

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2120

Wednesday, July 9, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Boyle	Almy	Romig, Legal
Doherty	Dick	Gardner	Counsel
Gray	Jackson	Stump	
Horner			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 3, 1997 at 2:24 p.m., in the Office of the City Clerk at 2:14 p.m., as well as in the office of the County Clerk at 2:11 p.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:32 p.m.

### Minutes:

#### **Approval of the minutes of June 25, 1997, Meeting No. 2118:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of June 25, 1997 Meeting No. 2118.

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### Reports:

#### Director's Report:

Mr. Gardner stated the proposed amendments to the Zoning Code in regard to use units and height exceptions are scheduled for the July 10, 1997 City Council meeting. He stated he would be in attendance.

## **Continued Street Closing Request:**

### **Right-of-Way Closing - File No. 5-3-97-54**

Service road on east side of Peoria Avenue between 44<sup>th</sup> and 45<sup>th</sup> Place

#### **Staff Comments:**

Mr. Stump gave a brief history of the previous meeting in regard to the street closing. Since the last meeting, staff prepared and presented a new proposal.

Mr. Stump stated the proposal consist of the commercial developer installing and maintaining a six-foot masonry wall with a ten-foot landscape buffer along the east boundary to protect the residents on Quaker Avenue and the same type of wall along the northern boundary of the condominiums lot. Also, maintain all the existing planted areas in front of the condominiums with the exception of a small area on the north end which would be used to create a hammerhead turnaround.

Mr. Stump stated the new proposal would not change the existing parking and the street would remain an open, public street in front of the condos. The only difference is the turnaround instead of a thoroughfare.

Mr. Stump feels if the frontage street remains open, the commercial traffic will use the frontage street for access to the commercial property. This will increase the traffic in front of the condos and adversely affecting it. The new proposal provides buffering from the commercial activities and still provides access to the front of the condos.

#### **Interested Parties Comments:**

**Louis Levy**, 5314 South Yale, #310, 74135, stated he represents David and Gail Harris, the commercial property owners. He noted that the zoning change for CS zoning was approved by the City Council.

Mr. Levy stated the new proposal presented by Mr. Stump is agreeable to his clients if agreeable to the residents of the neighborhood. He stated the proposed wall is like the wall behind Block Buster Video (Hollywood Video) Store at 39<sup>th</sup> and Peoria Avenue.

Mr. Levy stated the device to control the installation and maintenance of the walls, landscaping and turnaround is a restrictive covenants included in the subdivision plat.

**Nancy Apgar**, 3914 South Norfolk, 74105, stated she represents the Brookside Neighborhood Association. She feels that since staff just presented the proposal and the association has not had a chance to review she should not comment. She requested a continuance to allow time for the association to review the proposal.

However, Ms. Apgar expressed concerns with the light located at 45<sup>th</sup> Place, which dead ends at Peoria Avenue, and stated it is currently used as a school crossing and she questioned how the light would be affected by the new proposal.

Ms. Apgar expressed concerns as to whether the new proposal would accommodate emergency vehicles such as EMSA and fire trucks.

Ms. Apgar feels the request should have never come up since Mr. Levy, at the time of rezoning, had no intentions of closing the road. She stated she feels the commercial development should be developed through a PUD or BOA special exception. She stated she is not in favor of closing the road however, she requested a continuance to allow the association time to review the new proposal before a decision is made.

**Carol L. Swenson**, 1723 East 71<sup>st</sup> Street, stated she is representing the 32 owners of the Swift Riveria Condominiums. She stated this is the first time she has seen the proposal and expressed disappointment for not being aware of the proposal sooner. However, the initial reaction of the residents present, which stood to be recognized, is that it will not work. She feels there may be some ADA accommodation problems with the proposal.

Ms. Swenson feels the proposal is not feasible and the only solution is to leave the service road open.

Ms. Swenson asked for a continuance to allow time for review of the new proposal.

**John Judd**, 4359 South Trenton, signed up, but did not comment.

**TMAPC Comments:**

Mr. Doherty requested verification on what type of mechanism would be used to enforce the installation and maintenance of the masonry wall by the developer. Mr. Stump stated that conversations with Mr. Levy indicated that the developer will underwrite the cost of the wall and turnaround and during the replatting of the commercial tract, a restrictive covenants will be included.

Mr. Westervelt reported what meetings and transactions had taken place since the June 25 TMAPC meeting. He feels the street closing request is a difficult decision to make since there are two homeowners associations with concerns in regard to the location of the parking lot for the commercial tract.

Mr. Westervelt gave a brief history on the nature of the request for the street closing.

Mr. Westervelt feels the new proposal and Mr. Levy's willingness to take some of the benefits being derived from the street closing and putting them into the project to benefit both the client and the neighborhood is a very good solution. The new proposal would keep the parking lot from being pushed to the rear of the commercial property. It would keep the commercial traffic from using the

public street, but also leave a public street in front of the condos to provide pick-up and delivery and other vehicular services, as well as protect the condos from the commercial encroachment, via the wall and landscaping, and the turnaround with no cost associated to the condo residents.

Chairman Carnes feels the new proposal is a workable solution.

