

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2142

Wednesday, January 14, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Selph	Almy	Linker, Legal
Carnes		Beach	Counsel
Doherty		Stump	
Gray			
Horner			
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, January 12, 1998 at 1:30 p.m., in the Office of the City Clerk on Friday, January 9, 1998, at 3:54 p.m., as well as in the office of the County Clerk on Friday, January 9, 1998, at 3:52 p.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:35 p.m.

Reports:

Chairman's Report:

Chairman Boyle stated there are several items scheduled for the January 15, 1998, City Council meeting. He stated Mr. Carnes would be in attendance. Mr. Stump stated Mr. Dunlap would be in attendance as well.

Chairman Boyle noted that Baker Horner has been reappointed by the Board of County Commissioners to continue serving on the Planning Commission.

Chairman Boyle requested Mr. Westervelt to give an update on the Special Residential Facility Task Force. Mr. Westervelt reported the Task Force Mission Statement may be finalized and brought to the Commission for review and/or approval.

Committee Reports:

Budget and Work Program Committee:

Mr. Horner stated there was no report; however, he questioned whether a meeting has been scheduled with the Mayor or the Mayor's staff to discuss FY99 Budget and Work Program items. Chairman Boyle replied a meeting is being scheduled with the Mayor's staff.

Community Participation Committee:

Ms. Gray stated the February Community Participation Committee meeting may be postponed until March. She stated she has received several calls requesting a review of the TMAPC processes. She noted there are several new presidents/representatives who are requesting another training session.

Rules and Regulations Committee:

Mr. Doherty stated that the committee met last week to discuss the development of standards for landscaping in lieu of fencing. Unable to come to a conclusion, this item will continue to be discussed at future meetings.

Mr. Doherty stated there would be a committee meeting immediately following the Planning Commission meeting today.

Mr. Doherty noted a letter from Kendall-Whittier Ministries requesting a meeting. He suggested the Planning District Liaison meet with Ministry representatives.. Chairman Boyle stated he has contacted Kendall-Whittier Ministries and is in the process of scheduling a meeting.

Director's Report:

Mr. Stump reminded the Commission, that those planning to attend the APA Conference need to notify staff today.

Subdivisions:

Plat Waiver, Section 213:

Z-6618 (Horton Property) (2603)

(PD-16) (CD-3)

Southeast corner North 69th East Avenue and East Virgin Street

Staff Comments:

The subject tract has been acquired by the Tulsa Airport Authority. It was platted many years ago as a residential subdivision. The property is about 218' x 270' and is currently vacant. The new development would consist of a new building housing a manufacturing company and occupying about half of the property.

An application has been filed to rezone the property from RS-3 to IM to support a new industrial use. The rezoning triggers the platting requirement.

Beach presented the plat waiver request with Louis Horton of Horton Manufacturing present.

The following issues were discussed:

Somedecerff stated that a 25' radius curve would be required at the northwest and southwest corners of the property.

Pierce stated that the easements through the middle of the property are currently being vacated.

There was discussion of the three basic criteria established by the Planning Commission to determine if any property should be platted:

1. The tract is already platted.
2. It is less than 2.5 acres.
3. The proposed new construction would be substantial.

On motion of Lee, the Technical Advisory Committee voted unanimously to support approval of the plat waiver.

Based on the suitability of the site and infrastructure for the use, the fact that it is already platted and subject to dedication of additional right-of-way at the corners, staff would recommend approval of the plat waiver.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the Plat Waiver for Z-6618, subject to the conditions as recommended by staff.

* * * * *

Final Plat:

Westview Center (1402)

(PD25) (CD-1)

West of the northwest corner of East 36th Street North and North Cincinnati Avenue

Staff Comments:

Mr. Beach stated this is a one-lot, one-block subdivision, ready for final plat approval. Everything is in order; therefore, staff recommends approval, subject to final language being reviewed and approved by the Legal Department.

Applicant's Comments:

Ted Sack, 111 South Elgin, Tulsa, 74120, stated he is in agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the Final Plat of Westview Center, subject to final language being reviewed and approved by the Legal Department.

Lot-Split(s) for Discussion:

L-18246 Stephen C. and Joey Darleen Wolfe (1893) (PD-6) (CD-9)
2147 Forest Boulevard

Staff Comments:

Mr. Beach stated the subject lot-split was approved in 1996 based on an assumed zoning of RS-1, but in fact the subject property was zoned RE. The lots that were created are substandard for the RE zoning district. He asked Mr. Linker to comment.

