

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1632  
Wednesday, January 7, 1987, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes	Crawford	Frank	Linker, Legal
Doherty, 2nd Vice- Chairman		Gardner	Counsel
Draughon		Lasker	Morgan, Asst. DA
Kempe		Setters	
Paddock, Secretary		Wilmoth	
Parmelee, Chairman			
Rice			
VanFossen			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 6, 1987 at 10:42 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 the Minutes of December 10, 1986, Meeting #1630  
and December 17, 1986, Meeting #1631:**

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Kempe, Paddock, Parmelee, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Doherty, Draughon, "absent") to **APPROVE** the **Minutes of December 10, 1986, Meeting No. 1630, and December 17, 1986, Meeting No. 1631.**

**REPORTS:**

**Chairman's Report:**

Chairman Parmelee welcomed Commissioner Mel Rice to the TMAPC as the representative from the County Commission.

REPORTS - Cont'd

Chairman Parmele introduced Ms. Susan Morgan, Assistant District Attorney, and opened discussions on Martin vs Flatt, et al, Quiet Title Action. Ms. Morgan reviewed this matter and stated she had received a copy of the petition, as discussed at the December 17, 1986 TMAPC hearing. She advised that although the notice had not been properly served to the TMAPC, she could proceed with an answer on their behalf, upon approval of the TMAPC. Mr. Linker confirmed that this should have been handled by the County, and Ms. Morgan was proceeding accordingly.

TMAPC ACTION: 9 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughon, "absent")) to **INSTRUCT** the District Attorney's office to proceed on the matter of Martin vs Flatt, et al, on behalf of the TMAPC.

Committee Reports:

Mr. Paddock advised that the **Rules & Regulations Committee** had met this date to consider several items which will be the subject of a report to the full Commission in the near future.

Director's Report:

Mr. Lasker advised the ordinance which established the Citizen Planning Teams calls for an annual meeting to be held each February. This year's meeting is scheduled for February 24th at the Westin Hotel, and information will be forwarded to the TMAPC members for agenda input, items for discussion, any suggestions, etc.

In regard to the Creek Expressway, Mr. Lasker briefed the Commission on the response from engineering firms interested in conducting the Environmental Impact Statement (EIS). Mr. Lasker stated that a consultant selection committee will narrow the list of 28 firms down to approximately five firms for interviewing for final selection.

**SUBDIVISIONS:**

REQUEST FOR EXTENSION OF APPROVAL (One year recommended):

**Quail Ridge II Addition (PUD 221-B)(2894)** 44th Street & South 135th East Ave

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughon, "absent") to **APPROVE** the **One Year Extension for Quail Ridge II Addition**, as recommended by Staff.

**LOT SPLITS FOR RATIFICATION:**

L-16792 (1582) Dufresne Ministries	L-16797 ( 793) Sutton Inv.
L-16793 (1894) Griffin	L-16798 ( 293) E.S. Kelly
L-16794 ( 693) Norman Plumbing	L-16799 (2793) Kirkland
L-16796 ( 894) Triangle Development	

**TMAPC ACTION: 9 members present**

On **MOTION** of **KEMPE**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughon, "absent") to **APPROVE** the **Above Listed Lot Splits for Ratification**, as recommended by Staff.

**ZONING PUBLIC HEARING:**

Application No.: **Z-6136 & PUD 179-M** Present Zoning: **OL**  
Applicant: **Young (Wenrick)** Proposed Zoning: **CS/CG**  
Location: **South Side of East 71st Street, 1/2 Mile East of Memorial Drive**  
Size of Tract: **6 acres**

Date of Hearing: **January 7, 1987 (continued from December 10, 1986)**  
Presentation to TMAPC by: **Mr. Terry Young, PO Box 3351, Tulsa 74101**

**NOTE:** THIS IS THE IDENTICAL APPLICATION WHICH WAS RECOMMENDED FOR DENIAL BY THE STAFF AS Z-6069/PUD 179-K AND DENIED BY THE TMAPC 8/14/85 (8:0:1) AND DENIED BY THE CITY COMMISSION 9/24/85 (4:0:0, GARDNER ABSENT).

**Relationship to the Comprehensive Plan:**

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

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

Staff Recommendation:

**Site Analysis:** The subject tract has a net area of six acres and is located on the south side of East 71st Street, one-half mile east of Memorial Drive. It is nonwooded, flat, vacant, zoned OL, and PUD #179-D.

**Surrounding Area Analysis:** The tract is abutted to the east and south by an apartment complex zoned RM-1 and RS-3, on the west by a heavily treed site which was once a horticulture nursery zoned AG, and on the north side of East 71st Street by vacant land zoned AG Agriculture and P Parking.

**Zoning and BOA Historical Summary:** Medium intensity zoning has been limited to the major intersections of 71st and Memorial and 71st and Mingo. The northeast corner of 71st and Memorial is a regional shopping mall which is designated as Special District 3 per the District 18 Plan. The southeast corner of 71st and Memorial contains a 50 acre commercial site under PUD 179 with multi-family and office uses extending along 71st east to the node at Mingo Road. The commercial zoning patterns at 71st and Memorial were established prior to approval of the Development Guidelines; therefore, the medium intensity CS underlying zoning extends beyond the 15-acre Type III Node which would now be called for under the Guidelines. Allocation of medium intensity uses, however, has been restricted within PUD 179 on the east to align with similar uses and zoning north of 71st. These uses and zoning districts are also buffered north of 71st Street by OL and P Parking zoning within Special District 3. The zoning pattern granted in PUD 179 at the southeast corner of 71st and Memorial per Z-4726 (10/8/74) was equivalent to the CS zoning in place at the northwest corner (30.24 acres). Other intervening land between Mingo and Memorial along 71st Street is zoned for low intensity apartments and offices except at the intersection nodes of Mingo and 71st. Staff notes that zoning and PUD's approved since the adoption of the District 18 Plan (8/27/75) in this segment of 71st Street were granted as "may be found" OL zoning for PUD 235/Z-5411 and PUD 179-D/Z-5718. At the time Z-5718 was approved, OM Office Medium Intensity was requested and denied and OL Office Light zoning granted in the alternative on 7/22/82.

**Conclusion:** The subject tract is one of several tracts of land which are presently vacant along East 71st Street, between Memorial and Mingo. The physical facts and zoning districts which now exist in this segment of 71st are in accordance with the approved Comprehensive Plan Map for District 18. Approval of the subject request would require an amendment to the Comprehensive Plan. Although the net area of the subject tract is only six acres, the precedent of rezoning this tract to CS or CG could reasonably be expected to impact all other adjacent vacant tracts fronting 71st from Mingo to Memorial. The total area of these tracts is 81 acres. This figure was arrived at using a depth of 660 feet from the section line along East 71st and the balance of the 40 acre tract at the northwest

corner of Mingo and East 71st. The zoning of these tracts varies from AG to RM-1 to OL and P Parking and a major portion of this land is not under the control of a PUD. The area of the vacant tracts plus the subject tract would support more than 1.9 million square feet of additional commercial floor area at .5 Floor Area Ratio (FAR); this would constitute another regional shopping mall the size of Woodland Hills Mall without interior ring roads, acceleration and deceleration lanes along 71st, and restricted median cuts on 71st and P zoning buffers such as exist in Special District 3. CG zoning would permit a .75 FAR and 2.850 million square feet of additional commercial floor area. It is likely that numerous future curb cuts and even median cuts along 71st Street would be requested and even required to support such a "regional strip shopping center". Consideration should also be given to the impact that commercial stripping out of this mile of 71st between Memorial and Mingo would have upon the area between Mingo Road and the planned Mingo Valley Expressway and the balance of 71st east to Broken Arrow. Planned six laning of 71st and Memorial is necessary to support development in accordance with the Comprehensive Plan and strip commercialization along these Primary Arterials would virtually destroy the traffic capacity and would violate the Development Guidelines. Separate exhibits have been prepared which illustrate this matter.

