

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 1937

Wednesday, July 28, 1993, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard	Dick	Gardner	Linker, Legal
Broussard	Neely	Hester	Counsel
Carnes, 2nd Vice Chairman	Pace	Stump	
Doherty, Chairman			
Horner			
Midget, Mayor's Designee			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, July 27, 1993 at 10:38 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:38 p.m.

**Minutes:**

Approval of the minutes of July 14, 1993, Meeting No. 1935:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Neely, Pace, "absent") to **APPROVE** the minutes of the meeting of July 14, 1993 Meeting No. 1935.

**REPORTS:**

Chairman's Report:

Call for public hearing to consider amendments to the Comprehensive Plan relating to Riverside Drive.

Chairman Doherty announced that the public hearing was tentatively set for August 18, but after discussion among the Planning Commissioners, it was decided that it should be set for August 25, 1993 to avoid scheduling conflicts.

**TMAPC Action; 7 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Neely, Pace, "absent") to **DIRECT** Staff to set a **PUBLIC HEARING** for August 25, 1993 to consider amending the District Plan Maps and Texts for Planning Districts 6, 7, and 18 (text only) a part of the Comprehensive Plan for the Tulsa Metropolitan Area as regards to the Riverside Parkway and to amend the Tulsa City-County Major Street and Highway Plan regarding Riverside Parkway.

\* \* \* \* \*

Chairman Doherty reported that the City Council will have the second reading of the landscape ordinance at the July 29 meeting.

**Budget and Work Program Committee**

Ms. Wilson announced that the Budget and Work Program Committee met to review the fourth quarter fiscal year 1993 budget. She highlighted the 1994 work program and budget.

**Comprehensive Plan Committee**

Mr. Carnes advised that at the July 21 work session, the Comprehensive Plan Committee recommended that a public hearing be set for September 1, 1993 to consider rezoning to RS-4 for areas previously blanket-zoned in the Barton, Wells and Hillcrest neighborhoods. Hearing no objection, the public hearing was set for September 1, 1993.

**Rules and Regulations Committee**

Mr. Parmele requested a public hearing be set to consider a zoning text amendment to the definition of adult bookstore on September 15, 1993.

Mr. Parmele reported on the Rules and Regulations Committee meeting held today with interested parties to discuss the proposed landscaping ordinance. He conveyed the consensus of the committee to add language giving the Planning Commission a broader interpretation and to provide more relief for those under alternative compliance. Of consideration would be size of the lot, location, size of building being proposed, any hardships being imposed upon the owner, planting in City right-of-way, if possible, and for appeal to the Planning Commission within 10 days of the date of denial. Mr. Parmele advised that it was the suggestion of the Rules and Regulations Committee to proceed with the ordinance with the above comments relayed to the City Council, and with the understanding that the Planning Commission will follow-up with a policy to be adopted by the Council outlining areas where relief could be granted, but not site-specific. Mr. Parmele also noted that a registered architect is to be included with the list of landscape architects as persons able to certify proper installation of landscaping.

Chairman Doherty advised that he would like to explore the request made by developers to include relief from the number of parking spaces required.

Director's Report

Mr. Gardner reported on items on the City Council Agenda for July 29. He also noted that the agenda lists discussion on complaints about code enforcement.

CONTINUED ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.: PUD 364-A

Applicant: Roy Johnsen

Location: North and east of the northeast corner of 101st Street  
South and Mingo Road.

Date of Hearing: July 28, 1993

Presentation to TMAPC: Roy Johnsen

Staff Recommendation

The applicant is requesting to convert areas of PUD 364 from multi-family residential, office and commercial uses to commercial and single-family residential or church use. Approximately 17.5 acres of multifamily development, 5.1 acres of commercial and 1.5 acres of office (office area A) would be changed to 24.1 acres of single-family development, of which 6.7 acres might be used as a church site. An additional 0.4 acres of multifamily along Mingo Road would be converted to commercial.

Staff is generally supportive of the proposed change, with the exception of the 75' extension of commercial along Mingo Road in Development Area B. This area would be surrounded on three sides by single-family residential and would aggravate the existing inconsistent development patterns proposed along Mingo Road. The west side of Mingo Road would have commercial development to 400' north of 101st St., then single-family development. The east side would have commercial development to 835' north of 101st St., then single-family development. Staff believes Development Area 3 should be limited to single-story Use Unit 11 uses to provide a buffer for the residential areas.

Staff has also reviewed the street and lot layout of the concept plan for the enlarged single-family residential area. Since the actual subdivision layout will be evaluated in detail when a sketch or preliminary plat is submitted, no detailed analysis of the conceptual layout will be made other than to say Staff cannot support it.

The applicant has also proposed to change the PUD restrictions on the 10 acres of commercial at the corner of 101st St. and Mingo Rd.



**Minimum Parking Area Setback** (church use)  
 From residential area boundary 10'  
 From centerline of Mingo Road 60'

**Minimum Landscaped Area** (church use) 15% of net

**Bulk and Area Requirements**  
 (Use Unit 6 uses) As provided within an RS-3 district.

**DEVELOPMENT AREA 3**

**Land Area** (gross) 1.27 acres

**Permitted Uses** Use Units 5 and 11

**Maximum Floor Area** 13,042 SF

**Maximum Building Height**  
 Use Unit 11 uses 1 story  
 Use Unit 5 uses 35'

**Minimum Building Setbacks**  
 From residential area boundaries  
 Use Unit 11 uses 15'  
 Use Unit 5 uses 50'  
 From centerline of Mingo Road 100'  
 From abutting commercial area 0'

**Minimum Parking Area Setback**  
 From residential area boundaries 10'

**Minimum Landscaped Area** 15% of net

3. No Zoning Clearance Permit shall be issued for a Use Unit 5 or 11 uses within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for any Use Unit 5 or 11 uses shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within the PUD for any Use Unit 5 or 11 uses until a Detail Sign Plan has been submitted to the TMAPC and

approved as being in compliance with the approved PUD Development Standards.

