

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1539
Wednesday, January 23, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes Connery Draughon Harris Higgins, 2nd Vice- Chairman Kempe, Chairman Paddock, Secretary VanFossen Wilson, 1st Vice- Chairman Woodard Young	None	Frank Gardner Holwell	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 22, 1985, at 10:30 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Cherry Kempe called the meeting to order at 1:42 p.m.

MINUTES:

On MOTION of CONNERY, the Planning Commission voted 9-0-2 (Carnes, Connery, Harris, Higgins, Kempe, Paddock, Wilson, Woodard, Young, "aye"; no "nays"; Draughon, VanFossen, "abstaining") to approve the Minutes of January 9, 1985 (No. 1537).

APPROVAL OF 1985 TMAPC CALENDAR OF MEETING DATES AND CUT-OFF TIMES:

On MOTION of WILSON, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to approve the 1985 TMAPC Calendar of Meeting Dates and Cut-off Times.

REPORTS:

Report of Receipts and Deposits:

Mr. Connery asked if the receipts and deposits are in order and Staff informed they are.

On MOTION of CONNERY, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to approve the Report of Receipts and Deposits for the month ended December 31, 1984.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-6019 & PUD 385
Applicant: Jones (M&M Investments)
Location: NW/c 71st & Utica

Present Zoning: OM
Proposed Zoning: CS

Date of Application: November 1, 1984
Date of Hearing: January 23, 1985 (Referred back to TMAPC by City Commission)
Size of Tract: 1.7 acres

Presentation to TMAPC by: Mr. Bill Jones, Attorney
Address: 201 W. 5th Street, Suite 400

Phone: 581-8200

Staff Recommendation: Z-6019 & PUD #385

This case has been referred back to the TMAPC by the City Commission on a 3-0-0 vote from its meeting of January 15, 1985. Discussion at the meeting of the City Commission centered around the conceptual arrangement of the rezoning and PUD as recommended by both the Staff and TMAPC. It is suggested that the TMAPC consider and state in the minutes of this meeting the factors and reasons which caused the original vote of support by the Planning Commission. The City Commission did not include any specific instructions or requests to the TMAPC except to refer it back for rehearing. Notice has been given to abutting property owners on the north and east. There were no protests at the December 12, 1984, meeting of the TMAPC in which this item was heard.

Comments and Discussion:

Mr. Gardner informed that the City Commission did not consider commercial zoning of this area to be appropriate under any circumstances. Staff feels, however, this zoning would be appropriate as long as there is also a PUD on the site because the area is unique in the quality of projects. It was also felt this would be compatible with the other developments. He further noted the Staff's position was, and still is, that this project would be compatible and the City could rehear this item.

Mr. Jones informed he felt CS zoning is appropriate for this location. Mayor Young asked if the question centered around other uses and Mr. Jones informed under the Comprehensive Plan the area is recommended for medium intensity and this proposal is for Use Units 11-14 which are more restrictive than the current zoning.

Ms. Kempe noted it appears the City Commission is interested in the vote and reiterated Staff's position is to allow enough zoning to permit the PUD with restrictions.

1.23.85:1539(2)

Z-6019 & PUD #385 (cont'd)

TMAPC Action: 11 members present. Z-6019 & PUD #385

On MOTION of YOUNG, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to submit comments of the Planning Commission back to the City Commission with Cases Z-6019 and PUD #385 for rehearing.

Application No. Z-6021

Present Zoning: OL

Applicant: Levy

Proposed Zoning: CS

Location: SW/c of 58th Place & South Memorial Drive

Date of Application: November 28, 1984

Date of Hearing: January 23, 1985 (Cont'd to Feb. 6, 1985)

Size of Tract: .36 acres

Presentation to TMAPC by: Louis Levy

Address: 5200 S. Yale

Phone: 496-5298

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

Site Analysis — The subject tract is .36 acres in size and located at the southwest corner of 58th Place and Memorial Drive. It is non-wooded, flat and contains a small office building zoned OL.

Surrounding Area Analysis — The tract is abutted on the north by single-family dwellings zoned RS-3, on the east across Memorial Drive by the Eaton Square Apartments zoned CS, on the south by the Falls Office and Shopping Center zoned CS and on the west by a parking facility and multifamily dwelling zoned RS-3.

Zoning and BOA Historical Summary — Due to the fact the single-family dwellings to the north face the subject tract, OL zoning was established as a buffer from the commercial area. Duplex zoning was originally given to the subject area as a buffer, prior to this area being zoned OL.

Conclusion — Due to the single-family dwellings facing the subject tract to the north, the Staff feels some type of buffer between commercial and residential zoning is mandatory. Although the commercial zoning across Memorial extends farther to the north than the subject tract, this area is developed as residential apartments. Removal of the OL buffer would adversely effect the residential value of the homes to the north.

Z-6021 (cont'd)

Based on the above information and Comprehensive Plan, the Staff recommends DENIAL of the requested CS zoning.

Comments and Discussion:

Chairman Kempe informed a request for continuance of not less than two weeks (Exhibit A-1) had been received from Mr. Levy on this date. She noted that although this was not a timely request since it had not been received by Monday of the week of the hearing, it would be favorably considered by the Commission because there were no protestants present.

