

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1665  
Wednesday, **September 9, 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 Doherty, 2nd Vice- Chairman Draughon Kempe Paddock, 1st Vice- Chairman Parmele, Chairman Selph (Designee) VanFossen, Secretary Wilson Woodard	Crawford Rice	Frank Gardner Setters	Jackere, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 8, 1987 at 11:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:36 p.m.

**MINUTES:**

**Approval of Minutes of August 26, 1987, Meeting #1663:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-2** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, "aye"; no "nays"; Kempe, Selph, "abstentions"; Crawford, Rice, Woodard, "absent") to **APPROVE** the **Minutes of August 26, 1987, Meeting #1663**.

**REPORTS:**

**Committee Reports:**

Mr. VanFossen advised of a **Comprehensive Plan Committee** held this date for review of the Dirty Butter Creek Master Drainage Plan and related amendments to the District Plans for Districts 2, 3, 11 and 25. He advised the Committee recommended the public hearing on this matter be set for October 7, 1987, and made a motion to that affect.

TMAPC ACTION: 9 members present

On MOTION of VANFOSSEN, the TMAPC voted 9-0-0 (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; Crawford, Rice, Woodard, "absent") to SET the Public Hearing regarding the Dirty Butter Creek Master Drainage Plan and related amendments to the District Plans for Districts 2, 3, 11 and 25 for Wednesday, October 7, 1987, as recommended by the Comprehensive Plan Committee.

CONTINUED PUBLIC HEARING:

PUBLIC HEARING TO CONSIDER APPROVAL OF AMENDMENTS TO PARTS OF THE COMPREHENSIVE PLAN, BEING THE DISTRICT PLAN MAP AND/OR TEXT FOR DISTRICT 17, PERTAINING TO ESTABLISHMENT OF LINEAR DEVELOPMENT AREAS FOR LOW AND MEDIUM INTENSITY DEVELOPMENT, AND RELATED MATTERS.

Comments & Discussion:

Mr. Gardner commented that the only item in District 17 of controversy was the area north of 51st Street (between 129th and 145th East Avenue), and suggested approving the remainder of the amendments in the Plan. Mr. Gardner confirmed for Chairman Parmele, the Commission could approve the 51st Street Low Intensity Linear Development Area (LDA) for a specific depth, and then instruct Staff to amend the Development Guidelines to reflect the new language.

Mr. Gardner commented that he felt Legal's position was that with the way the Development Guidelines were written, 330' of depth could not be exceeded, even though it had been done in other districts. Therefore, he questioned how this problem might be rectified, i.e. change the other district plans reducing them to 330', or amend the Development Guidelines to allow this. Mr. Doherty stated that he felt the most appropriate action, at this point, was to go with the original Staff recommendation of 330' and, after the motion, request Staff to research options available for the Commission to extend the depth in this particular area. Therefore, he moved for approval of the original Staff recommendation for District 17.

Mr. Jackere commented that going beyond 330' would be totally inappropriate under the Guidelines just adopted by the TMAPC. He reiterated Legal's position that stating a depth of 330' was, in essence, recognizing physical facts. Mr. VanFossen commented that it appeared that stating a specific depth was the problem, however, since the Guidelines did state 330', he felt the Commission should stay with this. Mr. Paddock suggested one alternative to correct this situation was to consider some

**PUBLIC HEARING: District 17 - Cont'd**

amendatory language for the Development Guidelines, and he recalled Legal Counsel's suggestion of language similar to "except where the physical facts justify...". Therefore, the Guidelines could go through the usual amendment process.

Discussion followed among the Commission as to the best solution. Mr. Gardner advised that Staff had been convinced by Legal Counsel that amending the Guidelines might be the best alternative to this situation. Therefore, the Commission had two options for District 17; either continue or approve the LDA at 330' now, and amend it at a later date if needed. The consensus of the Commission was to proceed with the motion for approval of District 17 as originally recommended (at 330'), and to instruct Staff to review language with the Legal Counsel so as to amend the Development Guidelines.

**TMAPC ACTION: 6 members present**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, "aye"; no "nays"; no "abstentions"; Crawford, Draughon, Rice, Selph, Wilson, Woodard, "absent") to **APPROVE** the Amendments to the District 17 Plan Map and Text relating to establishment of Linear Development Areas for Low and Medium Intensity Development, and related matters, as recommended by Staff.

\* \* \* \* \*

PUBLIC HEARING TO CONSIDER AMENDING THE CITY OF TULSA  
ZONING CODE, TITLE 42, ZONING AND PROPERTY RESTRICTIONS, BY  
ADDING THERETO A RESIDENTIAL ESTATES (RE) ZONING  
CLASSIFICATION

**Staff Recommendation:**

The Rules & Regulations Committee of the TMAPC met October 1, 1986 and approved the concept of adding the Residential Estates (RE) zoning district to the City of Tulsa Zoning Code. The presentation of this concept was delayed by Staff in order to consider a more comprehensive review of the residential district zoning chapter. However, the TMAPC requested separate considerations of RE on July 15, 1987. At the July 15th meeting, an August 26, 1987 public hearing was called.

The details of the RE concept are presented as they would appear in the City Zoning Code. Basic RE criteria are based on the RE District which is presently adopted as a part of the Tulsa County Zoning Code. The Metropolitan Development Guidelines, which apply to both the City and County, already address RE and no changes or additions would be required to the Guidelines.

## Public Hearing: RE Zoning - Cont'd

Staff recommends APPROVAL of adding the RE zoning district to the City Zoning Code, as previously supported by the Rules & Regulations Committee. Staff presented the scope of the changes that will be required to implement adding an RE district to the Code, and advised a copy of the draft text has been submitted to the Legal Department, and the initial changes determined to be required have been made to the draft ordinance verbiage.

