

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2013

Wednesday, March 8, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Boyle
Carnes, 1st Vice
Horner
Midget, Mayor's
Designee
Pace
Parmele
Chairman
Taylor

Members Absent

Ballard
Doherty
Gray
Selph

Staff Present

Gardner
Hester
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 3, 1995 at 3:55 p.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 1:35 p.m.

Minutes:

Approval of the minutes of February 22, 1995, Meeting No. 2011:

On **MOTION** of **CARNES**, the TMAPC voted **5-0-1** (Boyle, Carnes, Pace, Parmele, Taylor "aye"; no "nays"; Horner "abstaining"; Ballard, Doherty, Gray, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of February 22, 1995 Meeting No. 2011.

REPORTS:

Chairman's Report:

Chairman Parmele announced the following committee assignments:

Rules & Regulations Committee

Jim Doherty, Chair
Dwain Midget
Gail Carnes

Comprehensive Plan Committee

Bobbie Gray, Chair
Dwain Midget
Gail Carnes

Budget & Work Program

Baker Horner, Chair
Bobbie Gray
Jim Doherty
Gail Carnes
Dwain Midget

Chairman Parmele informed that the above-listed committees will serve for the interim period until final determinations are made regarding the voting members.

Committee Reports:

Comprehensive Plan Committee

Mr. Carnes announced that the Comprehensive Plan Committee met today at 11:30 and voted unanimously to approve the update of the District One Plan, recommend closing 57th Street southwest of Peoria, and to consider Springdale as the next area for blanket zoning.

Director's Report:

Mr. Gardner reminded the Planning Commission that the first monthly training session will be held at 11:30 a.m., in the INCOG large conference room, with the subject being Statutory Authority for TMAPC to be presented by Russell Linker. He informed that there will be one item to be considered by the Rules and Regulations Committee, East Lynn/Park Dale status report. Mr. Gardner announced that March 15, 4:00 p.m., INCOG conference room, there will be a reception honoring Bob Parmele and Marilyn Wilson.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

Virah (3104)

(PD-16)(CD-6)

North of the northwest corner of I-244 Expressway & North Garnett Road.

Staff Comments

Mr. Stump informed that all release letters have been received and Staff recommends **APPROVAL**.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Midget, Selph "absent") to **APPROVE** the FINAL PLAT of Virah and **RELEASE** same as having met all conditions of approval as recommended by Staff.

ZONING PUBLIC HEARING:

Public Hearing: Proposed amendment to the City and County Zoning Codes relating to nonconforming use of buildings or buildings and land in combination, with respect to what constitutes a change of use within the meaning of the code.

Mr. Gardner announced that recent amendments to the Zoning Code, moving several uses from Use Unit 5 to Use Unit 2, might possibly cause a misinterpretation of the Zoning Code. He informed that all uses within Use Unit 2 require a public hearing and approval before the Board of Adjustment. Mr. Gardner presented the following proposed change.

Section 1402.

- F. A nonconforming use of a building or of a building and land in combination when located within a residential district shall not be changed unless changed to a use permitted in the district in which located. A nonconforming use of a building or of a building and land in combination when located within a district other than a Residential District, may, as a Special Exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties. The change of a use to another use contained within the same use unit, **except for uses within Use Unit 2**, shall not constitute a "change of use" within the meaning of this section.

Interested Parties

Kevin Coutant

Mr. Coutant expressed concern that the Zoning Code does not define *a change of use*.

Mr. Gardner suggested that the Definition section of the Zoning Code deal with this concern in more specific detail and that Staff meet with representatives from the Legal Department to modify the language.

It was the consensus of the Planning Commission that Mr. Coutant should work with Staff prior to the City Council hearing regarding language.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to recommend **APPROVAL**, with the understanding that language may be modified before transmitting to the City Council, of the following:

Section 1402.

- F. A nonconforming use of a building or of a building and land in combination when located within a residential district shall not be changed unless changed to a use permitted in the district in which located. A nonconforming use of a building or of a building and land in combination when located within a district other than a Residential District, may, as a Special Exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties. The change of a use to another use contained within the same use unit, **except for uses within Use Unit 2**, shall not constitute a "change of use" within the meaning of this section.

Application No.: **PUD-166-C-2**

Applicant: Oil Capitol Neon/Barry Moydell

Location: Lot 1, Block 1, QuikTrip First Addition - Southeast Corner of East 91st Street South and South Sheridan Road.

Date of Hearing: March 8, 1995

Minor Amendment

The applicant is requesting increased size and height of a ground sign for "Hesselbein Tire".

The existing PUD standards limit the one allowed ground sign to 12' in height and 48 SF in display surface area. The proposed amendment would allow a sign 24' in height and 130 SF in display surface area.

Staff review finds the request to be in character with other signs in the area. Staff review also finds that a ground sign approximately these dimensions has been in place at this location since 1984 - with City approval apparently based on an incomplete PUD review.

Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to **APPROVE** PUD-166-C-2 **MINOR AMENDMENT** as recommended by Staff.

Application No.: **PUD-179-C-12/179-C**

Applicant: Kevin Coutant

Location: Lot 3, Block 1, El Paseo Addition - 7215 South Memorial Drive.

Date of Hearing: March 8, 1995

Presentation to TMAPC: Kevin Coutant

Minor Amendment

The applicant is requesting a minor amendment to the existing PUD to:

1. Increase available floor area from 75,000 SF to 80,000 SF
2. Reduce required open space from 69,950 SF to 54,000 SF
3. Reduce required parking from 327 spaces to 250 spaces

Staff has reviewed the request and finds the following:

Two businesses are located on the subject property, the applicant, Mathis Brothers Furniture and the Tulsa Brewing Company.

Floor Area:

125,000 SF of floor area was allocated to PUD-179-C. 51,500 SF has been allocated to the northern parcel, leaving 73,500 SF to be used by the parcel in the south. Existing structures have used 63,131 SF, leaving 10,369 SF available.

The applicant is requesting that 80,000 SF be allocated to the southern parcel, an increase of 6,500 SF. Staff is of the opinion that the total floor area allowed by the underlying CS zone in this area has been allocated at this time.

