3, Speedway Heights into two lots facing east Admiral Court. The west lot will have 66.9' of frontage and 6,472 square feet and contains an existing single-family house. The east lot is presently vacant, will have 66.9' of frontage and contain 6,222 square feet. Since both lots are less than 6,900 square feet a variance of the minimum area is required. A sewer main extension will be required for the east lot. (The southerly part of Block 3 was split off by L-15687 and the plat requirement waived on Z-5263 on 1/16/80. Applicant at that time was advised a sewer extension would be required as well as being advised that grading plan approval would be required in the permit process. The Board of Adjustment approved the tract now under application for duplex use, case #12412, 1/27/83, but only a single-family house was placed on the lot and the exception granted by the Board has expired.) Staff has no objection to the present request, subject to the following:

- (a) Sewer main extension required by Water and Sewer Department.
- (b) Grading plan approval by Stormwater Management through the permit process.
- (c) Approval of Board of Adjustment of a variance to permit smaller lot areas.
- (d) Utility easements as needed for sewer extension.

The TAC voted to recommend **approval** of L-16775, subject to the conditions outlined by Staff.

TMAPC ACTION: 10 members present

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"; (Crawford, "absent")) to **APPROVE** the **Lot Split Waiver for L-16775 Drury**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-16764 (883) CJB Inc.
L-16776 (1482) Rosencutter

L-16777 (2693) Franden
L-16778 (1993) Design Properties

TMAPC ACTION: 10 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **APPROVE** the **Above Listed Lot Splits for Ratification of Prior Approval**, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: **Z-6126 & PUD 421** Present Zoning: RS-3
Applicant: **Heller** Proposed Zoning: RM-1
Location: SE/c of the Broken Arrow Expressway and Zunis Avenue
Size of Tract: .1 acre, approximately
Date of Hearing: November 19, 1986
Presentation to TMAPC by: Mr. Bob Nichols, 111 West 5th

NOTE: Z-6126 was initially submitted as request for rezoning from RS-3 to OL with a related item being PUD 421. The application was continued from October 8, 1986 to November 19th to allow the applicant to submit a revised PUD application and readvertise for rezoning from RS-3 to RM-1, and is being presented at this time.

Relationship to the Comprehensive Plan: Z-6126 & Related PUD 421

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RM-1 zoning **may be found** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .1 acre in size and located east of the southeast corner of Zunis Avenue and the frontage road of the Broken Arrow Expressway. It is partially wooded, flat, contains a single-family residence and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by the Broken Arrow Expressway zoned RS-3; on the east by an office building and a single-family residence zoned OL and RS-3; and on the south and west by single-family residences zoned RS-3.

Zoning and BOA Historical Summary: Previous zoning actions to the area east of the subject tract have permitted OL zoning and office uses. The immediate area abutting the subject tract to the south and west is a stable single-family residential neighborhood. OL zoning on the subject tract was denied by the TMAPC in February 1983 per Z-5796.

Conclusion: The physical facts and land use in this immediate area support a distinct delineation of RS low intensity residential uses and zoning versus office uses and zoning along the east boundary of the subject tract. Even though the request "may be found" in accordance with the Comprehensive Plan, the physical facts do not support a finding in favor of the requested RM-1 zoning. This request is considered an encroachment into the stable single-family residential zoning and character of the existing and abutting neighborhood to the south and west. The most recent amendment to the District 6 Plan for the subject tract was from Low Intensity - No Specific Land Use to Low Intensity - Residential; a demonstrated policy toward reduced (rather than increased) intensities.

Therefore, Staff recommends **DENIAL** of RM-1 zoning. **NOTE:** The proposed rezoning is requested as underlying zoning for PUD 421. Staff does not support the RM-1 zoning request and, therefore, does not support PUD 421, as explained in a separate Staff recommendation.

Staff Recommendation: **PUD 421 (Related Item Z-6126)**

The subject tract has an area of approximately .3 acres and is located at the southeast corner of the Broken Arrow Expressway Frontage Road and Zunis Avenue. Staff is not supportive of the requested RM-1 underlying zoning per Z-6126 and, therefore, is not supportive of PUD 421. RM-1 zoning is being requested on the east half of the PUD with a Special Exception for office use. The Site Plan and the PUD Text indicate that, as a part of the proposed conversion of the east residence to office, the north porch area will be enclosed. The design of the parking area is to provide two parking spaces in two driveways (a total of four spaces) in the front yard of the east lot. The requirement for office off-street parking would be a minimum of five spaces.