### Comments & Discussion:

Mr. Gardner reviewed the significant areas where changes would be required in the City Zoning Code. Mr. Paddock inquired as to why nursing homes, community group homes, convents, monasteries and novitiates would be permitted in an RE District by special exception. Mr. Gardner stated, if these types of uses were appropriate for a single-family district, they should be just as appropriate in this single-family category even though the lot sizes were larger. In reply to Mr. Draughon, Mr. Gardner clarified that land area requirements, by definition, included half of the abutting street; therefore, land area requirements were larger than lot area requirements.

Mr. Draughon stated he felt this zoning was too restrictive in some instances in that it appeared to serve the elite who could afford the zoning for a large lot with a single dwelling. Mr. Gardner pointed out that lot size did not necessarily dictate quality.

Chairman Parmele confirmed that Legal has reviewed the proposed Zoning Code changes. Ms. Wilson stated RE zoning was long in coming to the City and was being presented at this time through efforts of the TMAPC. She added that this zoning classification was a good, positive gesture for the City of Tulsa. Mr. Paddock confirmed the Rules & Regulations Committee had recommended the adoption of this classification; therefore, he moved for approval of the proposed amendments.

### TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **9-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE** the **amendments to the City of Tulsa Zoning Code, Title 42, by adding thereto a Residential Estates (RE) zoning classification, as recommended by Staff.**

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6151  
Applicant: Peoria Office Park  
Location: NE/c of East 56th Street & South Peoria  
Size of Tract: .78 acres, more or less  
Date of Hearing: September 9, 1987  
Continuance Requested to: September 23, 1987

Present Zoning: OL  
Proposed Zoning: OM

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, "aye"; no "nays"; no "abstentions"; Crawford, Draughon, Rice, Selph, Wilson, Woodard, "absent") to **CONTINUE Consideration of Z-6151 Peoria Office Park** until Wednesday, **September 23, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: Z-6168  
Applicant: **Schneider (McDonald)**  
Location: South of the SE/c of East 14th Street & South Yale  
Size of Tract: .18 acres, approximate  
Date of Hearing: September 9, 1987  
Presented to TMAPC by: Mr. Nick Schneider, 100 West 5th, #100

Present Zoning: RS-3  
Proposed Zoning: CS/OH

(587-0000)

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use.

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

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .18 acres in size and is located south of the southeast corner of East 14th Street South and South Yale Avenue. It is partially wooded, flat, vacant, contains a vacant, single family dwelling, and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north and east by single family residences, zoned RS-3; on the south by a vacant single family dwelling, zoned OL; and on the west across South Yale Avenue by single family dwellings, zoned RS-3.

**Zoning and BOA Historical Summary:** No recent rezoning activity has taken place in the area. Both CS and OL zoning were denied north of the subject tract. District Court approved the nonresidential use at the northwest corner of East 15th Street South and South Yale Avenue.

**Conclusion:** Presently, nonresidential zoning on the east side of South Yale Avenue lines up with the grocery store on the west side. Staff can not support any nonresidential zoning or use north of that point.

Therefore, Staff recommends **DENIAL** of CS or OH zoning for Z-6168 based on the Comprehensive Plan and existing zoning and development patterns in the area.

Applicant's Comments:

Mr. Nick Schneider, representing the applicant, acknowledged the Staff recommendation for denial of CS or OH and asked if this application could be amended to OL zoning. He pointed out that the subject tract was not being used as a dwelling.

Chairman Parmele inquired if the request for OL would change the Staff's recommendation for denial. Mr. Gardner stated that Staff would still recommend denial as they felt that, if the subject tract received OL or OH zoning, it would open up the three lots to the north, and the OL zoning in place (adjacent to the subject tract) was the appropriate place to draw the line for any office zoning.

Interested Parties:

Ms. Shirley Hoppes (1226 South Fulton), representing the Mid-Tulsa Neighborhood Association, issued a protest to the zoning request as the residents wished to maintain the residential nature and atmosphere of their neighborhood. Ms. Hoppes submitted petitions supporting the denial request. In reply to Chairman Parmele, Ms. Hoppes stated they would also be opposed to OL zoning.

Applicant's Rebuttal:

Mr. Schneider advised that, due to the economy, the applicant has had a very difficult time selling the house, which was why it has remained vacant and was not being used as a dwelling. He stressed that this portion of Yale Avenue was very prohibitive to residential use due to the amount of traffic.

Review Session:

Ms. Kempe inquired as to the zoning on the corner with the Safeway store, and was informed that it had CS zoning, which was permitted through District Court.

Ms. Wilson agreed with the Staff recommendation for denial as the tract was surrounded on three sides by residential properties. She stated she would vote against any further encroachment, and moved for denial of the request. Mr. VanFossen remarked he was in agreement with Ms. Wilson's motion.

Mr. Doherty commented that he had very mixed feelings as the residence would, indeed, be very difficult to sell; however, he understood the neighborhood trying to preserve the residential nature. He added that, taking into consideration Staff's position for "drawing the line", he would reluctantly vote for the motion. Mr. Paddock, while agreeing with the motion, recognized the practicalities involved with properties such as this which front directly on a primary arterial.

**TMAPC ACTION: 10 members present**

On **MOTION** of **WILSON**, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **DENY CS/OH zoning for Z-6168 Schneider (McDonald)**, as recommended by Staff.

\* \* \* \* \*

Application No.: **PUD 285-A** Present Zoning: **RS-3**  
Applicant: **Canyon Creek (Lewis)** Proposed Zoning: **Unchanged**  
Location: **East of the NE/c of East 68th Street & South Yale Avenue**  
Size of Tract: **6.3 acres, more or less**

Date of Hearing: **September 9, 1987**  
Continuance Requested to: **September 16, 1987 (request submitted by Staff)**

**TMAPC ACTION: 10 members present**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **CONTINUE Consideration of PUD 285-A Canyon Creek (Lewis)** until **Wednesday, September 16, 1987 at 1:30 p.m.** in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

Application No.: Z-6172 Present Zoning: RM-1 & CG  
Applicant: Aery Proposed Zoning: CH  
Location: SW/c of East 33rd Street & South Indianapolis Avenue  
Size of Tract: .48 acres, more or less  
Date of Hearing: September 9, 1987  
Presented to TMAPC by: Mr. Bob Aery, 3301 South Harvard (749-7310)

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .48 acres in size and is located at the southwest corner of East 33rd Street South and South Indianapolis Avenue. It is nonwooded, contains a vacant building and gravel parking, and is zoned RM-1.

