

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1546
Wednesday, March 13, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes Draughon Harris Higgins, 2nd Vice- Chairman Kempe, Chairman Paddock VanFossen Wilson, 1st Vice- Chairman Woodard	Connery Young	Frank Gardner Lasker Phillips	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 12, 1985, at 12:19 p.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 1:25 p.m.

Minutes:

On MOTION of WOODARD, the Planning Commission voted 8-0-1 (Carnes, Draughon, Harris, Higgins, Kempe, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Connery, Young, "absent") to approve the Minutes of February 27, 1985 (No. 1544).

Committee Reports:

Mr. Paddock informed that the Rules and Regulations Committee met prior to the Commission meeting today to discuss the public hearing being considered in regard to amendments of the Tulsa Zoning Code pertaining to location of oil wells and related storage tanks from residences, subdivision and City limit boundaries. He informed that the Committee was in favor of the concept involved in the proposed amendments and asked that Staff explain the amendments in detail when the public hearing was considered by the Commission.

Director's Report:

Mr. Lasker advised that INCOG was in the budget process and requested any input from the Commission in regard to what projects are important to be included in the program for next year and what the priorities should be.

3.13.85:1546(1)

Director's Report (cont'd)

He advised that the Executive Committee would consider it in April and the Board in May and noted that there was still time to consider work items which needed to be done, i.e., updating of District Plans, or undertaking of special studies which the Commission deemed to be important.

Ms. Kempe informed there were several special studies which had been considered by the Commission in 1984/85 and asked if there were sufficient funds available to undertake these studies. Mr. Lasker informed there should be sufficient funds for most items requested by the Commission.

3.13.85:1546(2)

PUBLIC HEARING:

NOTICE TO THE PUBLIC OF A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE TULSA COUNTY ZONING CODE AS RELATES TO LOCATION OF OIL WELLS AND RELATED STORAGE TANKS FROM RESIDENCES, SUBDIVISION AND CITY LIMIT BOUNDARIES.

Mr. Gardner informed there have been problems with balancing interests of homeowners and owners of mineral rights and Commissioner Selph requested that Staff draft an amendment to the language in the Zoning Code to answer these problems. Mr. Gardner informed that the following changes, in regard to oil and gas extraction, were being proposed to the County Zoning Code: Section 340 — delete item #3 (Oil and Gas Extraction); Section 440 — delete item #9 (Oil and Gas Extraction); Section 1224 (a). Use Conditions — add additional verbiage to clarify; and Section 1680.1 (General) — add item i.

Comments and Discussion:

Commissioner Harris informed there was confusion about the powers granted to local jurisdictions. Mr. Gardner explained that a well could be drilled within 200' of a residence and closer with Board of Adjustment approval; however, if the distance is greater than 300' from the residence of the surface owner, the well could be drilled and damages paid to the surface owner.

Commissioner Harris asked if all authority is on the State level or if it is divided. Mr. Gardner informed that any authority, if in writing, must be abided by. He also informed he was unsure if authority has been tested in all instances and noted that the City of Tulsa restricts drilling. Mr. Gardner further informed that setting an effective date seemed to be important.

Interested Parties:

Commissioner John Selph	Address: Tulsa County Courthouse
Bill Rice	14516 Gomez Dr., Sand Springs
Mike King	3609 S. Redbud, Sand Springs
Stan Ewing	1110 W. 23rd St.

Commissioner Selph commended Staff on its work in developing the proposed changes to the Zoning Code and that there are cases in which oil companies want to drill near subdivisions located outside incorporated areas which create problems. He also informed that he is concerned about the problems of the homeowners, as well as the mineral interest owners. He noted there had recently been drilling outside the Sand Springs City limits and the City had no jurisdiction. He advised that developers are building \$200,000 homes and oil companies are wanting to drill on the property. He felt this proposal would help mediate these types of problems and further advised that he felt the proposal to be fair since the Board of Adjustment could adjust the distance required for drilling.

Public Hearing (cont'd)

Mr. Rice informed he was a consulting engineer and an occasional developer. He recently developed 100 acres of land that is located outside the Sand Springs City limits, but has Sand Springs water service. He sold 15% of the lots, built \$130,000 homes and an oil company began drilling in the center of the subdivision. Although he knew he didn't own the mineral rights, he didn't know about the lease rights. The streets were built to County Standards, but not for oilfield equipment and wouldn't support movement of the equipment. He informed he supports the amendment.

Mr. King informed that title opinions are not sufficient protection for the landowner and was supportive of the amendment since he felt it protects persons who rely on a title opinion before buying property.

Mr. Ewing read a letter from Jack Spradling, Spradling and Associates, which stated that he was supportive of the amendment and felt some type of protection should be extended to the County for existing subdivisions which might have activity prior to the effective date of the amendment.