Instrument Submitted: Letter Requesting Continuance of Z-6021 (Exhibit A-1)

TMAPC Action: 11 members present

On MOTION of HIGGINS, the Planning Commission voted 10-1-0 (Carnes, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; Connery "nay"; no "abstentions") to CONTINUE consideration of Z-6021 until Wednesday, February 6, 1985, 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Applications No. Z-6022 & PUD #386	Present Zoning: AG
Applicant: Moody (Vardeman)	Proposed Zoning: RM-1/FD
Location: 1/4 mi. North of NE/c of 91st and Memorial	

Date of Application: November 29, 1984
Date of Hearing: January 16, 1985 (Cont'd to January 23, 1985)
Size of Tract: 14.98 Acres

Presentation to TMAPC by: John Moody
Address: 4100 BOK Tower
Phone: 588-2651

Relationship to the Comprehensive Plan: Z-6022

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract Low Intensity — No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the proposed RM-1 District may be found in accordance with the Plan Map.

Staff Recommendation — Z-6022:

Site Analysis — The subject tract is located 1/4 mile north of the northeast corner of 91st Street and South Memorial Drive. It is approximately 14 acres in size, is partially wooded and slopes generally from high points in the centermost southern portion, down to the north and east. The eastern portion of the tract is crossed on its north-south axis by a creek which causes much of the eastern portion of the land to be floodplain. The tract is presently zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a 20-acre parcel zoned AG which contains one single-family residence. The area south of the subject request is zoned RM-1 and is vacant. Property abutting the east boundary is zoned RS-3 and PUD #298 and to the southeast is zoned AG. Property west across Memorial is zoned AG and RS-3.

Zoning and BOA Historical Summary -- The subject tract was denied RM-1 zoning and approved for RS-3 zoning by the TMAPC and City in November 1982, however, the Ordinance was never published. The RM-1 zoning to the south was approved as a buffer to the commercial zoning at the intersection of 91st Street and Memorial Drive. Recently, RM-1 zoning was approved to a depth of 579 feet on land one lot north of the subject tract.

The subject tract is beyond the node and the transition buffer. Surrounding uses and existing conditions do not support the "may be found" designation in the "Zoning Matrix" for granting RM-1 for the entire tract, but only for a portion of the tract (Memorial frontage). It is recommended that intensities be reduced as one progresses north from the intersection of 91st Street and South Memorial, and beyond the present node and existing RM-1 buffer. This zoning pattern would be more consistent with the Comprehensive Plan policies and Development Guidelines. PUD #382 was recently recommended for approval by the TMAPC wherein RM-1 zoning was approved to a depth of 579 feet from the section line of Memorial Drive. This tract lies approximately 800 feet north of the subject tract, and also on the east side of Memorial Drive.

Conclusion -- The Staff could support zoning and spreading a reasonable amount of RM-1 intensity over the entire tract in recognition of, and consistent with, the zoning patterns recommended north of this general area by the TMAPC. Therefore, the Staff recommends DENIAL of the requested RM-1 for the entire tract and granting only a portion of the tract as RM-1 as discussed under PUD #386, with AG and FD on the balance of the area.

Staff Recommendation -- PUD #386:

The proposed PUD is located on the east side of South Memorial Drive, approximately one-fourth mile north of the intersection of 91st Street South and South Memorial Drive. The site contains an existing billboard in the northwest corner. According to the PUD Text, the City of Tulsa has requested that the developer donate to the City for park purposes, property adjacent to an existing tributary of Haikey Creek. The text indicates the developer's willingness to do this, subject to approval of the PUD. Post Oak Office Park is proposed to contain 203,000 square feet of office space and eight buildings ranging in height from one (1) story to seven (7) stories. A total of 724 parking spaces are shown at a ratio of one space for each 280 square feet of gross floor area. The proposed permitted uses for the PUD are those uses permitted in an RM-1 District by right and by Special Exception, and uses permitted by right in an AG District. A portion of the site will necessarily be zoned FD for

floodway protection purposes. The "Site Summary" portion of the PUD Text indicates that the tract has a gross land area of 14.98 acres, a total net area of 13.94 acres, with 4.84 acres devoted to floodway and floodplain purposes—the net usable land area is indicated to be 9.10 acres or 396,396 square feet.

If the TMAPC desires to approve RM-1 zoning on this site, the Staff recommends the zoning be granted upon similar conditions applied to PUD #382 (Grace Fellowship Church) which was recommended for approval November 28, 1984. This would indicate that RM-1 zoning not be granted for the entire site and the requested intensity be reduced accordingly. If the TMAPC concurs with this recommendation, the Staff could recommend approval of RM-1 zoning for 6.2 gross acres of this site with FD and AG zoning on the balance. The applicant is requesting the equivalent of 11.65 acres of RM-1 zoning. The recommended zoning pattern would establish a depth for RM-1 zoning of 545.5 feet east of the section line. Conditions of approval could be based upon the recommended "Development Standards" discussed below and other recommended conditions as stipulated.

Given the above review and modifications, the Commission could find the proposal to be (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the 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.