**Surrounding Area Analysis:** The tract is abutted on the north across East 33rd Street by a ballet school and multifamily dwellings zoned CH and RM-1; on the east across South Indianapolis by single family dwellings, zoned RM-1; on the south by a parking lot, zoned CG; and on the west by commercial buildings, zoned CH.

**Zoning and BOA Historical Summary:** CH zoning was denied and CG zoning was permitted on the south half of the subject tract in 1972. Various commercial zonings exist in the area along South Harvard Avenue, some of which exceed the depth of the applicant's proposal.

**Conclusion:** Although the Comprehensive Plan does not support commercial zoning, the subject tract being abutted on three sides by commercial zoning would support commercial zoning. Staff can support CG zoning based on the presence of CG zoning in this area and CH zoning along Harvard.

Therefore, Staff recommends **DENIAL** of the requested CH zoning and **APPROVAL** of CG zoning in the alternative.

**NOTE:** If commercial zoning is approved, Staff would recommend an amendment to the Comprehensive Plan to reflect the rezoning. If the TMAPC is supportive of CH zoning, this application must be continued until October 7, 1987 for purposes of proper notice.



Comments & Discussion:

Mr. Doherty, pointing out the CG zoning on the south side of the subject tract, inquired if CG would really be appropriate on this tract which was closer to the residential properties. Mr. Gardner advised that the properties to the east were primarily day nurseries, etc. through BOA exceptions. Mr. Gardner continued by stating that, with the CG on the property to the south, Staff could not see much distinction between these two properties, which was why Staff was supportive of CG.

Ms. Kempe inquired as to how this application was advertised as the agenda indicated the request was for CG, not CH. Mr. Gardner confirmed the applicant had requested CH, but due to an error in the notice, the property was advertised for CG. He added that, should the TMAPC be supportive of CH, the application would need to be continued to allow time for proper advertising.

Applicant's Comments:

Mr. Bob Aery advised that he owned the two properties in front of the subject tract and intended to build a small shopping center; therefore, the request for CH. He explained that, should he ask for CG, he would need a variance in order to build on the property lines. Mr. Aery commented that his research indicated the property to the south to be zoned CH, not CG as shown on the map presented by Staff.

Discussion followed as to continuing this application for readvertising or proceeding with the CG zoning. Final consensus was to proceed, with the applicant commenting that he did not necessarily need CH if he was able to obtain a variance. Therefore, Mr. VanFossen moved for approval of CG. Mr. Paddock commented that some of the CH zoning in this area was done during the transition from the old zoning code in 1970, and he felt that had it been done correctly at that time, some of the areas would appear as CS on the maps and not CH.

TMAPC ACTION: 10 members present

On **MOTION** of **VANFOSSEN**, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE Z-6172 Aery for CG zoning**, as recommended by Staff.

Legal Description: CG

The north 75' of the west 140' of the east 165' of Tract 24, ALBERT PIKE SUBDIVISION, Tulsa County, Oklahoma, according to the recorded plat thereof; AND the south 75' of the north 150' of the east 165' of Tract 24, ALBERT PIKE SUBDIVISION, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Application No.: Z-6173 Present Zoning: RS-1  
Applicant: Keleher (Skelton) Proposed Zoning: CS  
Location: NW/c of East 11th Street and South 87th East Avenue  
Size of Tract: .98 acres, approximate  
Date of Hearing: September 9, 1987  
Presented to TMAPC by: Mr. Tom Keleher, 5550 South Lewis, #310 (749-6474)

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Residential.

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

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .98 acres in size and is located at the northwest corner of East 11th Street South and South 87th East Avenue. It is nonwooded, flat, contains a single-family dwelling, and is zoned RS-1.

**Surrounding Area Analysis:** The tract is abutted on the north and east across South 87th East Avenue by single family dwellings zoned RS-1; on the south across East 11th Street South by a commercial bank vault and wheel cover business, zoned CG; and on the west by a pharmacy drug store, zoned CS.

**Zoning and BOA Historical Summary:** CS and CG zonings have been approved along East 11th Street, including the requested CS designation and higher.

**Conclusion:** Staff would point out the properties along East 11th Street South in this area are in transition from residential to a higher use including commercial. Staff can support the requested CS rezoning based on the tract's location being abutted by other commercial zoning to the west and south and one lot removed to the east.

Therefore, Staff recommends **APPROVAL** of CS zoning for Z-6173 as requested and would suggest an amendment to the Comprehensive Plan to reflect the rezoning.

Comments & Discussion:

Ms. Wilson inquired as to why the requested CS zoning was not in accordance with the Plan Map. Mr. Gardner explained that on the Plan Map, everything to the north of this tract was designated residential and that designatin also extends down to include this lot. He added that, if this tract did not have the residential designation, it would be in accordance with the Plan Map. Mr. Doherty confirmed with Staff that there currently was an occupied dwelling on the lot.

Applicant's Comments:

Mr. Tom Keleher, architect for the applicant, advised the applicant was under contract to purchase the front 150' of this tract, subject to the zoning, and planned to build a clinic. He added the applicant had a first right of refusal on the remainder of the property. Mr. Keleher mentioned they applied for the CS zoning after reviewing the Plan Map with Staff.

Mr. Keleher commented that the preliminary area requirements for the clinic were based on a Floor Area Ratio (FAR) applicable to CS, which was .5, and he reviewed building standards proposed for the clinic. Mr. Keleher submitted photos looking out in each direction from the subject tract.