6. All trash, mechanical and equipment areas of any Use Unit 5 or 11 uses shall be screened from public view by persons standing at ground level.
7. All parking lot lighting for Use Unit 5 or 11 uses shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet.
8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
9. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code has 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 beneficiary to said Covenants.
10. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

**AND**

**PUD 364-3** Minor Amendment - northeast corner of 101st Street South and Mingo Road.

The applicant is requesting to alter the development standards for a 660' by 660' tract at the southwest corner of PUD 364. This is being done in conjunction with major amendment PUD 364-A, which proposes to convert multifamily, office and commercial areas to primarily single-family residential areas with one acre of commercial. This major amendment eliminates the former office and multifamily areas which were intended to buffer single-family areas from commercial uses. Staff recommends the following new development standards for this portion of the PUD.

<b>Land Area</b> (gross)	10 acres
<b>Permitted Uses</b>	As permitted by right within a CS district excluding Use Unit 12a uses.
<b>Maximum Building Floor Area</b>	109,800 SF

**Maximum Building Height**

Within 100' of a residential area 1 story (14')  
Other areas 2 story (28')

**Minimum Building Setbacks**

From a residential area 50'  
From centerline of Mingo Road 100'  
From centerline of 101st Street 50' plus the  
planned right-of-  
way

**Minimum Landscaped Area** 15% of net

**Buffering requirements are as follows:**

1. A landscaped area of not less than 15' in width shall be provided along the common boundary with an abutting residential area.
2. A screening fence shall be erected and maintained along the common boundary with an abutting residential area.
3. No trash receptacle shall be located within 50' of an abutting residential area.
4. Trash and mechanical equipment areas shall be screened from public view. No trash or recyclable materials shall be stored outside unless in a container screened from public view.
5. The exterior finish of side and rear walls shall be of the same materials as the front buildings wall. Smooth faced concrete block and metal sheeting exterior walls shall be prohibited.
6. No second story windows which are within 200' of a residential area shall face that residential area.
7. No truck trailers shall be used for storage and no open air display or storage of merchandise offered for sale is permitted within 300' of a residential area.
- \*8. All parking lot lighting for Use Unit 5 or 11 uses shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet.

\*Condition added at the TMAPC meeting.

Applicant's Comments

Mr. Johnsen distributed a statistical analysis and original site plan map of the subject property to the Planning Commission. He gave a detailed description of the history of the subject property

and surrounding area. Mr. Johnsen noted from a land use and compatibility viewpoint, a matter of difference is the 85' extension of commercial along Mingo. He explained that in view of the decrease in overall commercial and increase in density previously approved, the request for the commercial extension along Mingo is a very modest request. Mr. Johnsen stated that Staff recommends this extension be limited to office use and the applicant wants retail use for a cleaners. He presented an alternative to locate the cleaners on Mingo, adjacent to the southeast corner of the 10-acre tract. Since this is an entry to a subdivision on the south side of 101st, the applicant did not feel it would be appropriate. Mr. Johnsen pointed out that the commercial at the west side of Mingo, although smaller than the subject tract, is not a PUD and is presently under construction with no buffer except a screening fence between the rear of commercial buildings and single-family lots.

Mr. Johnsen advised a point of major difference is in PUD 364-3 because of conditions placed on the commercial portion of the subject tract. He requested the setback be 10' plus 2' for each foot of height which exceeds 15', but not less than 45'.

Regarding trash receptacles located within 50' of an abutting residential area, Mr. Johnsen asked that this be amended to 35' to avoid placement at the ends of buildings.

Regarding condition #5, Mr. Johnsen requested the first sentence be deleted which states, "The exterior finish of side and rear walls shall be of the same material as the front building's wall."

Regarding PUD 364-A, Mr. Johnsen informed of a conversation with an individual residing adjacent to the proposed church site. That individual expressed concern with setbacks, etc. He advised that the party preferred that there be no fixed setback regarding parking area and this be determined at the detail site plan review, to which his client is agreeable. He addressed bus parking and advised that the applicant would be agreeable to a reasonable standard regarding this. Mr. Johnsen also informed that the applicant would be agreeable to setbacks regarding out-buildings. He suggested 100' for both bus parking and out-buildings..

In closing, regarding the 85' strip of commercial extension, Mr. Johnsen advised that use as a cleaners is what the applicant is seeking, and would accept as a condition that any retail use be limited to cleaners; reasonable conditions that the north and east, which would be abutted by single-family, that in site plan review there be detailed review of lighting, building materials, elevation, reasonable sign standards, etc. Mr. Johnsen advised that it will be the applicant's single-family residences which will be backing to the proposed cleaners. He advised of another alternative mentioned regarding Development Area 3, which is relocating the street to the north and bring it down to form the north boundary of Development Area 3.

Interested Parties

**Bylnda Hogan**

**9728 E. 97th Street 74133**

Ms. Hogan, representative of Woodbine Homeowners Association, expressed support of the change from multifamily to single-family, and requested continuance of the application until detail plans are available for residential and proposed church usage. Ms. Hogan submitted a petition in opposition to the extension to the south of the residential road, South 100 East Place.

Chairman Doherty informed Ms. Hogan her request for continuance is not timely and addressed her concerns about not having all the details for development of the entire parcel.

