

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1724
Wednesday, **December 14, 1988**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Harris	Frank	Linker, Legal
Coutant, Secretary	Randle	Gardner	Counsel
Doherty	Woodard	Lasker	
Draughon		Matthews	
Kempe, Chairman		Setters	
Paddock, 2nd Vice-Chairman		Stump	
Parmeale, 1st Vice-Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 12, 1988 at 4:05 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:34 p.m.

MINUTES:

Approval of the Minutes of November 30, 1988, Meeting #1722:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Randle, Woodard, "absent") to **APPROVE** the **Minutes of November 30, 1988, Meeting #1722**.

REPORTS:

Report of Receipts & Deposits for the Month Ended November 30, 1988:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Randle, Woodard, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended November 30, 1988**.

Committee Reports:

Mr. Carnes advised the **Comprehensive Plan Committee** met this date regarding proposed amendments to the District 18 Plan. The Committee voted unanimously to approve the housekeeping-type amendments as recommended by Staff, and to continue review and approval of the amendments relating the Corridor District, as well as continue the public hearing on District 18 to January 4, 1989.

Director's Report:

- a) Mr. Jerry Lasker, INCOG, updated the TMAPC members on the status of the proposed Creek Expressway, commenting that was no official word other than the proposed turnpike bond issue was being brought before the State Supreme Court for approval.
- b) Briefing by Mr. Ward Miller of the Department of Stormwater Management (DSM) on the process for developing a city-wide Master Drainage Plan. Mr. Miller also reviewed the status of the 21 master drainage plans for individual drainage basins, and answered questions from the TMAPC members. As to the role of the TMAPC, Mr. Miller commented the TMAPC would be asked to adopt the city-wide Master Drainage Plan as a component of the Comprehensive Plan. In addition, the TMAPC should continue their review of the individual basin studies to verify conformance to the various District Plans. He encouraged continued TMAPC liaison support in the citizen participation process, as well as involvement of the citizen planning team chairmen. The TMAPC members expressed concern regarding approval of DSM drainage projects on the Capital Improvements Program (CIP) list that had not yet been approved as to conformance to the Comprehensive Plans. Mr. Miller stated that the TMAPC would not be asked to approve any projects for inclusion in the CIP unless they were part of the city-wide Master Drainage Plan adopted by the TMAPC.

COMPREHENSIVE PLAN PUBLIC HEARING:

**Public Hearing to Consider Amendments
to the District 18 Comprehensive Plan**

As indicated by Mr. Carnes in the Committee Reports, the Comprehensive Plan Committee voted unanimously to recommend a continuance on this matter to January 4, 1989.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Randle, Woodard, "absent") to **CONTINUE** the Public Hearing to Consider Amendments to the **District 18 Comprehensive Plan** until Wednesday, **January 4, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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**Public Hearing to Consider Amendments
to the District 1 Comprehensive Plan**

Staff advised a request was submitted by interested parties to continue this hearing to December 21, 1988.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Randle, Woodard, "absent") to **CONTINUE** the Public Hearing to Consider Amendments to the **District 1 Comprehensive Plan** until Wednesday, **December 21, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: Z-6218 & PUD 446 Present Zoning: RS-3
Applicant: Nichols (Ind. School Dist. #1) Proposed Zoning: OL
Location: 7370 East 71st (Thoreau Jr. High School)
Date of Hearing: December 14, 1988
Presentation to TMAPC by: Mr. Bob Nichols, 111 West 5th (582-3222)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Public Use.

According to the Zoning Matrix the requested OL District "may be found" in accordance with the Plan Map.

Staff Recommendation: Z-6218

Site Analysis: The subject tract is approximately 5.4 acres in size and located on the south side of 71st Street, 1/4 mile west of Memorial Drive. It is nonwooded, gently sloping, vacant, adjacent to the former Thoreau Junior High School which is now being used as a private general education school and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north across East 71st Street South by single-family dwellings zoned RS-3; on the east by a commercial business and a shopping center zoned OL, CS and PUD 196; on the south by single-family dwellings zoned RS-3; and on the west by a fire station and single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary: The Board approved a special exception to convert the Thoreau Junior High School building which had been closed to a church and private school use with temporary classroom structure on a 19.5 acre tract which includes the subject tract. A paint store was allowed to be developed by Board variance to a depth of 460' immediately east of the subject tract.