Other Comments and Discussion:

Mr. Carnes asked Mr. Gardner if a damage bond could be included so property owners would not have to hire attorneys and go to the Corporation Commission. He also asked if the Commission could protect the streets of subdivisions. Mr. Gardner informed that the law deals with damages and rights of the property owners if the two parties can't agree on damages.

Mr. VanFossen asked what the effective date of the amendment should be and Mr. Gardner informed he felt it should be no later than July 1, 1985, and noted that there is a proposed requirement for BOA approval for subdivisions already in effect.

Mr. Linker informed that there is a legal problem with persons who have purchased mineral rights and noted that the City of Tulsa prohibits oil and gas wells within the City limits. He advised that the City and County have the right to control oil and gas wells by zoning.

Commissioner Harris informed that the problem is when cities expand their boundaries. Oil wells may exist in the new city limits but the ordinances are not well tested in the Courts. He informed he was in agreement with the amendment as proposed and advised that he felt any decisions by the County Commission should be guided by the District Attorney's office. Commissioner Selph informed that the proposed amendment had been submitted through the District Attorney's Office and the Corporation Commission and they advised that the County has the authority to make the decisions.

Public Hearing (cont'd)

Mr. Paddock asked if additional language should be considered which would include reworking a drilling rig and he was informed it was not necessary since the Board of Adjustment would review the cases.

Mr. Draughon asked if the Commission had the authority to make these amendments and Mr. Linker informed that even if the Corporation Commission takes the position of final authority and Tulsa County take another position, it would have to be tested in the Courts.

On MOTION of VANFOSSEN, the Planning Commission voted 9-0-0 (Carnes, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Connery, Young, "absent") to recommend to the Board of County Commissioners that the proposed amendments to the Tulsa County Zoning Code as relate to location of oil wells and related storage tanks from residences, residential subdivision and city limit boundaries be **APPROVED** with an effective date notice given to owners of mineral rights at time of platting and proposed oil and gas activities within the existing subdivisions be subject to Board of Adjustment approval, and follows:

Section 1224(a).3 Use Conditions

- a. Oil and gas wells and related storage tanks shall be located 300 feet or more from any residence, provided, however, that the Board of Adjustment, under the power of Section 1680, Special Exception, may reduce this minimum setback distance if the existing physical facts and conditions in the area warrant same.
- b. Drilling of oil and gas wells is prohibited within any residential subdivision which has been approved by TMAPC and filed of record with the County Clerk of Tulsa County, after July 1, 1985; provided the subsurface mineral owners have been properly notified in writing of said pending subdivision. Drilling oil and gas wells, located within residential subdivisions zoned AG, and recorded with the County Clerk prior to July 1, 1985, shall require Board of Adjustment approval.
- c. Oil and gas wells and related storage tanks shall be located 165 feet or more from any lease line, provided, however, that the Board of Adjustment, under the power of Section 1680, Special Exception, may reduce this minimum setback distance of the existing physical facts and conditions in the area warrant same.
- d. Oil and gas wells and related storage tanks shall be located 300 feet or more from any incorporated area (excluding annexation fence lines), provided, however, that the Board of Adjustment, under the power of Section 1680, Special Exception, may reduce this minimum setback distance if the existing physical facts and conditions in the area warrant same.

Public Hearing (cont'd)

Section 1680.1 General

- i. Drilling of oil and gas wells located within residential subdivisions zoned AG, AG-R, RE and RS, which are filed of record prior to July 1, 1985.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-6029 & PUD #389 Present Zoning: RS-3
Applicant: Norman (Little Hill Foundation) Proposed Zoning: RM-0
Location: South and East of 81st and South Yale Avenue

Date of Application: N/A
Date of Hearing: March 13, 1985 (cont'd from February 27, 1985)
Size of Tract: 18 acres

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building Phone: 583-7521

Staff Presentation:

Mr. Gardner reiterated Staff's Recommendation of February 27, 1985 and informed this item had been approved in concept, but was continued to obtain the additional information requested by the Commission concerning drainage, traffic and access points to the PUD. A memo from Bill Thomas was presented to the Commission which stated that the depth of the grading cut on the southernmost drive would appear to be so severe as to be economically unfeasible and the easternmost access on 81st Street should be located atop the existing crest in order to provide adequate sight distance to the east.

Applicant Comments:

Mr. Norman informed that this area is planned for development in the summer and advised the Commission that a final determination had not been made by the City Engineer as to whether a fee-in-lieu of, or on-site detention would be required. He presented a drawing showing Yale Avenue, the proposed drives and the locations of the sight lines (Exhibit A-1), a drawing showing the profile plotted from the location of a car waiting to turn onto Yale Ave., with sight lines plotted north and south (Exhibit A-2) and a letter from Al C. Young and Associates which summarizes these drawings (Exhibit A-3). He informed that the recommended standards for traffic could be met.