The applicant is proposing a future addition of 1,080 square feet of residential use, which will result from the conversion of the existing garage and the tying of the two houses together. A variance from the BOA is pending on the requirement of livability space for the residential unit which will remain on the west half of the PUD. Also, a variance has been requested on the screening requirement.

Staff recommends **DENIAL** of PUD 421. If the TMAPC is supportive of the underlying zoning, Staff recommends a continuance of this application until December 3, 1986 to do a detailed analysis of the proposed development standards and outline development plan. The minutes of the August 28, 1986 and November 13, 1986 TAC meeting are attached as well as a copy of the outline development plan.

Comments & Discussion:

Ms. Wilson inquired if, during the District 6 Plan update, there was any discussion as to what was desired for this tract of land. Mr. Gardner stated most of the discussion centered on Terrace Drive. Mr. Paddock inquired as to the date of the adoption of the most recent Plan amendment. Mr. Gardner advised that that would have been during the Cherry Street Special Study, which was adopted during the last 60 days.

Applicant's Comments:

Mr. Nichols submitted a site plan drawing and photos of the subject tract, and reviewed these for the Commission. He advised the applicant owns both lots and was currently residing in the property under application for RM-1 zoning, and if approved, they would move their office and business activity to the property on the east. Mr. Nichols announced the applicant would only need 25' feet of RM-1 (not 50' as originally requested), and was prepared to amend the zoning application to that amount. Mr. Nichols stated the property to the east was included in the PUD only because of the off-street parking requirements, and was being also being amended to allow two parking spaces in driveway located on each side of the east building. A further amendment to the application was made to withdraw any additional space to connect the two structures.

Ms. Wilson clarified the application was then amended to do away with any add-ons between the buildings and requested 25' instead of 50' of RM-1, as well as the modification to the parking. Mr. Nichols concurred.

Interested Parties:

Mr. Jim Rand (2019 East 14th Place), as Chairman of the Terrace Drive Neighborhood Association, spoke in support of the request for zoning and development. Mr. Rand commented the Association would prefer to see the RM-1 zoning, with the agreed restrictions, to allow the continued use as a residence.

Ms. Wilson inquired as to the agreed restrictions and/or conditions, and Mr. Rand stated the applicant would add the restrictions, as discussed with the Association, to the PUD or include them in the restrictive covenants. Mr. Paddock asked Mr. Rand his thoughts on having apartments built in this area, should this be rezoned to RM-1. Mr. Rand stated this was a primary concern of the Association and they discussed the possibility of finding a means to allow Mr. Heller, through the RM-1 zoning and appropriate variance, to use his property as he wished, but still protect the neighborhood against a future purchaser having the advantage of building apartments. Mr. Rand stated that through the agreed upon restrictions, this would be addressed so the applicant would not be able to change the structure or build an apartment. Mr. Paddock confirmed with Mr. Rand this did have some basis for his request to the Rules and Regulations Committee for an amendment to Title 42 of the Zoning Codes. Mr. Rand explained the requested amendment to the Codes would allow someone the ability to conduct a low profile, low traffic office type business from their residence.

Applicant's Rebuttal:

Mr. Nichols, to address the concerns of the neighborhood, stated the tract on the west was to remain a single-family residence. In regard to the question about apartments being built on the site, Mr. Nichols reiterated the zoning application for RM-1 was being amended to only 25', which would be very restrictive for apartment use, and the PUD would place restrictions to further limit the use. Mr. Nichols, in addressing the Staff's recommendation on the zoning request, reviewed the subject tract and the surrounding areas and stated this area was one subdivision at one time and was broken up through lot splits. As he saw no physical supporting facts for the zoning line as delineated by Staff, he felt the line should be Zunis Avenue. Mr. Nichols pointed out that, with this application, there was a buffer being provided by the property owner to insure the stability of the neighborhood, as they will maintain the single-family residence on the western portion of the tract. Referring to the Comprehensive Plan and the desire to not increase the intensity, Mr. Nichols commented the 25' of RM-1 zoning would not increase intensities. Mr. Nichols submitted a chart to show the low amount of office traffic and activity presently conducted on the premises.

In response to Mr. Doherty, Mr. Nichols explained the nature of Mr. Heller's business was oil investments and stock investments. Mr. VanFossen questioned why the westerly lot was even included in the PUD. Mr. Nichols stated the PUD was filed before he acquired this case and he might have excluded it, but another rationale would be to accommodate the off-street parking should five spaces, in fact, be required. He stressed Mr. Heller's intent to keep this a single-family residence and there was no intention to expand any office to this westerly tract. Mr. Gardner commented that, in reviewing the history on this property, the structure on the west lends itself better for office, but both of these have been under application for office usage. To have any merit, residential was stressed as a buffer on the eastern tract. Mr. VanFossen confirmed with Mr. Gardner that this it was better as part of the PUD because it gives a locked in buffer within the PUD.