Mr. Linker, City Legal, stated according to the enclosed letter and conversations with staff, there was an error in the interpretation of the zoning-type, and the prior-approval lot-split should not have been approved.

Mr. Linker stated there is no case law or statutory proceedings in regard to this issue. He stated his opinion is that there has never been an instance where a lot-split was reversed unless it was appealed according to Robert's Rules of Order, noting the appeal has to be filed within ten days of the hearing.

Chairman Boyle asked what the legal aspect would be in this case where the appeal was not filed within the ten days. Mr. Linker replied he feels the lot-split approval becomes final.

Mr. Linker pointed out that interested parties may comment that they were not aware of the lot-split request since no notice is given. However, he stated it is his understanding that the deed was filed of record. He stated when a deed is filed of record in Oklahoma everyone is put on constructive notice of what is contained in the deed. Again, he feels there is nothing legally the TMAPC can do about this issue.

Chairman Boyle asked whether an interested party may file some type of formal request and bring the issue back before the Planning Commission. Mr. Linker replied in the negative and stated that is the purpose of the ten-day appeal time.

Mr. Linker noted a statute that states if a Lot-Split Deed is filed of record, but has not been approved by the TMAPC after five years it is final and considered approved.

There were no interested parties wishing to comment.

TMAPC Comments:

Mr. Doherty stated there is no action; therefore, there is no motion to be made.

Mr. Linker stated that there is no action needed.

Chairman Boyle stated no action would be taken and moved on to the next item.

Continued Zoning Public Hearing:

Application No.: CZ-238

AG to CG

Applicant: James P. Coleman

(PD-23) County

Location: East of northeast corner 265th West Avenue and U.S. Hwy 51

TMAPC Comments:

Mr. Doherty stated he had ex parte communication with Mr. Coleman, and due to the applicant being out of town, he is requesting a 30-day continuance.

Chairman Boyle asked whether staff objected to the request. Mr. Stump replied in the negative and noted the continuation date would be approximately February 11, 1998.

There were no interested parties wishing to comment.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Selph "absent") to **CONTINUE** the Zoning Public Hearing for CZ-238 to February 11, 1998.

Items Z-6617 and PUD-581/Z-6617-SP-1/Z-6140-SP-2 were heard simultaneously.

Application No.: Z-6617

RS-1 to CO

Applicant: Roy Johnsen

(PD-26) (CD-8)

Location: Southwest corner Creek Turnpike and South Memorial Drive

Presented to TMAPC: Roy Johnsen

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 11.92 acres in size and is located in the southwest corner of the Creek Turnpike and South Memorial Drive. The property is gently sloping, partially wooded, contains two single-family dwellings and is zoned RS-1.

Surrounding Area Analysis: The subject tract is abutted on the north by the Creek Turnpike, zoned AG; to the northeast by a bank, zoned CO; to the south and southeast by vacant land, zoned CO and RS-1; and to the west by a single-family home, zoned RS-1.

Zoning and BOA Historical Summary: The most recent actions in this area established CO on a 25-acre tract located southeast and across East 98th Street South from the subject tract and fronting South Memorial Drive. Approval was also granted for RS-3/PUD-554 for single-family development on the property directly south of the subject tract.

Conclusion: The Comprehensive Plan does not support the requested CO zoning to a depth greater than 500' from South Memorial Drive. However, staff recommends **APPROVAL** of CO zoning for Z-6617 because the drainage way west of the site and the City of Tulsa detention facility immediately southwest of the site appear to establish a natural demarcation for the depth (1,320') of any Corridor zoning on this side of Memorial. If the request is approved, staff recommends that Comprehensive Plan be amended accordingly.

Application No.: PUD-581/Z-6617-SP-1/Z-6140-SP-2 **RS-1 to CO/PUD**
Applicant: Roy Johnsen (PD-26) (CD-8)

Location: Southwest corner Creek Turnpike and South Memorial Drive

Presented to TMAPC: Roy Johnsen

(A Planned Unit Development and Corridor Site Plan for an apartment complex.)

Staff Recommendation:

PUD 581/Corridor Site Plan Z-6140-SP-2/Z-6617-SP-1 encompasses 14.46 net acres located at the southwest corner of the interchange of the Creek Turnpike and South Memorial Drive. The development site consists of two tracts of record a frontage parcel of approximately 2.54 net acres (presently zoned Corridor District with an approved Corridor Site Plan for a Shopping Center) and an interior parcel of approximately 11.92 net acres presently zoned RS-1. The PUD and Corridor Site Plans, as submitted, would unify the tracts and propose a multifamily development with a density of 30 dwelling units per acre. It is additionally proposed that the previously approved Corridor Site Plan of the frontage tract (2.54 acres ±) remain applicable as an alternative permitted development of that tract in the event that the multifamily development does not proceed pursuant to PUD-581.