If the TMAPC concurs with the Staff Recommendation to rezone not more than 6.2 acres of the gross site RM-1, and the balance FD and AG, the Staff recommends the following conditions of approval:

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

Land Area (Gross):	14.98 acres
(Net):	13.94 acres

	<u>Submitted</u>	<u>Recommended</u>
Permitted Uses:	Uses permitted by right in and Special Excep- tion in an RM-1 & AG District.	Uses permitted by right in an OL District.
Maximum Floor Area:	203,000 sq. ft.	108,000 sq. ft.

	Submitted	Recommended
Maximum Building Setbacks:		
From Centerline of Memorial Road	150 feet	70 feet from property line.
From South Boundary	50 feet	50 feet
From North Boundary	115 feet	115 feet
From East Boundary	200 feet	200 feet
Maximum Building Height: (to top of parapet)		
Within 200 feet of West Boundary	1-story	35 feet
More than 150 feet but less than 350 feet from West Boundary	3-story	35 feet
More than 350 feet from West Boundary	7-story	35 feet
Minimum Off-Street Parking:		
	724 at a ratio of 1 per 280 sq. ft. of gross floor area.	1 space per each 250 sq. ft. of gross floor area and as required by the Zoning Ordinance.
Minimum Landscape Open Space:		
	43%*	43%*

- * Landscaped open space includes required arterial street landscaping, interior landscaping buffer, landscaped yards and plazas, and pedestrian areas and park areas, but does not include any parking, building, or driveway areas. A considerable portion of the east part of this tract is proposed to be dedicated to the City of Tulsa for park purposes.
- (3) The south boundary shall be screened by a 6-foot privacy fence from Memorial Drive to the east until said boundary intersects the creek and floodway.
- (4) Trash and utility areas shall be screened so as not to be visible from ground level of adjacent properties.

- (5) Signs shall be in conformance with the PUD Chapter of the Zoning Ordinance, except one outdoor advertising sign shall be allowed to remain, however, until the granting of an occupancy permit on the first building. A Sign Plan shall be submitted to the TMAPC for review and approval prior to installation.
- (6) That a Detail Landscape Plan be approved by the TMAPC prior to the granting of occupancy of any building.
- (7) That no Building Permit shall be issued until the requirements of Section 260 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, making the City of Tulsa beneficiary of said Covenants.

Applicant Comments:

Mr. Moody informed Staff's Recommendation is that this proposal "is a could be found, but existing conditions do not warrant that change"; however, he noted the property across the street is a permanent detention facility and the tract across the street is vacant and abuts an ONG gas compression plant.

Mr. Day, architect for the project, noted the setbacks on the project are a distance of 1,000' from Memorial and informed the setbacks are located farther back than would be required in OL or CS zoned areas. He also noted the left-turn cut in the median would be allowed, based on at least 200' of internal stacking lanes. He further noted the property slopes toward the east and drains toward the north and east, with no development planned within those areas.

Mr. Moody informed the zoning pattern is one recommended by the City Engineering Department to include FD zoning and informed the City Engineer has encouraged dedication of the right-of-way for a floodplain park by transferring density of the area to an area outside the floodway. Mr. Moody also informed that his client had met with Mr. Christ Pissias, owner of the property to the north of the proposed site, had presented his proposed development and had addressed Mr. Pissias' concerns regarding water drainage. All water drainage will now be guided within applicant's property via a storm sewer collection system on the north part of the property which will direct the water south into the Haikey Creek channel. Mr. Moody noted the City Engineer had recommended payment of fees in lieu of on-site retention and he concurs with this request. Mr. Moody presented a letter from Mr. Day to Mr. Pissias (Exhibit B-1) which shows that Mr. Pissias supports the revised drainage plans and development proposals presented by Mr. Day.

Mr. Moody informed he felt Staff's Recommendation was based on a formula because of lack of guidance or guidelines to follow. He also informed the proposed project has 43% open area and the floor area ratio is low intensity. Mr. Moody advised that the engineering/planning firm of

DeShazo, Starek & Tang, Inc. had prepared a traffic impact comparison (Exhibit B-2) for this development to address Staff's question of the traffic impact of the area. This study concluded that 203,000 square feet of general office space would generate "nearly sixty percent fewer trips than the 108,000 square feet of medical office uses". Mr. Moody further advised that he felt if this complex was limited to general office it would provide a compromise for the square footage because it would decrease the number of trips resulting from medical office.

Comments and Discussion:

Ms. Wilson informed she felt the Traffic Impact Study was slanted to make it appear there would be fewer trips under the 203,000 sq ft. proposed by Mr. Moody vs. the 108,000 sq. ft. recommended by Staff. Mr. Moody informed his client would prefer to restrict the project to non-medical office uses, but if he could not get the requested density, it was possible medical offices would be built. Mr. Paddock asked Mr. Moody if he was saying that he would be willing to restrict the project to general office use if the requested revised maximum floor area was retained and Mr. Moody informed he would be. Mr. Moody advised if the revised floor area was not approved his client would, possibly, solicit for medical purposes and advised he felt the traffic capacity of Memorial Drive would support 203,000 square feet, excluding medical office use.