Staff also believes that an increase beyond the floor area allowed by the underlying CS zone is inappropriate at this location based on the surrounding intensity of use, the existing level of vehicular congestion on adjacent arterials, and the approaching ultimate arterial buildout.

Open Space:

The 54,000 SF of proposed open space, although a significant reduction, leaves approximately 20.6% of the subject parcel in open space.

Parking:

The proposed reduction in required parking, from 327 to 250 spaces, will not impact the 91 spaces available for Tulsa Brewing Company. The request therefore is to reduce the required furniture-related spaces from 236 to 159.

The proposed increase in floor area will include a significant increase in warehousing area. Although parking requirements are computed from principal rather than accessory uses, the warehousing component will include 39.5% of the total floor area. Based on the reduction of traffic caused by the size of the warehousing element, Staff can support a portion of the parking requirement being computed at the lesser warehousing rate.

Staff recommends **DENIAL** of an increase to the allocated square footage from 73,500 SF to 80,000 SF

Staff recommends **APPROVAL** of:

1. Decrease in required open space from 69,950 to 54,000 SF
2. Decrease in required parking from 327 to 250 spaces, subject to the following:
 - a. Board of Adjustment approval
 - b. Decrease tied to the life of the use. Should the use change, the parking requirement will be computed based on the more intense applicable commercial use.

AND

PUD-179-C-12: Detail Site Plan Review - Lot 3, Block 1, El Paseo Addition - 7215 South Memorial Drive

The applicant is requesting site plan approval for "Mathis Brothers Furniture". The site plan as submitted will be contingent upon the currently proposed minor amendment.

The proposed site plan will add 16,044 SF of floor area to the existing furniture store, will reduce the number of parking spaces provided from 327 to 250, and will reduce open space from 69,950 SF to 54,000 SF.

Staff review finds that access and vehicular circulation will not be adversely impacted by the plan as proposed. However, Staff has also recommended denial of the minor amendment to increase allowable building square footage.

Therefore, Staff recommends **DENIAL** of the site plan as proposed.

However, if the Commission sees fit to approve the minor amendment as requested by the applicant, including the increase in allowable square footage, Staff would recommend site plan **APPROVAL**.

Applicant's Comments

Kevin Coutant

320 South Boston

Mr. Coutant, representative for the applicant, distributed exhibits to the Planning Commission detailing the proposed changes to the PUD. He presented a detailed description of the subject property and surrounding area. Mr. Coutant pointed out additional parking along the northern property line as a result of the reconfiguration and noted that open space is in excess of that required by the PUD. He reviewed current allocation of development standards, as well as current development data. Mr. Coutant addressed areas of difference with Staff recommendation as to floor area and presented the following:

Maximum Floor Area Per PUD	73,500 SF
Gross Area of ½ of Abutting Street Right-of-Way	41,818 SF
Floor Area Ration for CS District <u>.50</u>	
Additional Floor Area available	<u>20,909 SF</u>
Total Floor Area Available Per Code After PUD Adjustment	94,409 SF
Floor Area Per Application	80,000 SF

Mr. Coutant acknowledged Staff's concern for expansion in this part of the City because of stress on the infrastructure. He declared that commercial zoning in this area is supported by the Comprehensive Plan and expressed concern for applying those reservations to this application. Mr. Coutant presented traffic data and disclosed that a furniture store generates less traffic from 4:00 to 6:00 P.M., peak traffic time, than other possible retail uses at this location.

If approved, Mr. Coutant informed that the total building area committed to retail will be downscaled from the current approximately 55,000 SF to 43,000 SF with the balance, approximately 28,000 SF, to be used for warehouse.

TMAPC Comments

Mr. Parmele noted that the difference appears to be in allowable floor area ratio permitted by the underlying zoning.

Mr. Coutant stated that he does not dispute that all of the square footage that was available in the CS zoning in the conventional analysis was used up as part of the original allocation in the application in Lot 3.

Mr. Stump explained that originally the net area was counted that was zoned CS rather than including the right-of-way. He noted that today the rights-of-way are counted. Mr. Stump advised that without rezoning or variance, the applicant has the ability to request, and if approved, get the increased floor area because he can now count the right-of-way. He advised that considering the development guidelines and the large amount of commercial zoning that was granted in this area above and beyond the Development Guidelines, it is predictable that when Memorial Drive and 71st Street are totally built out, up to seven lanes, it will still lack the capacity to handle the commercial which has been permitted in this area. Mr. Stump advised that Staff can support the increased square footage if a significant portion of this is limited to a furniture store, or as Mr. Coutant is requesting, 28,000 SF is limited to accessory warehousing use for the principal use on the tract, which will not generate additional traffic.

Mr. Coutant clarified that the site plan should be amended to indicate access to the north, as is shown on the current site plan.

Interested Parties

Jean Towery

8234 East 71st Street 74133

Ms. Towery expressed opposition to the proposed increase, noting that the furniture store shares the area with a restaurant, Tulsa Brewery. She revealed parking problems experienced when the restaurant runs special promotions. She noted that sometimes they have a live band outdoors and a portion of the parking lot is closed off. Ms. Towery disclosed that one of the tenants, Local American Bank, pursued adding drive-in lanes, and because they were short 14 parking spaces, did not pursue this. She informed that this tenant abided by the guidelines and pointed out that this applicant is 77 spaces short for parking. Ms. Towery advised that tenants of the shopping center presented a petition opposing the application because of the negative effects on their income when customers of the adjoining business take up their parking. Ms. Towery stressed that there is presently insufficient parking available to accommodate the amount of business in the center.

Lloyd Hobbs

5846 South Hudson Place 74135

District 18 Planning Team Chair

Mr. Hobbs commented on traffic congestion experienced in this area and noted that an increase in warehouse space will mean more delivery truck traffic. He informed that the only objections he has received regarding this application concern insufficient parking.

Applicant's Rebuttal

Mr. Coutant advised that the restaurant complies with parking requirements of the PUD. He deemed concerns of increased traffic due to the proposed larger warehouse as counterintuitive, noting that if there are not large trucks delivering furniture to a large warehouse the alternative is to warehouse remotely within the community and have several small trucks making many runs to make deliveries of retail sales. Mr. Coutant anticipates there to be less traffic due to the on-site location of the warehouse supporting this retail use.