Mr. Carnes inquired as to the importance of the delay of the PUD to December 3rd. Mr. Gardner stated that, basically, what was being proposed was to liberalize the home occupation rules that stipulate one can only have employees who live in the structure, but changing the ordinance would not help in this situation. The continuance to December 3rd was requested to allow time to review the specifics of the PUD, should the zoning be approved.

Mr. VanFossen asked Mr. Nichols if there was any reason why the east side could not be used with five parking spaces behind the building. Mr. Nichols stated this has not been reviewed from an engineering standpoint, but it was Mr. Heller's feeling that he would rather not convert the back yard to a parking lot if possible.

Additional Comments and Discussion:

Mr. Doherty inquired if Staff had any additional information as to the stability of the neighborhood to the west, especially that fronting the Broken Arrow frontage road. Mr. Gardner commented being aware of at least two structures facing the expressway (on the south side) that have had extensive renovation for single-family usage, which indicates the area has had some revitalization occurring.

Mr. VanFossen stated he personally did not have a problem with the east lot as offices, but he did have some problems with considering anything otherwise with the westerly property. In looking at the zoning line, he pointed out the property on the south going back to Zunis that goes off the zoning line. Mr. VanFossen remarked he would be in favor of permitting the PUD and the 25' of RM-1 zoning, subject to the Staff working out the final details of the PUD, and offered this in the form of a motion. After a comment from Mr. Nichols as to calculating the zoned area to the centerline, Mr. VanFossen amended his motion to the east 30' for RM-1.

Due to hesitation for continuing the zoning with the PUD, Mr. Gardner suggested voting on the motion, but withhold transmittal of the zoning portion until the PUD was heard to allow transmittal of both items together to the City. If this motion carried, then Staff would know the Commission was supportive of RM-1 zoning, and then Staff could look at the specific proposal. Mr. VanFossen amended his motion to include the withholding of the transmittal to City until after the PUD is heard.

Mr. Gardner, in reply to Ms. Kempe, explained that OL would not be found in accordance with the Comprehensive Plan, while RM was a "may be found" and the PUD allowed the conversion. Discussion continued on OL zoning versus RM zoning with a PUD. Chairman Parmele commented it appeared they were playing with words instead of looking at the physical facts and actual use of the property.

Mr. Paddock stated he could not support the motion and could not support office use at this location, as he did not believe in the use of a PUD to try to obtain what could not be obtained directly. Even if the RM-1 was approved, he could not support a PUD on this small parcel of land, as he felt it was inappropriate. Mr. VanFossen, as Chairman of the Comprehensive Plan Committee, commented the Committee did review this, and he felt this application was unique and he was still in support.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-2-0** (Carnes, Doherty, Kempe, Parmele, Selph, VanFossen, Wilson, "aye"; Draughton, Paddock, "nay"; no "abstentions"; (Crawford, Woodard, "absent")) to **APPROVE RM-1 zoning on the east 30' of Z-6126 Heller and to withhold transmittal to the City until the related PUD 421 is heard.**

TMAPC ACTION: 9 members present

On MOTION of WILSON, the Planning Commission voted 7-0-2 (Carnes, Doherty, Kempe, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, Paddock, "abstaining"; (Crawford, "absent") to CONTINUE Consideration of PUD 421 Heller until Wednesday, December 3, 1986 at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

Application No.: PUD 297-A Present Zoning: RM-T
Applicant: Dupree Proposed Zoning: Unchanged
Location: 1623 East 66th Street South, Lot 51, Block 1, Innovare Park
Size of Tract: 30' x 60'
Date of Hearing: November 19, 1986
Presentation to TMAPC by: Mr. Stanley Dupree, 1623 East 66th St. (493-3562)

Staff Recommendation: Major Amendment for Satellite Dish in Front Yard

The subject tract is located at 1623 East 66th Street South and is the site of a single-family residence. The applicant is requesting approval for a satellite dish, which is 8'6" in diameter, to be installed in the front yard of the residence. PUD 297 has been developed as Innovare Park and was approved by the TMAPC on September 8, 1982 and City Commission on October 1, 1982 with underlying zoning of RM-T. It is noted that although the development is characterized as single-family residential, it is developed at multi-family densities. Internal development standards permit 12' front yard setbacks (18' from the back of the curb), 10' rear yards, and side yards of 0' on one side and 5' on the other. The subject tract is located on a corner lot within a rectangular cul-de-sac, and at least 10 to 12 other dwelling units would have a view of the proposed satellite dish (three units would be directly across the street or public drive area). The size of the subject tract is 30' x 60' and the 12' front yard is a dedicated sanitary sewer easement. The City Commission denied the applicant a license to install a satellite dish on the street right-of-way on April 4, 1986.