Mr. Draughon asked if there was any conflict with gas lines on the property and Mr. Moody informed there wasn't. Mr. Draughon also asked if there were underground drainage conduits and Mr. Moody informed about 800' would be conduit until the grade would allow the water to flow from the east to the south in the normal channel. Mr. Connery asked what affect this would have on downstream flooding flow and Mr. Moody informed that, assuming the same policies are followed throughout the area, all of the area would be open area and would add to the flow according to the City of Tulsa's drainage plans. Mr. Connery informed this would seem to increase the velocity of the water and Mr. Moody advised he did not think this would change the velocity much.

Mr. Carnes informed he felt there should be a compromise on the square footage. Commissioner Harris informed he would like to hear more from Staff on why they felt the square footage is too high. Mr. Gardner informed that precedent had been set on a previous application and Staff feels that when there is a creek cutting across the corner of a tract of land, the entire tract should not be zoned. He also informed Staff felt this tract would accommodate and provide enough footage for a ratio of the difference between 203,000 and 108,000 square feet. The difference between the requested and recommended intensity would result in a traffic increase of 88%. Commissioner Harris asked Mr. Gardner if he was saying if the Commission recommends approval of anything in excess of 108,000 square feet, it would be setting a precedent for that corridor and Mr. Gardner informed he was.

Mr. Moody informed the tract abuts the 1/4 line and informed he felt the precedent should be based on what is there.

Mr. Day informed this proposal is less dense than OL zoning and he felt this was an appropriate site to build this type project. He noted there is always room for compromise but after consultations with Staff, he was economically running out of maneuvering room.

Interested Party:

Mr. Christ Pissias

Address: 8771 S. Memorial

Mr. Pissias informed he is the owner of the property to the north of the subject property and advised there had been some misunderstanding but he had come to an agreement on the proposal. He complimented Mr. Day on his presentation.

Other Comments and Discussion:

Mr. VanFossen informed this project shows why a study of Memorial Drive is needed and noted it is an entirely different situation than when the Comprehensive Plan was developed. He also noted he did not agree with Staff that FD creates a buffer that is desirable for projects of different types and informed he did not think the 33% density was unreasonable.

Mr. Paddock asked if it is improper to compute FAR percentage on total gross area of a PUD and Mr. Gardner informed it is not improper if 33% of the total site is developable. Mr. Paddock also noted he did not understand Staff's apprehension except comparing it with Grace Fellowship. Mr. Gardner informed Grace Fellowship was a similar site and he noted Staff did not recommend approval of that PUD but it had been approved by the Planning Commission and the City Commission and thus, Staff was recommending approval of a portion of this PUD since a precedent had already been set.

Ms. Higgins informed the precedent has to do with physical facts on the land, but she did feel the Commission would be setting a precedent to go beyond the guidelines since a decision would be made on information presently available. She further informed she was in favor of the project.

Chairman Kempe informed Staff was saying the Commission had gone outside the development guidelines when the church project was approved and this exceeds what was done and the guidelines are in question.

Ms. Wilson informed she supported the Staff Recommendation and she advised she had a problem with the intensity which would cause more congestion on the highway (Memorial Drive).

Mr. VanFossen made a motion to approve the PUD and zoning change and Mr. Paddock asked Mr. Moody if his offer to restrict the building uses to general office was still good and Mr. Moody informed he would like to have the uses permitted in OL by right, excluding medical office uses.

Z-6022 and PUD No. 386 (cont'd)

Instruments Submitted:

Letter from Mr. Day to Mr. Pissias (Exhibit B-1)
Traffic Impact Study by DeShazo, Starek & Tang (Exhibit B-2)

TMAPC Action: 10 members present. Z-6022

On MOTION of VANFOSSSEN, the Planning Commission voted 8-2-0 (Carnes, Connery Draughon, Harris, Higgins, Paddock, VanFossen, Woodard, "aye"; Kempe, Wilson "nay"; no "abstentions"; Young, "absent") to recommend to the Board of City Commissioners that enough of the following described property be zoned RM-1 to support uses permitted by right in an OL District, 190,000 square feet of office space, excluding medical office uses, and allowing 1-story, 3-story and 7-story buildings:

Legal Description Z-6022:

The S/2 of the S/2 of the NW/4 of the SW/4 and the N/2 of the N/2 of the N/2 of the SW/4 of the SW/4 of Section 13, Township 18 North, Range 13 East. (15 acres)

TMAPC Action: 10 members present. PUD #386

On MOTION of VANFOSSSEN, the Planning Commission voted 8-2-0 (Carnes, Connery, Draughon, Harris, Higgins, Paddock, VanFossen, Woodard, "aye"; Kempe, Wilson "nay"; no "abstentions"; Young, "absent") to APPROVE the Staff Recommendation for the following described property, but changing the recommended maximum floor area from 108,000 sq. ft. to 190,000 square feet, excluding medical office uses, and allowing 1-story, 3-story and 7-story buildings:

Legal Description PUD #386

The S/2 of the S/2 of the NW/4 of the SW/4 and the N/2 of the N/2 of the N/2 of the SW/4 of the SW/4 of Section 13, Township 18 North, Range 13 East (15 acres) all in Tulsa County.

Other Discussion:

Mr. VanFossen informed he wanted it noted, for the record, that the Commission was not intending to set a precedent by approving applications Z-6022 and PUD #386.