Other Comments and Discussion:

Mr. VanFossen asked if traffic would see the entire car at the access point and Mr. Norman informed he was not sure. Mr. VanFossen also asked if it was anticipated that the City Engineer would require a fee-in-lieu of instead of onsite detention and Mr. Norman informed he was not certain at this time, but intended to pursue this question.

Mr. Paddock informed he felt the project was worthy of support.

Instruments Submitted: Sight Line Drawings (Exhibits A-1 and A-2)
Letter from Al C. Young & Assoc. (Exhibit A-3)

Z-6029 & PUD #389 (cont'd)

TMAPC Action: 9 members present -- Z-6029 & PUD #389

On MOTION of VANFOSSSEN, the Planning Commission voted 8-1-0 (Carnes, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Woodard, "aye"; Wilson, "nay"; no, "abstentions"; Connery, Young, "absent") to recommend to the Board of City Commissioners that Z-6029 and PUD #389 be **APPROVED** subject to the Commission's conditions of February 27, 1985, including, traffic and drainage and the notation that it appeared the City Engineer was not taking proper account of the drainage.

ZONING PUBLIC HEARING:

Application No. Z-6030 Present Zoning: RS-3
Applicant: Baker Proposed Zoning: IM
Location: South of the SE/corner of Apache & N. Yale Avenue

Date of Application: January 18, 1985
Date of Hearing: March 13, 1985
Size of Tract: 2.4 +/- acres

Presentation to TMAPC by: Bill Baker
Address: 2492 N. Darlington Phone: 836-2858

Relationship to the Comprehensive Plan:

The District 16 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 IM District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.4 acres in size and located south of the southeast corner of Yale Avenue and Apache Street. It is non-wooded, rolling, contains a single-family dwelling along with automobile storage (salvage?) and is zoned RS-3.

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

Zoning and BOA Historical Summary -- All concurred to deny IH and IM, but approve IL zoning on a portion of a tract located south of the subject tract.

Conclusion -- Although the request is not in accordance with the Comprehensive Plan, it should be noted that the Yale frontage properties are in transition from residential to industrial. The object is to allow for orderly transition without significantly impacting the residences on

Z-6030 (cont'd)

Canton Avenue. This concern led to the zoning configuration of the previous rezoning case.

Canton Avenue is a dead-end street and can only be reached from Darlington Avenue to the east. Business and industrial traffic on Canton is inappropriate.

Based on the existing land uses and the earlier zoning case, the Staff recommends DENIAL of the requested IM zoning and APPROVAL of IL zoning on the west 550' of the subject tract. Again, the Staff would note that a change in the Comprehensive Plan is needed if this request is approved.

Comments and Discussion:

Mr. Baker informed that the property was a landfill, and is not being used as a salvage yard for resale of auto parts.

Mr. Paddock asked if a change in the Comprehensive Plan would be required for approval of either the requested IM or recommended IL zoning and Mr. Gardner informed a change would be required before the end of the year.

Mr. VanFossen asked if the frontage meets the requirement for IL zoning and Mr. Gardner informed the east piece would, but the panhandle portion does not meet the necessary 150' frontage and this issue might have to go before the Board of Adjustment.

Interested Parties:

Ruth Hudson
Karen Stas

Address: 2410 N. Canton
N/A

Ms. Hudson informed she lives to the south of the property and the cars had been placed at the location only one year ago. Ms. Wilson asked how many cars were located on the site and Ms. Hudson informed there were 300-400.

Ms. Stas informed that two or three cars were no problem, but she was concerned about the value of her property and Mr. Gardner informed that applications for rezoning of property near her would be recommended for denial.

Protestants:

A petition protesting the change of zoning (Exhibit B-1), signed by seven nearby property owners, was presented and stated that the residents were opposed to the zoning change because of the noise and pollution that industrial zoning would create.

Applicant Rebuttal:

Mr. Baker informed that there were only 30-35 cars located there and advised that he was in the process of cleaning up the site.

Z-6030 (cont'd)

Other Comments and Discussion:

Commissioner Harris noted that neither of the zoning categories supports salvage and there would still need to be relief from the BOA on the frontage.

Ms. Wilson asked if the Tulsa City Code Enforcement Department had prompted the change and Mr. Baker informed it had. She asked what use was intended for the property and he advised he was trying to get rid of the cars and sell the property.

Mr. VanFossen noted the concerns of the homeowners across the street in regard to IL zoning and Mr. Gardner informed the land was not suitable for residential and was only suitable for certain types of uses, such as land-fill.