Mr. Doherty, pointing out that a clinic would usually require OL zoning, asked Mr. Keleher if OL would preclude the proposed use by FAR or any other reason. Mr. Keleher reiterated that the application was based on the intent to, hopefully, acquire all of the property at some future date. He added that the request for CS was based on the majority of the zoning in this area being CS and CG. Mr. Doherty asked if the CS was needed immediately for the clinic. Mr. Keleher replied that, based on their knowledge of the doctor's requirements, he felt CS was needed, at least, on that portion planned for phase one of the clinic project in order to obtain the FAR. In further reply to Mr. Doherty, Mr. Keleher commented that they were not prepared, at this time, to present a PUD. He stated the underlying zoning of a combination of CS/OL, while not in keeping with the zoning line on the map, would probably work.

Ms. Wilson inquired if it was intended that there be shared access into the OL/CS currently to the west. Mr. Keleher clarified that there was a house on the back portion of the tract that was not being acquired in phase one. Ms. Wilson asked if it was anticipated to have access off 11th Street as well as 87th East Avenue. Mr. Keleher stated this would depend on the City's Traffic Department. Mr. Gardner pointed out that there was a center median on 11th Street with a break at 87th, otherwise, there would be no other access.

Chairman Parmele advised the Commissioners had received several letters from residents protesting the requested zoning, and these letters would be submitted as exhibits to the file.

Interested Parties:

Address:

Ms. Nickie Hall-Hensley	924 South 87th East Avenue	74112
Mr. Norman Spencer	933 South 87th East Avenue	"
Ms. LaGrace Benegar	903 South 87th East Avenue	"
Ms. Sharon Tate	1321 South 97th East Place	74128

Ms. Nickie Hall-Hensley submitted petitions protesting the zoning change. She stated the residents did not object to the development as long as it was compatible to RS-1 zoning. Ms. Hall-Hensley commented that the residents wanted to protect their neighborhood, and she felt OL zoning

and/or a PUD would offer better protection. She pointed out that most of the residents in this area had been there several years and planned to remain. She mentioned concerns as to additional water run-off, traffic, late night activity, etc. which were associated with most CS developments.

Mr. Norman Spencer, whose property abuts the subject tract, commented he has resided at this location for 33 years. He stated he felt CS zoning would devalue his property, and he voiced concerns as to the types of development that would be permitted under CS zoning, should the applicant ever sell the lots. He asked that, should CS be approved, there be restrictions to limit the use to the clinic.

Ms. Grace Benegar agreed with the objections and concerns mentioned above, and commented as to the number of school age children in the area whose safety would be affected by additional traffic. She protested any CS zoning that would allow additional curb cuts.

Ms. Sharon Tate, the District 5 Co-Chairman, stated that the District 5 Plan displayed the importance of centralizing the commercial areas at major intersections, with lower intensity zoning spread between the arterials. She acknowledged the CS zoning currently in place along both sides of 11th Street and commented that it appeared to be strip zoning. Ms. Tate stated the residents in the District were not opposed to development, and would be more agreeable with OL zoning. She pointed out the amount of vacant CS zoning in this district and the wishes of the residents to see these areas utilized and revitalized. Ms. Tate also mentioned some the past flooding problems in this area of Tulsa.

In regard to the flooding, Ms. Kempe inquired if this was a routine problem or just during heavy periodic rainfalls. Ms. Tate replied that flooding in the yards was routine, but houses, garages, etc. were flooded during massive rainfalls. Chairman Parmele mentioned the Department of Stormwater Management (DSM) comments indicated that any development would be required to comply with floodplain criteria, compensatory storage, etc., and that a Watershed Development Permit would be required.

Applicant's Rebuttal:

Mr. Keleher addressed the problems with drainage in this area and stated the applicant was aware of the DSM requirements. He stated that he was concerned about how far away petitioners could go to obtain signatures, as he felt this should be limited to those in the immediate area.

Ms. Kempe inquired as to exactly how much CS zoning the applicant required, and if a PUD might be a possibility to develop this tract. Mr. Keleher commented that the first parcel purchase was the south 150', and the contract allows first right of refusal on the remainder of the property to assure some protection for future expansion. He stated that he could not assure that the difference in the FAR (between CS and OL) would get the applicant what he needed for the first phase of development. Mr. Keleher suggested a combination of CS/OL, with OL on the back portion of the tract and CS for the phase one development (south 150').

Mr. VanFossen commented that the major concern of the protestants was the amount of traffic that would be generated from the possible uses connected with CS zoning. However, Mr. VanFossen pointed out the TMAPC could not consider the proposed use since the applicant was not submitting a PUD. He continued his statement as to concerns with access, traffic generation, etc., supporting his reasons why he felt OL zoning was more appropriate.

In reply to Mr. Paddock, Mr. Keleher confirmed the applicant had written consent of the property owner for rezoning of both lots, as defined in the purchase contract with the first right of refusal on the back lot. Ms. Kempe inquired, should the Commission determine that CS was appropriate only on the southern portion, if the applicant might have to come back before the TMAPC in order to use the tract as proposed. Mr. Keleher replied they would not have to for the first phase of development.

Review Session:

Mr. Doherty commented he understood the neighborhood's concern as the applicant was asking for CS zoning with no restrictions on the use; therefore, he could not support any CS without a PUD, but could support OL zoning. He added that he was not objecting to the clinic, but there was no guarantee the clinic would remain on the tract. Chairman Parmele pointed out that the properties to the east and west currently zoned CS permitted any type of use, by right, as allowed under CS zoning. Mr. Doherty indicated that the property immediately to the east contained a dwelling. Commissioner Selph concurred with Mr. Doherty in that he did not have a problem with the proposed use, but he did have a problem with the CS zoning. Mr. Paddock also agreed with Mr. Doherty and suggested that, without a PUD, a possible alternative might be to designate the north 130' as OL and the south 150' as CS. Mr. Doherty reiterated his concerns that any commercial use allowed under CS could be placed on the property. Ms. Kempe acknowledged there was a potential problem with CS, but pointed out that this dealt with 11th Street which was already very commercialized along the frontages. She concurred with Mr. Paddock that an appropriate mix would be CS and OL; therefore, she moved for approval of CS on the south 150' and OL on the north 130'.