The subject property is abutted on the north by the Creek Turnpike, zoned AG; to the southeast by a bank, zoned CO; to the south and southeast by vacant land, zoned RS-1, CO and PUD; and to the west by a single-family home, zoned RS-1.

All corridor developments are required to provide a corridor collector street system in their developments and obtain their principal access from these collectors. There is no corridor collector street proposed in this development unless 98th Street South is made public and upgraded.

Staff finds with modifications 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-581 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-581, 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):	14.46 acres
Permitted Uses:	Multifamily dwellings and use customarily accessory thereto.

Maximum Number of Dwelling Units:	30 dwelling units per acre, per lot.
Minimum Livability Space per Dwelling Unit:	400 SQ.FT.
Maximum Building Height:	45 FT
Maximum Stories	3

Minimum Setbacks/Principal Buildings:

From West right-of-way of Memorial	35 FT
From North boundary	30 FT
From West boundary	100 FT
From Centerline of 98 th Street	75 FT
<u>From West boundary of Lot 1, Block 1</u>	
<u>9600 Memorial</u>	20 FT
From other boundaries	35 FT

Minimum Setback/Garages:

From Centerline of 98 th Street	44 35 FT *
From West boundary	25 FT
From other boundaries	11 FT

* except no garage shall be within any utility easement**.

Minimum Open Parking Lot Setback:

From West boundary of PUD	25 FT
From other PUD boundaries	5 FT

Other Bulk and Area Requirements: As established within an RM-1 District.

Signs: As permitted in the RM-1 Districts.

** Number and size of garages permitted will be determined by TMAPC at Detail Site Plan Approval.

- There shall be no buildings located in the regulatory floodplain.
- The principal access to the PUD shall be from ~~a corridor collector street.~~ East 98th Street South. East 98th Street South shall will be constructed to standards approved by Tulsa Traffic Engineering corridor collector street standards and dedicate to the City where the PUD abuts the existing private street right-of-way of 98th Street made a public street from the westernmost entrance of the PUD to South Memorial Drive. No vehicular access is permitted between Lot 1, Block 1, 9600 Memorial and the PUD.
- If any portion of PUD-581 is developed as outlined in approved Corridor Site Plan Z-6140-SP-1, then PUD-581, Z-6140-SP-2 and Z-6617-SP-1 are void and no longer in force.

6. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. A Detail Landscape Plan shall be submitted to the TMAPC for review and approved prior to issuance of a building permit. 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.
8. 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.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level. All bulk trash containers shall be set back at least 100' from the south and west boundaries of the PUD.
10. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 12 feet in height if such lights are within 150 feet from an RS district. No parking lot lights shall be within 50 feet of an RS district.
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 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 1170F 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 approve by TMAPC.

Staff recommends, if PUD-581 is approved, that Z-6140-SP-2 and Z-6617-SP-1 be approved subject to the conditions in the applicant's corridor site plans and the PUD-581 development standards.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 440, 74103, stated he is representing Echelon International Corporation, which is the purchaser of the subject property and intends to develop the property as a multifamily project.

Mr. Johnsen presented a Land Use Map and Fact Sheet of the subject property and the surrounding properties. He noted the Creek Turnpike on the north boundary of the subject property and South Memorial Drive on the east boundary, which is the location of Spirit Bank and zoned CO. He stated a portion of the subject tract is already zoned CO and the balance is a residential classification, therefore the reason for the request for rezoning to CO. He noted there is also a PUD overlay.

Mr. Johnsen stated, in regard to 98th Street, that the large acreage to the west and the subject property were sold by metes and bounds and referenced to an unrecorded plat. The plat, by deed, indicates a 30-foot easement reserved on the north and south for a roadway. It is a valid and existing easement. Therefore, a series of 60-foot width easements extend to Memorial Drive. This road serves as a collector street and the City's objective is for this street to become a public street for a number of reasons. Some of the reasons are that the City of Tulsa is the owner of the Bridle Trail Estates Detention Facility, and would benefit by this becoming a public street.