In view of the extremely limited yard area, a structure such as a satellite dish would obscure and virtually occupy all of the available meaningful and extremely limited open space and yard area. Staff considers such a request clearly inappropriate when the character and density of the existing development is considered. Further, it would not be in harmony with the existing development of the surrounding area, and also not foster a continuity of design within the development.

Therefore Staff recommends that the request for a satellite dish to be placed in the front yard of Lot 51, Block 1, Innovare Park be DENIED.

NOTE: Staff has received a lengthy packet of protest petitions and other materials, the table of contents of which is attached, which will be presented at the public hearing. Discussions with the applicant indicate he is considering moving the satellite dish to the 5' side yard on the north of the subject tract and mounting it on a 20' pole. Staff would continue to recommend DENIAL of such a request and considers that it would be more demeaning of the neighborhood character than would a front yard installation. Satellite dishes are regulated by Section 291 of the Zoning Code.

Applicant's Comments:

Mr. Dupree submitted photos of the area and commented that he had originally intended to go before the BOA, but was advised that this was under a PUD and would require TMAPC approval. Mr. Dupree, to give a brief history, stated that, not being aware of the restrictive covenants, he had first put the dish in the front yard, where the installer had placed it six inches over City right-of-way, and he was forced to remove the dish by the City. At that time the Ordinances restricted satellite dishes to the back yard only. He found that the restrictive covenants would not allow a dish even in the back yard. Mr. Dupree said that he would like to install a 20' pole on the north side (which was vacant on this side of the cul-de-sac), and place the satellite dish on top of the pole.

Mr. Draughon, regarding the initial installation, confirmed the dish met the Ordinance at that time and was only moved because the installer had inadvertently placed the dish six inches on City right-of-way. Mr. Dupree stated that the consensus from Code Enforcement was that if he dug the dish up to move it back six inches, it would constitute a new installation and would be illegal under the new Ordinance.

Mr. Linker agreed with the applicant's statement as to the interpretation of the Code, but putting that aside, there was some question as to whether or not the City had control over satellite dishes even prior to passage of the Ordinance. Mr. Linker pointed out two problems the applicant was facing: (1) trying to satisfy the present City requirements, and (2) the matter of the restrictive covenants, which could be enforced even with City approval. Mr. Dupree stated he understood this and was willing to work with his neighbors if they were willing to work with him, but it appeared they had already decided against any dish. Mr. Dupree stated his first dish (in the front yard) was solid and unsightly and to overcome that objection he traded the old dish in for one that was see-through black mesh. Mr. Dupree reiterated that the dish could not be installed in the back yard because it was not possible to achieve the proper angle on the satellite from behind the house and over the roof line. Therefore, he thought the pole mounting would provide an alternative solution.

Ms. Kempe pointed out for the applicant that, even if the TMAPC approved the request, under the terms of the covenants the neighbors might be able to force him to remove the dish. Mr. Linker commented that the applicant has to start somewhere to get two approvals, and he has proceeded properly to get an exception approved under the PUD. Mr. Dupree stated he understood the required process of zoning approval before tackling the restrictive covenants.

Interested Parties:

Address:

Mr. Rick Cowen	1607 East 66th Street
Ms. Elizabeth Wheatholter	1616 East 66th Street

Mr. Cowen, representing several neighbors, stated the main objection was due to the small lot sizes. He submitted photos of the cul-de-sac area, and stated he felt this would disrupt the character of the neighborhood. Therefore, he requested denial of the amendment request.

Ms. Wheatholter was opposed to the request due to the visual obtrusiveness to the neighborhood. She was also opposed to this being placed on a 20' pole and suggested that if it could somehow be placed behind the house, they would be more agreeable.

Applicant's Rebuttal:

Mr. Dupree agreed with Ms. Wheatholter that the original installation in the front was rather unsightly. He stated a preference for installation on the side of the house (by the chimney), as this presented less safety problems than placing it in the back yard, which would require it being raised and anchored to cover the apex of his house. Mr. Dupree remarked that he (or anyone) should have the right to receive satellite signals, and the Federal Communications Commission (FCC) concurred, as indicated in a March 1986 ruling.

Mr. Carnes stated it appeared the neighborhood would be agreeable to a back yard installation and suggested the applicant find someone who would put the pole in the back yard. Mr. Dupree replied he was agreeable to this, but due to the structure of the roof of his house on the backside, it would require raising the dish and substantial anchoring.