In reply to Mr. VanFossen, Mr. Keleher advised they would have no problem with the proposed CS/OL combination. Mr. Doherty remarked he understood the arguments for CS, but due to the protests of the residents, he could not vote for any CS. Ms. Wilson agreed with Mr. Doherty as she felt this was a situation where a PUD was in order, and she could not support the motion. Mr. Doherty moved to amend the original motion so as to delete any CS zoning, and have OL on the entire tract. Discussion followed on the amended motion, with the Chairman calling for a vote to amend.

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **5-4-1** (Doherty, Draughon, Paddock, VanFossen, Wilson, "aye"; Carnes, Kempe, Parmele, Selph, "nay"; Woodard, "abstaining"; Crawford, Rice, "absent") to **AMEND** the motion from a CS/OL zoning combination to OL zoning on the entire tract for Z-6173 Keleher.

Additional Comments and Discussion:

Ms. Kempe stated she could not support the amended OL motion as she felt some CS was appropriate in view of the surrounding zoning. Mr. Carnes inquired, in light of the amended motion, if the applicant concurred with OL or if he would prefer to come back before the Commission with a PUD. Mr. Keleher advised that, due to the time requirements to file a PUD, he would not be in favor of this course of action, and he could rework the proposal to accommodate the OL zoning. Ms. Kempe confirmed that the applicant was, in essence, agreeable to and could work with the OL zoning. Chairman Parmele stated that he would be voting against the motion, not because he was opposed to OL, but because of the lack of CS zoning based on the surrounding zoning patterns.

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-1-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; Parmele, "nay"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE Z-6173 Keleher for OL zoning.**

Legal Description: OL

Lot 2, Block 13, CLARLAND ACRES ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Application No.: **PUD 128-E** Present Zoning: CS, OMH, RM-2  
Applicant: **Westervelt (The Riverside Company)** Proposed Zoning: Unchanged  
Location: SW/c of East 71st Street and Riverside Parkway  
Size of Tract: 92 acres, approximate  
Date of Hearing: September 9, 1987  
Presentation to TMAPC by: Mr. Joe Westervelt, 320 South Boston, #1025

[**PUD 128-D-1**: The TMAPC ruled PUD 128-D-1 should be a Major Amendment and not a Minor Amendment. This number is now obsolete and PUD 128-E is in effect in place of PUD 128-D-1.]

Staff Recommendation: **Major Amendment to Reallocate Floor Area, Revise Development Areas, and Redistribute Uses**

The subject tract has an approximate area of 92 acres and is located at the southwest corner of the Riverside Parkway and East 71st Street South. PUD 128 has underlying zoning of CS, OMH, and RM-2 and is referred to as The Riverside Project (previously Harbour Pointe). The applicant is requesting approval to reallocate floor areas, revise development areas and redistribute uses.

PUD 128-E Major Amendment - Cont'd

A summary of the proposed Development Areas and uses is as follows:

A	Office and Retail
B	Office
C & D	Office and Retail
E	Office
F & G	Multifamily with accessory commercial
H	Open Space

As a contingency for the TMAPC finding that the request is a major amendment, the applicant has published notice in the legal news, posted the required signs, and notified property owners within 300'. Staff review, based upon the Development Standards which follow, indicates that this amendment was a major amendment and TMAPC action should be continued from August 19, 1987 until September 9, 1987 at which time a public hearing could be held.

Staff review of PUD 128-E (as a major amendment) finds it to be: consistent with the Comprehensive Plan; in harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site; and consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 128-E as a major amendment as follows:

- 1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless revised herein.
- 2) **Development Standards:**

AREA A

Land Area: 14.54 acres 633,362 sf

Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber shops and beauty and convenience goods and services, and shopping goods and services as permitted in Use Units 12, 13, and 14. Restaurants, private clubs, barber and beauty shops which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area:

Office	274,000 sf
Commercial	42,500 sf
Total	<u>316,500</u>

PUD 128-E Major Amendment - Cont'd

Area A:

Minimum Building Setbacks:  
 from centerline of Riverside Pkwy 175'  
 from the boundary of Area B 0'  
 from centerline of East 71st 175'  
 from the west boundary Per approved Detail Site Plan

Maximum Building Height: 60'

Off-Street Parking: As required by the applicable permitted Use Units.

Minimum Internal Landscaped Open Space: 25% 158,340 sf \*

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

**NOTE:** Development Area A was increased from 14.21 to 14.54 acres; Use Units 12, 13 and 14 added; office floor area reduced from 284,000 to 274,000 sf; 42,500 sf of commercial uses were added; and FAR was increased from .46 to .50.

AREA B

Land Area: 9.89 acres 430,808 sf

Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber and beauty shops. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area:  
 Office 396,000 sf

Minimum Building Setbacks:  
 from centerline of Riverside Pkwy 175'  
 from the boundary of Area A and C 0'  
 from the west boundary Per approved Detail Site Plan

Maximum Building Height: 154' (to the top of parapet) \*\*

\*\* Maximum building heights shall be subject to the jurisdiction of the Federal Aviation Administration (FAA) and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.



PUD 128-E Major Amendment - Cont'd

Area B:

Off-Street Parking: As required by the applicable permitted Use Units.

Minimum Internal Landscaped Open Space: 25% 107,702 sf \*

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

NOTE: Development Area B was reduced from 10.25 to 9.89 acres and Use Units 12, 13 and 14 were deleted; 12,500 sf of commercial uses were deleted; FAR increased from .91 to .92.

AREA C

Land Area: 11.46 acres 499,198 sf

Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber and beauty shops, and convenience goods and services, and shopping goods and services as permitted in Use Units 12, 13 and 14. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area: Office 432,000 sf Commercial 21,250 sf Total 453,250 sf

Minimum Building Setbacks: from centerline of Riverside Pkwy 175' from the boundary of Area B and D 0' from the west boundary Per approved Detail Site Plan

Maximum Building Height: 154' (to the top of parapet) \*

Off-Street Parking: As required by the applicable permitted Use Units.