TMAPC Review Session

Mr. Boyle stated that this application should be approved in its entirety, subject, as recommended by Staff, to the requirement that uses as set forth be limited so that 28,000 SF is devoted to warehouse to ensure traffic and parking problems are not increased more dramatically than need be. He considered it to be unfair to the applicant to deny the proposed change, given the surrounding area.

Mr. Parmele commented that the subject property was vacant for some time before the present user was on premise. He supports encouraging the present user to remain at this location, and if additional warehouse space would do that the Planning Commission should encourage it.

Ms. Pace expressed reservations regarding this application, noting that this area is saturated with commerce, and she is sensitive to area residents who cannot tolerate any more traffic in the area. She agreed that a usage such as a furniture store will not generate as much traffic as most other commercial uses. Ms. Pace noted that this tract is part of a PUD, and if the current occupant should move and the site is overbuilt, almost any commercial use would generate more traffic. She declared that the other users within the PUD should be given consideration.

Responding to an inquiry from Mr. Carnes, Mr. Stump advised that 16 additional parking spaces are being proposed.

Responding to questions from Ms. Pace, Mr. Stump informed that should this furniture store vacate, any use allowed by right in a CS district would be allowed, which is why Staff can only support this application if a designated amount of square footage is earmarked for accessory warehousing. This would remove it from potential retail sales and keep it in a low traffic generation mode.

There was discussion over various types of businesses that could exist at this location and the amount of parking that would be required.

Mr. Midget agreed that it would be wrong to punish this applicant because of saturation in this area, noting that if this application were to include right-of-way, it would be acceptable.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to **APPROVE** PUD 179-C-12 as follows.

Increase the allotted square footage from 73,500 to 80,000 SF.

Designate 28,000 SF as warehouse space accessory to the principal furniture store use.

Decrease required open space from 69,950 to 54,000 SF.

Decrease required parking from 327 to 250 spaces subject to the following:

- a. Board of Adjustment approval.
- b. Decrease tied to the life of the use. Should the use change the parking requirement will be computed based on the more intense applicable commercial use.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to **APPROVE** PUD 179-C DETAIL SITE PLAN as amended to indicate access to property to the north.

Application No.: **PUD-179-U/Z-6483**
Applicant: R.M. Compton
Location: 8522 E. 71st Street South
Date of Hearing: March 8, 1995

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

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix the requested CS zoning is **not** found in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 152' x 340' in size. It is non-wooded, flat, contains a car wash, and is zoned RS-3/PUD-179-H.

Surrounding Area Analysis: The subject tract is abutted on the north by E. 71st Street S. with Woodland Hills Mall on the north side of 71st Street S.; to the east is a large retail book store, zoned CS/PUD-507; to the south is vacant property, zoned RS-3/PUD-179; and to the west is a strip shopping center, zoned RS-3/PUD-179.

Zoning and BOA Historical Summary: Previous rezoning applications have been approved for CS zoning on the north 330' along E. 71st Street South.

Conclusion: Based on the Comprehensive Plan, CS zoning is not appropriate at this location. The amount of medium intensity uses already allowed in this area will in all likelihood overload even the planned arterial street system, so additional CS zoning will make the situation even worse. Unfortunately, the CS zoning allowed because of a Linear Development Area immediately east of this property, the CS zoning for Woodland Hills Mall across 71st Street to the north, and the CS node to the west make RS-3 zoning very difficult to maintain. Therefore, due to existing development and zoning patterns, Staff recommends **APPROVAL** of CS to the same depth as the CS zoning to the east.

AND

PUD-179-U: Major Amendment to increase permitted floor area and signage - east of the southeast corner of East 71st Street South and South 85th East Avenue

The applicant is proposing to increase the permitted floor area of Lot 9, Block 2, El Paseo Addition (currently 179-H) from 6,800 SF to 10,000 SF and to increase the permitted ground sign from 80 SF with a maximum height of 20' to a 120 SF sign with a height of up to 24'. To permit this increased floor area, the applicant is also requesting that the tract be rezoned to CS (Z-6483). Due to the increase in commercial development permitted east of the subject tract since its original approval, Staff can support the rezoning and the PUD amendment.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-179-U to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected

development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD-179-U subject to the following conditions:

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

Land Area (Net):	51,850 SF
Permitted Uses:	Use Units 11, 13, 14 and car wash
Minimum Building Setbacks	
From centerline of 71st Street:	110'
From west boundary:	5'
From east boundary:	50'
From south boundary:	15'
Maximum Building Height:	1 story
Maximum Building Floor Area:	10,000 SF
Minimum Width of Perimeter Green Belts*	
East boundary:	15'
South boundary:	10'
West boundary:	5'
North boundary:	
Minimum Off-Street Parking:	As required by the Tulsa Zoning Code

** Excluding access drives and only counting open areas within the lot.*

3. The PUD shall be permitted one ground sign no greater than 120 SF in display surface area nor more than 25' in height. Wall signs shall not exceed 1 SF per linear foot of building wall to which they are attached.
4. If the present use is expanded, it shall comply with the landscape requirements.
5. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

7. No sign 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. All trash areas shall be screened from public view by persons standing at ground level.
9. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
10. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

The applicant was present and expressed agreement with Staff recommendation.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to recommend **APPROVAL** of Z-6483 for CS zoning and PUD 179-U as recommended by Staff.

LEGAL DESCRIPTION

A tract of land described as Lot 9, Block 2, El Paseo Addition, and located at 8522 East 71st Street South, Tulsa, Oklahoma.

* * * * *

Application No.: **PUD-413-B**

Applicant: Darin Frantz

Location: Northeast corner of Gilcrease Museum Road & the Keystone Expressway.