Also Mr. Johnsen stated the property to the south of the proposed development, Audubon Park, will have a dedicated 30-foot easement when the City requests it to improve the condition of 98th Street. The improvements would include patching and an overlay, but continued valley drainage or borrow ditches or bar ditches as drainage rather than curb and gutter. He proposed to reserve and dedicate a 30-foot easement to the City for public streets and to improve 98th Street in the same manner of the Audubon Park Development.

Mr. Johnsen noted the five property owners to the west of the proposed development. He stated they have expressed concerns with traffic and 98th Street becoming a public street and publicly maintained. Access to Memorial Drive is of concern. After discussion with Traffic Engineering, it was decided to widen 98th Street at the Memorial Drive intersection to provide left-turn and right-turn lanes.

Mr. Johnsen stated that the developer would reserve and dedicate the street right-of-way to the City when requested, consistent with the standards that were imposed on the property to the south in regard to improvement of 98th Street; and provide the improvements at the intersection of 98th Street and Memorial Drive as discussed by Traffic Engineering. He requested staff's condition no. 4 be modified accordingly.

Mr. Johnsen stated this is a very high-quality multifamily project. He noted it is customary to establish a 30-dwelling unit standard in a corridor district, which staff has recommended and he concurs. He feels when the building layout plans are finalized the number of dwelling units will be even fewer.

Mr. Johnsen noted the key features of the proposed development which include a gated multifamily project with extensive screening along the frontage. He stated the clubhouse would be accessed from Memorial Drive. In regard to the frontage, he noted the location of Spirit Bank and that the original plan was for commercial or office development with a mutual access. He noted bank representatives have requested to dissolve the mutual access since the subject property is being developed as residential. He stated the developer is in agreement with dissolving the mutual access. He stated a public restriction would protect the bank from mutual access.

In regard to housekeeping matters, Mr. Johnsen requested the setback of the building located closest to Spirit Bank parking lot be reduced to a 20' setback from the west line of the Spirit Bank parcel and the other setbacks remain applicable. He also requested the setback for garages be reduced to 5' in lieu of 11' so long as the garages are not located within a utility easement or to defer the issue to the detail site plan stage.

In closing, Mr. Johnsen stated this is a brief presentation of such a detailed project and noted that several issues have been resolved prior to the public hearing. He feels the proposed development is a fine project and is consistent with the normal standards.

Interested Parties Comments:

Jeff Levinson, 35 East 18th Street, 74119, stated he is representing Spirit Bank. He stated the only issue the bank has is with the mutual access, which Mr. Johnsen described earlier.

Mr. Levinson stated the Bank would support the rezoning and the PUD provided that the mutual access be restricted. He suggested a condition in the PUD that the PUD used as a multifamily purposes would not have access by and through Lot 1, Block 1 of 9600 Memorial.

Don Clifton, 7421 East 98th, 74133, stated that Mr. Kadakia would express the concerns of the neighborhood.

Dixit Kadakia, 2425 East 98th, 74133, stated the neighborhood to the west of the proposed development has concerns with water drainage and indicated the areas on the map. He stated the neighborhood feels the detention pond is not sufficient and was not properly designed.

Mr. Kadakia also expressed concerns with the increase of traffic with the proposed development and the maintenance of the roadway. There are also concerns with the safety of children/pedestrian and school bus traffic as well.

Mr. Kadakia requested the building heights be limited to prevent high rises in the area and that some consideration be given for access to the bike trail.

Mr. Kadakia requested that 98th Street from the bridge to the west remain as a private street to keep the residential area from being adversely affected by the traffic from the proposed development.

In closing, Mr. Kadakia stated the neighborhood is also requesting a signal light with right and left turn lanes at the intersection of 98th Street and Memorial Drive.

Marian K. West, 7463 East 98th Street, 74133, stated her property is directly west of the proposed development. She expressed concerns with the current water runoff problems and the increase of water runoff problems with the proposed development.

Gloria Clifton, 9802 South 74th East Avenue, 74133, stated she is also concerned with the issues that were addressed by the previous interested parties.

Jon Eshelman, City of Tulsa Public Works Department, stated the City has no intentions of connecting or looping 98th Street to 101st Street. However, the City would like for 98th Street to be a public street and that they have some responsibility since the City is a property owner abutting this street. He noted the City would take over the maintenance of the roadway if the right-of-way is dedicated and the existing roadway is upgraded.

Applicant's Rebuttal:

Roy Johnsen stated the street is the main issue of the proposed development. However, he noted the proposed development is willing to upgrade the roadway in a similar manner or standards as the development to the south of the proposed development, to reserve and dedicate the right-of-way to the City when needed, and to provide the turn-lanes at the intersection of 98th Street and Memorial Drive.