Conclusion: Staff cannot support OL zoning in the configuration requested in this application. The extension of OL zoning 850' feet west along 71st Street South immediately across from single-family dwellings would extend non-residential zoning too far from the commercial node at Memorial Drive. Staff could support OL zoning on the east 250 feet of the tract to a depth of 550' from the centerline of 71st Street South which would still provide 152' of depth to develop residential lots fronting on East 71st Court South. The south 150' (of the north 550') of such a tract was not included in the request before the commission. Therefore, additional notice would be required for rezoning such an area. Since this zoning application is accompanied by a PUD, Staff could support an equivalent amount of area being zoned OL (137,500 sf) which is within the subject tract as advertised.

Therefore, Staff recommends **APPROVAL** of the east 417' of the tract for OL and **DENIAL** of the remainder of the tract to the west.

Staff Recommendation: PUD 446

The subject tract contains approximately 19.5 acres with 1161.5' of frontage on the south side of East 71st Street South beginning approximately 1/4 mile west of the intersection of Memorial Drive and East 71st Street South. Located generally in the center of the tract is the former Thoreau Junior High School which more recently was Victory Christian School, a private school for K-12th grades. The school is two stories in height and contains 94,460 square feet of floor area.

Contemporaneously with the PUD, an application to rezone 235,000 square feet of the tract to OL has been made. The purpose of the PUD is to allow light office and junior college uses in the existing building.

The tract is surrounded on the north, west and south by single-family dwellings. A portion of its western boundary abuts a fire station. To the east of the tract is a retail commercial building and a shopping center.

The Comprehensive Plan Map for District 18 designates this area as Low Intensity - Public Use. The types of uses proposed for this PUD may be found in accordance with the Plan Map designation. The proposed office uses would not be allowed without rezoning at least a portion of the property to OL. Under a PUD the area zoned RS-3 could potentially be developed for the junior college use at a maximum FAR of .5. The existing structure is built at a FAR of approximately .11. The applicant's Outline Development Plan would not allow any additional buildings to be constructed within the PUD. The Development Concept Plan shows additional parking being constructed on the north and east sides of the existing building. It has no planned use for the eastern 250' of the tract. Presently there is a parking lot on the north side of this area which connects to a service road east of the property. Without a specific plan for the eastern 250' of the tract, it appears the intent is to subdivide and sell the property at a later date. Since the PUD does not make any provision for buildings to be allowed in this eastern area, an amendment to the PUD would be required to allow any development.

Staff has recommended that only 137,500 square feet of the PUD be rezoned to OL. This would allow a maximum of 55,000 square feet of office space in the PUD. That is approximately 3,000 square feet less than is proposed by the PUD utilizing the existing school building. This would also mean there would be no permitted office floor area for the tract proposed to be zoned OL on the east side of the PUD. Staff therefore recommends that the PUD include 94,460 square feet of floor area for the junior college use (the size of the existing building) and 55,000 square feet for new office buildings meeting the height and parking requirements of the OL District to be built in the east 250' if not used by the existing school building. If, however, any of the existing building is used for general office uses rather than school uses, the maximum floor area of new buildings for the east 250' would be reduced accordingly.

After review of PUD 446, based upon the Staff's following conditions expressed below, Staff finds PUD 446 to be: (a) consistent with the Comprehensive Plan; (b) in harmony with the existing and expected development of surrounding areas; (c) a unified treatment of the development possibilities of the site; and (d) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 446 subject to the following conditions:

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

2) **Development Standards:**

Land Area (Gross):	19.5 acres
(Net):	16.3 acres
Permitted Uses:	Use Unit 11 & Use Unit 5
Maximum Floor Area:	Use Unit 5 - 94,460 sf Use Unit 11 - 55,000 sf
Off-Street Parking For Existing Building:	As required by the applicable Use Unit
Signs:	As permitted by Section 1130.2(b) with a maximum of 3 ground signs, all fronting East 71st St.
Minimum Open Space:	7 acres
Architectural Standards:	The existing building shall maintain the general appearance and character of existing Thoreau Junior High School

Standards for any New Buildings

Maximum Building Height:	1 story
Location of New Buildings:	Only on the east 250' of the tract, and the following setback requirements within that area must be met:
from the south boundary:	160'
from the north boundary:	50' (110' centerline 71st St.)
from the east boundary:	10'
from the west boundary:	n/a
Off-Street Parking:	As required by the applicable use unit and setback a minimum of 100' from the south boundary of the tract with no access to East 71st Court.
Screening:	All trash, utility and equipment areas shall be screened from public view. Any roof-mounted equipment shall be screened from the view of persons standing at ground level on the boundary of abutting residential areas.