This area is planned for Low Intensity Residential - No Specific Land Use and low intensity residential and office uses are the only uses which are or could be found in accordance with the Comprehensive Plan. Further, the Development Guidelines offer no basis for increasing the intensity of this area from low to medium which would be required to support CS or CG zoning. The general area to the east has begun to develop along the general concepts of the Development Guidelines, with medium intensity at the intersections and low intensity on surrounding areas, which is also in accordance with the Comprehensive Plan. It is not appropriate, now that development has started, to isolate those already existing low intensity uses and cause them to be islands of low intensity residential development in a sea of medium intensity commercial.

Therefore, the Staff recommends **DENIAL** of CS and CG zoning on the subject tract as it is not in accordance with the Comprehensive Plan and Development Guidelines. Staff also expresses nonsupport of PUD 179-M.

**NOTE:** Discussions at an evening meeting of the District 18 Planning Team with representatives of the applicant and INCOG Staff centered upon differences in intensity (i.e., .3 FAR office versus .3 FAR commercial); specifically, how these intensities would relate to traffic generation. Information as to statistical differences in traffic generation from office and commercial was not available at the meeting; however, is attached for information of the Commission. This information will also be provided to the District 18 Planning Team along with a copy of the Staff Recommendation and other exhibits.

January 7, 1987: (Z-6136 cont'd)

The TMAPC initially considered Z-6136 and PUD 179-M on December 10, 1986. At that meeting the applicant amended the rezoning request withdrawing CG. A motion to approve CS and withhold transmittal to the City Commission pending review of PUD 179-M failed by a vote of 5:5:0. The TMAPC then rescinded the 5:5:0 vote and voted 8:1:0 to continue Z-6136 and PUD 179-M until January 7, 1987 at which time the rezoning and a PUD review would be considered. The Staff recommendation continues to be for **DENIAL** of Z-6136.

The present OL zoning (conditioned upon a PUD) is a "may be found" in accordance with the Comprehensive Plan and Development Guidelines for Low Intensity - No Specific Land Use. It was represented in the December 10, 1986 hearing that OL zoning had been given which was not in accordance with the Plan/Development Guidelines, and that should be justification for granting CS per Z-6136 and medium intensity uses under PUD 179-M. The Plan for the subject tract is Low Intensity - No Specific Land Use and not Low Intensity - Residential.

**NOTE:** The applicant has requested 93,650 square feet of floor area: 58,425 square feet of commercial and 35,225 square feet of office. If the Commission desires to restrict the CS underlying zoning to an amount that would support this request, the maximum depth of CS zoning on the subject tract (as measured from the centerline of East 71st Street) would be 260' and allow mixed commercial/office uses on the subject tract as requested.

An alternative approach would be to limit medium intensity within the subject tract as suggested in the Staff analysis of PUD 179-M; this alternative would require a maximum depth of 150' for CS zoning as measured from the centerline of East 71st Street and allow mixed commercial/office uses on the subject tract.

Several members of the Commission indicated a desire at the December 10, 1986 public hearing for a "special study" of this mile segment of East 71st Street (Memorial to Mingo) and the District 18 Planning Team expressed support of a "special district" designation for this area. All of the major elements of a "special study" are included as elements of the Staff Recommendation (physical facts, intensity analysis, intensity forecasts, trip generation/traffic projections, etc.). For information of the Commission, the "Development Policies within the Special District 3 Commercial Complex" (Woodland Hills Mall) of the Comprehensive Plan are as follows:

- Intensity within the commercial complex will be the same as allowed within the proposed high intensity areas of the District.
- Land activities within the Special District will be limited to commercial shopping, office, residential and cultural/public activities associated with a large regional consumer-oriented development.

Z-6136 & PUD 179-M Young (Wenrick) - Cont'd

- Circulation within the development will be in the form of a ring road encircling the total commercial complex, with ingress and egress at controlled access points.
- Parking areas within the development will be screened from abutting residential properties and arterial streets by peripheral berms and landscaping.
- A system of buffering greenbelt zones will encircle the Special District to provide a pleasing transition to the adjacent residential neighborhood.
- The natural features of the site will play a major role in the total design of the proposed development and be further supplemented by bike trails, walks and recreational grounds.
- All off-site utilities which are necessary beyond those existing or proposed by the various utility companies will be constructed by the developer at no cost to the City of Tulsa.
- All storm run-off will be collected on site and channeled by both an underground storm drainage system and open storm drainage channels into the existing storm drainage system.
- The storm drainage system will be designed to collect run-off on site and remove it from the site without causing flooding during average rainfalls to adjacent property.

Staff Recommendation: Major Amendment for PUD 179-M

**NOTE:** THIS IS THE IDENTICAL APPLICATION WHICH WAS RECOMMENDED FOR DENIAL BY THE STAFF AS Z-6069/PUD 179-K AND DENIED BY THE TMAPC 8/14/85 (8:0:1) AND DENIED BY THE CITY COMMISSION 9/24/85 (4:0:0, GARDNER ABSENT).

The Staff is not supportive of the applicant's request for a change in zoning from OL to CS or CG, and is therefore not supportive of PUD 179-M. The subject tract was converted from residential zoning to office zoning under PUD 179-D/Z-5718 and it is now proposed to be changed from office to commercial zoning. The tract has a net area of six acres with 450 feet of frontage on East 71st and a depth of 580 feet. The proposed use of the development would be for all uses permitted by right in a CS District with a maximum floor area of 93,560 square feet. The buildings are to be a maximum of two stories in height and will be in a U-shaped configuration with the rear of the structures facing the existing residential uses to the south and east. A five foot landscaped perimeter buffer is proposed with a six foot screening fence to the south and east, and 7% of the net land area would be devoted to landscaped open space. Signage controls included in the PUD Text are in general compliance with Section 1130.2 (b) of the PUD Chapter of the Zoning Code. Stormwater drainage from the site is generally from the northwest to the south and east.

Z-6136 & PUD 179-M Young (Wenrick) - Cont'd

Therefore, the Staff is not supportive of the underlying zoning requested from OL to CS or CG per Z-6136; as it violates the Development Guidelines and is not in accordance with the Comprehensive Plan; and further recommends **DENIAL** of PUD 179-M as it is:

- (1) inconsistent with the Comprehensive Plan;
- (2) not in harmony with the existing and expected development of surrounding areas;
- (3) not a unified treatment of the development possibilities of the site and,
- (4) inconsistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

NOTE: Discussions at an evening meeting of the District 18 Planning Team with representatives of the applicant and INCOG Staff centered upon differences in intensity (i.e., .3 FAR office versus .3 FAR commercial); specifically, how these intensities would relate to traffic generation. Information as to statistical differences in traffic generation from office and commercial was not available at the meeting; however, is attached for information of the Commission. This information will also be provided to the District 18 Planning Team along with a copy of the Staff recommendation and other exhibits.