Mr. Doherty stated, in regard to Ms. Apgar's concern with pedestrian access, subdivision regulations would require sidewalks be constructed and would provide pedestrian access. In regard to the emergency vehicle access, Mr. Doherty stated the proposed street and turnaround are well within the back out range of the Fire Department. He reminded Ms. Apgar that it will be a public street and the condos cannot reserve the street for their own use.

After further discussion, Mr. Westervelt presented modifications to the new proposal to make a drive through to Peoria Avenue to allow vehicular circulation.

Mr. Midget suggested continuing the street closing request for one week to allow review by all parties.

Ms. Face questioned whether there is a City policy in regard to requiring 100 percent support of the owners on the subject street prior to the closing of the street. Mr. Gardner replied the law may have been changed and asked Mr. Romig to comment. Mr. Romig, Legal Counsel, stated there are some legal concerns in regard to not having 100% support of the street closing.

Ms. Pace stated the request is extremely irregular and will set a precedent if the Commission approves the street closing. She reminded the Commission of the hearing on the zoning change. Mr. Doherty informed Ms. Pace that street closing request did not originate with Mr. Levy or his client.

Mr. Doherty feels the damage to the neighborhood, if not separated from the commercial development, would be far greater than leaving the street open. He expressed concern with the placement of the light and extending a driveway from the service road. He suggested having Traffic Engineering review the proposal.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson "absent") to **CONTINUE** the Street Closing Request for File No. 5-3-97-54 to July 16, 1997.

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**Subdivisions:**

**Change of Access on Recorded Plat:**

**Southroads Mall (2293)**

(PD-6) (CD-7)

Northeast corner of 41<sup>st</sup> Street South and Yale Avenue

**Staff Comments:**

Mr. Stump stated the request is to change the points of access shown on the plat of Southroads Mall. During the time of refinancing, there was some inconsistencies between the existing access locations and those shown on the plat. Therefore, the developer is requesting to correct the plat to be consistent with the physical points of access.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson "absent") to **APPROVAL** the Change of Access on Recorded Plat for Southroads Mall, subject to Exhibit "A". (See attached Exhibit "A" - Southroads Mall Redevelopment)

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**Continued Zoning Public Hearing:**

**Application No.:** PUD-564

**RS-2 to CS/PUD**

**Applicant:** Charles E. Norman

(PD-17) (CD-5)

**Location:** North and east of northeast corner 31<sup>st</sup> Street & South Memorial Drive

**Presented to TMAPC:** Charles E. Norman

**Staff Recommendation:**

This PUD is in response to a request by the City Council that before they take action on Z-6557 for CS zoning, they want a PUD to accompany the rezoning request. The PUD's proposed uses include off-street parking, offices, automobile and light truck services and repair and automobile and light truck parking and storage. The PUD is bordered on the north and west by auto dealerships, on the south by a large drainage channel and then a church which currently owns the subject property and on the east by the rear yards of single-family dwellings which front 86<sup>th</sup> East Avenue.

The east 80 feet of the PUD is proposed to be a landscaped buffer strip which will preserve the existing trees and be planted with additional trees in lieu of a screening fence on the east boundary of the PUD.

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-564 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding area; (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-564 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):	5.47 acres
Permitted Uses:	Use Units 10 and 11; auto and light truck service and repair if conducted within an enclosed building; and auto and light truck storage.
Maximum Building Floor Area:	15,000 SF
Maximum Building Height:	35'
Minimum Building and Bulk Waste Container Setbacks:	
From east and south boundaries of PUD	200'
From west and north boundaries of PUD	0'
Minimum Setback for Storage of Inoperative Vehicles Awaiting Repair:	
From east and south boundaries of PUD	200'
From west and north boundaries of PUD	0'
Minimum Landscaped Open Space	15% of PUD

Signage: No ground or wall signs shall be permitted other than directional signs not exceeding 3 SF of display surface area each.

Landscaping and Screening: In addition to the requirements proposed in the outline development plan, if vehicles are stored in the south 100' of the PUD a screening fence or security fence with screening slats shall be provided on the south side of the vehicles storage area.

3. Wrecked or inoperative vehicles shall not be stored within the boundaries of the PUD except for those awaiting repair on site. In no case shall wrecked or inoperative vehicles be stored for more than 30 days without repairs being completed.
4. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings, required parking, fences or walls, and entry gates has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. Installation of required landscaping shall be done in accordance with a phasing schedule approved by TMAPC and certified by a landscape architect registered in the State of Oklahoma. 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.
6. 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.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
8. 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.
9. No Building Permit shall be issued until the requirements of Section 1107F 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.

10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, 74103, stated he is representing Riverside Nissan. He reminded the Commission that they approved the rezoning application last fall and the City Council deferred action on the request in January 1997.

Mr. Norman presented a history on the property and the previous public hearing requesting the zoning change. He pointed out that the subject property is now completely isolated from the church property due to the drainage channel and stated there is no access to the subject property from any public street. He reminded the Commission that they approved the zoning request with the exception of the east 80 feet of the property, which will be used as a buffer for the residential area. A landscape plan will be presented at a later date.

Mr. Norman stated the request is to expand the existing shop building by a maximum of 15,000 square feet in the northwest corner of the tract as indicated on the site plan. He stated there are use restrictions and prohibition against any signage on the exterior of the building or any activity being conducted other than automotive service. He stated he does not oppose to these requirements imposed by staff. He stated staff also required that any outside trash containers be located at least 200 feet away from the east and south boundaries. He proposed no lighting within the 80-foot landscaped area and that all lights within the storage area be hooded and not be more than 25 feet in height.