Additional Comments and Discussion:

Mr. Draughon agreed with others on the Commission as to the applicant's problem, but he was also concerned about the applicant's right to a dish being denied. Mr. Draughon commented he was uncomfortable with the fact that this citizen was unable to have what most other Americans could have, and that was the right to own whatever he could afford to buy.

Mr. VanFossen stated that he has viewed the neighborhood and the side yard was literally the front yard of the houses across the street, and he felt it was a totally inappropriate location. Therefore, he moved for denial of this request.

Therefore Staff recommends that the request for a satellite dish to be placed in the front yard of Lot 51, Block 1, Innovare Park be DENIED.

NOTE: Staff has received a lengthy packet of protest petitions and other materials, the table of contents of which is attached, which will be presented at the public hearing. Discussions with the applicant indicate he is considering moving the satellite dish to the 5' side yard on the north of the subject tract and mounting it on a 20' pole. Staff would continue to recommend DENIAL of such a request and considers that it would be more demeaning of the neighborhood character than would a front yard installation. Satellite dishes are regulated by Section 291 of the Zoning Code.

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Mr. Draughon, regarding the initial installation, confirmed the dish met the Ordinance at that time and was only moved because the installer had inadvertently placed the dish six inches on City right-of-way. Mr. Dupree stated that the consensus from Code Enforcement was that if he dug the dish up to move it back six inches, it would constitute a new installation and would be illegal under the new Ordinance.

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Applicant's Rebuttal:

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Additional Comments and Discussion:

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Mr. VanFossen stated that he has viewed the neighborhood and the side yard was literally the front yard of the houses across the street, and he felt it was a totally inappropriate location. Therefore, he moved for denial of this request.

PUD 297-A Dupree - Cont'd

Mr. Paddock asked Legal to comment on the FCC ruling. Mr. Linker stated that he had read information on this and his interpretation was that the City was allowed reasonably regulate location. If an ordinance was adopted that stepped over that boundary to prohibit these type of satellite dishes throughout the community, then that might be going too far.

Mr. Doherty remarked that Innovare Park was developed under a PUD that took advantage of reduced side yard, lot lines, building setbacks, etc., and because of this there is a problem with installations such as proposed. However, the PUD was structured to deliberately do this and those residents choosing to live there must live under the restrictions of the PUD. Mr. Doherty stated he felt this Commission should not, at this point, change the PUD to accommodate this request.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, "aye"; Draughon, "nay"; no "abstentions"; (Crawford, Woodard, "absent") to **DENY** the **Major Amendment to PUD 297-A Dupree**, as recommended by Staff.

* * * * *

Application No.: **Z-6010-SP-2** Present Zoning: **CO**
Applicant: **Hall/Stokely** Proposed Zoning: **Unchanged**
Location: **West of the NW/c of Broken Arrow Expressway & South 129th East Ave.**
Size of Tract: **127.6 acres, more or less**
Date of Hearing: **November 19, 1986**
Presentation to TMAPC by: **Mr. Bill Stokely, 10111 East 45th Place (664-4724)**

Staff Recommendation: Corridor Site Plan for Billboards

The subject tract has an area of 127.6 acres. It is located west of the northwest corner of the Broken Arrow Expressway and South 129th East Avenue and is zoned CO (Corridor). The overall Z-6010-SP Site Plan, approved by the TMAPC on October 24, 1984 and the City Commission on December 11, 1984, provides for Development Areas as follows:

- | | |
|-------------------|--|
| Corporate Offices | Areas A, B, C, D, G and H |
| Commercial/Office | Areas F, I and J |
| Hotel/Commercial | Area E |
| Common Open Space | Area K (see attached Development Plan) |

The applicant is proposing to add Use Unit 21 "Outdoor Advertising" to Development Area F, which was approved for all uses as permitted in an OMH District, Use Unit 12 "Entertainment Establishments", Use Unit 13 "Convenience Goods and Services", Use Unit 14 "Shopping Goods and Services", but excluded Use Unit 8 "Multi-Family Dwellings". It is also

Z-6010-SP-2 Hall/Stokely - Cont'd

proposed to add Use Unit 21 "Outdoor Advertising" to Development Area G, which was approved for all uses permitted in an OMH District, excluding Use Unit 8 "Multi-Family Dwellings", and included all uses permitted within an IR District.