Ms. Hogan requested the following list of conditions be imposed for church use:

1. Buildings
  - a. No trailers or temporary structures.
  - b. No outbuildings or storage sheds.
  - c. Only use of brick, mortar, or wood.
  - d. No viewing windows higher than 10' from ground; none facing residential within 100'.
  - e. 35' height, 1 story.
2. Drainage
  - a. All runoff contained onsite.
  - b. No increase to any adjoining residential area
  - c. Certified by P/E.
3. Setbacks
  - a. 100' all structures from residential
  - b. 50' all parking
  - c. Trash and mechanical - 100', covered and screened.
4. Parking
  - a. Hard surface only.
  - b. Maximum amount of parking area restriction needed.
  - c. No vehicles parked (nonemployee; more than 8 hours) within 100' of residential that are more than 6' in height.
5. Lighting
  - a. No lot lighting later than 10 p.m.
  - b. No standards higher than 12'.
  - c. Facing away from residential and downward.
6. Landscaping and Screening
  - a. 15% minimum.
  - b. Detailed plan.
  - c. Privacy fencing.
  - d. Treed landscape buffer on residential perimeter.
  - e. Must be continually maintained to initial standards.

7. Uses

- a. No day care or day school.
- b. Inside not later than 11 p.m.
- c. Outside not later than 9p.m. No activity within 100' of residential.

Chairman Doherty explained that Stormwater Management approves drainage; building and zoning codes cover parking lot construction; disallowing trailers can be a condition of approval; the applicant proposes no out-buildings within 100'; and no long term parking for a mobile home within 100'. He indicated areas of concern which will be addressed at the detail site and landscape plan.

**Carol Friesen**

**9725 S. 95th East Avenue 74133**

Ms. Friesen, representing Cedar Ridge Village Homeowners Association directly across Mingo from the subject tract, expressed concern over increased traffic flow this development will cause. Ms. Friesen voiced support of single-story office usage on the 85' extension and no late night activities. She expressed opposition to a dry cleaners at the subject location.

**Linda Watts**

**10205 E. 101st Street, Broken Arrow 74011**

Ms. Watts expressed concern over increased water runoff from the proposed development. Ms. Watts cited existing problems with water detention due to the development of Woodbine and Grace Fellowship Church developments.

Chairman Doherty informed Ms. Watts that Stormwater Management is the department which controls design of drainage considerations.

**Ken Smith**

**9916 E. 99th Street 74133**

Mr. Smith addressed the proposed extension of 100th Street in the existing Woodbine Addition connecting with 101st Street. He explained that presently this area is a greenbelt area and would require construction of a bridge across a ravine. Mr. Smith advised that he believes it would be more appropriate for it to remain as a dead-end and maintain the greenbelt area as a buffer between residential areas. He voiced concern over additional traffic flow into the neighborhood caused by the connection on the south end of the neighborhood.

Chairman Doherty explained that by not connecting the street, the Planning Commission would be violating subdivision regulations by creating a cul-de-sac with only one point of access out of the existing addition.

Mr. Smith urged the Planning Commission to ensure appropriate buffering to existing homes and preserve as many trees as possible.

Other Interested Parties Present

**Nelda Taylor**

**9722 E. 97th Street 74133**

**Debbie Woodruff**

**9907 S. 100th East Place 74133**

### Applicant's Rebuttal

Mr. Johnsen reported of meetings with area residents in which he found support for this application of replacing multifamily with the proposed development concept. He reiterated that this is a substantial decrease in intensity over what was previously approved. Regarding church use, Mr. Johnsen advised that most of the standards met with approval of the applicant. Mr. Johnsen reviewed the conditions presented by Ms. Hogan and acknowledged acceptance of all but the wording regarding use of brick, mortar and wood and requested to adopt the wording of Staff recommendation. Regarding the condition of no viewing windows higher than 10' from ground level. He agreed that condition was appropriate on any walls directed towards the residential area.

It was agreed by the applicant and Planning Commission that parking setbacks would be more appropriately discussed under detail site plan.

Regarding lot lighting, Mr. Johnsen pointed out that because of evening activities at churches, a restriction on light standards might be appropriate, but turning off the lights would not be acceptable.

Chairman Doherty suggested that since lighting is directed away from the neighborhood and the standards are for overall security, interested parties may wish for 24-hour lighting.

Regarding uses, Mr. Johnsen asked that the customary accessory uses that churches have be allowed.

Regarding street alignment, Mr. Johnsen advised that the original site plan submitted shows the extension of 100th Place traveling in a straight line, north to south, to 101st Street. In meeting with area residents they expressed concern about that street being open. The developer indicated that he will do as instructed by the Planning Commission.

Regarding requested use as a cleaners, Mr. Johnsen deemed this to be a reasonable use, since the single-family across from the area abuts it and will be screened. He advised that at site plan review, the applicant will accept reasonable standards on the north, east and west to make it a good use. Mr. Johnsen advised that the applicant will accept limitation to cleaners, office or single-family. He advised that the cleaners use is low-intensity in many ways, and the applicant's lots will be backing the subject property. Mr. Johnsen pointed out that this is only an 80' extension of existing commercial zoning.

### TMAPC Review Session

Chairman Doherty declared that there is concurrence on most points. It was the consensus of the Planning Commission to allow set-back from residential of 45' versus Staff recommendation of 50', imposition of CS standards, as suggested by the applicant with concurrent limitations on building height.

Mr. Gardner advised that Staff could agree with a 45' building setback, provided buildings do not exceed 28' in height; and 35' on trash receptacles subject to site plan approval. Item #5 is the applicant's language, and Staff can agree with striking the first sentence, and would add lighting standards as requested.