January 7, 1987: (PUD 179-M)

The TMAPC initially considered Z-6136 and PUD 179-M on December 10, 1986. At that meeting the applicant amended the rezoning request withdrawing CG. A motion to approve CS and withhold transmittal to the City Commission pending review of PUD 179-M failed by a vote of 5:5:0. The TMAPC then rescinded the 5:5:0 vote and voted 8:1:0 to continue Z-6136 and PUD 179-M until January 7, 1987 at which time the rezoning and a PUD review would be considered. The Staff recommendation continues to be for **DENIAL** of PUD 179-M.

If the TMAPC is supportive of the requested CS zoning per Z-6136, the following conditions of approval are suggested for PUD 179-M:

- 1) That the applicant's Outline Development Plan and Text be made a conditions of approval, as modified herein, and in accordance with condition #3, in particular.

2) **Development Standards:**

Land Area (Gross):	288,000 sf, 6.6 acres
(Net):	261,000 sf, 6.0 acres

	<u>REQUESTED</u>	<u>SUGGESTED</u>
Permitted Uses:	Uses Permitted as a matter of right in a CS District	Use Unit permitted by right in 11, 12, 13 and 14, excluding funeral homes, bars, taverns, pool halls, dance halls and nightclubs



Z-6136 & PUD 179-M Young (Wenrick) - Cont'd

	<u>REQUESTED</u>	<u>SUGGESTED</u>
Max. Building Height:	2 story	1 story; 16' maximum
Max. Floor Area Ratio:	.32 FAR *	.32 FAR *
Max. Bldg. Floor Area:	93,650 sf	93,650 sf
Commercial	58,425 sf	33,750 sf
Office	35,225 sf	59,900 sf
Minimum Off-Street Parking:	As required by the Zoning Ordinance	
Minimum Building Setbacks:		
from C/L of 71st Street	140'	140'
from West Boundary	30' **	75'
from South Boundary	50' **	75'
from East Boundary	50' **	75'
Minimum Landscaped Open Space:	7% ***	15% ***

\* The FAR of PUD 379-A (The Village at Woodland Hills) is .246.

\*\* Applicant proposes a "service drive" with what appears to be a rear elevation along these boundaries. The south and east boundaries abut existing high quality multi-family residential development. Staff suggestion for the PUD redesign would eliminate these "service drives", and require that east, south, and west facades be treated as front elevations.

\*\*\* Landscaped open space shall include internal and external landscaped open areas, parking lots islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation. Applicant proposes a 5' wide landscape buffer along the west, south, and east boundaries. Staff recommends a minimum 20' wide landscape buffer and planting strip along the west, south, and east boundary. Further, that no trash or utility areas be permitted within the required 20' landscape buffer.

- 3) That the Outline Development Plan be redesigned to achieve a layout whereby all building elevations will be front elevations. Further, the redesigned Outline Development Plan shall include an exhibit depicting the approved landscape plan consistent with the submitted Landscape Plan exhibit which is understood to be a condition of approval.
- 4) That all trash, utility and equipment areas shall be screened from public view. All air conditioning utilities and other building utilities shall be so screened as to not be clearly visible to the public.
- 5) That all exterior and parking lot lighting shall be directed downward and away from adjacent residential areas. Freestanding parking lot lighting shall not exceed 16' in height.
- 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. Sign display area, type, location, etc. shall be further restricted as specified in the PUD

Outline Development Plan Text, except one ground sign shall be limited to a maximum of 250 square feet of display area and wall or canopy signs shall not exceed the height of the building nor exceed a display surface area of 1.5 square feet per lineal foot of the building wall to which they are attached. No portable signs shall be permitted.

- 7) 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. A minimum 6' screening fence shall be required on the west, south, and east boundary. A 20' landscape buffer and planting strip shall be required along the west, south and east boundary. The Landscape Plan shall be consistent with the submitted exhibit of this same title.
- 8) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 9) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit. This plan shall include elevations of all buildings specifying materials, subject to TMAPC review and approval. Building facades on the east, west, and south shall be treated as front elevations.
- 10) 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.

Comments & Discussion:

Mr. Paddock inquired of Staff what the potential for commercial development (north and south of 71st) from Memorial toward Broken Arrow might be, should this application be approved. Mr. Gardner replied that if approved, in part or in whole, there was a precedent established and then comparable depths along 71st Street would be the likely result as there would be no basis for denying the requests.

Applicant's Comments:

Mr. Young, representing Tom Wenrick, clarified the office and commercial square footage, as indicated in the original PUD text and development plan, was not the allocations in the PUD review as presented by Staff. Mr. Young stated the amount of commercial was to be significantly greater than the 58,425 square feet and their request was for a split of the square footage between the first and second floor, which would accommodate a greater amount of commercial, with the CS zoning line encompassing the entire tract as initially requested. In reply to Chairman Parmele, Mr. Young explained that their request was not for the full 93,650 square feet to be commercial, as the PUD limitation would not allow this, but they were wanting more than 58,425 square feet of commercial floor area.

Mr. Young distributed a map of the Woodland Hills area showing the existing land uses and stated he felt equitable distribution of future commercial use should be made. He commented that a 400' depth or less of CS zoning would accommodate the commercial requested in their application. Mr. Young stressed that he believed the physical facts to be considered made this a special area of Tulsa.

Mr. Young submitted a copy of a letter and statement from the Department of Stormwater Management (DSM) and stated that all of the original PUD requirements were included in this application, plus any additional DSM requirements. He also submitted a letter from the Department of Transportation concerning the status of Mingo Valley Expressway extension from 51st to 71st Streets. Mr. Young commented that he was assured that all of the monies for the Expressway have been appropriated and were being held for future allocation. He commented that the projected completion for this project was the Fall of 1988.

In regard to traffic projections, Mr. Young remarked that new office construction would generate new traffic, and indicated that traffic would already be coming to this area for commercial/retail purposes. He felt the small amount of commercial requested would not impact the traffic already in this area. To address the District 18 Comprehensive Plan, Mr. Young commented that he felt approval of this application would finally trigger the amendments necessary to reflect what was actually occurring in this corridor. Furthermore, with these amendments in place, Mr. Young stated the TMAPC would be in a stronger position to control additional commercial development along 71st Street, and he felt this was the time to establish some new regulations for development in this area.

Mr. Young reiterated that the applicant was agreeable to a lesser depth of commercial zoning than 400' and suggested the zoning issue be addressed before continuing with the PUD. Mr. Carnes stated he would be more comfortable dealing with the PUD before addressing the zoning issue. Chairman Parmele asked if Mr. Young had met with the District 18 Citizen Planning Team since the last presentation to review the PUD proposal. Mr. Young indicated he had not, but he thought the information had been made available to this group, and it was his understanding that if the Planning Team felt a need to meet, they would contact him or Mr. Wenrick. Mr. VanFossen stated he also felt that the zoning and the PUD proposal should be reviewed together. Therefore, Mr. Young proceeded to review their PUD proposal.