TMAPC Comments:

Mr. Doherty stated 98th Street is a private street and the tract of property to the west derives its access from this private street. He asked whether the intent is to tie all the affected tracts together and have access to a dedicated street, as required by the Subdivision Regulations. Mr. Stump replied in the affirmative. He stated staff is recommending that 98th Street become a public street and noted the development to the south of the proposed development is proposing a plat that would dedicate the needed right-of-way. Also, the proposed development is willing to reserve adequate right-of-way and provide street improvements that are needed to meet Traffic Engineering's requirements. He noted the out-parcel to the southeast is not included in the current application. Mr. Doherty noted the out-parcel fronts Memorial Drive.

Mr. Stump stated staff feels the traffic to and from the apartment complex would access 98th Street since a left-turn lane is provided and provides access north to downtown Tulsa. The main entrance of the proposed development on Memorial Drive does not provide a left-turn lane.

Mr. Doherty stated the Creek Turnpike Pedestrian Trail terminates at the northeast corner of the subject property and asked whether any provisions have been made for pedestrian access from the south to the trail. Mr. Stump replied staff has not provided for an access and suggested asking the developer.

Mr. Carnes asked the number of units per acre on the south tract. Mr. Stump replied the south tract is a single-family, cluster-type development and the overall density is approximately 4-to-5 per acre.

In regard to modifying condition no. 4, Mr. Stump stated staff is in agreement with the modification with the exception of changing the boundary line from the westernmost entrance of the development to the west boundary of the development. Mr. Johnsen stated he would concur with this modification.

Mr. Doherty asked whether any pedestrian access would be provided. Mr. Johnsen replied it was an oversight and noted there is plenty of right-of-way on Memorial Drive to provide pedestrian access. He requested deferring this issue until the Detail Site Plan stage.

Mr. Carnes expressed concerns with approving this many units without public access and turn-lanes available before construction. Mr. Johnsen replied the 60-foot easement is in place and benefits the abutting properties. Mr. Johnsen feels anyone abutting the easement has a right to travel and improve the roadway. He stated, during the interim, the proposed developer would make improvements in accord with the Traffic Engineering Department, which includes providing left-turn and right-turn lanes at the intersection of 98th Street and Memorial Drive, and make it a condition of the PUD.

Mr. Doherty asked Mr. Levinson whether the bank would oppose any type of pedestrian access along Memorial Drive. Mr. Levinson feels the bank would not oppose pedestrian access.

Mr. Doherty asked whether the City is prepared to accept the dedication of right-of-way and maintenance of the roadway at this time. Mr. Eshelman stated the City is not ready at this point, but after the improvements are made and the right-of-ways are dedicated the City would be willing to accept the dedication and maintenance of the roadway.

Mr. Doherty asked whether the City is opposed to the western portion of the roadway remaining as a private road. Mr. Eshelman replied in the affirmative, noting that the City would not maintain the private portion.

There was further discussion as to who would upgrade the current roadway and provide the intersection improvements. (NOTE: The audiotape malfunctioned.)

Ms. Pace feels the developer constructs the streets/roadway at the time when the development is being constructed. Mr. Eshelman stated that is correct when the streets are internal in the development. But in this case it is a private street that abuts several owners who are developing at different times and the costs are shared by each owner.

Mr. Ledford stated the problem with 98th Street is that it is a private street. The City constructed the detention facility in the belief that this was a public street. He feels this area will be developed and the right-of-way will be obtained for the roadway. There is currently a commitment from the developers on the north and south sides of 98th Street to upgrade the roadway and dedicate the needed right-of-way.

Ms. Pace asked whether any type of gate or other requirements would be needed for the public portion of the street. Mr. Eshelman replied in the negative.

Ms. Gray recognized Mr. Kadakia. Mr. Kadakia stated the neighborhood is not opposed to the public portion of the street so long as the roadway is upgraded and the right-of-way is dedicated.

Mr. Westervelt stated he had ex parte communication with representatives of Spirit Bank.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Selph "absent") to recommend **APPROVAL** of CO zoning for Z-6617 and to recommend **APPROVAL** of PUD-581/Z-6617-SP-1/Z-6140-SP-2 for an apartment complex, subject to the conditions as recommended by staff and modified at the public hearing, noting the issue of pedestrian access to the Creek Turnpike Trail will be addressed at the Site Plan stage. (Language deleted is shown as ~~strikeout type~~, language added or substituted is underline type.)