\* Maximum building heights shall be subject to the jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.

PUD 128-E Major Amendment - Cont'd

Area C:

Minimum Internal Landscaped  
Open Space: 25% 124,799 sf \*

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

NOTE: Development Area C was increased from 8.52 to 11.46 acres; commercial floor area was reduced from 30,000 to 21,250 sf; and FAR was reduced from 1.24 to .91.

AREA D

Land Area: 12.94 acres 563,666 sf

Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber and beauty shops, and convenience goods and services, and shopping goods and services as permitted in Use Units 12, 13 and 14. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area:

Office 522,000 sf  
Commercial 21,250 sf  
Total 543,250 sf

Minimum Building Setbacks:

from centerline of Riverside Pkwy 175'  
from the boundary of Area H 30'  
from boundary of Areas C & E 0'  
from the west boundary: Per approved Detail Site Plan

Maximum Building Height: 154' (to the top of parapet) \*

Off-Street Parking: As required by the applicable permitted Use Units.

\* Maximum building heights shall be subject to the jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.

PUD 128-E Major Amendment - Cont'd

Area D:

Minimum Internal Landscaped  
Open Space: 25% 140,916 sf \*

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

**NOTE:** Development Area D was increased from 10.14 to 12.94 acres; commercial floor area was reduced from 30,000 to 21,250 sf; and FAR was reduced from 1.25 to .96.

AREA E

Land Area: 13.04 acres 568,022 sf

Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber and beauty shops, and convenience goods and services, and shopping goods and services as permitted in Use Units 12, 13 and 14. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area:  
Office 285,117 sf

Minimum Building Setbacks:  
from centerline of Riverside Pkwy 175'  
from the boundary of Area H 30'  
from the boundary of Area D 0'  
from the boundary of Area F 30'

Maximum Building Height: 88' (to the top of parapet)

Off-Street Parking: As required by the applicable permitted Use Units.

Minimum Internal Landscaped  
Open Space: 25% 142,005 sf \*\*

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

**NOTE:** Development Area E was reduced from 13.05 to 13.04 acres; office floor area was increased from 216,000 to 285,117 sf; a commercial area of 12,500 sf was deleted; and FAR was increased from .40 to .50.

AREA F

Land Area: 11.03 acres 480,467 sf

Permitted Uses: Uses permitted as a matter of right in the RM-2 Residential Multifamily district including garden apartments, townhouses and patio homes, clubhouses, recreational facilities, swimming pools and other uses which are customarily accessory to multifamily dwellings. The permitted accessory uses shall include convenience goods and services and shopping goods and services as permitted by a Special Exception in the OM and OMH zoning districts and shall be designed and located for the convenience of the occupants of the multifamily dwelling units. The commercial accessory uses in Development Area F shall not occupy more than 10% of the gross floor area of the principal building in which located.

Maximum number of DU's: 347

Minimum Building Setbacks:

from centerline of Riverside Pkwy	175'
from the boundary of Area H	Per approved Detail Site Plan
from the boundary of Areas E & G	30'

Maximum Building Height: 50' or 3 stories

Livability Space: 200 sf per dwelling unit

Off-Street Parking: As required by the applicable permitted Use Units.

NOTE: 700 apartment dwelling units were originally allocated to one development area at a density of 31.5 dwelling units per acre; apartment units have been reduced from 700 to 552 with 347 dwelling units to Development Area F (31.5 units per acre) and 205 to Development Area G (31.5 units per acre); the total original area for apartments has been reduced from 22.23 to 17.55 acres; and the apartment area relocated to a Parkway frontage from a river bank location.

AREA G

Land Area: 6.25 acres 284,011 sf

Permitted Uses: Uses permitted as a matter of right in the RM-2 Residential Multifamily district including garden apartments, townhouses and patio homes, clubhouses, recreational facilities, swimming pools and other uses which are customarily accessory to multifamily dwellings. The permitted accessory uses shall include convenience goods and services and shopping goods

PUD 128-E Major Amendment - Cont'd

Area G:

and services as permitted by a Special Exception in the OM and OMH zoning districts and shall be designed and located for the convenience of the occupants of the multifamily dwelling units. The commercial accessory uses in Development Area G shall not occupy more than 10% of the gross floor area of the principal building in which located.

- Maximum number of DU's: 205
- Minimum Building Setbacks:
  - from centerline of Riverside Pkwy 175'
  - from the boundary of Area F 30'
  - from the boundary of Area H Per approved Detail Site Plan
- Maximum Building Height: 50'
- Livability Space: 200 sf per dwelling unit
- Off-Street Parking: As required by the applicable permitted Use Units.

**NOTE:** 700 apartment dwelling units were originally allocated to one development area at a density of 31.5 dwelling units per acre; apartment units have been reduced from 700 to 552 with 347 dwelling units to Development Area F (31.5 units per acre) and 205 to Development Area G (31.5 units per acre); the total original area for apartments has been reduced from 22.23 to 17.55 acres; and the apartment area relocated to a Parkway frontage from a river bank location.

**AREA H**

- Land Area: 12.40 acres 540,144 sf
- Permitted Uses: Open space, landscaped yards, plazas and pedestrian area, maintenance buildings and driveways.
- Minimum Building Setbacks:
  - from centerline of Riverside Pkwy 175'
  - from boundary of Areas D, E, F & G 10'
  - from the west and south boundary Per approved Detail Site Plan
- Maximum Building Height: 12'
- Off-Street Parking: As required by the applicable permitted Use Units.
- Minimum Internal Landscaped Open Space: 96% 518,538 sf \*

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

**NOTE:** The open space area has been reduced from 13.42 to 12.40 acres; which results from calculation on a net basis as opposed to a gross basis (the usable open space area is identical to PUD 128-D).