Instrument Submitted: Petition from the neighborhood. (Exhibit B-1)

TMAPC Action: 9 members present

On MOTION of VANFOSSEN, the Planning Commission voted 8-1-0 (Carnes, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Woodard, "aye"; Wilson, "nay"; no, "abstentions"; Connery, Young, "absent") to recommend to the Board of City Commissioners that IM zoning be **DENIED**, but IL zoning be **APPROVED** on the following described property, as recommended by Staff:

Legal Description:

The East 100' of Lot 9, Block 3; All of Lot 10, Block 3; All of Lot 1, Block 2, less the West 200' all in S.R. LEWIS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma.

Application No. Z-6031

Applicant: Norman (ORU)

Location: Southeast corner of 81st and Lewis

Present Zoning: IR

Proposed Zoning: OMH

Date of Application: January 25, 1985

Date of Hearing: March 13, 1985

Size of Tract: 87 Acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building

Phone: 583-7521

Relationship to the Comprehensive Plan:

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District — Oral Roberts University.

3.13.85:1546(10)

Z-6031 (cont'd)

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

Staff Recommendation:

Site Analysis - the subject tract is approximately 87 acres in size and is located at the southeast corner of East 81st Street and South Lewis Avenue. It is presently developed as the City of Faith Hospital and related medical uses. The site is landscaped with garden areas, contains three (3) buildings, parking lots and drives, and is relatively flat with a present zoning of IR Industrial Research.

Surrounding Area Analysis — The subject tract is abutted on the north across East 81st Street by Oral Roberts University which is zoned RS-3, on the south by multifamily housing zoned RM-1, on the west across South Lewis Avenue by property zoned CS and OM which contains some commercial development and on the east by RS-3, PUD #320, which is under construction for residential condominium development.

Zoning and BOA Historical Summary — Low and Medium Intensity development has been allowed on the subject tract and in adjacent areas utilizing various zoning classifications and by BOA actions.

Conclusion — The existing IR zoning provides the necessary intensity to support the present level of development on the subject tract. The .5 Floor Area Ratio is fully utilized by the existing development; however, the Floor Area Ratio of OMH at 2.0 is considered excessive if granted for the entire 87-acre tract. The existing improvements (hospital, research clinic and doctor's building) could be accommodated by rezoning only the portion of the tract which contains the three existing buildings and most of the parking lot to OMH which the Staff supports. The proposed project could be accommodated by zoning the balance of the tract OM Office Medium. OM zoning is in accordance with the Plan Map and OMH may be zoned in recognition of the existing intensity of the City of Faith without the necessity for amending the Plan Map.

Therefore, the Staff recommends that only the south 574 feet of the west 2,066 feet of the subject tract be rezoned to OMH, and the balance be zoned OM.

For the record, the OM Office Classification has the same .5 Floor Area Ratio as does IR zoning, but is more representative of the type of uses that exist and the proposed use.

Applicant Comments:

Mr. Norman informed that the area was currently zoned IR because it was earlier intended to be available for high technology research. He presented an aerial photo of the area (Exhibit C-1) and informed that ORU and the City of Faith are planning to develop a healing center which would add an additional building to the area and would include auditoriums, meeting rooms, exhibit halls, dining, etc. A change in zoning from IR to OMH was designed to cover the floor area ratio and would leave 200,000 square feet of space available for expansion.

Z-6031 (cont'd)

Comments and Discussion:

Chairman Kempe asked Mr. Norman if he was in agreement with the Staff Recommendation and he informed he was.

Instrument Submitted: Aerial Photo (Exhibit C-1)

TMAPC Action: 9 members present

On MOTION of PADDOCK, the Planning Commission voted 9-0-0 (Carnes, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no, "nays"; no, "abstentions"; Connery, Young, "absent") to recommend to the Board of City Commissioners that the south 574 feet of the west 2,066 feet of the following described property be zoned OMH and the balance zoned OM, as recommended by Staff:

Legal Description:

The south 574 feet of the west 2,066 feet of a tract of land that is part of Block One (1), "ORAL ROBERTS UNIVERSITY HEIGHTS 2ND ADDITION", an Addition of part of the Northwest Quarter (NW/4) of Section 17, Township 18 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: BEGINNING AT A POINT on the Easterly line of said Block One (1), said point being 986.05 feet Northerly of the Southeast corner thereof; thence North $0^{\circ}24'38''$ East along said Easterly line for 1606.51 feet to the Northeast corner of Block One (1); thence North $89^{\circ}48'06''$ West along said Northerly line for 2549.93 feet to the Northwest corner of Block One (1); thence South $0^{\circ}00'34''$ East along the Westerly line of Block One (1) for 1610.61 feet to a point of curve; thence Southeasterly along a curve to the left, with a central angle of $0^{\circ}00'59''$ and a radius of 350.00 feet, for 0.10 feet to the Northwest corner of UNIVERSITY VILLAGE, a resubdivision of part of said Block One (1); thence South $89^{\circ}53'47''$ East along the Northerly line of UNIVERSITY VILLAGE, and along an Easterly extension thereof, for 2538.15 feet to the POINT OF BEGINNING of said tract of land.