Mr. Norman feels this proposal or request, along with the rezoning application severely restricts the use of the property and restricts it to only those uses that have been proposed in the previous hearing and does establish a significant landscape/buffer area. The security fence will be constructed on the west side of the 80-foot buffer and with the existing security fence, will protect the vehicles from theft and vandalism. This also will provide additional separation from the residences to the east.

Mr. Norman stated staff has recommended that if storage of vehicles extends 100 feet to the south, which would be adjacent to the drainage channel, that the slatted screening fence be continued. He expressed concern with this requirement due to an existing City fence along the drainage channel. Therefore, he requested this requirement be omitted especially since there is no homes to the south.



In regard to exterior sound, Mr. Norman stated he had discussed the issue with Mr. Coutant. Mr. Coutant suggested the public address system be limited to the hours of 8:00 a.m. to 6:00 p.m. Mr. Norman stated due to the service area being open until 7:00 p.m., he requested the public address system be limited to the hours of 8:00 a.m. to 7:00 p.m.

Mr. Norman stated with the proposed changes, he is in general agreement with staff's recommendation.

**Interested Parties Comments:**

**Kevin Coutant**, 320 South Boston, Suite 500, 74103, stated he is representing Colleen White, whose property abuts the subject property. He stated there are several other neighbors present that may wish to comment.

Mr. Coutant presented an Exhibit packet which addressed some of the concerns of Ms. White.

Mr. Coutant reminded the Commission that CS zoning was not in accordance with the Comprehensive Plan and gave a brief history on the zoning hearing. He feels this is an intrusion on the residential area to the east of the subject property. He feels the use being requested is a Use Unit 17 and noted the recommendation addressed the use as Use Unit 10 and 11.

Mr. Coutant feels the 80-foot setback is too close and requested a 100-foot setback from the east property line. He indicated where the 100-foot setback line would be on the map. He feels this would allow further buffering for the residential area to the east.

Mr. Coutant proposed no outdoor public address/speakers used on or onto site except between the hours of 8:00 a.m. and 6:00 p.m. since people are home from work and their need for peace and quiet. In regard to lighting, Mr. Coutant proposes that all lighting on or onto site to be hooded and directed downward to protect the residential area. He also requested that the trees to be planted on the east property line be spaced 20 feet apart to provide an adequate buffer.

Mr. Coutant requested that the proposed setback on the east property line be specified as having a landscape and drainage use designation.

In regard to the south property line, Mr. Coutant stated there are residents located in this area. These residents are located to the side of the proposed building with no setbacks. He proposed that a private fence be installed in this area to screen the residents from the operations of the facility.

Mr. Coutant requested the height of the proposed building be limited to 35-feet or the height of the existing building, whichever is the lesser.

In closing, Mr. Coutant addressed the loading/unloading issue. He feels the loading/unloading should be limited to the PUD property.

**Earl Hall**, 8535 East 28<sup>th</sup> Place, expressed concern with 28<sup>th</sup> Place. He stated the road had previously been closed and questioned whether it would remain closed. He feels if the road is opened it would allow commercial traffic into the neighborhood. Also, he expressed concern with the test-driving of the vehicles in the neighborhood.

**Kevin Brown**, 8545 East 28<sup>th</sup> Place, stated he discussed this matter with Ron Tracy, P.E., and Mr. Tracy feels it is highly irregular, unusual and an exception to current planning practices to permit a commercially-zoned property to abut or be placed adjacent to an existing established RS development. The case map and zoning code substantiates Mr. Tracy's professional opinion.

Mr. Brown questioned whether the conditions and requirements will apply to any subsequent owners of the commercial property to provide protection of the neighborhood.

**Delbert Dewey**, 8617 East 28<sup>th</sup> Place, expressed concern with increased traffic and the test driving of vehicles within the neighborhood. He also expressed concern with the public address system.

Mr. Dewey stated that the new vehicles are unloaded on the service road and feels this is a traffic safety issue.

**Jim Casey**, 10023 East 40<sup>th</sup> Street, stated he represents the church trustees, which is the current owner of the property. He stated he is in favor of the PUD and feels the proposed development is a tremendous improvement over the current use.

Mr. Casey state the property has been offered to various businesses and agencies with no success. He feels the proposed development will improvement the property, as well as the neighborhood.

**Mark Swanson**, 2836 South 86<sup>th</sup> East Avenue, expressed concerns with the noise level and the tremendous litter problem, balloons, banners and streamers, from the car lot. He questioned whether there is any type of City ordinance to protect against the advertisement litter.

Mr. Swanson feels some type of regulations should be adopted and enforced to control the nuisances.

**Applicant's Rebuttal:**

Mr. Norman stated the land use issue was discussed in great lengths at the previous hearings. He feels, with the isolation of the property, it is no longer suitable for residential zoning classification. He feels office development is also an inappropriate use. He feels the proposed use is the lightest and most restrictive use for commercial purposes due to the amount of footage that is allowed to be constructed on a five-acre tract. He noted one acre of property is devoted to the landscape buffer, which is far in excess of the usual separation that is required between apartments and single-family and/or commercial uses.