Date of Hearing: March 8, 1995

Presentation to TMAPC: Joe Westervelt

This major amendment is to redefine development areas, add Use Unit 13, and to increase permitted signage in the PUD. A convenience store is anticipated in Development Area 1 and a restaurant/food store in Development Area 2. The old Development Area 3 which was an office buffer area would be eliminated and its area combined with Development Area 2. The old Development Areas 4 and 5 in PUD-413-A now become Development Areas 3 and 4 with the development standards unchanged. Staff can support the proposed changes if the following design factors are included in the new PUD: 1) limited access to Gilcrease Museum Road; 2) an adequate landscaped and bermed area on the northern portion of Development Area 2 to protect residences to the north; 3) landscaping and berming along Gilcrease Museum Road to screen parking areas from residences to the north; and 4) limits on size and locations of signage to protect nearby residential areas.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-413-B to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD-413-B subject to the following conditions:

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

2. **Development Standards:**

Land Area (Net): 8.55 acres

Development Area 1:

Land Area (Net): 1.19 acres

Permitted Uses: Use Units 11, 12 and 13

Maximum Building Floor Area: 7,000 SF

Maximum Building Height: 1 story

Minimum Building Setbacks

From centerline of Gilcrease Museum Rd.: 100'

From right-of-way of Keystone Expwy.: 50'

From centerline of Cameron St. (extended): 50'

From east boundary of Dev. Area: 10'

Minimum Landscaped Open Space: 10% of lot area

Minimum Width of Landscaped Strips Within Development Area

Along Gilcrease Museum Rd.: 20'

Along Cameron St. (extended): 10'

Development Area 2:

Land Area (Net):	1.70 acres
Permitted Uses:	Use Units 11, 12, 13 and 14
Maximum Building Floor Area:	7,000 SF
Maximum Building Height:	1 story
Minimum Building Setbacks	
From centerline of Gilcrease Museum Rd.:	100'
From centerline of Easton St.:	105'
From centerline of Cameron St. (extended):	50'
From north boundary of Dev. Area:	50'
Minimum Width of Landscaped Strips Within Development Area	
Along Gilcrease Museum Rd.:	20'
Along Cameron St. (extended):	5'
Along Easton St.:	50'
Minimum Landscaped Open Space:	25% of lot

Development Area 3:

Land Area (Net): 3.72 acres

Development Standards shall be the same as those for Development Area 4 in PUD-413-A except reduce permitted dwelling units from 110 to 105.

Development Area 4:

Land Area (Net): 1.93 acres

Development Standards shall be the same as those for Development Area 5 in PUD-413-A.

3. **Signs:**

Signs accessory to permitted principal uses shall be permitted but shall comply with the restrictions of the Planned Unit Development Ordinance and the following restrictions:

Development Area Individual Identification:

Development Area 1:

Ground Signs: Within Development Area 1, a ground monument sign identifying the establishment shall be permitted. The monument sign shall not exceed 12' in height and shall not exceed 60 SF in display surface area.

Wall or Canopy Signs: The aggregate display area of the wall or canopy signs shall be limited to 1½ SF per linear foot of building wall to which affixed. Wall or canopy signs shall not exceed the height of the building.

Development Area 2:

Ground Signs: Within Development Area 2, a ground monument sign identifying the establishment shall be permitted. The monument sign shall not exceed 15' in height and shall not exceed 80 SF in display surface area.

Wall or Canopy Signs: The aggregate display area of the wall or canopy signs shall be limited to 1½ SF per linear foot of building wall to which affixed. Wall or canopy signs shall not exceed the height of the building.

Development Area 3:

Ground Signs: Within Development Area 3, a ground monument sign identifying the establishment shall be permitted. The monument sign shall not exceed 4' in height and shall not exceed 32 SF in display surface area.

Wall or Canopy Signs: A wall sign may be erected on the entry facade not exceeding an aggregate display surface area of 32 SF.

Development Area 4:

Ground Signs: Within Development Area 4, no other sign shall be permitted other than the one set forth as a project identification sign below.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 2 SF per linear foot of building wall to which affixed. Wall or canopy signs shall not exceed the height of the building.

Project Identification Signs:

Within Development Area 1 or 2, one monument sign identifying the users of Development Areas 3 or 4 is permitted. It shall not exceed 4' in height nor 32 SF in display surface area. One ground sign not to exceed 50' in height nor 350 SF of display surface area is permitted in Development Area 1 advertising the businesses in Development Areas 1 and 2.

4. The landscaped strips along Gilcrease Museum Road shall be landscaped and/or bermed to screen parking areas to a minimum height of 4'. The required landscaped strip along Easton Street shall include at least a 5' high berm and landscaping to screen cars and patrons of the business in Development Area 2 from adjoining residential areas.
5. Pedestrian access shall be enhanced to Development Areas 1 and 2 by extension of the existing sidewalk on the east side of Gilcrease Museum Road to Easton Street.
6. Only one access point per development area is permitted onto Gilcrease Museum Road and its location must be approved by Traffic Engineering. Access to Easton Street from Development Area 2 is prohibited.

7. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
9. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
10. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
11. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 20 feet.
12. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
13. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TMAPC Comments

Mr. Parmele acknowledged receipt of letters of support from Tim Taylor, District 10 Chair, and the Owen Park Area Neighborhood Association.

Interested Parties

Audra Buthod

2520 West Easton 74127

Ms. Buthod gave a history of proposed development for the subject tract. She expressed support of the application, expressing that the proposed development will be an asset to the neighborhood. Regarding concerns that the QuikTrip may become a gathering place for undesirables, she noted that another shopping center in the area has not experienced such problems.

Jeff Fitts

1602 West Easton 74127

Mr. Fitts, Vice Chair Planning District 10 and Vice President of the Owen Park Neighborhood Association, expressed support of the proposed development.

Rita Icenogle

4138 West Charles Page 74127

Ms. Icenogle, representative for the agency Neighbors Along the Line and The Charles Page Revitalization Plan, expressed support of revitalization of the subject tract with the berming on the north side.

D.W. Brasier

2317 W. Brady 74127

Mr. Brasier, who resides west of the proposed QuikTrip site, voiced concerns over Development Area 3, which is proposed for a nursing home. He expressed concern that there would be insufficient area for parking in Development Area 3. Mr. Brasier referred to a traffic study indicating that the amount of traffic generated for the proposed development. Development Area 3 will be heavy and more accidents will occur. He asked that Development Area 3 be restricted to no more than a three-story highrise structure because its size cannot accommodate anything larger.