Application No. Z-6016 & PUD #390

Present Zoning: RMT

Applicant: Sublett (61st St. Corp.)

Proposed Zoning: OL

Location: East of 61st Street South & South 89th E. Avenue

Date of Application: October 5, 1984

Date of Hearing: March 13, 1985

Size of Tract: 3 acres

Presentation to TMAPC by: Clay Sublett

Address: 7030 S. Yale, Suite 606

Phone: 492-1707

Relationship to the Comprehensive Plan:

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

3.13.85:1546(12)

Z-6016 & PUD #390 (cont'd)

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

Staff Recommendation -- Z-6016:

Site Analysis -- The subject tract is approximately 3 acres in size and located at the northeast corner of East 61st Street and South 89th East Avenue. It is non-wooded, flat, vacant and zoned RM-T.

Surrounding Area Analysis -- The tract is abutted on the north by a developed single-family subdivision zoned RS-3, on the east by vacant property and a developed townhouse project zoned RM-T, on the south by mostly vacant property zoned RM-1 and on the west by duplex development zoned RS-3.

Zoning and BOA Historical Summary -- Low intensity townhouse development has been allowed on the subject tract and RM-1 apartment zoning is abutting to the south.

Conclusion -- This case was originally heard by the TMAPC on November 28, 1984, at which time the TMAPC and Staff concurred in recommending denial to the City Commission. A petition in support of OL zoning was signed by area residents and presented at that meeting. The City Commission has referred this case back to the TMAPC for rehearing in conjunction with the recently filed PUD #390. The Staff is supportive of the proposed PUD #390 office project, providing the Planning Commission approves enough OL zoning to accommodate the project.

For the record, OL zoning (395' E-W x 245' N-S) totalling nearly 97,000 square feet is required to accommodate the proposed project. A Plan Map Amendment will also be necessary if OL zoning is approved (Low Intensity - N.S.L.U.).

Staff Recommendation -- PUD #390

The subject tract is located at the northeast corner of South 89th East Avenue and East 61st Street and has a net area of 2.3 acres. The previous rezoning case (Z-6016 requesting OL) was recommended for denial by the Staff and TMAPC, and referred back to the TMAPC by the City Commission, based on the applicant filing this PUD. The tract is abutted on the north by single-family residences, on the west by single-family residences and duplexes, and on the east by a townhouse development. Property south of East 61st Street is mostly vacant at this time although zoned RM-1.

The proposed development is a one-story office building with a floor area of 38,700 square feet. The office is to be located near the north boundary with a privacy fence along the north and a 20-foot landscape buffer behind the building and fence. A 10-foot landscape buffer should also be extended along the entire north boundary to connect with the

Z-6016 & PUD #390 (cont'd)

proposed 20-foot landscape buffer as a condition of approval. A screening fence and 10-foot landscape buffer is proposed along the east boundary as reflected on the site plan. The Outline Development Plan and Text indicates ingress and egress on the west from South 89th Street and two curb cuts on 61st Street. A recommended condition of approval is that no access be granted from the residential collector street on the west for the proposed office building and that a 10-foot landscaped berm (in addition to City right-of-way) be provided uninterrupted along the west boundary of the project and South 89th East Avenue as a buffer for adjacent residential areas, some of which front onto the subject property. It is further recommended that the architectural character of the north side of the building (the rear of said building) be of comparable architectural design and materials as used on the front of this building to assure compatibility with abutting single-family residences.

The Staff is supportive of the project if the Commission approves OL zoning. (Suggested Configuration: South 245' of the west 395' measured from the centerline of abutting streets.)

Given the above review and modifications, the Staff 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 of the Zoning Code.

Therefore, the Staff recommends approval of PUD #390, subject to the following conditions and modifications:

- (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):	128,938 square feet	2.96 acres
(Net):	100,188 square feet	2.30 acres

	Submitted	Recommended
Permitted Uses:	As permitted in an OL District, excluding funeral home uses.	As permitted in an OL District, excluding funeral home use and drive-in bank facilities.

Maximum Floor Area:	38,700 sq. ft.	38,700 sq. ft.
Maximum Floor Ratio:	.3 (total site)	.4 (of suggested zoning configuration)

Minimum Building Setbacks:

From North Boundary	20 feet	20 feet
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Z-6016 & PUD #390 (cont'd)

From Centerline of E. 61st	100 feet	100 feet
From East Boundary	10 feet	50 feet
From Centerline of S. 89th	56 feet	50 feet
Maximum Building Height:	1-story	1-story
Minimum Off-Street Parking:	As required in the Zoning Ordinance.	As required in the PUD Chapter of the Zoning Ordinance.
Minimum Landscape Open Space:	Not Stated.	15%*
Signage:	As required in the Zoning Ordinance.	As required in the PUD Chapter of the Zoning Ordinance.