Mr. Norman stated the repair facility/building is 200 feet from any residential area and that all lights are hooded and directed downward. He stated he would support the installation of signs to prohibit truck traffic and enforcement of City ordinance prohibiting balloons and banners.

**TMAPC Comments:**

Mr. Doherty clarified there is a 200-foot building setback requirement and a requirement that all repairs be made inside the building and that no other repairs can be made within the 200-foot setback.

Mr. Doherty asked Mr. Norman to comment on the loading/unloading operations as to whether it will be restricted to certain areas or hours of operations. Mr. Norman replied the loading/unloading operations have not been discussed. Mr. Norman noted he had received a telephone call in regard to the delivery trucks accessing the dealership through the neighborhood and stated he would assist in the installation of "No Truck" signs at the entrances of the residential area.

Mr. Doherty stated there was concern expressed with access from 28<sup>th</sup> Place South, noting that 85<sup>th</sup> East Avenue is vacated, which is outside the PUD. Mr. Norman replied he received a telephone call in that regard and stated he has no objection to prohibition of any access from 28<sup>th</sup> Place South or the carpenter union facility. Mr. Doherty suggested Limits of No Access along the north boundary.

Chairman Carnes questioned whether Mr. Norman was in agreement with all the conditions as recommended by staff. Mr. Norman replied in the affirmative with the exception of the screening fence parallel to the existing City fence along the drainage channel.

Chairman Carnes questioned whether Mr. Norman objected to the limitation on the public address system. Mr. Norman replied he does not object to adding a limitation, but requested the time of operation be between 8:00 a.m. and 7:00 p.m.

Mr. Doherty asked for clarification on the permitted uses and questioned whether the service and repair is limited to a certain area. Mr. Norman replied service and repair are limited to the enclosed building.

Mr. Doherty questioned whether Mr. Norman objects to a six-foot screening fence on the east portion to be located behind the landscaping. Mr. Norman replied there is currently a security fence with slats along the boundary and that the proposal was to plant trees in lieu of the screening fence since the seven homes that backs the drainage channel already have privacy fences. Mr. Doherty stated the screening could be further addressed during the landscape plan process.

In regard to designating the use of the buffer as a landscape or buffer area, Mr. Doherty asked whether Mr. Norman had any objection to the designation. Mr. Norman replied he had no objections to limiting the use to landscape, open space or drainage designation.

Mr. Doherty noted for the record that there is a City ordinance that restricts promotional devices to ten (10) days at a time, four (4) times per year, basically, no more than forty days per year.

Ms. Pace questioned delivery trucks loading/unloading vehicles on the service road. Mr. Norman replied loading/unloading of vehicles on the Skelly service road is probably prohibited.

Ms. Pace questioned whether the noised ordinance passed by City Council included or applied to public address systems. Councilor Vicki Cleveland replied the noise ordinance applied to automobile radios/stereos and that City Council is looking into other noise ordinances.

Ms. Pace feels the setback should be 100 feet. Mr. Gardner stated the 80-foot setback is based on the corner of the fence where the automobiles are already stored.

Mr. Westervelt reminded the Commission that the zoning request was presented with a 25-foot setback and after review and consideration a 80-foot setback was imposed.

Mr. Doherty noted the three lots to the south are not protected and feels adequate buffering or screening should be provided.

Ms. Gray asked whether the subject property is still considered in the flood zone. Mr. Norman replied he believes it has been removed from the flood zone and stated he would request a waiver of the replat requirement and the issue on the flood zone would be addressed at that time.

Mr. Doherty recognized Mr. Hall. Mr. Hall asked whether the 80-foot setback will be maintained by the developer. Mr. Doherty replied in the affirmative and stated it is a requirement of the PUD.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson "absent") to recommend **APPROVAL** of PUD-564, subject to the conditions as recommended by staff and with an additional condition that the outdoor public address system be limited to the hours of 8:00 a.m. and 7:00 p.m. and deleting the staff wording under "Landscape and Screening" and substituting the west 100 feet of the eastern 180 feet of the southern boundary be adequately screened by either a screening fence or landscaping.

**Legal Description for PUD-564:**

A tract of land being part of Lot 8, Block 1, Groveland Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract being more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot 8, thence S 48°34'30" W along the Northernly line of Lot 8 a distance of 528.67' to the Northwesternly corner of Lot 8; thence S 00°35'30" E along the West line of Lot 8 a distance of 351.82' to a point; thence Northeastly to a point on the East line of Lot 8, said point being N 00°35'30" W a distance of 505' from the Southeast corner of Lot 8; thence N 00°35'30" W along the East line of Lot 8 a distance of 572.19' to the Northeast corner of Lot 8 and the Point of Beginning, and located north and east of the northeast corner of East 31<sup>st</sup> Street South and South Memorial Drive, Tulsa, Oklahoma.

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**Zoning Public Hearing:**

**Application No.:** Z-6597

**Applicant:** R. L. Reynolds

**Location:** 1128 A & B East 37<sup>th</sup> Place South

**Presented to TMAPC:** R. L. Reynolds

**RS-3 to PK**  
(PD-6) (CD-9)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Northern Brookside Special District. It is within the Northern Brookside Business Area of the Special District.