The billboard in Area F is proposed to be a V-type billboard, 50' tall with a display area 14' tall x 48' wide (672 square feet). The billboard in Area G is proposed to be 50' tall and have a two-faced display surface with each face being 10' tall x 32' wide (640 square feet). The signs will be located as shown on the zoning case map and spaced 1,200' apart within a "Freeway Sign Corridor", as required by the Zoning Code.

Staff is supportive of the requested Z-6010-SP-2 and recommends APPROVAL, as follows:

- 1) That the applicant's submitted Corridor Site Plan be made a condition of approval.
- 2) Subject to said signs meeting all other requirements of the City of Tulsa including, but not limited to Section 1221.7 Use Conditions for Outdoor Advertising signs, and the applicable Building Code.
- 3) Subject to Use Unit 21 for Outdoor Advertising Signs being an interim use for Development Areas F and G and said signs being subject to removal prior to the granting of an Occupancy Permit on a principal building for any of the other permitted uses in these Development Areas. This condition is understood to become operative at the time a Corridor Site Plan is submitted for a principal building in Areas F or G.
- 4) Subject to said signs being spaced a minimum of 1,200' from any existing outdoor advertising signs or other outdoor advertising signs for which permits have been issued within this Freeway Sign Corridor.

Comments & Discussion:

Mr. Frank advised the Commission that Staff was informed that a permit has been issued for another billboard located south at the southwest corner of 51st Street and 129th East Avenue. The east billboard of this application would not be spaced 1,200 feet from the other billboard. However, there was a possibility that the permit could expire within the six month period before construction began. In reply to Ms. Wilson, Mr. Frank clarified the requirements of the permitting process on billboards.

In a response to an inquiry from the Commission, Mr. Stokely indicated that he concurred with the Staff's recommended conditions of approval.

TMAPC ACTION: 9 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Crawford, Woodard, "absent")) to **APPROVE** the **Corridor Site Plan for Billboards for Z-6010-SP-2 Hall/Stokely**, as recommended by Staff.

Legal Description:

All that part of the SE/4 of Section 29, T-19-N, R-14-E of the IBM in Tulsa County, Oklahoma, laying north of the northerly right-of-way of the Broken Arrow Expressway, said tract being more particularly described as follows:

Considering the east line of said SE/4 as bearing S 00°04'14" W and with all other bearings contained herein relative thereto: Beginning at the NE corner of said SE/4 of Section 29; thence S 00°04'14" W along the east line of said SE/4 a distance of 2,091.60' to a point 550.00' from the SE corner of said SE/4; thence N 89°54'01" W and parallel with the south line of said SE/4 a distance of 800.00'; thence S 00°04'14" and parallel with the east line of said SE/4 a distance of 500.00' to a point 50.00' from the south line of said SE/4; thence N 89°54'01" W and parallel with the south line of said SE/4 a distance of 13.90' to a point in the northerly right-of-way line of the Broken Arrow Expressway; thence along the northerly right-of-way line of the Broken Arrow Expressway as follows:

The N 58°53'31" W a distance of 337.49'; thence N 66°21'31" W a distance of 1,214.70'; thence along a curve to the left having a radius of 21,585.92' for a distance of 477.42', the chord of said curve bearing N 62°19'19" W a distance of 477.41', to a point in the west line of said SE/4 from which the SW corner of said SE/4 lies 930.04' distant; thence N 00°02'15" E along the west line of said SE/4 a distance of 1,712.51' to the NW corner of said SE/4; thence S 89°52'46" E along the north line of said SE/4 a distance of 2,640.45' to the POB, as surveyed by John P. Geffken in May 1984, and as monumented by same, LESS and EXCEPT the east 50.00' of the N/2 of said SE/4, the above described tract of land containing 5,561,777.27 square feet, or 127.6808 acres, more or less.

OTHER BUSINESS:

PUD 171-4: North of the Northwest Corner of South Sheridan Road and East 81st Street South. Lot 4, Block 1, H & J Plaza.

Staff Recommendation: Minor Amendment for Lot Split (L-16773) and Screening Requirement, Amended Deed of Dedication, Detail Site Plan, Detail Sign Plan and Detail Landscape Plan.

Lot 4, Block 1, is .417 acres in size (net) and is located approximately 550 feet north of the northwest corner of South Sheridan Road and East 81st Street South. The subject tract is presently zoned RM-0 and PUD. A Minor Amendment to allow a 13' setback from the north property line was approved by the TMAPC on November 21, 1985 (PUD 171-3). The applicant is now requesting a Minor Amendment of the screening requirements, and a lot split, and Detail Site Plan, Detail Sign Plan and Detail Landscape Plan.

If approved, an amended Deeds of Dedication must be approved and executed. An accompanying lot split has been filed (L-16773), which is pending action on this application. Notice of the application has been given to abutting property owners.