* Landscaped open space includes exterior landscaping buffers, landscaped yards and plazas, pedestrian and park areas, but excludes arterial and other street landscaped areas.

- (3) That the north side of the building shall be architecturally compatible in treatment and materials with other building facades.
- (4) That any parking lot lighting be constructed and shielded in such a manner as to direct light downward and away from adjacent residential areas.
- (5) That trash and utility areas be screened from public view and be located at least 25 feet or more from the rear property line.
- (6) That a Detail Landscape Plan shall be submitted to, and approved by, the TMAPC prior to granting an Occupancy Permit, and that a 6-foot screening fence be provided along the north and east boundaries, plus a 10-foot landscape buffer along the east, west and entire north boundaries, increasing to 20 feet between the building and the north perimeter line and a 10-foot landscape berm at the west boundary.
- (7) That a Sign Plan be submitted to, and approved by, the TMAPC prior to granting of an Occupancy Permit. All signage shall meet the Zoning Code requirements and free-standing signs shall be limited to the 61st Street frontage.
- (8) That no access point be permitted on South 89th East Avenue.

Z-6016 & PUD #390 (cont'd)

- (9) 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:

Mr. Paddock asked if the City Commission heard this case on February 7 and Mr. Gardner informed it was heard and referred back to the TMAPC due to filing of the PUD. Mr. Paddock also asked if the berm would be interrupted and Mr. Gardner informed it should be included in item 6 of the Staff Recommendation.

Mr. VanFossen asked if OL zoning could be supported and Mr. Gardner informed that if the Commission could support the project, this would guarantee approval of the zoning.

Ms. Higgins asked if this was spot zoning and Mr. Gardner informed it is, but it would be okay if it is considered compatible with the area and noted that the area residents prefer office use to apartments.

Ms. Wilson noted that there were no interested parties present and asked how Staff knew they were in favor of the proposal. Mr. Gardner informed that a petition was submitted in the original presentation.

Applicant Comments:

Mr. Sublett informed he had contacted the surrounding property owners and they were confused about the complexities of a PUD, but are in favor of the proposal. In regard to denial of an access point on 89th Street, but the recommendation for two access points on 61st Street, he informed he could live with Staff's Recommendation.

Other Comments and Discussion:

Mr. Paddock informed that he was concerned about "nibbling away" at zoning and informed he was concerned with the developments to the east.

Ms. Wilson asked if the question of access points on 89th Street should be left open by stating there would be no access on the north half of the site and Mr. Gardner suggested approval of the Staff Recommendation and allow the applicant to return if access is changed.

TMAPC Action: 9 members present — Z-6016 & PUD #390

On MOTION of VANFOSSEN, the Planning Commission voted 9-0-0 (Carnes, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no, "nays"; no, "abstentions"; Connery, Young, "absent") to recommend to the Board of City Commissioners that the South 245' of the West 395' of the tract, measured from the centerline of abutting streets of the tract, be zoned OL as recommended by Staff and APPROVAL of PUD #390, subject to the Staff's conditions, with item (6) amended to include a 10' landscape berm on the west boundary of the property.

Z-6016 & PUD #390 (cont'd)

Legal Description — Z-6016

The South 245' of the West 395' measured from the centerline of abutting streets of a tract described as Lots 1 through 33, Block 1 Farmington Addition to the City of Tulsa, Tulsa County, Oklahoma.

Legal Description — PUD #390:

A tract of land, containing 2.7548 acres, that is part of the S/2 of the SW/4 of the SE/4 of the SE/4 of Section 36, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: "BEGINNING AT A POINT", that is the Southwest Corner of the SE/4 of said Section 36; thence N 00°05'54" W along the westerly line of said SE/4 for 300.00'; thence N 89°59'40" E and parallel to the southerly line of Section 36 for 400.00'; thence S 00°05'54" E and parallel to the westerly line of the SE/4 for 300.00' to a point on the southerly line of Section 36; thence S 89°59'40" W along the southerly line of Section 36 for 400.00' to the "POINT OF BEGINNING" of said tract of land.