- 3) That all parking lot lighting or other types of exterior lighting shall be directed downward and away from adjacent residential areas. All new parking light standards shall be limited to a maximum height of 15' and shielded to direct light downward and away from residentially developed areas.
- 4) That a landscaped buffer area be provided along all areas adjacent to single-family development on the south and west sides of the PUD and on the eastern 250' of the north side of the PUD.
- 5) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit for new buildings or expansion of existing parking areas. 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.
- 6) That no Building Permits shall be issued for additional buildings or parking areas within the Planned Unit Development until a Detail Site Plan which includes all new buildings and required parking has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved PUD Development Standards.
- 7) No building permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved PUD Development Standards.
- 8) If any floor area in the existing Thoreau Junior High School building is used for Use Unit 11 uses then the amount of new office space allowed to be constructed in the east 250 feet is reduced by that same amount of floor area. Once a new office building is constructed, the amount of floor area allowed for office uses is reduced throughout the entire PUD by the floor area of the new building.
- 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.

Comments & Discussion:

Mr. Gardner reviewed the Staff's recommendation regarding the suggested OL zoning pattern. He pointed out that the request for OL zoning was submitted to meet financial criteria of a lending institution, and not due to land use matters. In reply to Mr. Paddock, Mr. Gardner reviewed the relationship to the Development Guidelines. Mr. Gardner clarified, in response to Mr. Coutant, that Staff specifically excluded the south 152' from the east 250' of the tract recommended for OL zoning in order to provide a buffer for the abutting residential development.

Mr. Hugh McKnight, Park & Recreation Department, reviewed the history of Park Department's efforts to acquire this property for use as a regional park/recreation facility. In reply to Mr. Parmele, Mr. McKnight indicated he did not feel the suggested use would have an adverse impact on Leake Park, as it would remain as a school use which was consistent with the uses in the past.

Mr. Stan Bolding, Department of Stormwater Management, addressed concerns regarding drainage and detention. He mentioned there were some parking lot uses currently on the premises that were in violation as no Building Permits had been issued. In response to Mr. Draughon, Mr. Bolding indicated DSM personnel would inspect the facility, if approved for development as requested, to assure the DSM requirements were met.

Applicant's Comments:

Mr. Bob Nichols advised he was representing Independent School District #1 (feeholder of the subject tract), and Phillips Colleges, prospective purchaser of the tract, for relocation of the Oklahoma Junior College. Mr. Nichols reiterated that, as a private entity, Phillips Colleges could not seek financial relief through a bond issue as done with public institutions; therefore, the need for OL zoning to meet the financial requirements of the lending organization for an alternative use if Phillips ever defaulted on the loan. He stated that, in order to achieve their purpose, the rezoning with the related PUD was felt to be the best remedy. Mr. Nichols introduced two representatives for Phillips Colleges in attendance: Mr. Allen Murraray, General Counsel and Ms. Patty Hoffman, Dean of Academics of the Oklahoma Junior College.

Mr. Nichols stated the applicant's proposal for the zoning and PUD was based on 95,000 square feet for office use, utilizing used the "shell" of the existing school building; i.e. converting the pool, auditoriums, gymnasiums, and cafeteria for office use. He commented that the Staff's proposal allowed only 55,000 square feet, as they were not utilizing the entire "shell" of the building, only the existing classroom and office space used by the school. He indicated that the other recommendations suggested by Staff were consistent with their uses for the application. Mr. Nichols pointed out that, although not inappropriate, the Staff's comments addressing standards for new buildings were superfluous as the applicant had no intentions for further development on the tract.

In regard to land use considerations, Mr. Nichols remarked there were two overwhelming factors for the PUD as submitted: 1) the Comprehensive Plan; and (2) the physical facts as they exist. He advised the number of parking spaces requested was reduced from 500 to 470, based on the historical experience and needs of the other Phillips Colleges, even though this was approximately 150 more spaces than needed to meet the Zoning Code for a college or office use.

In summary, Mr. Nichols commented that he could not see the rationale of Staff's suggestion for 55,000 square feet other than for configurations on a map. However, the rationale for 95,000 square feet of office was based on the 17 year use of the building. In regard to concerns by interested parties, Mr. Nichols remarked that the applicant could not make a commitment as to staffing, hours of operation, additional traffic lanes, etc.

In regard to the vacant tract being retained by the School District on the eastern 250' of the tract, Mr. Doherty inquired if a major/minor amendment would be required for future development, or if a building permit and detail site plan might be sufficient to develop this area. Mr. Nichols replied it was his understanding (and Staff confirmed) that, under his proposal, if any use other than open space was put on this tract, it would require submittal of a major amendment for TMAPC review. Regarding the uses permitted under Use Units 5 and 11, Staff and Legal Counsel agreed that the intended proposal was similar enough in character and use to meet the definition for Use Unit 5, even though proposed by a private entity and not a public school/college.