Regarding the PUD, Mr. Gardner advised that Staff agrees with 100' setback for out-buildings or large vehicles, appropriate setback and screening of parking areas from residential areas which would be subject to a detail site plan, but in no instance less than 10'. The applicant expressed agreement. Regarding Development Area 3, Staff can agree with Permitted Uses of Use Units 5, 6, and 11; applicant's proposal is Use Unit 15.

Chairman Doherty then reviewed each of the conditions requested by Ms. Hogan and it was the consensus of the Planning Commission to agree with all but the following:

No outbuildings or storage sheds, final decision to be deferred until site plan review.

Setback 50' for all parking to be deferred to detail site plan review for exact design.

Trash and mechanical setback, 100' covered and screened, no cover enclosing mechanical equipment.

Regarding maximum amount of parking area restrictions, they need to be dealt with at detail site plan.

No vehicles parked within 100' of residential area that are more than 8' in height.

Regarding the restriction on hours of lighting not later than 10 p.m., Chairman Doherty suggested the restriction on hours be stricken due to security.

The above relates to Development Area 2. Chairman Doherty advised that Staff will develop the appropriate exact language.

Mr. Parmele questioned whether the language stating no smooth concrete block or metal is sufficient, or if more detail is needed for how the front and rear elevation conforms. He noted that it may be more appropriate to have a larger setback in the commercial area since there is no buffer, and it may be more appropriate to have an increased setback of up to 100'.

Regarding Development Area 3, Chairman Doherty reiterated that under permitted uses, the applicant is requesting from Use Unit 15 the addition of a cleaners.

Mr. Parmele declared that he finds it unusual to extend commercial into residential when it can be moved farther south into the

commercial accommodated by right. He declared that this area would be totally out of character for any use other than residential.

Ms. Wilson questioned whether they should pursue keeping commercial at the corner and ensure thorough landscaping and screening around the commercial area.

It was the consensus of the Planning Commission that front and rear facades be the same.

Chairman Doherty stated that he could support office use in Area 3 since it would make a good transition.

Mr. Midget expressed opposition to extending commercial into the neighborhood. Regarding Development Area 2, Mr. Midget acknowledged that, in some instances, churches have taken on a more commercial atmosphere and urged caution in proceeding to keep from jeopardizing the aesthetic quality of abutting residences.

Mr. Parmele made the motion that Development Area 3 be limited to Use Unit 6 only.

Mr. Johnsen noted that the conceptual plan offered an office buffer on 101st Street on the east end of the commercial, which has been reduced and moved to the north. He noted that according to how the lines are drawn, there is no real extension into the neighborhood, and that there is less extension overall than previously existed. He noted that the office is a modest use, serves as a transition and has a favorable recommendation from Staff.

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**TMAPC Action; 8 members present:**

On MOTION of PARMELE, the TMAPC voted 4-4-0 (Carnes, Horner, Midget, Parmele, "aye"; Ballard, Broussard, Doherty, Wilson "nays"; no "abstentions"; Dick, Neely, Pace, "absent") to recommend APPROVAL of Use Unit 6 use only for Development Area 3.

**MOTION FAILED.**

Ms. Wilson made the motion to approve Staff recommendation for Development Area 3 which is for single-family use and office use.

**TMAPC Action; 8 members present:**

On MOTION of WILSON, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Neely, Pace, "absent") to recommend APPROVAL of Use Units 5, 6 and 11 for Development Area 3, as recommended by Staff.

**TMAPC Action; 8 members present:**

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Neely, Pace, "absent") to recommend APPROVAL of PUD 364-A as recommended by Staff with the following amendments:

**In Development Areas 2 and 3:**

No second floor windows of nonresidential uses facing residential areas.

No parking of large vehicles or placement of out-buildings within 100' of residential areas.

All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet.

A screening fence and treed landscaped buffer shall be provided between nonresidential development and residential areas.

Trash containers and mechanical equipment of nonresidential uses shall be setback 100' from residential areas.

**LEGAL DESCRIPTION PUD 364-A**

SEE PAGE 14A

**Minor Amendment PUD 364-3**

Mr. Parmele made the motion to approve PUD 364-3 as recommended by Staff with the following amendments:

Minimum building setbacks from residential area shall be increased to 100' from 50'. Trash receptacles shall be located at least 85' from residential areas and an appropriate alternate material for the sides and rear of buildings may be approved by the Planning Commission at detail site plan review.

Mr. Johnsen noted that the 100' setback would not be acceptable, and noted that the site plan review would ensure proper layout. He declared if 100' would be required, his client will revert to multifamily.

Mr. Midget agreed that a 100' setback is excessive and supports the 50' setback as recommended by Staff.

Mr. Midget made a motion to amend the motion to require a 50' setback. Seconded by Ms. Wilson.

**TMAPC Action; 8 members present:**

On MOTION of MIDGET, the TMAPC voted 7-1-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Wilson "aye"; Parmele "nay"; no "abstentions"; Dick, Neely, Pace, "absent") to AMEND Mr. Parmele's motion to require 50' setback from residential areas.