Don Harold

2516 West Cameron 74127

Mr. Harold expressed concern over adequate traffic control for the development, noting that Gilcrease Museum Road is a heavily-traveled road.

Applicant's Comments**Joe Westervelt**

1250 East 26th Street 74114

Mr. Westervelt advised that recognizing the subject tract as being located in a building sensitive area. Prior to filing application on the subject tract, the applicant met with area residents to receive their input. He informed that this original application, which had a majority of neighborhood support, was amended after Staff review reducing signage, adding more buffering, etc. Mr. Westervelt stressed that Development Areas 3 and 4 are separate and distinct from the areas this applicant is developing.

TMAPC Comments

Mr. Midget asked what changes were made in Development Area 3.

Mr. Stump informed that uses permitted in Development Area 3 were unchanged. He noted that density was lowered in the same ratio as the amount of land area reduced. Mr. Stump advised that a ground sign previously allowed in Development Area 4 has been eliminated.

Responding to questions from Ms. Pace, Mr. Westervelt informed that he met with John Eshelman, Traffic Engineering, to review street layout.

Mr. Gardner informed that the language which appears under permitted uses in PUD A is as follows: *Elderly/Retirement housing and life care retirement center*; this has not changed. Both of those are listed under Use Unit 8, which is multifamily, and nursing homes are listed under Use Unit 2, which is not permitted in this PUD.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to recommend **APPROVAL** of PUD-413-B MAJOR AMENDMENT as recommended by Staff.

LEGAL DESCRIPTION

A Re-subdivision of Lot 1, and a portion of Lots 2 and 3, Block 3, New Irving Place, and a Re-subdivision of Lots 1 through 8, and a portion of Lot 14, and Lots 15 through 24, Block 1, and Lots 1 through 11, and Lot 22 through 32, Block 2, and Lots 1 through 5, and a portion of Lots 6 through 11, Block 3, New Irving Place Second, and including the vacated portion of North 23rd West Avenue and North 24th West Avenue, all being located on the northeast corner of West Keystone Expressway and North Gilcrease Museum Road (North 25th West Avenue), Tulsa, Oklahoma.

* * * * *

Application No.: **Z-6310-SP-3**

Applicant: David Brown

Location: Corridor Site Plan for Lot 1 and the west 122' of Lot 2, Dickens Commons.

Date of Hearing: March 8, 1995

The applicant has submitted a corridor site plan for two restaurants (Jimmy's Egg and City Bites) on the westernmost portions of PUD-467. Staff review of the plan finds the use and general layout to be in conformance with the PUD as amended. Insufficient detail of the signage, landscaping and screening prevent Staff from adequately reviewing all aspects of the development. Since this is a PUD as well as a Corridor District, the review of these details could be performed with the review of the PUD-required detail landscape and sign plans. Therefore, Staff recommends **APPROVAL** of Z-6310-SP-3 subject to approval of detail landscape and sign plans under the PUD process.

Interested Parties

Rita Icenogle

5140 South Marion 74135

Ms. Icenogle, whose property is across the street from the subject tract, expressed concerns from area residents regarding excessive traffic flow in the area and signage for the proposed structures. She related area residents' concerns that the Planning Commission is ignoring their neighborhood's needs. Ms. Icenogle understood that the original PUD permitted retail use with a restaurant anchor. She suggested installing traffic lights on either Marion or Oswego and making this provisional on adding new commercial property. She declared that signage in the area is obnoxious with pole signs and signs on buildings allowed to remain lighted 24-hours. Ms. Icenogle presented photographs of Lone Star Steak House depicting neon lighting clearly visible to the residents over two blocks away. She declared that area residents prefer that no additional commercial properties be permitted in the area; residents prefer office use, and if restaurants are allowed, that continuously lit signs on the building not be permitted.

Mr. Stump reviewed the original PUD conditions and signage changes Lone Star Steak House requested, noting that the pole sign on 51st Street will be moved to the rear of the property at I-44, and a monument sign will be installed at the front of the property. He informed that one monument sign is allowed for the one undeveloped tract which will also have a restaurant on it. Mr. Stump explained that the neon signage on the Lone Star Restaurant is considered a wall sign and complies with PUD conditions.

Mr. Midget suggested that area residents meet with the restaurant owner to discuss the intrusive lighting.

Mr. Stump informed that the sign for the subject tract is identified as an 8' high, 64 SF monument sign.

Ms. Pace suggested the proposed sign be moved to the easternmost boundary so homes to the south would be buffered from its sight.

Lloyd Hobbs

5846 South Hudson Place

Planning District 18 Chair

Mr. Hobbs commented on the street clutter along 51st Street at each intersection, and noted turning problems experienced in the area. He suggested a sign containing the names of three businesses and moving it to the east away from Marion Avenue.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to recommend **APPROVAL** of Z-6310-SP-3 CORRIDOR SITE PLAN as recommended by Staff and relocating the ground sign as far east as possible from the entrance.

Application No.: **PUD-507-4**

Applicant: Eldon Peaster

Location: East of the southeast corner of East 71st Street South and South Memorial Drive.

Date of Hearing: March 8, 1995

Presentation to TMAPC: Larry Kessler

Minor Amendment - Development Area B, Woodland Hills Plaza

The applicant is requesting a minor amendment to allow an increase in the height of multifamily units from 38' to 45'.

Staff has reviewed the request and finds that the height increase will not effect the permitted number of stories (3). The proposed increase is intended to accommodate a more highly pitched roof, an acceptable architectural detail.

Review also indicates that similar requests have been approved recently in the City (ex. Riverside Park, Riverside Drive south of 71st Street) to allow very similar units. Existing development to the north is commercial; to the east is multifamily; to the south is a detention area with single-family beyond; and to the west is office development. Staff is of the opinion that the height increase can be accomplished without significantly impacting surrounding development.

Therefore, Staff recommends **APPROVAL** subject to the following:

1. No three-story unit shall be located within 25' of the development area boundary or within 200' of an adjoining single-family property, whichever is greater.

AND

PUD-507: Detail Site Plan Review - Development Area B, Woodland Hills Plaza - east of the southeast corner of East 71st Street South and South Memorial Drive

The applicant is requesting site plan approval for 240 units of apartments directly south of the approved commercial site plan.