In regard to the OL zoning request, Mr. Parmele initiated discussion on the Staff's recommendation for 55,000 square feet versus the applicant's request for 95,000 square feet. Mr. Nichols also answered questions from the Commission regarding the financial requirements of the lender, and confirmed the building would be utilized as is. In reply to Ms. Kempe, Mr. Nichols verified there would be no dormitories or residential use on campus; therefore, the need for additional parking space to accommodate commuters.

Interested Parties:

Mr. Coutant read into the record a letter from **District 18 Chairman, Ginny Poe**, on behalf of the District 18 Planning Team: "We request denial of the rezoning, because the purchasers of the property, under land use #5, are afforded all the means to utilize the property in question to meet their needs. If, however, the Planning Commission decides to grant a zoning change, we request that the original RS-3 zoning classification be restored if the property is resold at a later time. We see no reason not to allow a PUD under the present RS-3, if the sale is imminent, but believe the City of Tulsa would be better served if the Park Department were allowed to develop the improvements and land for public use."

Chairman Kempe advised that all letters received by the TMAPC would be stamped as an exhibit to the minutes of this hearing.

Mr. Terry Doverspike (7222 East 65th), representing Southeast Tulsa Homeowners Association (SETHA), advised that SETHA had participated in several meetings with the applicant, and the primary concerns involved the unknown factors should the college leave the site in the future. Mr. Doverspike stated a secondary concern involved access to the school site on 71st Street considering that portion of 71st was only two lanes, and

suggested a left turn lane be provided to relieve this situation. He felt access to 71st Court, as well as any other residential areas, should be prohibited. Mr. Doverspike was concerned with some of the possible uses in Use Unit 5 and was advised of the applicant's suggested prohibited uses within Use Unit 5.

Mr. John Nielsen (7108 South 75th East Avenue) echoed concerns regarding additional traffic and noise. He also voiced concerns regarding increased water run-off from additional parking lots. Mr. Nielsen agreed that access from the residential areas should be prohibited to limit parking on the residential streets.

Ms. Cathy Wilson (7415 South 73rd East Avenue) advised she was Chairman of the James C. Leake Park Committee and past president of SETHA. Ms. Wilson spoke on her work regarding the park and considerations and efforts to acquire the Thoreau site for a regional recreation facility. She reviewed the history of Leake Park as relates to the Thoreau site and the Park Department's future development. Ms. Wilson requested denial of the application in order to allow the Park Department time to accomplish their efforts in acquiring the subject tract.

Mr. Dick Voris (7121 South 77th East Avenue) spoke on the development of the Woodland Hills Mall area and stated he felt there was enough commercial and office development in this area. Therefore, he could not support OL zoning on the east 250'.

Mr. James Knox (7109 South 77th East Avenue) shared concerns expressed by the previous protestants regarding traffic, water run-off, access, etc. Mr. Knox also voiced objection to the OL zoning on the east 250' of the tract.

Mr. Jim Beasley (7114 South 77th East Avenue) commented that most of his concerns had been addressed. However, his main concern remained with stormwater run-off from any additional parking areas.

Mr. Ken Adams (7200 East 65th Place) President of the Shadow Mountain Homeowners Association, agreed with the concerns previously expressed, and he echoed comments regarding the need for widening of 71st Street. In regard to OL zoning on the east 250', he suggested a compromise between the applicant and the residents might be to place a condition that the OL use be restricted to just the existing facility. Mr. Adams also requested that a condition of approval be required stipulating that, should the purchaser fail to consummate the sale of the property, PUD 446 dies and OL zoning not be placed on the tract.

Upon inquiry from Mr. Paddock, Mr. Linker advised that the request from Mr. Adams for the additional condition could not legally be done by the TMAPC.

Ms. Virginia Poulet (7143 South 77th East Avenue) expressed concerns regarding the loss of open green space to the neighborhood residents should OL zoning be granted.

Applicant's Rebuttal:

Mr. Nichols remarked that his comments would not be in the form of rebuttal, as he had met several times with the residents, and he reiterated statements previously made regarding the financial needs of the private entity, the parking space needs, the applicant's lack of control over the traffic engineering concerns, etc. He pointed out that no comments were made indicating that this proposal would interrupt the spirit of the neighborhood, nor have any typical "horror" stories about flooding been made. Mr. Nichols stressed the thrust of the application dealt with the applicant's request to keep the OL use inside the existing 95,000 square foot structure.