LEGAL DESCRIPTION PUB 364-A

From Page 14

Beginning at a point on the westerly line of the SW/4 of said Section 19, said point being 819.89' northerly of the Southwest corner thereof; thence due North along westerly line of the SW/4 for 1252.00'; thence due East for 225.00' to a point of curve; thence easterly and southeasterly along a curve to the right, with a central angle of 35°30'00" and a radius of 200.00', for 123.92' to a point of tangency; thence S 54°30'00" E along said tangency for 211.05' to a point of curve; thence southeasterly and southerly along a curve to the right, with a central angle of 54°30'00" and a radius of 80.00', for 76.10' to a point of tangency; thence due South along said tangency for 153.29' to a point of curve; thence southerly and southeasterly along a curve to the left, with a central angle of 19°47'00" and a radius of 300.00' for 103.59' to a point of tangency; thence S 19°47'00" E along said tangency for 820.75'; thence due West for 842.00' to the Point of Beginning of said tract of land, and Part of the SW/4 of Section 19, T-18-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Governments Survey thereof, being more particularly described as follows, to-wit: Beginning at a point that is the Southwest corner of said Section 19; thence due North along the Westerly line of Section 19 for 819.89'; thence due East for 842.00'; thence S 19°47'00" E for 254.86' to a point of curve; thence Southeasterly and Southerly along a curve to the right, with a central angle of 19°47'00" and a radius of 300.00' for 103.59' to a point of tangency; thence due South along said tangency for 480.70' to a point of tangency; thence due South along said tangency for 480.70' to a point on the Southerly line of Section 19; thence N 89°52'08" W along the Southerly line of Section 19 for 945.97' to the Point of Beginning; less and except the SW/4, SW/4, SW/4 of said Section 19, T-18-N, R-14-E.



There was discussion over condition #5 regarding building facade. It was suggested to add the following sentence: "An appropriate alternate material may be approved by the Planning Commission at detail site plan review."

Mr. Parmele amended his motion for the trash receptacle location to be within 35', of a residential area subject to site plan review.

**TMAPC Action; 8 members present:**

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Neely, Pace, "absent") to APPROVE PUD 364-3 as recommended by Staff and as amended.

**LEGAL DESCRIPTION**

Southwest 1/4 of Southwest 1/4 of Southwest 1/4 of Section 19, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: Z-6409 Present Zoning: RM-1  
Applicant: John Moody Proposed Zoning: CS & PUD 232-B  
Location: Northwest corner of W. Pine Street and N. Union Avenue  
Date of Hearing: July 28, 1993  
Presentation to TMAPC: John Moody

**Relationship to the Comprehensive Plan:**

The District 11 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the area as Medium Intensity-No Specific Land Use in the immediate southeast corner of the PUD-232 area with the remainder of the Planned Unit Development as Low Intensity-No Specific Land Use.

According to the Zoning "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-3/CS is in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject lot is approximately 2.06 acres in size and is located in the northwest corner of W. Pine Street and N. Union Avenue. It is wooded and has steep slopes.

**Surrounding Area Analysis:** The tract is abutted on the north and west by vacant property, zoned PUD-232; to the south by single-

family homes, zoned RS-3; and to the east by a retail grocery store and parking lot, zoned PUD-441/CS/RM-1.

**Zoning and BOA Historical Summary:** The history of zoning actions in this area indicate a move towards types of zoning and land uses in accordance with the Comprehensive Plan.

**Conclusion:** The proposed medium intensity CG zoning within the northwest corner of W. Pine Street and N. Union Avenue is in accordance with the Comprehensive Plan and can be supported by Staff due to the fact that the CS-zoned intersection of the Osage Expressway and W. Pine has been downzoned to an RS-3 classification. The development of a diversified, convenient and efficient commercial activity to serve the needs of the residential developments in the surrounding area would be encouraged.

Therefore, Staff can support the proposed rezoning and recommends **APPROVAL** of Z-6409 for CS.

**AND**

**PUD 232-B** Major Amendment - northwest corner of Pine Street and Union Avenue.

The applicant is proposing to amend PUD 232 from a 198-unit condominium development to an 82 unit single-family development with 2.1 acres of commercial at the corner of Pine and Union. Staff is generally supportive of the proposal, provided 1) additional buffering is provided between the single-family residential and the commercial area, 2) the two oil wells on the site are capped, or a 200' building setback from a working well be provided, 3) a turnaround on the west end and additional right-of-way are provided on West Queen Street to provide 50' of width, and 4) additional depth is provided to double-frontage lots on Queen Street by reducing the size of the commercial area.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 232-B to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 232-B subject to the following conditions:

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

2. **Development Standards:**

Land Area (Gross) 33.23 acres

**DEVELOPMENT AREA A:**

(south 330' of the east 370' of NW/4 of 27-20-12)

Land Area (Gross) 122,100 SF  
(net) 85,000 SF

**Permitted Uses** Use Units 11, 12, 13, 14, & 16

**Maximum Building Floor Area** 42,000 SF

**Minimum Off-street Parking** As provided for specific use unit in the Tulsa Zoning Code.

**Minimum Landscaped Open Space** 10% net area

**Minimum Building Setbacks**

From the R/W of Pine Street 50'  
From the R/W of Union Avenue 35'  
From north and west boundaries of the Development area 10' plus 2' for each foot of building height exceeding 15'.

**Minimum Lot Frontage:**

when abutting Pine Street 150'  
when abutting Union Avenue 50'

**Signs:**

Ground Signs - one ground sign is permitted on the Pine Street frontage setback at least 150' from the west boundary of the development area. The maximum height shall be 20' and the maximum display surface area shall be 150 SF. No ground sign is permitted on the Union Avenue frontage.

Wall Signs - signs are permitted only on east and south facing walls and shall not exceed a display surface area of 1 SF per lineal foot of building wall to which the sign is affixed.