Legal Description for Z-6617/Z-6617-SP-1:

A tract of land that is all of Lot 2, Block 1, 9600 Memorial, an Addition to the City of Tulsa, Tulsa County, Oklahoma, and part of the NE/4 of the SE/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 Northeast corner of said Lot 2, Block 1, 9600 Memorial, thence S 88°45'34" W along the Northerly line of said Lot 2 and along the Northerly line of the SE/4 of Section 23 for 400.30' to a point, said point being the Northwest corner of said Lot 2; thence continuing S 88°45'34" W along the Northerly line of the SE/4 for 802.00' to a point that is the Northwest corner of the NE/4 of the SE/4 of said Section 23; thence S 01°09'55" E along the Westerly line of the NE/4 of the SE/4 for 660.84' to a point that is the Southwest corner of the NW/4 of the NE/4 of the SE/4 of said Section 23; thence N 88°46'06" E along the Southerly line of the NW/4 of the NE/4 of the SE/4 for 410.89' to a point of curve; thence Southeasterly along a curve to the right with a central angle of 29°10'28" and a radius of 450.00' for 229.14' to a point of tangency; thence S 62°03'26" E along said tangency for 176.47'; thence N 01°07'48" W and parallel with the Easterly line of Section 23 for 434.07'; thence N 88°45'34" E for 15.20' to a point that is the most Westerly Southwest corner of said Lot 2, Block 1, 9600 Memorial; thence continuing N 88°45'34" E along the Southerly line of Lot 2 for 162.10' to a

corner of Lot 2, said corner also being the Southwest corner of Lot 1, Block 1, 9600 Memorial; thence N 01°07'48" W along an Easterly line of Lot 2 for 160.00' to a corner of Lot 2, said corner also being the Northwest corner of said Lot 1; thence N 88°45'34" E along a southerly line of Lot 2 for 240.00' to the most Easterly Southeast corner of said Lot 2, said corner also being the Northeast corner of Lot 1; thence N 01°07'48" W along the Easterly line of Lot 2 for 210.00' to the Point of Beginning of said tract of land and Lot 2, Block 1, 9600 Memorial Addition, a subdivision of part of the NE/4, SE/4 of Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, and located on the southwest corner of the Creek Turnpike and South Memorial Drive, Tulsa, Oklahoma.

Legal Description for PUD-581:

A tract of land that is all of Lot 2, Block 1, 9600 Memorial, an Addition to the City of Tulsa, Tulsa County, Oklahoma, and part of the NE/4 of the SE/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 Northeast corner of said Lot 2, Block 1, 9600 Memorial, thence S 88°45'34" W along the Northerly line of said Lot 2 and along the Northerly line of the SE/4 of Section 23 for 400.30' to a point, said point being the Northwest corner of said Lot 2; thence continuing S 88°45'34" W along the Northerly line of the SE/4 for 802.00' to a point that is the Northwest corner of the NE/4 of the SE/4 of said Section 23; thence S 01°09'55" E along the Westerly line of the NE/4 of the SE/4 for 660.84' to a point that is the Southwest corner of the NW/4 of the NE/4 of the SE/4 of said Section 23; thence N 88°46'06" E along the Southerly line of the NW/4 of the NE/4 of the SE/4 for 410.89' to a point of curve; thence Southeasterly along a curve to the right with a central angle of 29°10'28" and a radius of 450.00' for 229.14' to a point of tangency; thence S 62°03'26" E along said tangency for 176.47'; thence N 01°07'48" W and parallel with the Easterly line of Section 23 for 434.07'; thence N 88°45'34" E for 15.20' to a point that is the most Westerly Southwest corner of said Lot 2, Block 1, 9600 Memorial; thence continuing N 88°45'34" E along the Southerly line of Lot 2 for 162.10' to a corner of Lot 2, said corner also being the Southwest corner of Lot 1, Block 1, 9600 Memorial; thence N 01°07'48" W along an Easterly line of Lot 2 for 160.00' to a corner of Lot 2, said corner also being the Northwest corner of said Lot 1; thence N 88°45'34" E along a southerly line of Lot 2 for 240.00' to the most Easterly Southeast corner of said Lot 2, said corner also being the Northeast corner of Lot 1; thence N 01°07'48" W along the Easterly line of Lot 2 for 210.00' to the Point of Beginning of said tract of land and Lot 2, Block 1, 9600 Memorial Addition, a subdivision of part of the NE/4, SE/4 of Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, and located on the southwest corner of the Creek Turnpike and South Memorial Drive, Tulsa, Oklahoma.