In regard to the Permitted Uses as suggested by the Staff, Mr. Young stated he had two objections. He reiterated their request was for a two story maximum building height (not one story as suggested by Staff). Mr. Young stated that, in regard to the building floor area allocation, they were requesting 70,000 square feet commercial with the balance to be for office. In regard to the building setbacks, he pointed out that the reason they were requesting 30' on the west boundary was due to a nursery/landscaping business abutting this side of the tract. Mr. Young stated they requested 50' on the south boundary; however, they would agree

to the 75' on the east as suggested by Staff. Mr. Young commented that he did not fully understand Staff's suggested landscape requirement of 15%, but they would be agreeable to a 10% requirement in lieu of the 7% as originally requested. He had no objections to the other conditions of the PUD as suggested by Staff.

In reply to Mr. Carnes, Mr. Young clarified that their request was for 58,000 square feet on the first floor and 36,000 square feet on the second floor, but the amount of commercial and office allocation on either of those floors was not addressed specifically in the PUD. He stated this was done for the purpose of negotiating the amount of commercial out of the 93,650 square feet total, and he felt that would allow the property to be used in accord with the existing community standards. Mr. Young stated that, ultimately, they would like to see the CS zoning line adjusted to a 350' - 400' depth from the centerline of 71st Street, which would accommodate no more than 70,000 square feet of commercial use.

Mr. VanFossen, reviewing the PUD standards, commented that he preferred the one story height due to the abutting residential, and he felt the appropriate maximum FAR (Floor Area Ratio) to be 25%, but he had no problem with how it was used. He felt it was very important to maintain Staff's recommendation on the south and east boundary setbacks, and suggested 50' (+/-) on the west boundary. Mr. VanFossen stressed the importance of the TMAPC being allowed to review a final Site Plan, but he was not sure how to word a condition addressing this. In regard to zoning, he thought 300' - 330' would serve the applicant's needs, and he would like to see the CS zoning kept to a minimum. Mr. Doherty, after confirming the residential structures abutting this tract were multi-story, asked Mr. VanFossen if he had a suggestion for limiting the commercial to a lower height. Mr. VanFossen remarked that commercial was normally limited to 16' for a one story building. Mr. Doherty stated he had no problem allowing the commercial development height to be essentially the same as the surrounding residential, regardless of how it was used, as long as the appearance was basically the same. Mr. Young commented that he felt a slightly taller structure would be of more benefit in shielding the HVAC and other mechanical units. He further commented that he would differ very slightly with a few points made by Mr. VanFossen, but he did not hear anything particularly detrimental.

In regard to the amended application request for 70,000 square feet of commercial, Mr. Gardner advised that a depth of 311' of CS zoning from the centerline would accommodate this square footage. Chairman Parmele suggested 330' as a standard depth measurement, which could also be used for any other development along 71st Street. Mr. Gardner advised that, if the Commission was trying to limit the square footage, then placement of the zoning line was important. However, if they were just trying to establish the zoning line without regard to square footage, then it would permit "X" amount. Chairman Parmele commented the application was for 70,000 square feet of commercial floor area (93,000 square feet total), and Mr. VanFossen was suggesting a .25 FAR, regardless of commercial or office use. Mr. VanFossen inquired, if the remainder was in fact office,

could their use be limited to a maximum depth of 300' or 275'. Mr. Gardner stated there was no question about this, as there would be 30,000 to 50,000 square feet of floor area generated by the remaining OL zoning on the tract. Mr. Gardner further clarified that with 70,000 square feet for retail, the applicant would need 311' and then would still have the balance of his tract zoned OL office. In response to Mr. VanFossen, Mr. Gardner commented that he thought the total square footage was more significant than the FAR. Discussion followed as to an amount for commercial zoning and the effect upon floor area allowable. Mr. Doherty remarked that, regardless of depth approved, it should be remembered that this would probably be setting a precedent for zoning along 71st Street from Memorial east to the Mingo Valley Expressway.

Discussion followed among the Commission members as to future submission and review of a Detail Site Plan. Mr. Young stated he had no problem with this, as it was a condition of the PUD; however, he would like to have the zoning and PUD acted upon this date.

Review Session:

Mr. Paddock stated he felt this application, standing by itself, could only be considered spot zoning. He stated other reasons for opposing this were the necessity for establishment of guidelines for development along 71st by means of a Special District; resistance of the citizens to having 71st six-laned, with further traffic congestion caused by each new commercial development; the violations of the existing Development Guidelines by placing this outside the intersection nodes; and violation of the District 18 Comprehensive Plan. Mr. Paddock stated he could not be a party to approving this application until the proper foundation and planning was in place to know what was to be done long range so the proposals could be tailored in advance to meet the established guidelines. Mr. Paddock commented that there might be merit to this proposal, but only if it were submitted in accordance with the Development Guidelines. If the Guidelines needed to be amended, then they should be, but he did not feel that right now the Commission was ready to do that. Therefore, he could not, in good conscience, support either the rezoning or the PUD.

Chairman Parmele recognized Mr. Young to make a statement during the review session. Mr. Young thanked the Chairman for a chance to speak, and stated that normally this would be called a review session, but he thought it was more or less "let's make a deal". He added that one of the strengths of the Commission has been to look at these projects as they are presented to review the various proposals from the planner's standpoint, as well as the developer's standpoint. Mr. Young stated it appeared to him the Commission was making a requirement that a specific use be pinpointed in a specific configuration at the time of zoning or the PUD. Mr. Young pointed out that the Staff was not even recommending this be undertaken in their suggested PUD restrictions. He commented he felt what must be done was to deal with the issues at hand which was the reality of commercial zoning in this area, the power of the TMAPC to allow that commercial zoning go in place with the restrictions provided in the PUD, acknowledge that a certain amount of the subject tract would be developed

commercially, and impose a requirement that a Site Plan must be presented for review before any Building Permit could be issued. This would allow the market to determine what users would be found on the tract and what building configurations would need to be followed during construction.

Mr. VanFossen commented the TMAPC almost always receives site plans (Outline Development Plans) with PUD's. Chairman Parmele stated that he felt the zoning should be reviewed to see if the Commission was in agreement and then proceed with the PUD conditions of approval. Ms. Kempe asked Staff to give an idea of the number of square feet involved should there be the possibility of 330' of commercial zoning on the vacant land along 71st Street. Mr. Gardner advised that, on this particular tract, 72,000+ feet of commercial floor area, and about half the amount projected in the Staff analysis.

Ms. Kempe repeated the request of the District 18 Citizen Planning Team Chairman for a special study along 71st Street. Chairman Parmele suggested that, if there was approval of any zoning, Staff be directed to study the entire area from Memorial past the Mingo Valley Expressway for consideration to be included in a Special District and let this application be the trigger to start that study. Mr. Paddock asked for Staff to respond, as he understood that an extensive study had already been done in this area. Mr. Gardner advised that Staff had pointed out that if the entire piece of property were zoned CS, then a precedent would be established for all the other vacant areas, which could create approximately one million square feet of commercial floor area on the vacant property (using a 330' line) in just the area between Memorial and Mingo Road. Mr. VanFossen stated he thought the area between Mingo Road and the Mingo Valley Expressway should also be considered a part of this area, not just to Mingo Road. Mr. Gardner commented that the area along the Mingo Valley Expressway was already designated Corridor (CO) and planning was in place for the intensities along the Expressway, but the Commission is suggesting going east and west of the CO to intensify over and above the Development Guidelines.