**DEVELOPMENT AREAS B & C**

(Boundaries generally as shown on concept plan)

**Land Area (net)** approximately 27.6 acres

**Permitted Uses** Use Unit 6 and customary accessory uses.

<b>Maximum Dwelling Units</b>	82
<b>Minimum Required Yards</b>	
Front	25'
Other yards abutting a street except as listed below	15'
Side	5'
Rear	20'
Any yard abutting Pine Street	35'
Any yard abutting Seminole Street, Queen Street, or Union Avenue	25'
<b>Minimum Lot Area</b>	
Area B	6,900 SF
Area C	9,000 SF
<b>Minimum Lot Width</b>	
Area B	60'
Area C	75'
<b>Minimum Livability Space per Lot</b>	
Area B	4,000 SF
Area C	5,000 SF

2. Along the west and north boundary of Development Area A, a buffer strip of landscaping and screening fences shall be provided. The actual design must be approved by the TMAPC when the detail site plan for Development Area A is approved.
3. Residential structures shall be setback a minimum of 200' from any unplugged oil or gas well.
4. If Queen Street is a public street, additional right-of-way shall be provided so that Queen Street has 50' of right-of-way. In addition, if Queen Street is not connected to the street system in the PUD, an adequate turnaround shall be provided at its western terminus.
5. Minimum lot depth of lots backing to the commercial area or having double frontage shall be 130'.
6. No Zoning Clearance Permit shall be issued for Development Area A until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. A Detail Landscape Plan for Development Area A shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in

accordance with the approved Landscape Plan for Development Area A prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

8. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
10. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 20 feet.
11. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
12. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code has 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 beneficiary to said Covenants.
13. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Applicant's Comments

**John Moody**

**6846 S. Canton, Ste. 120**

Mr. Moody gave a history of the subject tract and description of the surrounding area. He described the developer's proposal for the subject tract. Mr. Moody expressed disagreement with Staff recommendation of requiring lots abutting the commercial-zoned portion to be enlarged from a depth of 110' to 130'. He also commented on the recommendation of 25' for road purposes along the northern tier of the subject lots. Mr. Moody explained that, should this be done, it would eliminate these lots and the development because it does not leave sufficient property to accommodate the street entrance through the project and commercial development without creating a double-frontage lot on East Queen Street. Mr. Moody advised that Queen Street is a dedicated street and distributed photographs of residences along this street. He noted that if the developer is required to dedicate 25', the street

would not necessarily be improved and would not improve access at that location. Mr. Moody requested that the developer be allowed to develop the tract as proposed without being required to dedicate an additional 25' to service those four houses depicted in the photographs distributed. Mr. Moody requested that internal streets be private streets, and advised that exterior perimeter boundaries of the subdivision will be fenced for security purposes and privacy, and that there will be entrance gates on the private streets. The developer is proposing the lots on West Pine Place to be smaller due to the short distance from the north property line to the intersection. Mr. Moody deemed that when this property is assembled for redevelopment, Queen Street will be relocated farther to the north for a more conventional development with residential lots backing to the subject lots and not creating double-frontage lots.

Another area of concern is setback for the single-family residential area. The applicant requests 15' setback and 20' for garages on the frontage of these lots, a minimum building square footage of 1,800 SF for these lots and 2,400 for the other lots. Mr. Moody proposed a 50' setback on the north and west boundaries of the commercial property where it would be adjacent to proposed single-family lots. He also proposed a minimum landscaped open space area of 5' along the north and west boundaries of the property and minimum 10% landscaping on the entire commercial site to provide buffering between single-family and the commercial area.

Mr. Moody then addressed the existing oil well on the subject property. He asked that the recommendation requiring residential structures to be located 200' from an oil well be modified by the Planning Commission after or upon receiving engineering studies indicating an appropriate safeguard for construction of homes around the oil well. He gave examples of other places in the Gilcrease Hills area where this has been done.

Mr. Moody requested that on lots which have a severe grade, Lots 9 through 16 of Block 2, the developer be permitted to have a 15' front yard to place the house more appropriately on the site. He advised that the applicant would be willing to provide a detailed site plan on those particular lots.

Regarding Staff recommendation that no wall signs be located on the west and north sides of the shopping center structure, Mr. Moody advised that it is intended for tenants to front their businesses on the west side of the structure. He proposed that signs be permitted on the west and north sides, provided they would not be lit, back-lit and no neon signs allowed so there would no illumination to cause concern to the neighbors. Mr. Moody explained that the signs will be above the shops for identification purposes.

Mr. Broussard voiced concern from interested parties who have contacted him that a gas station may be intended for the commercial-zoned portion of the property.

Mr. Moody informed that principal uses discussed have been those which would be of service and convenience to the neighborhood, donut shops, office use, etc. He acknowledged that a convenience store with gas service may be a possibility; however, a free standing gas station is not proposed.

Interested Parties

**Bill McBee** 2615 North 41st West Avenue 74127  
Mr. McBee, Co-Chair Planning District 11, officer of the West-of-Main group, and Chairman of the Osage County Planning Commission, revealed authorization from the three groups to endorse the proposed development. Mr. McBee declared the need for additional upscale residential development in the subject area and expressed support of the proposed development. He noted the development will add more jobs to the economy.

**Larry Duke** 1919 West Seminole 74127  
**Gilcrease Hills Homeowners Association**  
Mr. Duke announced the Gilcrease Hills Homeowners Association support of the proposed development.

**Ray Tullius** 1428 North Waco 74127  
Mr. Tullius' residence is on the south side of Pine. He expressed concern with commercial development in the area due to lack of economic justification. Mr. Tullius voiced concern that the end result of the development could be a boarded-up building with empty storefronts, as has been experienced in the Edison and Gilcrease Museum Road areas. He declared that there is no demand for additional commercial development in this part of town. Mr. Tullius expressed opposition to a service station due to their reputations as prime burglary targets. He also voiced opposition to a convenience store. Mr. Tullius expressed fear that the commercial part of the development will fall into neglect and disrepair, as is being experienced in other parts of the city. Mr. Tullius voiced acceptance of the residential portion of the development.

Mr. Broussard asked what limitations could be placed on the commercial development to ensure the development's success and alleviate potential problems.