Ms. Wilson informed that on Grace Fellowship there had been a lengthy discussion by the Commission in which the majority of the Commissioners said "this is setting a precedent". Ms. Wilson noted it appears the Commission is forgetting what actions or discussion have taken place at prior hearings.

Mr. Paddock informed this discussion had been brought up in earlier cases; i.e., when the Commission corrects a mapping error, the Commission says "if we take this action to rezone this property to correct a mapping error that was made 25 years ago, this is not to set any precedent".

Z-6022 and PUD No. 386 (cont'd)

Mr. Connery informed Mr. Moody that it was clear that North Tulsa was not considered for this project and Mr. Moody noted he was appreciative of the concept and if tenants were there and a lender willing to lend, his client would be more than happy to develop a project there.

1.23.85:1539(12)

ZONING PUBLIC HEARING:

Application No. CZ-127

Applicant: Dodson (Foresman)

Location: Coyote Trail at 209th W. Avenue

Present Zoning: AG

Proposed Zoning: RMH

Date of Application: November 29, 1984

Date of Hearing: January 23, 1985 (withdrawn)

Size of Tract: 67.18 acres

Presentation to TMAPC by: Lea Matlock, representing Do All Construction

Address: Route 1, Catoosa

Phone: 664-7835

Comments and Discussion:

Chairman Kempe informed she had received a letter today from Do All Construction (Exhibit C-1) requesting that this case be continued to February 13. She noted there were a number of interested parties present and the Commission normally allows a continuance if a request is presented by noon of the Monday preceding the hearing. She asked if there were any objections to a continuance and there were.

Protestants:

Mr. Gerald Temple

Mr. Lynn Calton

Address: 4715 E. King

11004 E. 44th Street

Mr. Temple informed he would like to have the request for continuance denied as he was against a zoning change, no matter who the property owner is. He noted he and the other parties present were against the zoning, not against the owners of the property.

Mr. Calton informed he would like to present a petition in protest of the application and asked if he could present the petition regardless of whether the case would be heard and Ms. Kempe informed the petition would be accepted when it was determined if the case would be heard.

Applicant Comments:

Ms. Matlock informed she could not understand Mr. Temple's objection and Ms. Kempe informed the other parties present were opposed to the zoning no matter who owns the property, so they would like to go ahead and have the zoning matter heard.

Ms. Temple asked if the other parties could object without a reason. Ms. Kempe informed they could. Ms. Temple asked what the reason was for the objection and Mayor Young informed the people had come down to hear the case today and didn't want to have to return at a later date.

Ms. Temple informed that her company had not been notified of the court date until mid-morning and asked if the zoning application was heard on this date, would the protestants have to state an actual reason for

CZ-127 (cont'd)

objecting to the zoning. Chairman Kempe informed the Commission would hear from the applicant and from the protestants and the applicant would have an opportunity to rebut any comments of the protestants. Ms. Matlock informed she would have had a plot plan, her attorney and a surveyor with her, but she was unprepared to present her case since she had hoped to have the case postponed.

Other Comments and Discussion:

Mr. VanFossen made a motion that the case be continued for 30 days and that the protestants be permitted to record their protests. Chairman Kempe informed, however, the normal procedure for a public hearing is to first hear from the applicant, then from the protestants in the same meeting, at the same time. Mr. VanFossen advised it was an inconvenience to the protestants, and Ms. Kempe noted it was an inconvenience and that is why the Commission needed to determine whether to hear the case. If the Commission decides to hear the case, all parties would be allowed to present any pertinent information.

Mayor Young noted that since there would be two hearings on this case, the one before the Planning Commission and the one before the County Commission, he noted that many matters involving probate could be resolved before the application is submitted to the County Commission. He moved that since the applicant was represented and the protestants were present, the case should be heard.

Ms. Higgins asked Ms. Matlock why she was requesting the application be postponed and Ms. Matlock informed her attorney had been asked for a postponement by the attorney for the estate.

Mr. Paddock asked Ms. Matlock if the estate was just being probated or was it at the point of final decree of distribution. Ms. Matlock informed the February 6 court date would be final.

Instrument Submitted:

Letter from Do All Construction requesting continuance. (Exhibit C-1)

TMAPC Action: 11 members present

On MOTION of YOUNG, the Planning Commission voted 10-1-0 (Carnes, Connery, Draughon, Harris, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; Higgins, "nay"; no "abstentions") to DENY continuance of CZ-127 until 1:30 p.m., February 20, 1985, in the City Commission Room, Tulsa City Hall.

Additional Discussion:

Ms. Matlock informed that, under the advice of her attorney, she wanted to withdraw the application.

CZ-127 (cont'd)

Mr. Temple advised that the prior owners of the subject property had been deceased for over two years and since the applicant had asked for a hearing on this date and the abutting property owners were present at the hearing at the request of the applicant, he would again like to request that the Commission hear the case.

Mayor Young asked for a clarification of withdrawal and Mr. Gardner informed if the application was refiled within 60 days or so, for the same zoning request, on the same property, he thought the Commission could accept the protest petitions. If the application was refiled after that time, the petitions should be recirculated.