Mr. Gardner continued by stating that, if the Commission was wanting to know if this strip should be six or eight lanes to accommodate what might occur, then Staff can do a special study to provide that information. If the TMAPC was wanting a study to determine the impact of what they are about to do, then Staff has already done that by suggesting to the Commission that the impact was significant enough that Staff could not support it at all and considers the issue very serious.

Chairman Parmele stated he thought a special study would also include the fact that, should the TMAPC consider this a special corridor to allow commercial zoning, there would be a basis for placing certain restrictions on development through the use of a PUD, as the Commission did not want unrestricted development. Mr. Gardner then clarified that if the TMAPC wanted a Special District to accommodate commercialization of 71st Street, then Staff could do a study for a Special District to determine if the area should, in fact, be upgraded from six to eight lanes. Mr. Draughon

agreed with Mr. Parmele that, regardless of what was done on the zoning of this case, a study should be initiated on this area becoming a part of the Special District, and get an idea as to what uses the INCOG Staff would recommend.

Mr. Doherty moved for approval of CS zoning for the northernmost 330' of the subject tract. Mr. VanFossen commented he was not ready for unrestricted CS zoning, as he was only interested if it were tied to a PUD and the details of the PUD were worked out in advance. Mr. Doherty asked Legal if he could tie approval of the PUD into a motion of this nature without implying conditional zoning. Mr. Linker advised that he felt the Commission was dealing with a form of conditional zoning when a PUD was imposed. Furthermore, if the Commission was concerned about placing "plain vanilla" CS zoning on the tract, then they should not approve the zoning without the PUD, and it should be made very clear that the two items go hand-in-hand and the zoning did not stand on its own.

Therefore, Mr. Doherty amended his motion to approve CS zoning on the northernmost 330' of the subject tract, and to approve PUD 179-M with the following modifications to the development standards: (1) Maximum FAR of .25 on the entire tract (including those portions zoned OL); (2) the commercial development area be limited to 70,000 square feet with the office area limited to 23,650 square feet; centerline setback from 71st Street be approved as requested (140'), western boundary setback of 50', southern and eastern boundary setbacks of 75'; and the minimum landscaped open space be 10%.

Mr. VanFossen pointed out that the .25 FAR would only permit 72,000 square feet total, and suggested commercial development be 60,000 square feet with the balance being office. Discussion followed between Mr. VanFossen and Mr. Doherty as to the FAR (Floor Area Ratio) and the amount of commercial/office available. Chairman Parmele suggested designating the FAR and not specify commercial or office, but let the developer (or market) determine this. After further discussion, Mr. Doherty withdrew that portion of his motion dealing with commercial/office square footage, but retain the .25 FAR overall. Mr. Doherty clarified that all other elements as suggested by Staff in their recommendation were to be included in his motion. However, he did question the one story (16' maximum) building height. Discussion followed as to this being eligible for amendment by any future PUD minor amendment applications. Mr. Gardner suggested going with the two story height with a notation referring to front elevations or facades (as noted in condition #9), and a proviso that if the height exceeded one story, how it was done would be the main consideration as to a one or two story allowance. Mr. Doherty further amended his motion to include Mr. VanFossen's suggestion to add "loading areas" to condition #4.

Mr. Linker, upon hearing reference to submission of a site plan, verified that some kind of a site plan had been submitted. Mr. VanFossen pointed out the submitted plan (drawing) did not meet the items being discussed. Mr. Linker then asked if it met the requirements of the Code (Section 1170.2). He stated this issue has come up before, and he read the application requirements in the Code. Mr. VanFossen suggested the Commission concur with the applicant's submission being a statement of general intent and wait for the Site Plan to be proposed; although he had difficulty wording it in motion form. Mr. Doherty inquired of Legal if he could amend his motion to withhold transmittal, subject to approval of a Detail Site Plan. Mr. Linker reiterated the question should be if the applicant has met the requirements as set out in the Code. Mr. Linker advised that, if the applicant submitted a site plan that met the requirements of the ordinance, and the Commission makes changes in that site plan, then he felt the applicant should not have to go back and make those changes before the Commission acted upon the PUD. He stated the Commission could go ahead and act upon the PUD. Mr. Paddock asked Mr. Linker his interpretation of the Staff's recommendation for denial in which they cite four reasons as to why it does not meet the requirement of the PUD Chapter. Mr. Linker's only comment was that he had to agree with the Staff.

Ms. Kempe stated she did not think this particular plan was a bad PUD, however, its significance was not widely known to those who could ultimately be affected. She commented that, whether the Commission was willing to admit it or not, they were in fact looking at the beginning of the creation of a Special District, and she felt that if the impact was more widely known, there would be lot of citizen input. Therefore, she felt approval of this application was premature. Chairman Parmele reiterated that he felt this case might be the "trigger" of a Special District, as this entire application was presented to the District 18 Citizen Planning Team and they were in favor of it. He stated that should the Commission approve this today, he would like to see a Special District Study conducted for 71st Street from Memorial east past the Mingo Valley Expressway. Mr. Doherty stated that Ms. Kempe was correct in that the Commission was, in effect, beginning a Special District and whatever zoning line was established was a precedent, regardless of what was said. Mr. Doherty, having been through a Special District Study process with District 4 and knowing the time element involved, commented that he did not think it was fair to hold up an applicant for this process. He stated he would certainly vote for any motion to establish a Special District at this location, but he did not want hold any plan "hostage" to it.

Ms. Wilson stated she felt Mr. Paddock has raised some legitimate concerns that should be considered, the primary one being violation of the Development Guidelines. She stated she had thought a great deal about this since the last presentation, and she did not think the Commission could get any more out of this than what Staff had already indicated and lining up those intensities would just be a "broad brush stroke". Ms. Wilson commented that the reason people were not in attendance to even be a protestant was because there were no nearby neighborhoods, and she had



trouble accepting the applicant's arguments as to traffic considerations in this area. Ms. Wilson stated she also had problems with the "let's make a deal" approach on this case, and she did not think it was the best "deal" for the city.

Mr. VanFossen, still having a problem with the legal implications, requested clarification from Mr. Linker. Mr. Linker commented that he was in agreement with the Staff's reason for recommending denial, as this was against the Development Guidelines. In further response to Mr. VanFossen, Mr. Linker confirmed that the TMAPC had the right to change the Guidelines or go against them upon detailed examination of a particular area.

**TMAPC ACTION: 10 members present**

On **MOTION** of **DOHERTY**, the Planning Commission voted **6-4-0** (Carnes, Doherty, Draughon, Parmele, VanFossen, Woodard, "aye"; Kempe, Paddock, Rice, Wilson, "nay"; no "abstentions"; (Crawford, "absent") to **APPROVE Z-6136 Young (Wenrick)** for CS on the northernmost 330', and **PUD 179-M** subject to the conditions as recommended by Staff, with the following modifications:

- a) Maximum Building Height: 2 Story Allowable (NOTE: Should the height exceed one story, special consideration should be given as to the type of construction of the front elevations/facades before determining allowance of a two story height.)
- b) Maximum Floor Area Ratio (FAR): .25 (no allocation as to office/commercial)
- c) Minimum Building Setbacks:
  - from Centerline of 71st 140'
  - from West boundary 50'
  - from South boundary 75'
  - from East boundary 75'
- d) Minimum Landscaped Open Space: 10%
- e) Amend condition #4 to include "loading area".