Staff has reviewed the request and finds that the site plan as submitted conforms with setback, livability area and parking requirements of the PUD. If the accompanying minor amendment PUD-507-4 is approved, it will also conform to height limitations. Access does not yet conform to the PUD standard of at least two or more access points to Development Area A by virtue of the fact that the westerly access as shown does not line up with the access location approved in the site plan for Development Area A.

Therefore, Staff recommends **APPROVAL** subject to the following:

1. Approval of minor amendment PUD-507-4.
2. Approval of a revised site plan for Development Area A (to the north) which specifically delineates the secondary (west side) access to Area B.
3. Revision, as needed, to the Area B site plan to line up the secondary access with the access shown in Area A. (The access location as shown on the proposed site plan provides entrance to the northern parcel directly behind the southwest corner of a retail building. Staff recommends that the access be moved west.)
4. Provision of a screening fence along the entire northern boundary.

NOTE: *The site plan will not be transmitted to Customer Services until these conditions have been met. Site plan approval does not constitute landscape plan or sign plan approval.*

Larry Kessler
Architects Collective

4200 East Skelly Drive

Mr. Kessler expressed concern over the condition that no three-story unit shall be located within 25 feet of the development area boundary or within 200 feet of an adjoining single-family property, whichever is greater. He was concerned that this may cause a problem on the southwest corner and requested that the condition be modified to make the setback 30 feet off the property line on the south side. He informed that the 200 foot requirement can be met for everything except for the first 100 feet of the west/southwest sign.

Mr. Stump informed that the proposed detail site plan appears to meet the conditions suggested by Staff. He advised that a 30' building setback from the south property line of Development Area B's boundaries would be acceptable.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**; TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to **APPROVE** PUD 507-4 MINOR AMENDMENT as recommended by Staff with the following amendment to condition number 1:

No three-story unit shall be located within 30' of the southern boundary nor within 25' of the north, east and west development area boundaries.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph "absent") to **APPROVE** PUD 507 DETAIL SITE PLAN as recommended by Staff.

Application No.: PUD-531

Present Zoning: CS/CO

Applicant: Roy D. Johnsen

Proposed Zoning: CS/CO/PUD

Location: Northeast corner of East 81st Street South and South Mingo Road.

Date of Hearing: March 8, 1995

Presentation to TMAPC: Roy Johnsen

The approximately 37-acre tract contains 5 acres of CS zoning at the corner of 81st Street and Mingo Road and the remainder of the tract is zoned Corridor CO. Three development areas are proposed. Development Area A would contain 10.8 acres and be for commercial shopping; Development Area B would contain 4.6 acres and be for office use; and Area C would contain 18.6 acres and is proposed to have 465 apartment units. Staff can generally support the intensity of non-residential development proposed, but cannot support the intensity or the size of the multifamily area. Across Mingo Road to the west, PUD-460 proposes apartments across from the area proposed for apartments by this PUD, but at a lower density and with three times more livability space than proposed here. Also, no corridor collector street has been proposed as required in a Corridor District.

1. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-531 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD-531 subject to the following conditions:

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

2. **Development Standards:**

Land Area (Gross): 36.86 acres

Development Area A:

Land Area (Net): 10.77 acres

Permitted Uses: As permitted by right within a CS District

Maximum Building Floor Area: 108,900 SF

Maximum Building Height: 35'

Maximum Building Setbacks

From centerline of Mingo Road: 100'

From centerline of 81st Street: 100'

From north boundary of Dev. Area: 50'

From east boundary of Dev. Area: 10'

Minimum Landscaped Open Space: 10% of lot area

Development Area B:

Land Area (Net):	4.56 acres
Permitted Uses:	Use Units 10 and 11, including financial institutions with drive-in facilities
Maximum Building Floor Area:	70,000 SF
Maximum Building Height:	35'
Minimum Building Setbacks	
From centerline of 81st Street:	100'
From east boundary of PUD:	85'
From west boundary of Dev. Area:	10'
From north boundary of Dev. Area:	100'
Minimum Landscaped Open Space:	15% of lot area

Development Area C:

Land Area (Net):	18.61 acres
Permitted Uses:	Use Unit 8 and customary accessory uses
Maximum Number of Dwelling Units:	375
Minimum Livability Space Per Dwelling Unit:	600 SF
Maximum Building Height:	35'
Maximum Stories:	3
Minimum Building Setbacks	
From centerline of Mingo Road:	85'
From north boundary of PUD	
one-story buildings:	35'
other buildings:	100'
From east boundary of PUD	
one-story buildings:	35'
other buildings:	100'
From south boundary of Dev. Area:	35'

3. A corridor collector street shall be provided along the east boundary of the PUD to provide access to Development Areas B and C and areas outside the PUD to the east and the north.
4. **Signs:** Signs accessory to the principal uses within the development shall be permitted, but shall comply with the restrictions of the Planned Unit Development Ordinance and the following additional restrictions:

Development Area A - Shopping:

Ground Signs: Ground signs shall be limited to one sign along each arterial street frontage identifying the center and/or tenants therein. A permitted ground sign shall not exceed 25' in height, nor exceed a display surface area of 280 SF.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1½ SF per linear foot of building wall to which affixed. Wall or canopy signs shall not exceed the height of the building.

Development Area B - Office:

Ground Signs: Ground signs shall be limited to one monument sign along 81st Street not exceeding 12' in height nor a display surface area of 125 SF.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to ½ SF per linear foot of building wall to which affixed. Wall or canopy signs shall not exceed the height of the building.

Development Area C - Multifamily:

Ground Signs: Ground signs shall be limited to one monument sign along each arterial street frontage (within Development Area A or B as to 81st Street) identifying the multifamily project. The monument sign shall not exceed 8' in height nor 32 SF in display surface area.

5. All lots within Development Areas A and B shall be mutually accessible to each abutting lot within those areas.
6. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A Landscape Architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
8. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level in Development Areas A and B.
10. All parking lot lighting shall be directed downward and away from adjacent residential areas in Development Areas A and B. Light standards shall be limited to a maximum height of 25 feet.
11. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.

12. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments

Roy Johnsen, attorney for the applicant, presented exhibits of the PUD proposal. He informed that the southeast corner of the subject property, approximately five acres identified as Development Area B, is proposed for a credit union, which will be the first phase of development. He informed that the remaining development areas are conceptual allocations of permitted uses, noting that only the southeast corner of the development is sewerable. Mr. Johnsen presented a detailed description of property surrounding the subject tract. He requested that the collector street issue be deferred until development of the multifamily portion or the tract to the east. Mr. Johnsen informed that TAC had no objection to the collector not being provided for the office tract.

Mr. Stump advised that he believes that TAC meant that they would not object to the variance being granted by the Board of Adjustment to have direct access onto the arterial street, 81st Street, rather than the collector, as is required in the corridor district.

Mr. Johnsen informed that he spoke with John Eshelman, Traffic Engineering, who advised that street layout was not reviewed with Staff; however, at present he did not see that a collector is needed. Mr. Eshelman pointed out that if the interior portion to the east and north of the subject tract should develop at a higher intensity, the street may be needed.

Mr. Gardner informed that the corridor street does need to be discussed, since 200 more units are proposed than a conventional application would allow. He stated that if it is not considered on this application, the next developer will have to address this issue.

Chairman Parmele clarified that the applicant is asking that the location of the collector street be deferred until the multifamily area develops, not be deleted.

Mr. Stump advised that Staff could support the modification if the applicant would reserve a 60' strip on the eastern boundary for right-of-way. However, the applicant has stated that he is not willing to reserve the right-of-way. He pointed out that the applicant is placing a development on the site where the plan calls for location of a collector street.

Responding to an inquiry from Chairman Parmele, Mr. Johnsen stated that he was not willing to reserve 60' right-of-way for potential future corridor because it has not been determined that the eastern boundary would be the best location for it. He pointed out that the setbacks required are in contemplation that single-family development will abut the development and that the corridor will not develop to corridor density. Mr. Johnsen noted that the Planning Commission will have the opportunity to impose the intent of the corridor requirement when multifamily or commercial development is presented. He accepts Staff recommendation for setbacks and reduced densities if the collector street issue can be deferred.

Mr. Stump informed that Staff would be willing to defer location of the collector street, realizing that the tract to the east may be better suited for it and requested that consideration of an east/west collector along the northern boundary of this tract should also be considered then.

Mr. Johnsen expressed agreement.

Interested Parties

Richard K. deJongh

7523 South 85th East Place 74133

Mr. deJongh, representative for Woodland Hills South HOA, voiced concerns over excessive traffic in the area. He noted that the subject tract, along with other tracts in the area, will be able to accommodate approximately 2,383 apartments in a ½ square mile area, which will greatly overload the infrastructure. Mr. deJongh informed that 81st Street is not slated for improvement until the year 2005. He urged the Planning Commission to address existing problems before further development is allowed.

Ms. Pace asked Staff to provide traffic generation figures for future applications.

E.U. Bain, Jr.

9902 East 81st Street 74133

Mr. Bain, owner of the airport at 81st & Mingo, declared that the proposed development is not compatible with existing zoning in the area. He disclosed that the proposed development would put him out of business by constructing the proposed building at the end of his runway. Mr. Bain informed that this development will adversely affect users of the airport.

Applicant's Rebuttal

Mr. Johnsen noted that the traffic plan and corridor was predicated on traffic considerations, pointing out that the expressway exists for the full interchange with 81st Street. He declared that location of the tract meets standards for location of multifamily development. Regarding the airport, Mr. Johnsen informed that prior to construction he must file a form with FAA; however, flight paths, protection of zones, etc., is not a zoning issue. He advised that the proposed location of the office tract is east of the runway. Mr. Johnsen explained that development can only occur on the subject tract since it is the only portion sewerable.

Mr. Boyle declared that the concept of approving the submitted plan and potentially increasing traffic at a location that is near dangerous intersections must be considered.

Mr. Johnsen informed that when the Development Guidelines were developed in 1974, as a result of many public hearings, and Staff identified traffic loads based on land use. He disclosed that, according to these determinations, the planned traffic system can handle the proposed high intensity development.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph, Taylor "absent") to recommend **APPROVAL** of PUD 531 as recommended by Staff and deferring location of the north/south and east/west collector streets until areas A or C are proposed for development and reduce building setbacks on the east boundary to either 25' or 35'.

LEGAL DESCRIPTION

A tract of land described as: a tract of land that is the SW/4, SW/4, (also known as Government Lot 4) of Section 7, T-18-N, R-14-E, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the Southwest corner of said Section 7; thence due North along the Westerly line of Section 7 for 1,319.88'; thence S 89°38'16" E along the Northerly line of said SW/4, SW/4 for 1,218.20' to the Northeast corner of the SW/4, SW/4; thence S 00°09'54" W along the Easterly line of the SW/4, SW/4 for 1,320.79' to a point on the Southerly line of said Section 7; thence N 89°35'38" W along said Southerly line for 1,214.40' to the point of beginning of said tract of land, and located on the northeast corner of East 81st Street .S and S. Mingo Road, Tulsa, Oklahoma.

Application No.: **Z-6480**

Present Zoning: RS-3/RM-1

Applicant: Robert Oliver

Proposed Zoning: CS

Location: Southeast corner of East 7th Street South & South 123rd East Avenue.

Date of Hearing: March 8, 1995

Presentation to TMAPC: Kathryn Herwig

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity - No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 13.67 acres in size. It is partially wooded, gently sloping, is vacant and is zoned RM-1 and RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north, east and west by single-family homes, zoned RS-2 and RS-3; and to the south by a boat sales, zoned CS.

Zoning and BOA Historical Summary: The tract to the southeast of the subject tract was approved for CS zoning in 1990, but an ordinance was never published. The property directly south of the subject tract which has the boat sales was rezoned from RS-3 to CS in 1984.

Conclusion: The Comprehensive Plan designates the subject tract as Low Intensity - No Specific Land Use and encourages Planned Unit Developments in this area in order to reduce the impact of underlying zoning on abutting low intensity residential areas. The tract has no frontage on an arterial street (11th Street). It is in the interior of the section. Such zoning would be harmful to existing development and contrary to the Comprehensive Plan. Therefore, Staff recommends **DENIAL** of CS zoning for Z-6480.