Additional Comments & Discussion:

The Commission members discussed general alternatives as to the 250' area for open space, relocation of parking areas, closing access to the residential area, etc. Mr. Gardner clarified that Staff felt the east 250' provided a buffer from the abutting commercial use, but in the alternative he suggested this area might be deleted from the PUD and allow the applicant to readvertise to "envelope" the office use within the remaining portion of the PUD. He cautioned the Commission that their actions might inadvertently "condemn" any use on the east 250' since this property would be under different ownership; therefore, this portion should not be restricted to just open space.

In reply to Mr. Doherty, Ms. Patty Hoffman reviewed the accreditation policies of Oklahoma Junior College in relation to Tulsa Junior College, and the credit transfer criteria of the junior colleges.

Mr. Doherty and Mr. Nichols discussed access alternatives and screening/fencing in regard to parking near the residential areas, as well as the parking spaces needed on the subject tract. Upon inquiry from Mr. Coutant, Mr. Nichols remarked that he could not verify if any other offers for the school site had been submitted to the school system.

TMAPC Review Session:

Ms. Wilson commented she had a problem with putting OL on the tract, exclusive of the east 250', with the proximity to 71st Street and the question being, "is OL appropriate". Mr. Doherty commented that the OL could be placed anywhere on the tract, and he saw the immediate concern as how to develop the tract if it should remain as RS-3. He added he did not have a problem with the suggested OL use with proper screening/fencing on the southern and western boundaries abutting the residential areas. Discussion followed as to the notice advertising the portion under OL consideration.

Mr. Paddock stated he was in favor of the "envelope" suggestion that utilized the existing structure for OL and deleted the east 250' of the tract from the rezoning. Mr. Parmele commented he was in favor of the concept of using an existing school site for office use, as presented in

the recent School Site Study and tour. Therefore, he moved for approval of OL zoning as applied for by the applicant, withholding publication of the minutes until the accompanying PUD was also approved. Mr. Parmele added that he felt the existing building should be used for office with no new construction allowed.

Mr. Paddock stated he did not agree with the characterization that leaving the east 250' as RS-3 meant "no use", as he felt a park was a use. Therefore, he could not support a motion that did not exclude the east 250' from OL zoning. Mr. Doherty commented that open space requirements were frequently used as PUD conditions, and could be done with this PUD. Mr. Coutant remarked that he felt it important to include the 250' area in the zoning, especially if the "envelope" concept was being considered, to assure that the area would be controlled by the PUD. In regard to the motion, Mr. Coutant commented that he felt what was being requested was more than necessary or appropriate; therefore, he was more comfortable with the Staff's suggested configuration. Mr. Parmele stated that his reasoning for the motion was to confine the maximum office space of the PUD to just the building itself. Discussion followed on the motion.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **4-4-0** (Carnes, Doherty, Kempe, Parmele, "aye"; Coutant, Draughon, Paddock, Wilson, "nay"; no "abstentions"; Harris, Randle, Woodard, "absent") to **APPROVE** Z-6218 Nichols (Ind. School District #1) for OL zoning as applied for by the applicant, withholding publication of the minutes until the accompanying PUD was also approved.

The above motion failing due to the tie vote, Mr. Parmele attempted an alternative motion for OL zoning in an amount to allow 80% of the existing building. Discussion followed among Legal, Staff and TMAPC as to how best to arrive at an appropriate configuration. As a member voting against the above motion, Mr. Coutant proposed the motion be reconsidered. The TMAPC members discussed how best to proceed with a proper motion for the zoning and the PUD with amendments.

After in-depth review of the PUD standards, the following amendments were suggested by the TMAPC members:

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

Land Area (Gross):	19.5 acres
(Net):	16.3 acres
Permitted Uses:	Only those uses in Use Unit 5 & Use Unit 11 submitted by the applicant

Z-6218 & PUD 446 Nichols - Cont'd

- Maximum Floor Area: 94,460 sf
- Off-Street Parking For Existing Building: Minimum of 500 spaces
- Signs: As permitted by Section 1130.2(b) with only one ground sign, fronting 71st St.
- Minimum Open Space: 10 acres, including all of the 3.7 acres on the east 250' which shall remain as open space
- Architectural Standards: The existing building shall maintain the general appearance and character of existing Thoreau Junior High School
- 3) That all parking lot lighting or other types of exterior lighting shall be directed downward and away from adjacent residential areas. All new parking light standards shall be limited to a maximum height of 15' and shielded to direct light downward and away from residentially developed areas.
 - 4) That a landscaped buffer area and 6' security fence be provided along the south and west boundaries of the PUD to prohibit vehicular and pedestrian access.
 - 5) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit for new buildings or expansion of existing parking areas. 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.
 - 6) That no additional buildings shall be permitted within the PUD; however, minor building modifications to the existing building shall be permitted.
 - 7) No building permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
 - 8) 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.