**Additional Comments and Discussion:**

Chairman Parmele stated there appeared to be some concern among the members of the Commission that a Special District be formed along this entire corridor, and opened discussions on this matter. Mr. Paddock commented that he could not recall the TMAPC ever initiating a request for a Special District, as he thought this came from the various districts, and he asked Staff to offer guidance on how to proceed. Ms. Kempe stated that the conversation with the District 18 Chairman was that it was important to the District that there be an extension of the Special District containing Woodland Hills, or further study toward creation of another Special District with the proper conditions imposed. Mr. Gardner advised that, should this be approved by the City Commission, they would have to recommend an amendment the Comprehensive Plan as this was not consistent with the Plan. He further advised that there were many ways

that the Plan could be amended to accommodate what the TMAPC has just done, one being District 18's suggestion for a Special District. Mr. Gardner continued by stating that to go beyond that, using this as establishing a precedent, Staff would need to review this to see what was required to accommodate that kind of intensity, which could be done through a special study. He stated the special study would provide such information as the need to amend the Major Street and Highway Plan, etc.

Therefore, Mr. VanFossen moved that Staff conduct a study as to the feasibility of Special District #3 (Woodland Hills) being extended to include each side of 71st Street a depth of 660' between Memorial and Mingo Road. He stated he did not suggest extension to the Mingo Valley Expressway as this area was designated Corridor. Ms. Kempe stated that she believed it would be in District 18's best interest that they be allowed input into this matter, as they had some conditions they wished to be included as part of this Special District. Discussion followed among the Commission, and it was determined to not set a time limit on the study, as the Staff would need to also meet with the District 18 Citizen Planning Team for their input.

**TMAPC ACTION: 10 members present**

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent")) to **DIRECT** the INCOG Staff to conduct a study to consider the feasibility of Special District #3 (Woodland Hills) being extended to include each side of 71st Street a depth of 660' between Memorial and Mingo Road.

**Legal Description:**

Z-6136: CS zoning on the north 330' of a tract described as the north 640.80' of the west 450' of the NW/4 of the NE/4, Section 12, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, with the balance of the tract to remain as OL.

PUD 179-M: The north 640.80' of the west 450' of the NW/4 of the NE/4, Section 12, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma.

\* \* \* \* \*

Application No.: Z-6137

Applicant: Holmes (Grabel)

Location: North of the NE/c of Xenophon and SW Blvd

Size of Tract: .25 acres, more or less

Date of Hearing: January 7, 1987

Requested Continuance to: February 11, 1987

Present Zoning: RS-3

Proposed Zoning: CH/IL

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use and Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the proposed IL District may be found in accordance with the Plan Map and the proposed CH District **is not** in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .25 acres in size and located north and east of the northeast corner of Southwest Boulevard and Xenophon Avenue. It is partially wooded, sloping, vacant and zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by the Red Fork Expressway (I-244) zoned RS-3, on the east by property zoned RS-3, on the south by a mixture of commercial and residential uses zoned CH, and on the west by the rear yard of a residential lot zoned RS-3.

**Zoning and BOA Historical Summary:** The TMAPC and City Commission have approved CG zoning in one instance denying CH zoning in this general area.

**Conclusion:** The subject tract is part of an isolated island of RS-3 zoning that is abutted on two sides by CH zoning and the other side by the Red Fork Expressway. Although CH zoning is in the immediate area, it was established when the City had only one commercial classification. Existing development in the CH districts is not at maximum intensity, but more in line with the CG zoning classification which is also found in the area. CG zoning would permit development of the subject tract commensurate with the established development along Southwest Boulevard.

Therefore, based on the Comprehensive Plan and existing zoning and development patterns in the area, Staff recommends **DENIAL** of the requested CH or IL zoning and **APPROVAL** of CG zoning in the alternative.

Comments & Discussion:

Mr. Gardner advised the applicant was requesting a continuance in order to amend the application to include the property to the east of this tract, as he thought it was currently zoned CH. Mr. Gardner stated a continuance to February 11th would give sufficient time to readvertise the amended application.

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **CONTINUE** Consideration of **Z-6137 Holmes (Grabel)** until Wednesday, **February 11, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

Application No.: **CZ-154** Present Zoning: AG  
Applicant: **Barrett (Dennison)** Proposed Zoning: CG  
Location: NW/c of State Highway 20 and US Highway 75  
Size of Tract: 33.3 acres, more or less  
Date of Hearing: January 7, 1986  
Presentation to TMAPC by: Mr. Jack Spradling, 1023 West 23rd (583-5737)

Relationship to the Comprehensive Plan:

The District 13 Plan, a part of the North Tulsa County Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Commercial/Office, Medium Intensity - Agriculture and Rural Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the proposed CG District **is not found** in accordance with the Plan Map for the Medium Intensity - Commercial/Office portion and **is not** in accordance with the Medium Intensity - Agriculture/Rural Residential portion of the Plan Map. CS zoning is in accordance with the Medium Intensity - Commercial/Office designation.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 33.3 acres in size and located at the northwest corner of 146th Street North and US Highway 75. It is nonwooded, gently sloping, contains a concrete batch plant and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north, south and west by vacant property zoned AG, and on the east by US Highway 75 also zoned AG.

**Zoning and BOA Historical Summary:** NONE

**Conclusion:** Although the Development Guidelines would designate this intersection as a "Type Two Node", 10 acres, it has been a policy of the TMAPC to treat limited access highways as a Primary Arterial due to the traffic flow. A "Type III Node", (15 acres) is normally designated for

the intersection of two Primary Arterials. Due to the lack of development in the area and the North Tulsa County Comprehensive Plan, Staff can not support CG Zoning on the entire 33.3 acres. Instead, Staff could support a 15 acre node to consist of a 75 foot buffer of OL zoning along the north and west boundaries of the node, and the balance of the 15 acre node to be rezoned CS. This would allow all nonresidential development to occur within the node. No residential zoning designation can be assigned to the balance of the subject tract due to a lack of notice.

Therefore, Staff recommends **DENIAL** of the requested CG zoning and **APPROVAL** of CS zoning on a 15 acre node, **LESS** and **EXCEPT** the north and west 75 feet of the 15 acre node which is to be rezoned OL and denial of the balance of the 33.3 acres.

NOTE: The applicant is to provide revised legals prior to the County Commission public hearing, if the TMAPC concurs with the Staff recommendation.

Comments & Discussion:

Mr. Gardner explained that Staff's concerns were twofold: (1) not to exceed the 15 acres for CS; and (2) to assure an OL buffer, and he explained how Staff derived the 75' OL buffer on the north and west boundaries. In reply to Chairman Parmele, referencing the recommendation from the Collinsville City Commission, Mr. Gardner advised the Land Use Plan involved 10 acres, but Staff suggested 15 acres due to the two highways being considered as Primary Arterials. Mr. Gardner stated that, if it would help the applicant, Staff could support the elongation (running east and west) of CS zoning with an OL buffer, rather than the original recommendation. Staff would still recommend the 75' buffer on both sides to prevent stripping to the west. Commissioner Rice asked Mr. Gardner to comment on the desirability of proceeding with approval of CG zoning on the 15 acres. Mr. Gardner stated the Comprehensive Plan did not consider the CG zoning classification a "may be found". Obviously that kind of usage and intensity at the intersection of two major highways might be appropriate, but Staff had no basis for support of the request for CG. Mr. Gardner stated that Staff may want to go back and review the Development Guidelines should the Commission approve general commercial zoning. Mr. Gardner added that IL zoning was a "may be found" in a commercial node, but CG was "not in accordance".