Applicant's Comments

Kathryn Herwig, attorney for the applicant, presented an aerial photograph of the subject tract and surrounding area. She informed that CS zoning would be an extension of the applicant's zoning. Ms. Herwig gave a detailed description of the surrounding area and revealed that the applicant owns property surrounding the subject property, which would make access possible to the interior of the section. She informed that the applicant is in the process of acquiring a one-acre tract bordering on the east side of the subject property, giving him additional frontage on 11th Street. Ms. Herwig presented photographs of property surrounding the subject location. She noted that a portion of the property requested for rezoning lies in a flood plain and the applicant will not be allowed to develop on that portion.

Chairman Parmele noted that the Planning Commission may not be in disagreement with the proposal; however, they might be in disagreement with the intensity of zoning requested. He advised that a PUD may be appropriate on this tract. Chairman Parmele advised that the CS zoning requested permits a number of uses that probably would not be appropriate for the entire tract, whereas, if it were limited with a PUD and restricted to a site plan that the applicant agrees with for expansion of his business, it might receive favorable attention.

It was determined that the applicant would need to readvertise to include the strip of land to the east.

There were no interested parties in attendance.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph, Taylor "absent") to **CONTINUE** Z-6480 to April 19, 1995.

* * * * *

Application No.: **Z-6482**
Applicant: Stephen Schuller
Location: 16101 E. 31st Street South.
Date of Hearing: March 8, 1995

Present Zoning: RM-1/RS-3
Proposed Zoning: AG

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity, Type I Node in the immediate northeast corner of S. 161st East Avenue and E. 31st Street S. with the remainder as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested AG is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is 40 acres in size. It is wooded, a combination of flat land and steep slopes, is vacant, and is zoned RM-1 and RS-3.

Surrounding Area Analysis: The subject tract is abutted in all directions by vacant property zoned AG. To the southwest is vacant property zoned RM-1.

Zoning and BOA Historical Summary: No rezoning activity or development has occurred in this area for several years.

Conclusion: Based on the Comprehensive Plan and the existing development patterns in this area, Staff can support the requested AG zoning. Therefore, Staff recommends **APPROVAL** of AG zoning for Z-6482.

Other than the applicant, there were no interested parties in attendance.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph, Taylor "absent") to Recommend **APPROVAL** of Z-6482 for AG zoning as recommended by Staff.

LEGAL DESCRIPTION

The Southwest Quarter of the Southwest Quarter (SW/4, SW/4, Section 14, T-19-N, R-14-E, Tulsa County, Oklahoma, less a 100' x 100' parcel located 550' North and 70' East of the Southwest corner thereof, and located at 16101 East 31st Street South, Tulsa, Oklahoma.

Application No.: Z-5903-SP-2

Applicant: Berry E. Belt

Location: North of the northeast corner of East 66th Street South & South Mingo Road.

Date of Hearing: March 8, 1995

Corridor Site Plan

The applicant is requesting approval of a corridor site plan for Tract B of development on Lots 13, 14 and 15, Block 7 of Union Gardens which would contain a swim school. Access would be from a mutual access drive which serves Tracts A, B and C from Mingo Road. The site plan states that the building would contain 8,000 SF of floor area. The building shown on the plans appears to Staff to be larger than that. If so, there is not sufficient off-street parking. Also, the mutual access easement does not extend the full length of Tract B as is required to provide access to Tract C. Also, no information on the landscaping or signage for the swim school has been provided. Staff would recommend a one-week **CONTINUANCE** to allow the applicant time to provide this information.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph, Taylor "absent") to **CONTINUE** Z-5903-SP-2 to March 15, 1995.

OTHER BUSINESS

PUD-179-O: Detail Site Plan Review - south and east of the southeast corner of East 71st Street South and South Memorial Drive - portion of Lot 2, Block 1, Woodland Hills Annex

The applicant is requesting site plan approval for the "Holiday Inn Express" and the "Fairfield Inn".

Staff has reviewed the request and finds that the access, setbacks, parking, building coverage, height, and landscaped areas conform to the requirements of the PUD.

Therefore, Staff recommends **APPROVAL** subject to the following:

1. Screening fence will be installed along the east and south property lines, abutting the adjacent R districts.
2. Details of the dumpster enclosures will be submitted.
3. Verification of locations of adjoining mutual accesses will be submitted.

NOTE: *Site plan approval does not constitute landscape or sign plan approval.*

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph, Taylor "absent") to **APPROVE** PUD 179-O Detail Site Plan as recommended by Staff.

PUD-435-B: Detail Site Plan Review - portion of Lot 1, Block 1, Laureate Extended Addition - east of the southeast corner of East 66th Street South and South Yale Avenue - 6655 South Yale Avenue

The applicant is requesting site plan approval for a 22,739 SF addition to an existing building as part of the Physical Performance Center expansion. This increase will result in the removal of 78 parking spaces and the reduction of landscaped area by 1,745 SF.

Staff has reviewed the request and finds it to be in conformance with the requirements of the PUD.

Therefore, Staff recommends **APPROVAL** subject to the following:

1. Review of parking availability at one (1) year from occupancy of fitness center - per Commission conditions of approval for major amendment 435-B.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph, Taylor "absent") to **APPROVE** PUD 435-B **DETAIL SITE PLAN** as recommended by Staff.

* * * * *

Z-6467-SP-1 Tracy Phillips (PD-18)(CD-8)

Northeast corner of the Mingo Valley Expressway & S. Mingo Rd.

Corridor Landscape Review

Mr. Stump informed that the original submittal was short of the required number of trees; however, the applicant has assured him by telephone that they will provide a landscape plan with the required number of trees.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Boyle, Carnes, Horner, Midget, Pace, Parmele "aye"; no "nays"; none "abstaining"; Ballard, Doherty, Gray, Selph, Taylor "absent") to **APPROVE** the **LANDSCAPE PLAN** for Corridor Site Plan Z-6467-SP-1 subject to Staff review of compliance.

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There being no further business, the Chairman declared the meeting adjourned at 5:05 p.m.

Date Approved: 3-22-95


Chairman

ATTEST:


Secretary