MINOR AMENDMENT: The applicant is proposing landscape screening rather than privacy fencing between the building and the multi-family area to the north.

The Detail Site Plan includes the north elevation of the proposed building; the character of the building will be residential. The Plan identifies the location, type and size of the materials to be installed on a 30" tall berm. The screening fence would only separate parking lots on the subject tract and tract to the north. The screening fence should be required on the north property line from the northwest corner of the subject tract, east a minimum distance of 10' or one standard fence panel (whichever is less) to provide some screening for the rear of the building. The submitted plans show a 3' wide strip of unpaved area along the north with a 6" barrier curb along the edges of the parking lot.

Therefore, Staff recommends **APPROVAL** of the Minor Amendment to substitute landscaping for a screening fence, per the proposed Detail Landscape Plan, except that a 6' privacy fence be required along the north boundary from the northwest corner of the subject tract a distance of 10' to the east or one standard fencing panel (whichever is less).

SIGNS: A pharmacy is planned on the south lot and a dental office on the north lot. A plastic wall sign is shown for the pharmacy which is 3' x 18' and a 2' x 10' sign (8" aluminum letters with satin finish) is shown for the dentist's office. Staff is not supportive of the Detail Sign Plan as submitted and believes that the relatively small scale of this building dictates a uniform design for signage. Further, this uniformity should be decided in favor of the character of the lettering on the dental office, which is 8" aluminum letters with satin finish as proposed for the dentist's office.

Therefore, Staff recommends **DENIAL** of the Detail Sign Plan as submitted and **APPROVAL** subject to a uniformity in the design of the sign materials and lettering in favor of that proposed on the dental office. Staff is not opposed to the overall 3' x 18' size of the pharmacy sign.

LOT SPLIT: The applicant is proposing to split Lot 4 along the common wall of the dentist office and pharmacy. Based on the plans submitted, the two lots will appear as one development. The reason for the lot split is for individual ownership of the two sides and financing.

Therefore, Staff recommends **APPROVAL** of the Minor Amendment to allow the lot split, subject to: the plat of survey filed by the applicant; the development plans submitted; and subject to the construction of the common wall meeting all requirements of the Building Code for firewalls and related criteria.

AMENDED DEEDS OF DEDICATION: The original Deeds of Dedication would need to be amended to reflect the mutual use of the common drive in the parking lot on the south as well as shared parking. The Amended Deeds will also require including language addressing common access from Lot 3 to Lot 4. A 20' mutual access easement is platted between Lots 3 and 4. Staff recommends **APPROVAL** of the Amended Deeds of Dedication subject to the format being revised for TMAPC sign off and subject to approval by the City Legal staff.

DETAIL SITE PLAN: Staff recommends **APPROVAL** of the proposed Detail Site Plan for Lot 4, Block 1, subject to the following conditions:

- 1) That the applicant's submitted Detail Site Plan is a condition of approval, unless modified herein.

2) Development Standards:	<u>APPROVED PUD</u>	<u>SUBMITTED PLAN</u>
Land Area (Net)	18,150 sf	18,150 sf
Permitted Use:	As permitted within a CS District	
Building Floor Area:	Meets	4,053 sf
Floor Area Ratio:	.35	Tract "A" 21.4 Tract "B" 23.4
Maximum Stories:	2	1
Maximum Height:	26'	29'6" *
Minimum Setback of Building from Arterial Street:	80' from Centerline of Sheridan	Exceeds
Minimum Setback from North Property Line:	13'	13'
Minimum Setback from West Property Line:	10'	20'
Minimum Off-Street Parking:	16	20

* The difference in maximum permitted height is a result of an amendment to the Zoning Code from 26' to the top of the top plate to 35' to the top of the structure. The 29'6" figure is to the top of the structure and meets the Code as amended.

- 3) That all trash, utility and equipment areas shall be screened from public view.
- 4) That a Detail Landscape Plan 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.

Note: The applicant has submitted both north and east elevations which show a north facade of glass and windows and a building which will be brick and have a residential style hip-roof.

DETAIL LANDSCAPE PLAN: Review of the applicant's Detail Landscape Plan indicates a 13' landscaped area and berm the length of the north side of the building. Also, a 15' sodded area is shown along Sheridan as well as landscaping close to the building. The plan shows approximately 2,358 square feet of landscaped area or 13% of the total site. A plant material schedule is included which contains plant types and sizes. Staff recommends **APPROVAL** of the Detail Landscape Plan.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Carnes, Crawford, Woodard, "absent") to **APPROVE** the Minor Amendment for Lot Split L-16773 and Screening, Detail Site Plan, Detail Landscape Plan and Amended Deeds of Dedication for PUD 171-4, as recommended by Staff; and **APPROVE** the Detail Sign Plan as recommended by Staff (denial of Detail Sign Plan, as submitted by the applicant).