Mr. Doherty inquired if Staff's concern was more of a technical nature since the physical facts of the two highways did not exactly fit the Matrix. Mr. Gardner explained that there were two elements involved, the amount of acreage and treating the highways as Primary Arterials. Mr. Doherty asked if there were any major differences in use units of CG and CS that might hamper development. Mr. Gardner stated that the automotive type uses required a general commercial zoning (CG). He added that there was nothing in the area that would be adversely affected (e.g. housing additions). In light of what had been stated, Mr. Carnes advised he would be in favor of the CG zoning, as requested by the applicant.

Applicant's Comments:

Mr. Jack Spradling, representing the owner, pointed out that the Cherokee Expressway, although two-laned, was designated an expressway and there was also some consideration of corridor (CO) type zoning along this Expressway. He added that, generally speaking, the CO zoning along the expressways was for heavy intensities, which was well suited to the CG zoning, as opposed to the more restrictive CS zoning. Secondly, CG would allow auto, while CS would not without BOA approval of a Special Exception, and they did have a contract for an automotive dealership to be located on the western portion of the tract along Highway 20. He stated that without the CG zoning, they would be forced to go back through the process with a BOA hearing for approval. Mr. Spradling indicated that along the highway, between Tulsa and Bartlesville, there was not a single automobile service oriented stop for drivers, and this was the only divided elevated access. For these reasons, Mr. Spradling requested the CG zoning designation. He stated the applicant did not have a problem with going to the 15 acres, and they would like to spread it along Highway 20, as suggested by Staff. He pointed out the median in Highway 20 and advised the applicant proposed to put an entrance to the west of the median and build a service a road which would be extended to the northern boundary of the property. In regard to the 75' OL strip, Mr. Spradling said there was no problem with this on the north. However, he indicated a problem with this on west from a site plan standpoint, as the proposed building had a 45' setback from the west boundary line. Mr. Spradling requested the Commission give consideration to this 45' setback on the west and retain the 75' on the north for the OL buffer.

Ms. Kempe inquired if it was the intent of the applicant to present a PUD. Mr. Spradling stated that, until this point, it had not been discussed and was not presently the intent. Mr. Doherty asked his response to a 50' setback on the west instead of 45'. Mr. Spradling stated they would have to move the building 5', but could probably live with it if necessary.

Review Session:

Mr. Paddock inquired as to why CO zoning should not be reviewed in the Guidelines for this particular location. Mr. Gardner stated that it did not meet the definition as there were no parallelling major streets. Mr. Carnes moved for approval of the CG zoning on the south 15 acres, except for the north 75' and west 50' of the 15 acres, which would remain OL.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Draughton, Kempe, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; VanFossen, "abstaining"; Crawford, "absent") to **APPROVE CZ-154 Barrett (Dennison)** for CG on the south 15 acres of the subject tract, except for the north 75' and west 50' of the 15 acres, which shall remain OL.

Legal Description:

**OL Zoning:** The north 75' and west 50' of a tract described as: A tract of land lying in the SE/4 of Section 21, T-22-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point S 89°53'28" W a distance of 880.30' along the south line of Section 21; thence S 89°53'28" W a distance of 669.40'; thence N 00°02'17" W a distance of 635.00'; thence N 89°53'28" E a distance of 1,179.88'; thence along a curve to then right having a central angle of 00°24'13" and a radius of 1,213.2' a distance of 8.55'; thence S 21°11'00" W a distance of 277.40'; thence along a curve to the left having a central angle of 17°03'18" and a radius of 1,014.90' a distance of 302.10'; thence S 89°53'28" W a distance of 340.80'; thence S 00°00'33" W a distance of 75.01' to the POB, containing 15.03 acres, more or less.

**CG Zoning:** The north 75' and west 50' of a tract described as: A tract of land lying in the SE/4 of Section 21, T-22-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point S 89°53'28" W a distance of 880.30' along the south line of Section 21; thence S 89°53'28" W a distance of 669.40'; thence N 00°02'17" W a distance of 635.00'; thence N 89°53'28" E a distance of 1,179.88'; thence along a curve to then right having a central angle of 00°24'13" and a radius of 1,213.2' a distance of 8.55'; thence S 21°11'00" W a distance of 277.40'; thence along a curve to the left having a central angle of 17°03'18" and a radius of 1,014.90' a distance of 302.10'; thence S 89°53'28" W a distance of 340.80'; thence S 00°00'33" W a distance of 75.01' to the POB, containing 15.03 acres, more or less, LESS AND EXCEPT the north 75' and west 50' thereof.

\* \* \* \* \*

Application No.: CZ-155 & PUD 424

Present Zoning: AG

Applicant: Burris (Kaiser)

Proposed Zoning: RS

Location: 1/2 mile North of the NE/c of 129th East Avenue & 76th Street North

Size of Tract: 40 acres

Date of Hearing: January 7, 1987

Requested Continuance to: February 11, 1987

Comments & Discussion:

Staff advised the applicant's request for continuance was submitted and received on a timely basis.

TMAPC ACTION: 9 members present

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Carnes, Doherty, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughton, "absent") to CONTINUE Consideration of CZ-155 and PUD 424 Burris (Kaiser) until Wednesday, February 11, 1987 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

Application No.: Z-6138  
Applicant: Maples (Springer, etal)  
Location: SW/c of Yorktown and 20th Street  
Size of Tract: .6 acres

Present Zoning: RS-3  
Proposed Zoning: OL

Date of Hearing: January 7, 1987  
Presentation to TMAPC by: Ms. Dorothy Maples, 2004 South Yorktown (747-4307)

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 .6 acres in size and located at the southwest corner of East 20th Street South and South Yorktown Avenue. It is nonwooded, flat, contains 3 single-family dwellings and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north and east by single-family dwellings zoned RS-3, on the south by a savings and loan with drive-in banking facilities zoned OL, and on the west by a single-family dwelling zoned OL.

**Zoning and BOA Historical Summary:** Office zoning has been primarily restricted by the City in past years to only those tracts having access to major streets such as 21st Street.

**Conclusion:** The subject request represents nonresidential zoning encroachment into an established residential area.

If office zoning were approved on the subject tract, the existing residential homes to the east would be adversely affected since they would front the nonresidential office development. The existing OL zoning to the west was approved prior to 1970, along with the frontage property on 21st Street, and the one existing OL lot would not be supported today with such a configuration. Therefore, based on the Comprehensive Plan and existing development patterns, Staff recommends **DENIAL** of the requested OL zoning.