Application No. PUD #391

Present Zoning: (RS-3)

Applicant: McConnell

Location: W of the SW/corner of 68th & Garnett Rd. (Southbrook V Addition)

Date of Application: January 31, 1985

Date of Hearing: March 13, 1985

Size of Tract: 1.32 acres

Presentation to TMAPC by: Kenneth McConnell

Address: 3601 E. 51st, Suite 101-A

Phone: 749-1661

Staff Recommendation:

The subject tract is a triangular-shaped piece of land which has an area of approximately 1.32 acres and is presently zoned RS-3 Single-family Residential, but limited to detention. The subject tract was created for drainage and retention purposes because it was first thought that possibly all of the lot would be needed for drainage purposes. Now that the development improvements have been completed, it has been determined that only approximately the eastern 60 to 80 feet will be needed. The proposed use of the tract is for construction of three (3) duplexes (six units total), which will be lotted for individual sale and have access from 68th Street by a mutual access easement and private street to be constructed between two existing single-family residences. The single-family residences in the adjacent subdivision to the north, Southbrook II, have been completed and are existing. The rear yards of the existing houses will abut the private street which will serve the proposed duplexes and thus create a double frontage situation for several lots and a triple street frontage for Lot 4. The subject tract also abuts and RS-3 tract on the south and an AG zoned tract with single-family residences on the east. The Staff recognizes the difficulty that the location and shape of the tract presents to development, but does not consider this sufficient justification for allowing duplex use in the RS-3 area under this street arrangement.

PUD #391 (cont'd)

The applicant is attempting to utilize the property in a manner that it was not designed to accommodate. The area was planned for drainage, not residential development. The drainage easement extending to this tract from 68th Street is grassed side yards for the two adjoining residences (a drainage swale). Double and triple street frontage lots would be created if developed as proposed. Access to this tract should come from the south if it is to be developed. There would be 37 feet of setback from the street curb to the nearest single-family residence if this was a typical 50-foot dedicated width street right-of-way. There will be 15 feet or less of setback between the nearest single-family residence and the proposed street paving. Loss of privacy, increased noise, congestion, etc., are all negative factors for the existing two homes on either side of the private drive if the project is developed.

Duplexes are often used as buffers if they are backing to the single-family and if street access is separated. These conditions do not exist; therefore, Staff recommends DENIAL of the proposed 6 units.

For the record, even single-family detached homes create most of the same problems for the existing homes in the area.

Questions and Comments:

Mr. VanFossen asked Mr. Gardner if this site was originally platted detention and Mr. Gardner informed it was and noted that the east 70'-80' can accommodate drainage for the area.

Mr. Paddock asked if the Engineering Department was in a rut and noted the hydrology report had allowed the developer to make a determination as to whether a fee-in-lieu of detention or on-site detention would be accomplished for development. He also asked how much attention the Engineering Department pays when the hydrology report is prepared since this area was originally platted detention.

Applicant Comments:

Mr. Joe Donaldson represented the applicant and informed that this was part of the Southbrook II Addition which was set up when the City required on-site detention. He presented a plot plan of the site (Exhibit D-1) and noted that the drainage crosses Garnett to the southeast. He advised that a fee-in-lieu of on-site detention would be paid because the original drainage of the Southbrook Addition covered this tract. He advised that the plat had been approved by the Technical Advisory Committee with a question about fire protection.

Other Comments and Discussion:

Mr. VanFossen asked if the subject tract was designated not to be developed when the other portion was developed. Mr. McConnell, the applicant, informed that when Southbrook was platted this tract was designated as a block and he felt this would be an appropriate buffer. He further informed that it was not designated as detention.

PUD #391 (cont'd)

Mr. Paddock asked if the storm sewer was designed for 100-year floodplain and he was informed it was.

Interested Parties:

Gerald Eaker
Hilda Zimbler

Address: 11112 E. 68th Street
11108 E. 68th Street

Mr. Eaker informed the proposed street would run next to his property and he was concerned because he was told, when he purchased his home three years ago, that the pie-shaped lot was drainage. He also informed he felt the development would devalue his property, no what matter type of homes were built.

Ms. Zimbler presented three petitions from the neighborhood (Exhibit D-2) and informed she thought the property was drainage. She informed she had spoken with the Park Department and had been informed they might purchase the land if the zoning is dropped and a Homeowners' Association started. She felt the detention area is necessary and this development would devalue her property.

Additional Comments and Discussion:

Commissioner Harris informed he felt this development violates several basic development standards and noted that this PUD was in violation of the public agreement on file.

Applicant Rebuttal:

Mr. Donaldson informed there would be no construction on the detention area or the easement.

Other Comments:

Mr. VanFossen informed he could only support the development if every homeowner supports it.

Instruments Submitted: Plot Plan (Exhibit D-1)
Three Petitions from the Homeowners (D-2)

TMAPC Action: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Draughon, Harris, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no, "nays"; no, "abstentions"; Connery, Higgins, Young, "absent") to recommend to the Board of City Commissioners that the following described PUD #391 be **DENIED** as recommended by Staff:

PUD #391 (cont'd)

Legal Description:

Lot Seventeen (17), Block Six (6), SOUTHBROOK II ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma.