* * * * *

PUD #385-3: NW/c East 71st Street South and South Utica Avenue
Lot 1, Block 1, Laurenwood Addition

Staff Recommendation: Minor Amendment for Signage

PUD #385 is approximately 1.7 acres in size and is located on the northwest corner of South Utica Avenue and East 71st Street South. It is abutted to the north by a developing office park, to the west by Joe Creek Channel, to the south by an apartment complex and to the east by an office park. The applicant is requesting a minor amendment to change the approved sign and types on the south and east elevations. Detail Sign Plan approval was granted by the TMAPC on July 23, 1986 for a 6'6" X 11'10" project monument type ground sign. The applicant is now requesting a minor amendment to allow the substitution of the approved "Decorative Center" sign which is to be a stucco type to a "Carpet World" sign which will be backlighted on the south elevation and a similar wall mounted sign on the north end of the east elevation.

After review of the applicant's application and drawings, Staff finds the request to be minor in nature but can only support the request in part. Staff can support the substitution to the tenant sign on the south elevation only, due to its frontage on a major street. Staff cannot support the South Utica Avenue elevation due to the nonarterial frontage, as well, Staff could not support similar signage for the other tenants.

When PUD 385 was approved, uniform consideration was given to the tenants by allowing 12" vertical band with sewn or silkscreened letters on awnings for tenant signage (submitted by the applicant). Staff would also note that the area is not in a retail area and the structure and abutting structures are office in nature, which would also make the sign out of character with the area. South Utica Avenue provides limited access to a low intensity office development, again where signage is restricted.

Based on the above findings, Staff recommends **APPROVAL** of the proposed sign and type for the south elevation and **DENIAL** on the east elevation.

October 15, 1986: As requested by the Commission, Staff researched previous actions on PUD 385 from its inception as summarized in the attached "History of the Tulsa Design Center." Included in the "History" is an excerpt from the Text which addresses "Sign Standards" which were modified by the applicant at the submission of the Detail Site Plan and PUD 385-1 on June 19, 1985 (pp. 16-20 of these minutes). The character of the signage was discussed at length when the applicant was requesting 4' tall lettering on the building; a compromise at 3' was approved. It was at that time the more restrictive sign standards were introduced as shown on page 19 of the June 19, 1985 minutes. Staff continues to support the October 8, 1986 recommendation to **APPROVE** PUD 385-3 to allow the backlighted sign as requested by the applicant on the south elevation (East 71st Street), but to **DENY** any changes in the type and character of the signs on the east elevation.

Note: Reference is made to the original PUD Staff recommendation (June 12, 1984 TMAPC minutes p. 17) in which CS was not supported on the entire tract; however, the compromise OM/CS pattern was supported. It is noted that CS zoning was supported by Staff on only those portions of the tract that did not abut adjacent developed and developing areas which were primarily office at that time and continue to be so today.

November 19, 1986: The applicant has submitted revised sign standards which the staff considers a reasonable compromise. The physical facts of the area, underlying CS and OM zoning, and the character and restrictive nature of the proposed standards will support the high quality of this and abutting development. No signage will be placed on the west elevation and any signage presently existing will be subject to removal. A wall sign is planned on the south building elevation (East 71st Street), and two similar signs are planned for major tenants on the east elevation (Utica). Signage 12" tall will continue to be permitted on the awnings along the east elevation and also along the southeast tile fascia (east elevation midpoint) for a future tenant. The applicant is proposing that all signs shall be of a uniform color, no window signs will be permitted, and other sign requirements will be in accordance with the PUD Chapter 1130.2.(b) of the Zoning Code. The 3' tall "Decorator Center" signs previously approved for the east and south buildings elevations will be deleted in favor of the new signs.

PUD 385-3 - Cont'd

Therefore, Staff recommends **APPROVAL** of the PUD 385-3 minor amendment for signs and sign standards subject to the submitted Detail Sign Plan and amended sign standards.

TMAPC ACTION: 7 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-0-0** (Doherty, Draughon, Kempe, Parmele, Selph, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Carnes, Crawford, Paddock, Woodard, "absent") to **APPROVE** the **Minor Amendment for Signage for PUD 385-3**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:20 p.m.

Date Approved 12-3-86
Rant J. [Signature]
Chairman

ATTEST:

AB Paddock
Secretary