Applicant's Comments:

Ms. Maples, representing the owners of 2004, 2008 and 2012 South Yorktown, requested rezoning from residential to OL as the majority of the block was already being utilized for commercial uses (Sooner Federal, International House of Pancakes and the Glass Nelson Clinic). She advised of the problems these residences encounter by remaining residential with the noise and traffic from the commercial establishments along 21st Street. Ms. Maples stated she felt OL tenants would be more conducive to



maintaining the properties than residential tenants. She stressed there were no plans for changing the structures and stated she was probably the only remaining original resident of the area. She stated that currently her residence was also being used as an office for her husband's feasibility study services/consulting business. Ms. Maples submitted photos of the area to the Commission.

In reply to Mr. Paddock, Ms. Maples clarified that she intends to keep this as a residence as they were in the process of selling a home in the Houston area. Her husband would also be conducting his consulting business out of the structure, but there were no other employees. Mr. Paddock asked if there might be some reason why she would not qualify for a home occupation exception. Ms. Maples stated she felt they qualified for this through the Grandfather Clause.

Interested Parties:

Address:

Mr. Willard Tuttle	1915 South Yorktown	(74104)
Ms. Carolyn Farrar	1919 South Yorktown	"
Mr. Henry Freeman	1911 South Xanthus	"
Mr. Wynn Brenson	1920 South Yorktown	"
Mr. Tim Marrs	2003 & 2007 South Yorktown	"
Ms. Susan Wallace	2135 East 20th	"
Mr. Whit Mausy	1532 South Gillette	"
Ms. Barbara Day	1521 South Quaker	"
Mr. Andrew Kenslow	1514 South Gillette	"
Ms. Sharry White	1518 South Gillette	"

Mr. Tuttle, as an owner and resident in this area, stated he felt the rezoning would detrimentally affect the property values of the neighborhood. He informed that two of the three owners of the subject structures were neither residents nor heirs of estates. He stated he felt the rezoning would only allow other nonresidential encroachment; therefore, he requested denial of the request.

Ms. Farrar, who resides across from the subject tracts, also spoke in protest of the rezoning request as she agreed it would create encroachment.

Mr. Freeman, speaking for the residents living on Xanthus, pointed out that there were no sidewalks in this area and the residents and children in the neighborhood were forced to walk in the streets. Therefore, he felt any more commercial would only add to existing parking and traffic problems and further hamper the safety of the residents. He, too, requested denial of this application.

Mr. Brenson agreed with the others as to reasons for denial. He stated that those owners who also reside in the neighborhood were very concerned about maintaining and modernizing their structures, and he felt owners who were not tenants would not be as concerned with this.

Mr. Marrs commented he did not have a problem with the applicant's request, but he did have a problem with the traffic and parking situation in this area. He stated the major problem was with Sooner Federal not having an entrance to their banking facility on 21st Street, thereby forcing customers into the neighborhood. He said he felt that if this situation could be remedied, it would solve most of the traffic/parking problems. Mr. Marrs remarked he was neither for nor against the OL request.

Mr. Gardner clarified that Sooner Federal needed 400' - 500' of stacking lanes to conduct the drive-in banking facility and Traffic Engineering would not allow them to stack it out onto 21st Street, thereby forcing them into the neighborhood. In reply to Mr. Paddock, Mr. Gardner advised that this case was one of the reasons the Code was changed in regard to regulating drive-in banking facilities in an OL district.

Ms. Wallace reiterated comments made by the other protestants as to concerns about increased traffic, and she requested denial.

Mr. Mausy stated he felt the area neighborhoods were in the process of regeneration and any additional commercial/office would reduce the process. He, too, requested this case be denied.

Ms. Day, read a letter submitted by Mr. Herb Fritz, the District 6 Citizen Planning Team Chairman, requesting denial of this application due to the inconsistency of the proposed land use and the stated purposes of a residential district as defined in the Zoning Code.

Mr. Kenslow, president of the Gillette Historic District Neighborhood Association, agreed that OL zoning should not be permitted at this location.

Ms. White read from a letter submitted by Mr. Grant C. Hall, president of the Inner-City Council of Neighborhoods, protesting this application as it represented spot zoning and encroachment. Ms. White pointed out that this area has experienced a continual growth in the number of families with children and she, too, felt commercial encroachment would threaten the neighborhood environment.

Applicant's Rebuttal:

Ms. Maples stated her concern was mostly with 2008 and 2012 South Yorktown as she intends to remain a resident at 2014 South Yorktown. She reiterated that she would rather be living next to light office than some types of rental residential property.

TMAPC ACTION: 10 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **DENY Z-6138 Maples (Springer, et al) for OL**, as recommended by Staff.

OTHER BUSINESS:

**PUD 190-24:** North of the NE/c of South Fulton Place and East 75th Street South, Lot 5, Block 6, Minshall Park III

Staff Recommendation: Minor Amendment of the Required Front Yard Setback

The subject tract is approximately .25 acres in size and located in a developing single-family subdivision. PUD 190 has received several minor amendments to allow encroachments into a required front, side or rear yard. The applicant is requesting a minor amendment of the approved 50' setback from the centerline of South Fulton Place to 47'6" to allow an existing stemwall encroachment for a new dwelling. Notice of the application was given to all abutting property owners.

Review of the applicant's submitted plat of survey indicates only a small portion of the structure (garage) actually encroaches into the setback. The balance of the dwelling is behind the setback line. Based on the irregular shaped lot and abundance of similar approvals, Staff can support the requested minor amendment.

Therefore, Staff recommends **APPROVAL** of the Minor Amendment to PUD 190-24 to allow a 47'6" setback from the centerline of South Fulton Place, subject to the applicant's submitted plan.

Staff notes that the applicant's plot plan indicated the requested relief was based on a dimension from the centerline of South Fulton to the stemwall of the structure. It was further notes that relief beyond that would be necessary to allow for masonry and other building materials. Therefore, Staff recommended the setback from the centerline of South Fulton be amended from 50' to 46'6". The applicant concurred with Staff.

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **APPROVE** the **Minor Amendment of the required front yard setback for PUD 190-24**, as recommended by Staff to be 46'6" from the centerline of South Fulton.

\* \* \* \* \*

**Z-5859-SP-1:** SE/c of East 71st Street South and South Mingo Road, Lot 1, Block 1, East Pointe

Staff Recommendation: Amended Detail Sign Plan

East Pointe Center is a suburban shopping center consisting of 47,113 square feet. The subject tract is zoned CO and received Detail Sign Plan approval on May 15, 1985 for a ground monument sign and two lease signs. A portable sign request was denied at that time. The applicant is now

proposing to add a 4' X 10' internally lighted marquee sign (reader board) that will be built on all four sides of the existing monument sign.

Review of the sign plan text indicates that the signage permitted is equal that which would be allowed in a CS zoned district. Including the applicant's proposed 1,600 square feet of marquee with the existing sign, the total signage (80 square feet existing on each of the four sides and 40 additional square feet on each side) continues to be below the maximum allowed. Staff finds the proposed sign to be consistent with the existing signage, development and Zoning Code.

Therefore, Staff recommends **APPROVAL** to add the proposed marquee to the existing monument sign, subject to the applicant's submitted plans.

Comments & Discussion:

In response to Mr. Doherty, Staff clarified the construction and structure of the subject sign.

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, "absent") to **APPROVE** the **Amended Detail Sign Plan for Z-5859-SP-1**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 4:08 p.m.

Date Approved 1-27-87  
Rant J. DeJ  
Chairman

ATTEST:

RBPaddock  
Secretary