- 3) **Sign Standards:** Signs within The Riverside Project shall comply with the restrictions of the Planned Unit Development Chapter of the Tulsa Zoning Code and the following additional restrictions:
  - a) **Ground Signs:** A maximum of four ground signs on the Riverside Parkway frontage of The Riverside Project shall be permitted. The display surface area of each sign shall not exceed 90 square feet.
  - b) **Wall or Canopy Signs:** Aggregate display surface area not exceeding one square foot per each lineal foot of the building wall to which the sign or signs are affixed shall be permitted for retail uses within the office buildings or within a residential building having accessory commercial uses. Aggregate display surface area not exceeding 1.5 square feet per each lineal foot of the building wall to which the sign or signs are affixed shall be permitted for retail uses within detached or freestanding buildings. Lettering on wall or canopy signs shall not exceed 2' in height. No portable signs shall be permitted. Projecting signs shall be permitted only beneath a canopy. The design of wall or canopy signs shall be uniform within each development area.
  - c) **Directional Signs:** Directional signs within the interior of The Riverside Project which are intended to inform the visitor as to the location within the center of tenants may be freestanding, if not exceeding 10' in height and if, in the aggregate, the directory signs do not exceed the limitations of the Tulsa Zoning Code. The design of directional signs shall be uniform within each development area.
- 4) That all trash, mechanical and equipment areas shall be screened from public view.
- 5) That all parking lot lighting shall be directed downward and away from adjacent residential areas. No freestanding light within 175' from the centerline of Riverside Parkway shall exceed 20' in height.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. 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. The 175' setback along the west side of Riverside Parkway shall be used to provide a generous landscaped area which will include berms, treed areas and shrubbery areas with a variety of landscaping materials.
- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 8) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit. Phasing of the development will be permitted based on a plan to be approved by the TMAPC at the time of submission of the initial Detail Site Plan.

**PUD 128-E Major Amendment - Cont'd**

- 9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making City of Tulsa beneficiary to said Covenants. The filing of amended deeds of dedication or restrictive covenants approved by the TMAPC and City Commission will satisfy this requirement and is a condition of approval of a minor or major amendment.
- 10) Maximum building heights shall be subject to the jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.

Comments & Discussion:

Chairman Parmele advised receipt of letters from Mr. Jackie Bubenik, Executive Director of the River Parks Authority, Mr. Herb Beattie of The Nature Conservancy, and Mr. Chester Cadieux, Chairman of the River Parks Authority, all stating support and requesting approval of this project.

Applicant's Comments:

In reply to Chairman Parmele, Mr. Joe Westervelt stated agreement to the Staff recommendation. Mr. Westervelt clarified, in response to Mr. Doherty, that pedestrian access along the river, while not currently on the map exhibit, had been addressed with the River Park Authority and was a part of this project.

Mr. Paddock advised he had served with Mr. Westervelt on the Mayor's Arkansas River Corridor Task Force, and he felt assured this project was in good hands as far as carrying out the objectives of the Task Force. He commented that the revised plan, indicating the green space and open space, further carried out the goals of the Task Force.

Interested Parties:

Mr. Kinney Baxter of the Tulsa Airport Authority (7777 East Apache) addressed the issue of building height in Development Area B in regard to the close proximity of the Riverside Airport. He advised that the Airport Authority was in the process of conducting an Airport Master Plan which would show future runway development and extensions. Mr. Baxter suggested the building height issue in Area B be deferred until completion of the Airport Master Plan.

Discussion followed among the Commission members, with the consensus being that this project should not be held up while the Airport Master Plan was being studied as that could be a lengthy process. Mr. Westervelt advised of meetings with the Federal Aviation Administration representatives, both locally and in Washington, and the issue has been reviewed and addressed in the PUD text. He added that, during these meetings, the applicant was made aware of the planned runway extensions and all the calculations done regarding building height were based on the planned extensions.

Commissioner Selph commented that he had every confidence in the Tulsa Airport Authority's ability to work with the developer; therefore, he moved approval of the Staff recommendation.

**TMAPC ACTION: 8 members present**

On **MOTION** of SELPH, the TMAPC voted 8-0-0 (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; Crawford, Draughon, Woodard, "absent") to **APPROVE** the **Major Amendment** to PUD 128-E (formerly PUD 128-D-1), as recommended by Staff, and early transmittal of these minutes to the City Commission.

**Legal Description:**

A part of Section 7, T-18-N, R-13-E, and a part of Section 12, T-18-N, R-12-E, Tulsa County, Oklahoma being more particularly described as follows: Commencing at the northeast corner of said Section 12 as the point of beginning. Thence, along the centerline of the proposed Riverside Parkway S9° 27' 33" East a distance of 977.67' to point of curvature; thence along a 1,273.24' radius curve to the left having a central angle of 20° 20' 00" for an arc distance of 651.85' to a point of tangency; thence S38° 47' 33" East a distance of 39.01' to a point of curvature; thence along a 44,864.56' radius curve to the right having a central angle of 1° 01' 18" for an arc distance of 800.00' to a point of tangency; thence S37° 46' 15" East parallel with Block 8, Kensington II amended a distance of 1,933.42' to a point on the northerly line of Block 20, Kensington; thence S41° 06' 06" West along the boundary of said Block 20 a distance of 435.96' to a point; thence along a 521.28' radius curve to the right having a central angle of 69° 00' 00" for an arc distance of 627.77 feet to a point of tangency; thence N69° 53' 54" West a distance of 157.40' to a point of curvature; thence along a 1,100.00' radius curve to the right having a central angle of 43° 30' 00" for an arc distance of 835.14' to a point of tangency; thence N26° 23' 54" West a distance of 1,157.22' to a point of curvature; thence along a 599.98' radius curve to the right having a central angle of 13° 49' 13" for an arc distance of 144.72'; thence N12° 34' 41" West a distance of 2,376.43' to a point which is 125.00' South of the North Section Line of Section 12, T-18-N, R-12-E, thence N0° 01' 20" East a distance of 125.00' to a point on the north Boundary of said Section 12; thence S89° 58' 40" East along said north boundary a distance of 565.25' to the northeast corner of said Section 12 which is the point of beginning.