Mr. Parmele moved for approval of the OL zoning request, as applied for by the applicant, and the PUD as amended above. Ms. Wilson commented she felt there would be a need for an additional lane on 71st Street, and if not made a condition of the PUD, then she felt Traffic Engineering should be notified. Therefore, Chairman Kempe requested Staff prepare a letter to the Traffic Engineering Department addressing the TMAPC concerns for an additional lane on 71st Street which fronts the subject tract.

Mr. Paddock stated that the comments and observations of his colleagues has persuaded him that the modifications to the PUD will bring about the desired results; therefore, he would be voting in favor of the motion.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-1-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; Draughon, "nay"; no "abstentions"; Harris, Randle, Woodard, "absent") to **APPROVE Z-6218 and PUD 446 Nichols (Ind. School District #1)** for OL zoning as applied for, and the PUD as amended above.

Legal Description:

Z-6218: Beginning at the NE corner of the NW/4 of the NE/4 of Section 11, T-18-N, R-13-E, Tulsa County, Oklahoma; thence due west a distance of 850.0'; thence due south a distance of 225.0'; thence due east a distance of 600.0'; thence due south a distance of 175.0'; thence due east a distance of 250.0'; thence due north a distance of 400.0' to the POB, containing 235,000 square feet or 5.4 acres, more or less.

PUD 446: Beginning at the NE corner of the NW/4 of the NE/4 of Section 11, T-18-N, R-13-E, Tulsa County, Oklahoma; thence due west along the north line of Section 11 a distance of 1,371.53'; thence due south a distance of 49.0'; thence southeasterly along a curve to the left of radius of 225.0' a distance of 128.39'; thence S 32°41'39" E a distance of 50.24'; thence southeasterly along a curve to the right of radius of 360.0' a distance of 337.84'; thence due east a distance of 1,217.53'; thence N 0°07'50" W a distance of 702.0' to the POB, containing 20.660 acres, more or less;

~~LESS THE FOLLOWING:~~ Beginning at a point on the north line of the NW/4 of the NE/4 of Section 11, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma; said point being 1,161.53' West of the NE/c of said NW/4, NE/4; thence continuing west a distance of 210.0'; thence due south 49.0'; thence along a curve to the left having a radius of 225.0' a distance of 128.39'; thence S 32°41'39" E a distance of 50.24'; thence around a curve to the right having a radius of 360.0' south a distance of 80.0' (plus or minus) to a point 285.0' south of the north line; thence due east a distance of 110.0' (plus or minus) to a point; thence north a distance of 285.0' to the POB, containing 1.16 acres, more or less.

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Application No.: CZ-170 Present Zoning: AG
Applicant: Wood (Limestone National Bank) Proposed Zoning: CG
Location: West of State Highway 51 & West 21st Street South
Date of Hearing: December 14, 1988
Presentation to TMAPC by: Richard Wood, PO Box 250, Sand Springs (245-2551)

Relationship to the Comprehensive Plan:

The Sand Springs Comprehensive Plan designates the subject tract as Low Intensity. Development Sensitive (in flood hazard area).

According to the Zoning Matrix the requested CG District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 4.08 acres in size and is located approximately 1320' west of the intersection of State Highway 51 and West 21st Street South. It is nonwooded, gently sloping, contains mobile home uses, and is in a flood hazard area and is zoned RS.

Surrounding Area Analysis: The tract is abutted on the north across Highway 51 and the Burlington Northern Railroad by scattered single-family dwellings and a church zoned RS; on the east and south by vacant property zoned AG; and on the west by single-family dwellings and mobile homes zoned AG.

Zoning and BOA Historical Summary: None

Conclusion: Based on the Sand Springs Comprehensive Plan and existing development pattern for the area, Staff can not support the requested rezoning. A more logical zoning pattern would be for the vacant tract east of the subject tract (node) to develop commercial with the subject tract being rezoned to a buffer classification. Staff does not support the requested commercial zoning abutting the existing residential zoning and use.

Therefore, Staff recommends **DENIAL** of CZ-170 for CG zoning and any less intense commercial zoning in the alternative.