Mr. Tullius suggested the light standard be limited to a maximum height of 12'. He also discerns the two-story structure is not comparable to a south side development.

**Lisa Wilhelmson** 1604 Hearthstone  
Plano, TX  
Ms. Wilhelmson owns property at 1749 North Newton. She expressed support for the proposed development.

Other Interested Parties

Don Hall

1429 North Waco 7427

Applicant's Rebuttal

Mr. Moody advised that because of the location and depth of the property north to south on Union, the developer has tried to limit the type and size of the commercial area that would be expanded north and east, away from the intersection. He advised if the development goes to single-story, the development will not work. There are service-type businesses which want to locate in the subject area and can locate on the proposed second story. Mr. Moody expressed agreement with the 12' light standards.

TMAPC Review Session

Chairman Doherty asked about the 200' separation from the oil well.

Mr. Sack advised that there are no state statutes that address the distance homes must be from the well.

Mr. Stump advised that subdivision regulations require a 200' setback. Also the request regarding Queen would require waiver of subdivision regulations.

Mr. Stump advised that Staff could agree to a 20' front yard setback for the entrance street. Since this is the first that Staff has learned these are to be private streets, there would be an added recommendation that it meet all the requirements of public streets regarding construction and right-of-way.

Mr. Sack advised that the streets are standard width and the only reason they need to be private is for controlled access.

Mr. Moody advised that Staff recommended the one row of lots on West Pine Place to be 130' depth and asked that it be modified to 110', as shown on applicant's submittal with the 20' setback.

Mr. Stump advised that the transition between single-family and commercial is difficult and that an assurance of a minimum depth, which would produce a larger rear yard, is a good one and whether Queen Street is a 25' wide or 50' street, the lots on the north side still will have double frontage.

The consensus of the Planning Commission was that a lot depth of 120' would be a good compromise, with an 8' screening fence, and that the oil well separation from residential will be decided when information is provided from the study being conducted. Detail site plan approval will be required on setback from the oil well.

All wall signs must be immediately over, on or beside the frontage occupied by the shop and non-illuminated facing residential and subject to detail sign review.

Regarding the commercial-zoned area, Mr. Broussard expressed support for limiting the height of lights to 12'. He also

expressed concern with the two-story layout of the commercial businesses and with it facing residences.

It was noted that the applicant eliminated Use Unit 16 to eliminate a service station, but a convenience store will be allowed to sell gasoline.

The consensus of the Planning Commission was that they will want to carefully review elevations and topography of the lot.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Wilson "aye"; no "nays"; no "abstentions"; Dick, Midget, Neely, Pace, Parmele "absent") to recommend **APPROVAL** of Z-6409 for CS zoning and PUD-232-B as recommended by Staff with the following amendments:

1. Eliminate Use Unit 16 from the uses permitted in Development Area A.
2. Revise Staff conditions for wall signs in Development Area A to read as follows:  
Wall signs - signs are not permitted on north facing walls. Signs on west facing walls shall not be illuminated in any way. Signs shall not exceed a display surface area of 1 SF per lineal foot of building wall to which they are affixed.
3. Reduce the required front yard for lots in Development Area B from 25' to 20'.
4. Replace Staff condition #3 with the following: Building within 200' of an unplugged well shall require detail site plan approval and engineering studies indicating appropriate safeguards for the structure from potential hazards of the well.
5. Eliminate Staff condition #4.
6. Change Staff condition #5 to read as follows: Minimum lot depth of lots which abut the commercial area shall be 120'.
7. All residential lots with steep slopes (greater than 15%) shall require detail site plan approval. Appropriate engineering information shall be provided to TMAPC to demonstrate proper design of the structure and drainage system (including ground water).
8. Buildings in Development Area A shall be designed to minimize their impact on surrounding residential areas, especially two-story buildings.

9. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private roadways and common areas, including any stormwater detention areas, within the PUD.
10. All private roadways shall be a minimum of 26' in width measured face-to-face. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.

**LEGAL DESCRIPTION Z-6409**

A Tract of land that is part of the N/2, of the SW/4, Section 27, T-20-N, R-12-E, Osage County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the SEC of the NE/4 of the SW/4 of Section 27, T-20-N, R-12-E; thence N 00°24'06" E along the Easterly line of the NE/4 of the SW/4 of Section 27, for 300.00'; thence N 89°04'34" W for 300.00', thence S 0°24'06" W for 300.00' to a point on the Southerly line of the N/2 of the SW/4 of Section 27; thence S 89°04'34" E along said Southerly line for 300.00' to the Point of Beginning of said tract of land containing 2.066 acres.

**LEGAL DESCRIPTION PUD 232-B**

A tract of land that is part of the N/2 of the SW/4 and the SW/4 of the SE/4 of the NW/4 of Section 27, T-20-N, R-12-E, Osage County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the SEC of the NE/4 of the SW/4 of Section 27, T-20-N, R-12-E, thence N 00°24'06" E along the Easterly line of the NE/4 of the SW/4 of Section 27, for 664.02' to a point that is the Northeast corner of the SE/4 of the NE/4 of the SW/4 of Section 27, thence N 89°08'17" W for 657.60' to a point that is the Northwest corner of the SE/4 of the NE/4 of the SW/4, thence N 00°25'44" E for 663.30' to a point that is the Northeast Corner of the NW/4 of the NE/4 of the SW/4, thence N 89°12'01" W along the Northerly line of the SW/4 for 537.00' to a point of curve, thence Northwesterly on a curve to the right with a central angle of 6°27'27" and a radius of 1070.00' for 120.59' to a point on the westerly line of the SW/4, of the SE/4 of the NW/4 of Section 27, Thence S 00°14'12" W along said Westerly line for 6.79' to the Northwest corner of the NE/4 of the SW/4 of Section 27, thence S 00°27'19" W along the Westerly line of the NE/4 of the SW/4 for 798.92', thence S 70°58'05" W for 119.65', thence S 40°03'39" W for 287.45', thence S 23°28'35" W for 197.55'; thence S 00°55'26" W for 80.00' to a point on the Southerly line of the N/2 of the SW/4 of Section 27, thence S 89°04'34" E along said Southerly line for 1689.78' to the Point of Beginning of said tract of land containing 33.2297 acres.