Said tract containing 3,999,906.57 square feet or 91.825 acres, more or less. Legal description of Riverside tract to centerline of adjacent streets using State plane bearings.



## OTHER BUSINESS:

**PUD 187-14:** SW/c of East 65th Street & South 74th East Avenue

### Staff Recommendation: Minor Amendment

The subject tract is located at the southwest corner of East 65th Street and South 74th East Avenue, being Lot 17, Block 12, Shadow Mountain Addition. The applicant is requesting approval of an attached accessory building (5' x 6') which has been placed one foot from the property line. The house to the west has no windows in the adjacent elevation and a wooden screening fence 8 feet tall encloses the building so that it will not be visible from the street or abutting lot.

Discussions with the applicant indicate that the roof of the building will be shake shingles and the building exterior will be finished to be compatible with the owner's house. Further, the area in which the building is built will be completely enclosed with a wooden screening fence and the owners of the house on the subject tract own the lot to the south.

Staff finds the request to be minor and recommends APPROVAL subject to the submitted plot plan, and as follows:

1. That the accessory building be completely enclosed by a wooden screening fence a minimum of 6 feet and not to exceed 8 feet tall.
2. The roof of the accessory building be finished with materials similar to those on the principal structure.
3. Use of the attached accessory building is limited to storage of household goods.

### Comments & Discussion:

Legal Counsel confirmed this was to be a detached accessory building, and he advised that the normal setback was 3 feet. Mr. Jackere then questioned, if the setback was less than 3 feet, would it not require notice to those within 300', as is done by the Board of Adjustment, or was this to be considered a minor variance. Mr. Frank advised the abutting property owners had been notified. Mr. Jackere stated it appeared that, through the PUD process, a person could avoid the Zoning Code requirements for a detached accessory building, and he questioned whether this was appropriate. Mr. Frank commented that, regarding perimeter requirements under a PUD, the Zoning Code and PUD allowed the TMAPC to establish setbacks and yard requirements within a PUD.

### Applicant's Comments:

Ms. Linda Stromblad (7322 East 65th) briefed the Commission as to the size, placement, etc. of the proposed building, which was to be less than 100 square feet. She commented that the building would not be visible to any of the neighborhood. Ms. Stromblad advised that she has discussed this with the adjoining resident and submitted a letter confirming they have no objections to the structure.

In reply to Mr. VanFossen, Ms. Stromblad explained that they had first attached the structure to the main house, but was informed by a City Inspector that this was not allowed; therefore, the plan to construct a wall to detach the buildings. In reply to Chairman Parmele, the applicant confirmed agreement to the conditions of the Staff recommendation.

Interested Parties:

Mr. Ken Adams (7227 East 65th Place), President of the Shadow Mountain Homeowner's Association, submitted a copy of the bylaws of the Association which established a Building Committee. He advised that items dealing with building, fence, grading, etc. were to be submitted to and reviewed by the Building Committee; therefore, this application should not have come before the TMAPC. Mr. Adams also presented a letter issued to the applicants advising of the violation to the covenants and bylaws. He added that the bylaws state "no side yard should be less than 7 feet on each side of a family unit". He added that the Building Committee would not allow this particular structure to remain.

Ms. Wilson pointed out that the actual address was 7322 East 65th, not 4322 as listed on the agenda. It was determined that, as this was not a zoning item requiring advertisement, the Commission could continue.

Applicant's Rebuttal:

Ms. Stromblad remarked that she and Mr. Adams have discussed other controversies in this particular neighborhood, and she felt the covenants were very selectively enforced by the Building Committee. Ms. Stromblad pointed out that the 7' side yard requirements was not even adhered to by the existing houses in the development. She advised of other instances where the covenants were not being followed, one instance concerning the screening of RV's, one of which was owned by Mr. Adams. She reiterated that they were not building anything adverse to the neighborhood, as the structure would be totally screened.

In regard to the restrictive covenants, Chairman Parmele stated that the TMAPC could only consider the minor amendment and not a private covenant between a neighborhood. Chairman Parmele asked Staff if there had been other instances in this particular PUD where the TMAPC had allowed encroachments into the side yard. Mr. Gardner stated that rear yard encroachments come up more frequently than side yard matters. He commented that Staff considers the impact of the structure (i.e. height, size, etc.) as to appropriateness, and in this instance, the building was less than 100 square feet, was totally screened, and had little, if any, impact on the neighborhood.

**PUD 187-14 Minor Amendment - Cont'd**

Review Session:

Mr. VanFossen voiced his concerns as to whether the issue was an accessory building or encroachment of the building into the side yard. He inquired if the PUD addressed the issue of accessory buildings. Discussion followed as to the PUD having comments covering this issue, and a continuance was suggested to allow Staff time to research PUD 187. Mr. Doherty stated he did not feel this was appropriate for this location and moved for denial. After discussion among the Commission members concerning a denial or continuance, Mr. Doherty withdrew his motion and Ms. Kempe moved for a one week continuance to allow Staff time to research the minutes of hearings concerning PUD 187.

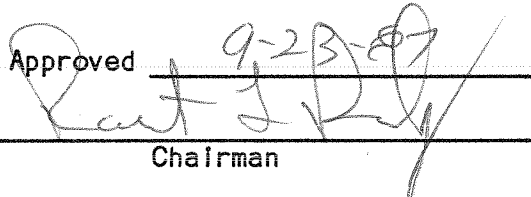
TMAPC ACTION: 7 members present

On **MOTION** of **KEMPE**, the TMAPC voted **7-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; Crawford, Draughon, Rice, Selph, Woodard, "absent") to **CONTINUE Consideration of PUD 187-14 (Minor Amendment)** until Wednesday, September 16, 1987 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.


There being no further business, the Chairman declared the meeting adjourned at 4:12 p.m.

Date Approved

9-23-87

  
Chairman

ATTEST:

  
Secretary