Applicant's Comments:

Mr. Richard Wood, Vice-President of the Limestone National Bank, pointed out the subject tract was located in a floodplain, making it totally inappropriate for residential use. Mr. Wood advised there was a contract pending with the intended use for a mini-storage facility. He also pointed out the tract was partially buffered from residential by the railroad. Mr. Wood stated he had talked with some of the neighboring residents who thought the tract was already being used for commercial purposes, and they were pleased to hear of the possibility of having the tract cleaned up and put to a better use.

In regard to the Sand Springs Planning Commission recommendation, Staff advised the Commission did not have a quorum for their meeting; therefore, they were not able to review or make a recommendation on this application. Mr. Doherty advised the Sand Springs City Planner had met with the INCOG Staff on this matter. Mr. Stump confirmed the City Planner had indicated that review and possible modification of their Comprehensive Plan was needed in this area. Chairman Kempe commented that IL zoning might be more appropriate and would allow the mini-storage use.

Mr. Gardner offered a suggestion for zoning only that portion fronting Highway 51, and not the southern portion which was abutting residential. Mr. Doherty commented he was very familiar with this area and the related flooding and water problems. He added this area was very well suited for light industrial but not much else, and he could not support CG on any portion of this tract, but would consider CS. Discussion followed on whether to consider readvertising for IL or consider CS zoning in lieu of the requested CG.

Comments & Discussion:

Mr. Art Ingram (Rt. 4 Box 717, Sand Springs), advised he lived in the residential area abutting this property. He confirmed the only portion of the property suitable for development would be the northern portion due to the severe flooding problems on the south.

Ms. Wilson obtained clarification of the County Zoning Code for floodplain areas. Mr. Doherty commented he wished this had been presented for IL zoning; however, he moved for approval of CS on the entire tract.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Randle, Woodard, "absent") to **APPROVE CZ-170 Wood (Limestone National Bank)** for CS zoning.

Legal Description:

CS Zoning: A tract of land in the SW/4 of the SW/4 of Section 8, T-19-N, R-11-E, Tulsa county, Oklahoma, more particularly described as follows: Commencing at the SE corner of said SW/4, SW/4 thence N 01°12'48" W along the east line a distance of 24.75' to the POB; thence N 01°12'48" a distance of 281.22' to the south right-of-way of State Highway 51; thence N 71°11'07" W along said right-of-way a distance of 5.70'; thence N 73°44'47" W along said right-of-way a distance of 599.55'; thence S 01°59'34" W a distance of 268.58'; thence S 89°56'20" E a distance of 208.72'; thence S 03°21'18" E a distance of 183.97'; thence N 89°47'14" E parallel to and 24.75' distance from the south line a said SW/4 SW/4 a distance of 376.79' to the POB, containing 4.08 acres, more or less. Subject to easements and rights-of-way of record.

* * * * *

Application No.: Z-6220 Present Zoning: RS-3
Applicant: Tracy Proposed Zoning: RM-2
Location: North of the NE/c of East 17th Street & South 78th East Avenue
Date of Hearing: December 14, 1988
Presentation to TMAPC by: Mr. John Tracy, c/o 8904 East 19th Place (663-5157)

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 - Residential.

According to the Zoning Matrix the requested RM-2 District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 1.27 acres in size and is located approximately 120 feet north of the northeast corner of East 17th Street South and South 79th East Avenue. It is partially wooded, gently sloping, vacant and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by an apartment complex zoned RM-2 and RM-1; on the east by a car wash zoned CS; on the south and west by single-family dwellings on large lots zoned RS-3.

Zoning and BOA Historical Summary: Prior rezoning applications have established a pattern of high and medium intensity classification fronting South Memorial then transitioning to medium and low intensity at South 79th East Avenue. No multifamily zoning has been permitted west of South 79th East Avenue.

Conclusion: Although the Comprehensive Plan does not support the requested RM-2 zoning, the existing zoning pattern north and south of the subject tract support RM-2 zoning on the east 160'. Staff can support RM-2 zoning on that portion of the tract to line up with the zoning to the north and RM-1 zoning on the balance.

Therefore, Staff recommends **APPROVAL** of RM-2 zoning on the east 160' and RM-1 zoning on the west 170' to the centerline of South 78th East Avenue.

Comments & Discussion:

The applicant stated agreement with Staff's recommendation for split zoning of RM-2 on the east portion and RM-1 on the west portion.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Randle, Woodard, "absent") to **APPROVE Z-6220 Tracy** for RM-1 and RM-2 zoning, as recommended by Staff.