Legal Description for Z-6140-SP-2:

Lot 2, Block 1, 9600 Memorial Addition, a subdivision of part of the Northeast Quarter of the Southeast Quarter of Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, and located on the southwest corner of the Creek Turnpike and South Memorial Drive, Tulsa, Oklahoma.

Other Business:

Election of TMAPC Officers for 1998

TMAPC Comments:

Mr. Horner, Chair for the Nominations Committee, nominated Gary Boyle as Chair, Jim Doherty as 1st Vice-Chair, Joe Westervelt as 2nd Vice-Chair, and Brandon Jackson as Secretary.

There were no other nominations made.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the election of TMAPC Officers for 1998 as recommended by the Nominations Committee.

PUD-557 Wayne Alberty

(PD-18) (CD-8)

Southeast corner of 93rd Street South and Memorial Drive
(Interpretation of building material requirement imposed by PUD condition.)

Staff Comments:

The applicant is requesting an interpretation by the Planning Commission as to whether a particular textured material applied to metal panels satisfies the requirement of the PUD that all building exteriors in Development Area A be "concrete, masonry or drivet."

Applicant's Comments:

Wayne Alberty, 201 West 5th, Ste. 450, 74103, stated he is representing Jackie Cooper Imports, which is constructing a new facility at the southeast corner of 93rd Street South and Memorial Drive. He requested an interpretation of the word "drivet".

Mr. Alberty stated that "drivet" is a brand name for the process of exterior finish installed system (efis). He presented examples of efis. He pointed out that the examples consist of a base installation section, covered by synthetic material or a metal material, and then the textured top coat. He noted his choice of efis, the one with a metal material, also has a warranty.

TMAPC Comments:

Ms. Pace feels the term "drivet" and "efis" should not be interchanged in the Zoning Code. Chairman Boyle stated this hearing is not to change or modify the Zoning Code, but to interpret whether the material Mr. Alberty is proposing would meet the requirements/conditions of PUD-557.

Mr. Jackson stated "drivet" is a brand name; there are several other brand names for this type of process.

Mr. Ledford feels "drivet" is a proprietary name and proprietary items cannot be listed in the code. The process that is a requirement of conditions of the PUD, is an efis system. He used the example of formica and a plastic laminate.

Mr. Midget feels the Commission interpreted the condition of the requirement of the PUD as the process Mr. Alberty presented.

Mr. Doherty stated the PUD condition cannot be amended today, but the TMAPC can interpret the condition of the PUD. He made a motion that the material presented today is exactly what was intended in the PUD.

Mr. Horner stated there are many varieties of the efis system and complimented Mr. Alberty on his choice.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the interpretation that the material presented complies with the intent of the PUD condition.

Zoning Text Amendment Public Hearing:

Proposed amendments to the City of Tulsa Zoning and Tulsa County Codes as they relate to schools, which offer a compulsory education curriculum.

Staff Comments:

Mr. Stump presented the proposed amendments as follows:

Amend Chapter 12 of the City of Tulsa Zoning Code and the Tulsa County Zoning Code as follows:

Add the following to Section 1201.B.3. (1201.2C in County Code) as indicated in bold-type print:

SECTION 1201. USE UNIT 1. AREA-WIDE USES BY RIGHT

B. Included Uses:

3. Public Uses such as:
- Fire alarm
 - Historical marker
 - Political campaign signs
 - Street sign
 - Thoroughfare
 - Utility line
 - Existing Schools***

***Schools legally operating on January 1, 1998, which offer a compulsory education curriculum but excluding the following accessory uses: outdoor stadiums, lighted athletic fields, unlighted athletic fields which have bleachers for non-student spectators and all buildings and structures (such as scoreboards) accessory to such stadium or field.**

Amend Section 1201.C. & D. (1201.3 and .4 in County Code) to read as follows:

C. Use Conditions

1. Political Campaign Signs – No political campaign sign shall be erected more than 45 days prior to any election, nor shall any sign be permitted to remain on any property more than seven days following an election; no political campaign signs shall be permitted on public property and they shall be permitted on private property only with the consent of the property owner; the display surface area of each political campaign sign located in R or O Zoning Districts shall not exceed 16 square feet in surface area; only one side of a double-faced sign shall be computed in the computation of display surface area.
2. Existing Schools:
 - a. ~~High schools shall have their principal vehicular entrance and exit on an arterial street.~~
 - b. Buildings and grounds may also be used for a children's nursery, preschool, community center or day camp.
 - c. Maximum floor area ratio of 0.5.
 - d. Minimum building setback of 25 feet from abutting properties in an R District, plus one (1) foot of setback for each one (1) foot of building height exceeding 15 feet, if the abutting property is within an RE or RS District and is not a freeway or expressway.