Ms. Karen Barnes, a nearby property owner, informed that signs had been erected and the land was for sale, thus she would like to have the case heard.

Ms. Matlock informed that although there is a sign offering property for sale, no land has been sold and no zoning is stated on the sign.

TMAPC Action: 11 members present

On MOTION of YOUNG, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no, "nays"; no "abstentions") to APPROVE withdrawal of application CZ-127.

Application No. Z-6023

Present Zoning: AG

Applicant: Norman (McCune)

Proposed Zoning: CO

Location: E. Side of Mingo Road between 81st and 91st

Date of Application: December 7, 1984

Date of Hearing: January 23, 1985

Size of Tract: 38 Acres

Presentation to TMAPC by: Charles Norman

Address: Suite 909 Kennedy Bldg.

Phone: 583-7571

Relationship to the Comprehensive Plan:

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CO District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 38 acres in size and is located south of the southeast corner of 81st Street and Mingo Road. It is partially wooded, sloping, vacant and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by the 81st Street Airport and vacant property zoned AG, on the east by the new Tulsa Jr. College Southeast Campus zoned AG, on the south by vacant property zoned CO, and on the west by Meadowbrook Country Club zoned AG.

Zoning and BOA Historical Summary -- Corridor zoning was approved on the south half of the section, less the proposed Mingo Valley Expressway. The typical nodal zoning pattern was established on the northeast corner of 81st and Mingo.

Conclusion -- Based on the Comprehensive Plan and existing zoning pattern, the Staff can support CO zoning on the subject tract, and therefore recommends APPROVAL.

Applicant Comments:

Mr. Norman advised he is in agreement with the Staff Recommendation.

Other Comments and Discussion:

Ms. Wilson asked what was proposed for the site and Mr. Norman advised nothing was currently planned. He noted the Corridor district requires a second public hearing process at which time the property owner is required to submit the specific proposal within the range of uses permitted in the District and there would be a second notice to abutting property owners.

Z-6023 (cont'd)

Interested Party:

Mr. Buddy Bain

Address: 9902 E. 81st

Mr. Bain informed he owns the airport next to the site and he would like to know what is being proposed. Ms. Kempe informed the applicant didn't know. Mr. Bain asked if he would have an opportunity to register his comments and Ms. Kempe informed he would and noted that under CO zoning, the development is subject to a Site Plan Review and he would receive notice.

Mr. Bain informed this was a small airport which is used as a training base for pilots to practice short takeoffs and landings and advised the airport was his primary means of support.

Other Comments and Discussion:

Mr. VanFossen asked what the air rights are for this and Mr. Linker informed he could not answer specifically, but the Statutes permit airport zoning and noted the air rights could probably not be taken away from an established airport.

Mr. Gardner informed that Mr. Bain has the right to continue to operate his airport but that sometime in the future the area would probably be developed and surrounded by urban development.

TMAPC Action: 10 members present

On MOTION of VANFOSSEN, the Planning Commission voted 8-2-0 (Carnes, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; Connery, Draughon, "nay"; no "abstentions"; Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned CO:

Legal Description:

The South 27.50 feet of the West 555.75 feet of Lot 1 (said Lot 1 being the Northwest Quarter of the Northwest Quarter) of Section 18, Township 18 North, Range 14 East.....AND..... All of Lot 2, otherwise described as the Southwest Quarter of the Northwest Quarter of Section 18, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, all according to the U.S. Government Survey, containing 37.1929 acres more or less.

1.23.85:1539(17)

Application No. CZ-128

Applicant: Teague

Location: North of the NW/c of 66th St. No. & Peoria

Present Zoning: RS

Proposed Zoning: IL

Date of Application: December 12, 1984

Date of Hearing: January 23, 1985

Size of Tract: 3.89 + Acres

Presentation to TMAPC by: R. Teague (H & T Construction)

Address: P.O. Box 6636, Tulsa

Phone: 425-6338

Relationship to the Comprehensive Plan:

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District — Commercial Development Encouraged.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested IL District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis — The subject tract is 3.89 acres in size and located on the west side of North Peoria Avenue at 58th Street North. It is non-wooded, flat, contains a single-family dwelling and construction company and is zoned RS.

Surrounding Area Analysis — The tract is abutted on the north by an auto repair operation zoned RS, on the east by a mixture of residential and commercial uses zoned RS and CS, on the south by an auto salvage yard zoned IL, and on the west by scattered single-family dwellings zoned RS.

Zoning and BOA Historical Summary — Several zoning cases have been approved to allow IL zoning on the west side of Peoria Avenue.

Conclusion — The Staff notes that this area is in transition from residential to industrial. Since the Comprehensive Plan and existing conditions support the request, the Staff recommends APPROVAL of the requested IL zoning, less and except the portion west of the centerline of the railroad.

TMAPC Action: 8 members present

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young "absent") to recommend to the Board of City Commissioners that the following described property be zoned IL, less and except the portion west of the centerline of the railroad:

Legal Description:

The South 5 Acres of the East Half of the Northeast Quarter of the Southeast Quarter (E/2 NE/4 SE/4) Section 36 - T21N - R12E all in Tulsa County, State of Oklahoma.