Legal Description:

RM-2 zoning on the east 160.0' of a tract described as the N/2 of the SW/4 of the SE/4 of the NE/4 of the SE/4 and the north 20.0' of the S/2 of the SW/4 of the SE/4 of the NE/4 of the SE/4, Section 11, T-19-N, R-13-E, City and County of Tulsa, Oklahoma; with the balance of said tract (west 170.0') to be zoned RM-1.

* * * * *

Application No.: Z-6221	Present Zoning: RS-3
Applicant: Ray	Proposed Zoning: CS
Location: South of the SE/c of East 56th Street & North Peoria Avenue	
Date of Hearing: December 14, 1988	
Presentation to TMAPC by: Mr. Audrey Ray, 537 E. 57th Street N. (425-8423)	

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use, Low Intensity - Residential and Incentive Area 1.

According to the Zoning Matrix the requested CS District is in accordance with the Plan Map for the Medium Intensity - No Specific Land Use portion, is not in accordance with the Low Intensity portion and may be found in the Incentive area. All zoning districts are considered in accordance with the Special Districts.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2.5 acres in size and is located approximately 525' south of the southeast corner of East 56th Street North and North Peoria Avenue. It contains several single-family dwellings and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north, south and east by single-family dwellings on large lots zoned RS-3 and on the west by a church zoned RS-3.

Zoning and BOA Historical Summary: Past zoning cases allowed CS zoning to extend beyond the typical 467' x 467' node.

Conclusion: Although the intersection qualifies as a Type I node based on the intersection of two secondary arterial streets, the intersection is shown on the Comprehensive Plan as a Type II node (660' x 660'). This is the result of prior existing commercial zoning and development outside the node. Staff can support CS zoning on the entire tract and not just the amount to line up with the Comprehensive Plan.

Z-62211 Ray - Cont'd

Therefore, Staff recommends **APPROVAL** of CS zoning for Z-6221 as requested.

NOTE: Staff would recommend amending the Comprehensive Plan to reflect the rezoning if approved.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Randle, Woodard, "absent") to **APPROVE** Z-6221 Ray for CS zoning, as recommended by Staff.

Legal Description:

Lot 5, Block 2, Grimes Heights Addition to the City and County of Tulsa, Oklahoma.

PUBLIC HEARING:

TO CONSIDER AN AMENDED FEE SCHEDULE FOR FILING AND PROCESSING REZONING AND BOARD OF ADJUSTMENT APPLICATIONS, AND FOR FILING AND PROCESSING APPLICATIONS FOR SUBDIVISIONS, LOT SPLITS AND RELATED MATTERS WITHIN THE TMAPC TERRITORIAL JURISDICTION

Comments & Discussion:

Mr. Irving Frank reviewed the Development Fees Study which was previously presented to the TMAPC. He advised the Rules and Regulations Committee had reviewed in detail the various fee schedules and the current proposal incorporated their comments and suggestions. As Chairman of the Rules & Regulations Committee, Mr. Paddock moved for approval as presented by Staff, which included the modifications suggested by the Committee.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-1** (Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; Draughon, "abstaining"; Carnes, Harris, Randle, Woodard, "absent") to **APPROVE** the Amended Fee Schedule as described above, and as recommended by Staff and the Rules & Regulations Committee.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Fleming Addition (3204) South of East Pine, west of South 129th E. Ave. (IL)

Harvard Grove Second (1793) 8300 Block of South Harvard (RS-3)

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Randle, Woodard, "absent") to **APPROVE** the Final Plat of **Fleming Addition** and **Harvard Grove Second** and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD 179-Q **Detail Sign Plan**
8518-C East 71st Street

Staff Recommendation:

The applicant is proposing to place a lighted awning sign for Klass Act Kleeners on a store front in an existing shopping center east of the southeast of East 71st Street and Memorial Drive. The awning sign is approximately three square feet rather than the two square feet per linear foot of frontage required by the zoning ordinance. The Board of Adjustment will hear the request for a variance of sign size on December 15, 1988. The cleaning operation use requires a major amendment to the PUD, which was approved by the TMAPC on November 30th. The City Commission has not yet acted on this amendment.

Signs on other stores in the shopping center appear to be similar in size to the sign requested. There are no other awnings on stores in the shopping center, but there is no consistent signage style or format among the existing stores.

Therefore, Staff recommends **APPROVAL** of the proposed sign for Klass Act Kleeners as proposed, contingent upon approval of a variance in sign size by the BOA and approval of PUD 179-Q Major Amendment by the City Commission.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Randle, Woodard, "absent") to **APPROVE** the **Detail Sign Plan for PUD 179-Q**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 6:20 p.m.

Date Approved December 28, 1988
Cherry Kempe
Chairman

ATTEST:

Scott C. Coulant
Secretary