According to the Zoning Matrix the requested PK zoning **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately .19 acres in size and located west of the southwest corner of East 37<sup>th</sup> Place South and South Peoria Avenue. The property is flat, partially wooded, contains a duplex and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the south by a parking lot which was approved by special exception in 1955 and 1963 and zoned RS-3; and to the east by a parking lot, zoned CH.

Zoning and BOA Historical Summary: The Board of Adjustment previously approved this lot for a duplex.

Conclusion: The subject tract meets all the conditions set forth in the Comprehensive Plan for the requested PK zoning. Staff, therefore, recommends **APPROVAL** of PK zoning for Z-6597.

**Staff Comments:**

Mr. Gardner stated the Commission will need to consider whether any access is permitted directly from the subject tract to 37<sup>th</sup> Place, which is being developed as parking for the business on Peoria Avenue. He feels a five-foot strip along the north boundary would eliminate access and a screening fence would also be required.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, stated he agrees with staff recommendation.

In regard to access, Mr. Reynolds stated the owner has no intentions of using the northern boundary of the property for access to East 37<sup>th</sup> Place.

Mr. Reynolds presented pictures and gave a brief history of the subject property, as well as uses of the property.

**Interested Parties Comments:**

**Nancy Apgar**, 3914 South Norfolk, stated the applicant met with the neighborhood association to review and comment on the proposed plan. She stated the neighborhood association expressed concern with increased traffic. She stated she requested a traffic count and the results seems very low in numbers.

Ms. Apgar stated the Brookside Neighborhood Association supports the application for the change of zoning to PK with appropriate protection and screening for the residential areas to the north and west.

**Bill Graif**, 1131 East 37<sup>th</sup> Place, 74105, stated his lives directly across from the duplex and the proposed parking area.

Mr. Graif stated he forwarded pictures and surveys to each of the Commissioners. He stated the survey consist of both sides of the street for a two-block area in regard to available parking in the area. He reviewed the questions and answers to the survey.

Mr. Graif feels the traffic count was not performed at an appropriate time due to the holiday weekend and that several of the businesses are closed on the days the count were taken.

Mr. Graif requested the zoning change be denied based on commercial encroachment into the neighborhood, increased traffic and that there is already adequate parking in the area.

**Adele Baker**, 1127 East 37<sup>th</sup> Place, stated she was the one that counted the parking spaces in the area of the subject property. She questioned the need to remove the existing duplexes to provide more parking that is not needed.

**Applicant's Rebuttal:**

Mr. Reynolds reminded the Commission that East 37<sup>th</sup> Place "T's" at Madison and does not have direct access to Riverside Drive. He feels traffic will not filter into the neighborhood.

**TMAPC Comments:**

Mr. Doherty clarified that staff's proposal is to zone all but the north five feet, close the access driveway on the northern boundary, and require screening on the north and west boundaries of the property. Mr. Gardner replied in the affirmative and stated the applicant will also have to go before the Board of Adjustment for off-site parking and the BOA may impose more conditions.

Mr. Ledford suggested an access agreement or LNA in lieu of the five-foot strip.

Ms. Pace asked whether the Commission could require any type of landscaping. Mr. Doherty replied the Board of Adjustment could require landscaping. Ms. Pace requested that the Board of Adjustment be notified of her concerns and request for landscaping.

**TMAPC Action; 8 members present:**

On **MOTION** of **PACE**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson "absent") to recommend **APPROVAL** of PK zoning for Z-6597 as recommended by staff and convey to the Board of Adjustment the consensus of the Planning Commission to require landscaping on the street side.

**Legal Description for Z-6597**

Part of the S/2, SE/4, NE/4, SE/4, of Section 24, T-19-N, R-12-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: beginning 27.05' South and 238' West of the Northeast corner of the S/2, SE/4, NE/4, SE/4, thence West 62'; thence South 137'; thence East 62'; thence North 137' to the point of beginning, according to the U. S. Government survey thereof, less and except the Easterly 12' thereof, and located at 1128 A and 1128 B East 37<sup>th</sup> Place South, Tulsa, Oklahoma.

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**Items Z-5722-SP-9 and PUD-405 were heard simultaneously.**

**Application No.: Z-5722-SP-9 and PUD-405** (PD-18) (CD-8)

**Applicant:** Stephen P. Gray

**Location:** West of southwest corner East 91<sup>st</sup> Street and South Memorial Drive

**Presented to TMAPC:** Stephen P. Gray

*(Corridor Site Plan for an office building and Detail Site Plan for an office building.)*

**Staff Recommendation:**

The applicant is requesting site plan approval to build a 11,700 square foot 2 story office building on a 42,425 square foot site.

Staff has reviewed the site plan and finds it conforms to bulk, area, setback, access, parking, circulation, site screening and landscaped area requirements of the PUD and Corridor District standards as amended.

Therefore, Staff recommends **APPROVAL** of the corridor and PUD site plan for general office uses. Medical and Dental Offices, Clinics and Laboratories are not included in this approval.

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

**Applicant's Comments:**

**Steve Gray**, 2865 East Skelly Drive, stated he is in agreement with staff recommendation.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson "absent") to **APPROVE** the corridor and PUD site plan for Z-5722-SP-9 and PUD-405 for general office use as recommended by staff.