SUBDIVISIONS:

Final Plat Approval and Release:

Charter Oak Amended (PUD #190) (1083) 76th & S. Joplin Ave. (RM-T)

The Staff advised the Commission that all release letters had been received and that final approval and release were recommended.

TMAPC Action: 8 members present

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young "absent") to APPROVE the Final Plat of Charter Oak Amended (PUD #190) (1083) and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #246-A: NW/c of E. 71st Street South & South Granite Ave.,
Corporate Oaks II, Lots 2, 3 and 4 of Area "B"

Staff Recommendation: Detail Site Plan Review

The subject tract is located at the northwest corner of East 71st Street South and South Granite Avenue approximately one-fourth mile east of Yale. The project name is Corporate Oaks and the underlying zoning for this PUD is OL. Detail Site Plan approval has been given by the TMAPC for Area "A" which is contained on Lot 1 of this plat. Construction of office buildings and parking areas is now complete on Lot 1/Area "A". The plat of Corporate Oaks is composed of Lot 1 Area "A", and Area "B" which includes Lots 2-7. The entire tract is bounded on the south by East 71st Street, on the north by East 68th Street, and on the east by South Granite Avenue. PUD #246-A was approved by the TMAPC on October 26, 1983, which affected Area "B" as follows: increased building floor area from 70,000 sq. ft. to 85,000 sq. ft.; changed the parking requirement from one space per 250 sq. ft. to one space per each 300 sq. ft.; revised the net area of all of Area "B" from 227,000 sq. ft. to 236,000 sq. ft.; and required submission of a Detail Landscape Plan prior to occupancy and not prior to issuance of a Building Permit. This Detail Site Plan Review for part of Area "B" includes the following buildings and floor areas:

Building 2/Lot 2--7,790 sq. ft.
Building 3/Lot 3--14,403 sq. ft.
Building 4/Lot 4--17,812 sq. ft.
Lot 5/no building--37 parking spaces

PUD #246-A (cont'd)

The total proposed floor area for part of Area "B" is 40,005 sq. ft. A total of 156 parking spaces is proposed and the PUD requirement of 1 space per each 300 sq. ft. is met per PUD #246-A and a part of the required parking will be provided under Buildings 3 and 4. A portion of the required parking is met on Lot 5. This parking arrangement will require the applicant to submit a Restrictive Covenant by the owners of Lots 2-7 indicating acceptance of shared parking on the various Lots within Corporate Oaks. A total minimum parking profile for this project would be as follows:

Lot 1-Area "A" at 60,000 sq. ft. of floor area with 240 spaces; and
Lots 2, 3, 4, 5, & 6/Area "B" at 85,000 sq. ft. of floor area with
284 spaces (Lot 7 is an existing pond).

Buildings 3 and 4 will abut an existing pond on Lot 7. Access to this project will be at the southeast corner with a common drive to Lot 1/Area "A" which will provide ingress and egress to South Granite.

The applicant has submitted elevation details of the various buildings which was a condition of approval of this PUD. The required plat and restrictive covenants have received final approval. Given the above review, the Staff finds the proposed Detail Site Plan for Area "B"/Lots 2, 3, and 4 to be: (1) consistent with the Comprehensive Plan, (2) in harmony with the existing and expected development of the 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 Ordinance.

Therefore, the Staff recommends APPROVAL of the Detail Site Plan for Building 2/Lot 2, Building 3/Lot 3, and Building 4/Lot 4 of Area "B", subject to the following conditions:

- (1) That the applicant's Detail Site Plan be made a condition of approval, unless modified herein.

- (2) Development Standards:

Land Area (Gross):	102,869 sq. ft.
(Net):	91,019 sq. ft.

	<u>Approved/PUD</u>	<u>Submitted</u>
Permitted Uses:	Uses permitted by right in an OL District and beauty & barber shops.	Uses permitted by right in an OL District and beauty & barber shops.

	<u>Approved/PUD</u>	<u>Submitted</u>
Maximum Building Floor Area:		
Building 2/Lot 2	7,790 sq. ft.	7,790 sq. ft.
Building 3/Lot 3	14,403 sq. ft.	14,403 sq. ft.
Building 4/Lot 4	17,812 sq. ft.	17,812 sq. ft.
Total	40,005 sq. ft.	40,005 sq. ft.
Floor Area Ratio:	.39	.39
Maximum Building Height:	2 stories	2 stories
Minimum Building Setback:		
From Centerline of So. Granite Avenue	60 ft.	60 ft.
From West Property Line	15 ft.	15 ft.
From Development Area "A"	40 ft.	40 ft.
Minimum Off-Street Parking:	1 space per 300 sq. ft. of gross floor area.*	156 spaces*
Minimum Internal Landscape Open Space/Net Area:		
	25%	55.6%

- * Fifteen (15) of the required parking spaces are provided in Development Area "B" on Lot 5 which is vacant. A total parking profile for this project would be as follows:

Area "A"/Lot 1	60,000 sq. ft.	240 spaces @ 1 space per 250 sq. ft.
Area "B"/Lots 2,3,4,5, and 6	85,000 sq. ft.	284 spaces @ 1 space per 300 square feet.
Total	140,000 sq. ft.	524 spaces

Lot 7 of Area "B" is an existing pond.