Application No. CZ-133

Present Zoning: AG

Applicant: Patton (Peterson)

Proposed Zoning: CS

Location: N. of the NW/corner of W. 209th W. Ave. & U.S. 64

Date of Application: January 31, 1985

Date of Hearing: March 13, 1985

Size of Tract: 5 acres

Presentation to TMAPC by: Daniel Patton

Address: P.O. Box 396, Sand Springs

Phone: 245-9346

Relationship to the Comprehensive Plan:

The District 23 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract; however, the Sand Springs Comprehensive Plan designates the subject tract for agriculture.

Staff Recommendation:

Site Analysis — The subject tract is approximately 5 acres in size and located north of the northwest corner of 209th West Avenue and the Keystone Expressway. It is non-wooded, flat, vacant and zoned AG.

Surrounding Area Analysis — The tract is abutted on the north, west and east by vacant property zoned AG, and on the south by single-family dwellings on large lots zoned AG.

Zoning and BOA Historical Summary — CS and CG zoning has been approved at the intersection of 209th West Avenue and the Keystone Expressway on the north and south corners.

Conclusion — Although there is commercial zoning in the area, it is limited to the major intersection node (activity center). The northern limit of commercial zoning is the subject tract's south property line. This zoning line exists east across 209th West Avenue. When reviewing the subject tract for rezoning to commercial, the precedent of rezoning the subject property will lead to strip zoning beyond the commercial node in violation of the Development Guidelines. The Staff cannot support CS commercial zoning on the subject tract which will also isolate single-family between commercial districts. The northern limit for commercial zoning is established east across 209th West Avenue — property presently zoned CG.

Based on these reasons, the Staff recommends DENIAL of CS on the subject tract.

CZ-133 (cont'd)

Discussion:

Staff informed that a letter from the Sand Springs Board of City Commissioners had been received (Exhibit E-1) which recommended approval of the application, but suggested that CG zoning might be more appropriate.

Mr. Carnes advised he felt this corner might warrant special study in regard to suggested uses.

Applicant Comments:

Mr. Patton informed that this is the last corner in the area that is available for commercial development. He further informed that Pat Treadway, Sand Springs City Planner, recommended that the area be rezoned CG all the way to the fenceline.

Comments and Discussion:

Mr. VanFossen asked why Staff was opposed to the proposal when Sand Springs was recommending approval. Mr. Gardner informed that the Comprehensive Plan does not recognize commercial in this area; therefore, Staff is opposed to it.

Mr. Carnes asked if this case could be continued to further discuss what uses would be permitted under the Comprehensive Plan and Mr. Gardner informed that by recommending approval, Sand Springs has said, in effect, that its Plan is inappropriate.

Commissioner Harris informed that Sand Springs technically had no jurisdiction in this area and advised that the County Commissioners have the authority for the zoning.

Mr. Paddock asked if this area could be considered for less intense zoning and Mr. Gardner advised that OL zoning could be allowed on the north end of the tract as a buffer.

Instrument Submitted: Letter from City of Sand Springs (Exhibit E-1)

TMAPC Action: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 7-1-0 (Carnes, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; Harris, "nay"; no, "abstentions"; Connery, Higgins, Young, "absent") to recommend to the Board of County Commissioners that CS zoning be **DENIED** on the following described property as recommended by Staff:

Legal Description:

Begin 65' West and 705' North of the southeast corner NE/4 SE/4 to the "POINT OF BEGINNING". Thence West 433.60', North 466.69', East 498.60', South 236.89', West 65', South 229.80' to the POB, all in Section 3-T19N-R10E, Tulsa County, State of Oklahoma.

SUBDIVISIONS:

Final Approval and Release

Mayfair Courts (PUD #359) (1283) 7600 Block South Memorial Drive (RM-1)

Staff informed that all release documents had been received and final approval and release was recommended.

Comments and Discussion:

Mr. Draughon asked about drainage and Mr. Frank informed that drainage matters would be handled during development. Ms. Wilson advised that the plat is not released until the drainage question is resolved.

Dale Ward, the applicant, informed that the hydrology calculations and storm sewer question were approved by the City Engineer

Ms. Wilson asked if there is water detention and she was informed there is.

TMAPC Action: 8 members present

On MOTION of PADDOCK, the Planning Commission voted 7-0-1 (Draughon, Harris, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no, "nays"; Carnes, "abstaining"; Connery, Higgins, Young, "absent") to **APPROVE** the final plat on Mayfair Courts (PUD #359) (1283) and release same as having met all conditions of approval.

There being no further business, the Chairman declared the meeting adjourned at 5:00 p.m.

Date Approved March 27, 1985

Cherry Kempe
Chairman

ATTEST:

Marilyn S. Wilson
Secretary
1st vice-Chair.

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