**Legal Description for Z-5722-SP-9 and PUD-405:**

A tract of land that is part of Lot 2, Block 4, 9100 Memorial, a Subdivision of Part of the NE/4, Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the Southeast corner of said Lot 2, thence due West along a Southerly line of Lot 2 for 335.16'; thence S 75°44'59" W along a Southerly line of Lot 2 for 46.62'; thence due North for 161.48'; thence due East for 380.30' to a point on the Easterly line of said Lot 2; thence S 00°01'14" E along said Easterly line for 150.00' to



the Point of Beginning of said tract of land; and a tract of land that is part of Lot 2, Block 4, 9100 Memorial, a Subdivision of part of the NE/4 of Sec 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the Southeast corner of said Lot 2; thence due West along a Southerly line of Lot 2 for 335.16'; thence S 75°44'59" W continuing along a Southerly line of Lot 2 for 46.62' to the point of beginning of said tract of land; thence continuing S 75°44'59" W and along said Southerly line for 170.97'; thence N 68°11'55" W along a Southerly line of Lot 2 for 236.73'; thence N 18°33'51" W along a Westerly line of Lot 2 for 75.00'; thence N 04°34'26" E along a Westerly line of Lot 2 for 245.40'; thence N 30°22'30" W along a Westerly line of Lot 2 for 11.30'; thence N 41°26'46" E for 251.85' to a point on a Northerly line of Lot 2, thence S 42°10'27" E for 0.00' to a point of curve; thence Southeasterly and Easterly along a Northerly line of Lot 2 and along a curve to the left with a central angle of 40°58'29" and a radius of 320.00' for 228.85' to a point of compound curve; thence continuing Easterly along a Northerly line of Lot 2 and along a curve to the left with a central angle of 01°34'18" and a radius of 1,094.00' for 30.01'; thence due South for 454.04' to the point of beginning of said tract of land; and a tract of land that is part of Lot 2, Block 4, 9100 Memorial, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows, to-wit: starting at the most Easterly Southeast corner of said Lot 2; thence N 00°01'14" W along the Easterly line of said Lot 2 for 150.00' to the point of beginning; thence due West for 380.30'; thence due North for 146.60'; thence due East for 380.25' to a point on the East line of Lot 2; thence S 00°01'14" E along said Easterly line for 146.60' to the point of beginning and located south and west of the southwest corner of East 93<sup>rd</sup> Street South and South Memorial Drive, Tulsa, Oklahoma.

\* \* \* \* \*

**Application No.: Z-6174-SP-3**

(PD-18) (CD-8)

**Applicant:** Craig Heidinger

**Location:** 10507 East 81<sup>st</sup> Street South (Northwest corner Mingo Valley Expressway and 81<sup>st</sup> Street South)

*(Corridor Site Plan for an outdoor advertising sign.)*

**Staff Comments:**

Mr. Stump stated the applicant is unavailable and requested a continuance to August 13, 1997.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson "absent") to **CONTINUE** the Zoning Public Hearing for Z-6174-SP-3 to August 13, 1997.

\*\*\*\*\*

**Application No.: PUD-389-2**

(PD-18) (CD-8)

**Applicant:** Charles E. Norman

**Location:** South and east of 81<sup>st</sup> Street South and Yale Avenue

**Presented to TMAPC:** Charles E. Norman

*(Minor Amendment to allow increased building height.)*

**Staff Recommendation:**

The applicant is requesting minor amendment approval as follows:

1. Increasing the maximum building height from 39 feet to 45 feet to permit steeply pitched roof designs pursuant to Detail Site Plan Review.
2. Permitting Development Areas A and B to be considered as a single area\* so long as the total permitted number of units is not exceeded and required exterior building setbacks are met.

Staff has reviewed the request and finds the increase in building height will have the greatest impact to existing single family dwellings which abut Development Areas A & B to the southeast. Due to the extreme slope of the site and the required 100 foot building line, an increase in maximum building height to 45 feet will place the multifamily roof tops at approximately 60 feet higher than single-family lots to the southeast. Depending on how the buildings are built on slope, the building height may be greater than the aforementioned estimate and will certainly be an imposing feature when viewed from the rear lots of single-family dwellings to the southeast.

The applicant has also submitted an application for Detail Site Plan Review which is being reviewed by staff but lacks grading details. Until a grading plan is prepared and can be reviewed, the height of the buildings and their impact on the single-family residential area to the southeast cannot be fully determined.

Staff can support the minor amendment to increase the maximum building height to 45 feet to permit Development Areas A & B to be considered a single area and recommends **APPROVAL** of the minor amendment subject to the following conditions:

1. That all buildings be limited to three stories in height and all parking areas abutting the single-family residential district be at least 25 feet from the property boundary.
  2. That the building setbacks for buildings abutting the single-family district to the southeast be no less than 100 feet for buildings greater than two stories in height and serve as a mitigating factor for the increase in building height from 39 feet to 45 feet.
  3. That the approval of the Minor Amendment be contingent upon the approval of a Detailed Site Plan which includes grading details approved by TMAPC.
- The applicant is currently platting Development Areas A and B as one lot.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Towers, stated he is in agreement with staff recommendation.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson "absent") to **APPROVE** Minor Amendment PUD-389-2 to increase the maximum building height to 45 feet to permit Development Areas A & B to be considered a single area, subject to the new development standards recommended by staff.