- e. **Minimum setback for parking lots and their access drives from an RE or RS District which is not a freeway or expressway is 25 feet.**

C. Off-Street Parking and Loading Requirements. ~~None~~

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Existing Schools Elementary and Junior High	1 per 1,200 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000SF of floor area
Senior High	1 per 800 SF of floor area plus 1 per 4 stadium seats	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
All other uses	None	None

Amend 1205.B. (1205.2 in County Code) by adding to the existing footnote on schools to make it read as follows:

**** Schools which offer a compulsory education curriculum and which were not in operation on January 1, 1998. Also included are construction of new or alteration of existing accessory school facilities excluded from Existing School Use in Use Unit 1.**

(Language deleted is shown as strikethrough-type, language added or substituted is bold-type.)

Mr. Stump noted some concerns with current schools if constructing new classrooms and the .5 floor ratio is exceeded, the school would have to apply for a Board of Adjustment variance or exception in regard to access.

Interested Parties Comments:

Eric Nelson, 525 South Main, 74103, stated he is representing the Tulsa Public School system. He expressed concerns with the intent of the word "legally operating". He also expressed concerns with Section 1201.C.2.a. and with Section 1205.B.

Mr. Nelson feels these amendments would accomplish the objectives that the school system is requesting.

TMAPC Comments:

Mr. Doherty feels amendment to Section 1201.C.2.a is not needed since the only schools that it would affect are Rogers and Webster High Schools. Mr. Doherty and Mr. Stump suggested striking this amendment.

Mr. Linker suggested that Mr. Romig be given time to review the proposals. He noted that Mr. Romig has been working with the school system in this regard. Mr. Doherty suggested approving the amendments subject to the Legal Department's review.

Ms. Pace suggested a continuance may be in order to allow the Legal Department to review the proposed amendments. Ms. Gray reminded the Commission that the Tulsa Public School system is preparing to undergo a large volume of construction. She noted she would be abstaining from the vote.

Mr. Doherty suggested the wording "non-academic structures and facilities" in lieu of stadiums, fields, bleachers, etc. Mr. Stump stated that storage buildings and maintenance facilities would have to be addressed.

Mr. Stump stated the intent of the phrase "legally operating" was intended to mean school operating in conformance with the Zoning Code, not illegally-operating schools.

Mr. Stump reminded the Commission that some Use Unit 2 uses are being moved to Use Unit 5.

Ms. Pace asked whether the Zoning Code differentiates between the types of schools. Mr. Stump replied the Zoning Code differentiates between schools that offer a compulsory education curriculum, the type of education that is required by law, and non-compulsory education curriculum schools such as an art school, welding schools, etc.

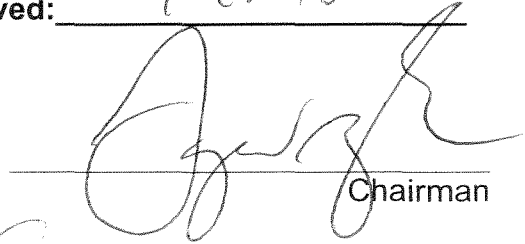
TMAPC Action; 8 members present:

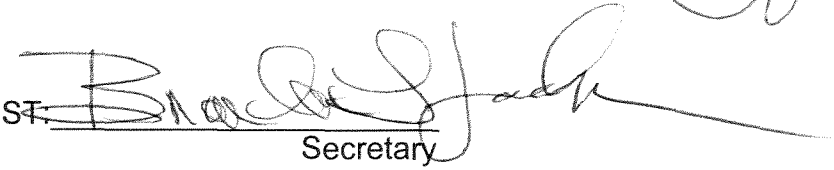
On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-1** (Boyle, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Gray "abstaining"; Carnes, Horner, Selph "absent") to recommend **APPROVAL** of amendments to Chapter 12 of the City of Tulsa Zoning Code and the Tulsa County Zoning Code as they relate to schools which offer a compulsory education curriculum as recommended by staff and modified at the public hearing and subject to review by the Legal Department. (Language deleted is shown as strikethrough-type, language added or substituted is underline-type.)

* * * * *

There being no further business, the Chairman declared the meeting adjourned at 3:21 p.m.

Date Approved: 1-28-98


Chairman

ATTEST: 
Secretary