PUD #246-A (cont'd)

Thirty-seven (37) total spaces are proposed on Lot 5 which is vacant. Lot 6 is also presently vacant. The proposed parking arrangement will require the applicant to submit a restrictive covenant executed by the owners of Lots 2-7, indicating acceptance of the shared parking on various lots within Corporate Oaks and creation of a property owners association to maintain the common parking areas.

- (3) Not more than two (2) ground identification signs shall be permitted which shall not exceed 4 feet in height or 32 feet in length. The lettering on each sign shall not exceed 32 sq. ft. in surface area.
- (4) Trash and utility areas shall be screened from public view.
- (5) A Detail Landscape Plan, showing plant materials and type, shall be submitted and approved prior to issuance of an occupancy permit as a condition of approval of the Detail Site Plan.

TMAPC Action: 8 members present

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young "absent") to APPROVE the Staff Recommendation for the Detail Site Plan on PUD #246-A, subject to the conditions listed above.

PUD #179-I: Southeast Corner of East 71st Street So. and So. 92nd East Ave.
Woodland Springs I, Lot 1, Block 2

Staff Recommendation: Detail Site Plan Review

The subject tract, Area "B", is located at the southeast corner of East 71st Street South and South 92nd East Avenue and has a net area of 10.91 acres according to the PUD text. PUD #179-I is approximately 102 acres in size and is divided into six (6) development areas. Detail Site Plan approval is being requested at this time for Area "B". A total of 216 dwelling units is proposed. The development is a multifamily residential development which includes a clubhouse and swimming pool. Underlying zoning for this tract is RM-1. Internal circulation is good with curvi-linear drives and the main points of access consist of two locations for ingress and egress on So. 92nd E. Avenue. No access is proposed on E. 71st Street. A total of 401 parking spaces is proposed. The development is composed of sixteen (16) buildings. The density of

PUD #179-I (cont'd)

the proposed project is 20.7 dwelling units per acre. All main drives are proposed to be 26 ft. wide and bound by a curb or sidewalk. Staff has reviewed the proposed Detail Site Plan and finds the proposal to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the 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.

Therefore, Staff recommends APPROVAL of the proposed Detail Site Plan for PUD #179-I, Development Area "B", subject to the following conditions:

- (1) That the Detail Site Plan be made a condition of approval unless modified herein.
- (2) Development Standards for Area "B":

Land Area (Gross):	11.30 acres
(Net):	10.91 acres

	<u>Approved/PUD</u>	<u>Submitted</u>
Permitted Uses:	Townhouses, clustered patio homes and garden apartments, and customary accessory uses, including clubhouses, pools, tennis courts and similar recreational uses.	Same
Maximum Number of Dwelling Units:	226	216
Maximum Bldg. Floor Area Ratio:	.4	.35
Maximum Bldg. Floor Area:	190,096 sq. ft.	172,775 sq. ft.
Maximum Bldg. Height:	30 ft.	30 ft.
Liveability Space per Dwelling Unit:	600 sq. ft.	972 sq. ft.
Minimum Yards:	As required in an RM-1 District.	As required in an RM-1 District.
Minimum Off-street Parking:	As required in an RM-1 District or 378 spaces.	401 spaces

PUD #179-I (cont'd)

Signs:	Signs shall comply Section 1130.2(b) of the PUD Chapter of the Zoning Ordinance.	One sign 3' x 10' and a maximum of 15' above finished grade.
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- (3) That buildings and paved areas be located around natural water courses where possible. Where it is determined that it is not feasible to retain an existing water course, it will be replaced with an underground storm sewer and provisions will be made to accommodate all on-site runoff.
- (4) That due to soil characteristics of the site, the developers should use suitable methods which will counter the adverse conditions of the soil types throughout the site.
- (5) That all conditions imposed by the Technical Advisory Committee for subdivision plat approval be met as conditions of approval of the Detail Site Plan.
- (6) That all trash and utility areas be screened from public view.
- (7) That a Detail Landscape Plan shall be submitted to and approved by the TMAPC, including a landscaped area of not less than 25 ft. in width from the back of the existing and proposed curb adjacent to E. 71st Street.
- (8) That no Building Permit shall be issued until the requirements of Section 260 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, making the City of Tulsa beneficiary to said Covenants.

Comments and Discussion:

The applicant, Mr. Paul Gunderson, 8209 E. 63rd Place, was present.

Mr. Paddock asked if there was a problem if the Commission approved the Site Plan as submitted, where the submissions are less than the amounts approved. He was informed there wasn't a problem since the developer requested only what he needed for the Site Plan and the Staff recommended approval of the minimum.

Mr. Draughon asked Mr. Gunderson if he was in agreement with the Staff Recommendations and Mr. Gunderson informed he was.

TMAPC Action: 8 members present

- On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young "absent") to APPROVE the Staff Recommendation for the Detail Site Plan on PUD #179-I, subject to the conditions listed above.

There being no further business, the Chairman declared the meeting adjourned at 4:36 p.m.

Date Approved February 6, 1985

Cherry Kempe
Chairman

ATTEST:

R.B. Paddock
Secretary