\*\*\*\*\*

**Other Business:**

**PUD-389 Charles Norman**

(PD-18) (CD-8)

South and east of 81<sup>st</sup> Street South and Yale Avenue  
(Detail Site Plan for apartment complex.)

**Staff Recommendation:**

The applicant is requesting detailed site plan approval for a 31 acre area which combines Development Area A and B and proposes a maximum of 384 dwelling units with an overall density of 12.4 dwelling units per acre. The site plan indicates that 75% of the entire area will be maintained as natural or landscaped open space.

The request includes the previously platted Area A approved for 296 multifamily dwelling units with a density of 21.9 units per acre. The 17.49 acre unplatted Area B was approved for 252 units at a density of 14.4 units per acre. The proposed reduction in overall density from the original approval to 12.4 reduces the total number of permitted dwelling units by 160. The original PUD-389 approval required that 52% of Area A and 63% of Area B be maintained as natural and landscaped open space.

Staff has reviewed the request and finds the decrease in the intensity of use increases the natural and landscaped open space and appears to be a reasonable use of the heavily sloped site. The applicant is proposing a uniform 100-foot setback from residential uses to the south, the stabilization of slopes in excess of 3:1 with a city approved retaining system and standards for parking grades and drives with maximums of longitudinal grades of 5%, cross slopes of 5% and drives of 12%.

Staff, therefore, finds the site plan meets bulk, area, site screening, access and parking requirements of PUD-389 and recommends **APPROVAL** of the detailed site plan as submitted subject to the following conditions:

1. Subject to the conditions recommended by the Technical Advisory Committee during the platting/replatting process of the entire 31 acre site as approved by TMAPC. Staff review of the final grading plan for conformance with site grading standards per the approved site plan.
2. That parking areas be setback at least 25 feet from the single-family residential district boundary to the south.
3. That building setbacks be no less than 100 feet from the single-family residential district boundary to the south.
4. That the shaded portion of the site as indicated on the site plan be retained as natural open space which maintains the natural topography and existing vegetative cover in addition to the installed landscaped open space.

**Staff Comments:**

**Staff Comments:**

Mr. Stump stated there may be some engineering work underway to redesign the curved section on Yale Avenue. He suggested the site plan be continued for one week.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Towers, commented that the engineering work is based upon the future widening of Yale Avenue, which is adjacent to this property. The widening may consist of cutting through the existing curve.

Mr. Norman addressed the larger scale of the site plan in regard to the curve on Yale Avenue. He stated the 60-foot right-of-way was dedicated at the time of platting for Blake Hills. He feels a delay of the site plan based on future widening of Yale Avenue is not appropriate and that the engineer should plan based on what is already approved.

Mr. Norman stated the present plan is to vacate the plat and replat the entire subject tract as a one-lot, one-block subdivision. He feels any issue in regard to additional right-of-way would be more appropriately addressed at the platting stage.

**Interested Parties Comments:**

**Councilor Cleveland** stated she is attempting to get confirmation from Charles Hardt, Public Works Department, in regard to the widening of Yale Avenue.

**TMAPC Comments:**

Mr. Stump stated Public Works indicated there are temporary retaining walls located on Yale Avenue and intend to move the retaining wall back into the proposed site to straighten Yale Avenue. He feels Mr. Norman's comments have validity, but the widening of Yale Avenue and the impact it may have on the proposed development should be reviewed. Again, he suggested a one-week continuance.

Mr. Doherty questioned, if the application was denied based on the future widening of Yale Avenue, would it be constituting a taking. Mr. Linker replied in the affirmative.

Chairman Carnes stated that staff suggested a one-week continuance to review the pending engineer work and feels it would be prudent to do so.

Mr. Doherty noted for the records that he has a sever philosophical problem with denying a site plan based on future improvements. Mr. Midget agreed with Mr. Doherty.

Councilor Cleveland stated she agrees with Mr. Doherty's comment, however, she feels there may be an advantage to reviewing the situation and that the applicant may willingly make some adjustments to their plans. But if they do not, than proceed with the site plan applications.

Mr. Norman reminded Councilor Cleveland there is never any guarantee that the proposed widening project will be funded or constructed.

Ms. Gray reminded the Commission that the "ifs" was what got the City in to several lawsuits over Mill Creek Bridge and Mill Creek Pond. Again, Mr. Norman feels if Yale Avenue is widened in the future, the Commission has no right to deny approval based on that.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Jackson "absent") to **CONTINUE** the Detail Site Plan for PUD-~~405~~ to July 16, 1997.

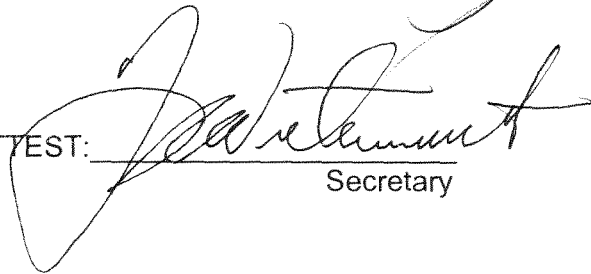
389

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There being no further business, the Chairman declared the meeting adjourned at 3:50 p.m.

Date Approved: 7-23-97

  
Chairman

ATTEST:   
Secretary

# Southroads Mall Redevelopment

Vector Properties, Inc. Tulsa, Oklahoma

Preliminary Development Plan  
Scale: 1" = 200'-0"

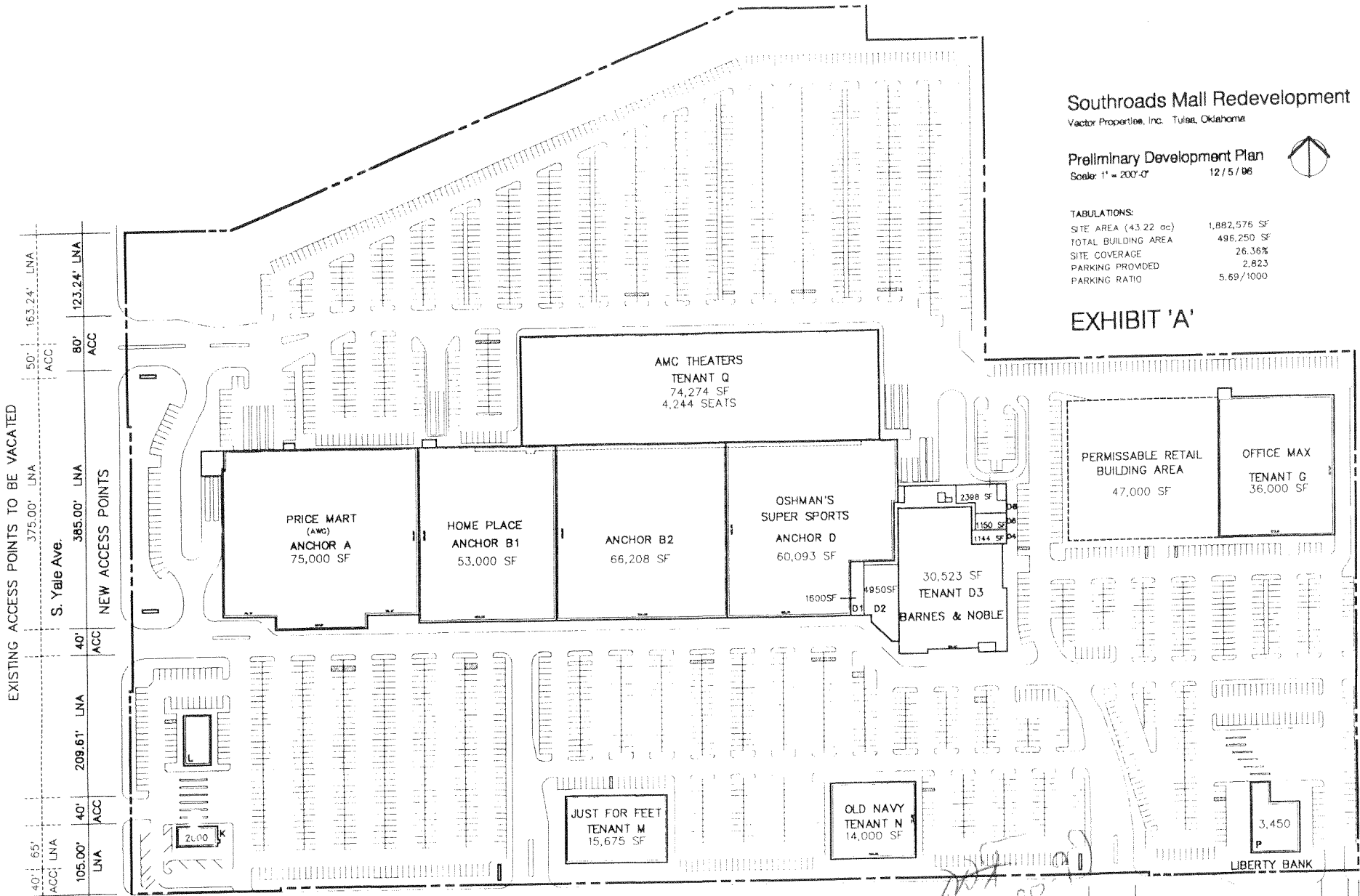
12 / 5 / 08



TABULATIONS:

SITE AREA (43.22 ac)	1,882,576 SF
TOTAL BUILDING AREA	496,250 SF
SITE COVERAGE	26.36%
PARKING PROVIDED	2,823
PARKING RATIO	5.69/1000

## EXHIBIT 'A'



EXISTING ACCESS POINTS TO BE VACATED

50'	163.24'	LNA	80'	ACC	
375.00'	LNA	385.00'	LNA	123.24'	LNA
S. Yale Ave.					
40'	65'	ACC	LNA	40'	ACC
105.00'	LNA	209.61'	LNA	40'	ACC
NEW ACCESS POINTS					

144.00'	LNA	40'	ACC	380.00'	LNA	52'	ACC	797.00'	LNA	70'	ACC	277.46'	LNA	40'	ACC	16'	LNA
NEW ACCESS POINTS																	
41st Street South																	
40'	70'	40'	ACC	LNA	ACC	414.00'	LNA	52'	ACC	659.96'	LNA	40'	ACC	30'	LNA		

EXISTING ACCESS POINTS TO BE VACATED

*Handwritten notes:*  
DWA  
6-20-08