\* \* \* \* \*

**ZONING PUBLIC HEARING:**

ZONING PUBLIC HEARING

Application No.: **PUD 260-B**  
Applicant: Thomas D. Kivell  
Location: Northeast corner of 71st Street South and Yale Avenue.  
Date of Hearing: July 28, 1993  
Presentation to TMAPC: Thomas Kivell

The applicant is proposing a major amendment to PUD 260-A to convert areas previously approved for restaurant and office use to uses allowed by right in a CS district and on one lot, drive-in restaurant use as well. The PUD is within Special District 2 in Planning District 18. This special district allows commercial activities at or above the intensities proposed by this PUD amendment. The office-zoned portion of the PUD was recently changed to CS.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 260-B to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 260-B subject to the following conditions:

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

2. **Development Standards:**

<b>Land Area</b> (Gross)	approximately 10 acres
<b>Permitted Uses</b>	
Lots 1, 2, 3, & 5	Use Units 10, 11, 12, 12a, 13, 14, and 19
Lot 4	Use Units 10, 11, 12, 13, 14 and 18
Reserve A	Use Unit 10

**Maximum Building Floor Area**

Lot 1	23,000 SF
Lot 2	12,000 SF
Lot 3	20,000 SF
Lot 4	13,000 SF
Lot 5	88,000 SF

**Maximum Building Height**

Lots 1, 2, 3 and 4	35'
Lot 5	50'

**Minimum Building Setbacks**

From Lot 1 Boundaries	
East	10'
West	50'
North and South	25'

From Lot 2 Boundaries	
West and South	50'
Others	25'

From Lot 3 Boundaries	
South	50'
East and West	25'
North	5'

From Lot 4 Boundaries	
South	50'
East	15'
North	10'
West	25'

From Lot 5 Boundaries	
East	15'
North	25'
South	10'
West	25'

**Minimum Internal Landscaped Open Space (net)**

Lot 1, 2, 3 and 4*	10% per lot
Lot 5 and Reserve A	10% of combined area of the two areas.

\*A landscaped strip at least 10' in width shall be provided along 71st Street and Yale Avenue on Lots 1, 2, 3 and 4.

## Signs

Ground Signs: One monument ground sign is permitted per lot on Lots 1-4 with a maximum height of 8' and display surface area of 64 SF. No ground signs are permitted in Lot 5. One monument ground sign is permitted in Reserve A at the Yale Avenue entrance with a maximum height of 8' and display surface area of 64 SF.

Wall signs: Wall signs shall not exceed 1 SF of display surface area per lineal foot of building wall to which they are attached.

## Required Off-street Parking\*\*

As required for the applicable use unit in the Tulsa Zoning Code.

\*\*On Lots 1-4 all required parking spaces shall be contained within the lot producing the need for the spaces. For Lot 5, parking spaces within Reserve A may be counted toward meeting the off-street parking requirement of Lot 5.

3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

7. All parking lot lighting shall be directed downward and away from adjacent residential areas.
8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
9. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code has 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 beneficiary to said Covenants.
10. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Applicant's Comments

Mr. Kivell, attorney for the applicant, advised that the building setback from the southern Lot 2 boundary line is presently 42', not 50', and should remain 42'. He noted that the west boundary is 50' and will remain 50'. Mr. Kivell objected to the condition that no ground signs be permitted on Lot 5 and the restriction of monument signs in Reserve A. He explained that this is a private roadway that connects 71st Street and Yale Avenue.

Mr. Stump explained that Staff permitted only a monument sign on the Yale frontage on Reserve A to keep the total number of ground signs the same as previously approved. He explained a new lot was created for the drive-in restaurant on the southeast corner of the site which wants its own ground sign. He advised there are three ground signs along 71st Street, and the drive-in is using one of those which replaces the monument sign previously approved.

Mr. Kivell perceives that with the requirement for detail sign plan approval by the Planning Commission, the sign issue can be addressed, and does not want to be prohibited from the possibility of developing a four-sign plan. He explained that Lot 3 may never be developed, and there may never be another sign on Lot 3 to prohibit the necessity of removing the possibility of a monument sign on Reserve A.

Chairman Doherty suggested allowing the applicant three signs on Yale and allowing the applicant to decide how to allocate them.

**Don Walker**

**9168 South Florence Place**

Mr. Walker advised that it is imperative that each of the three lots have its own sign. The fourth sign would be in the divided entranceway private street that circles through the property from 71st Street and back out on Yale. This sign would indicate the

names of occupants of the Hyde Park plat and subdivision identifying the five property owners in the subdivision.

It was the consensus of the Planning Commission that a low landscaped monument sign on the interior street would be appropriate.

The Planning Commission deemed that 6' would be too tall and instructed the applicant to present a detail sign plan.

It was the consensus of the Planning Commission to allow a monument sign on Lot 5, since it could not be viewed from the street.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Wilson "aye"; no "nays"; no "abstentions"; Dick, Midget, Neely, Pace, Parmele "absent") to recommend **APPROVAL** of PUD 260-B per Staff recommendation with the following amendments:

1. Setback from the south boundary of Lot 2 is 42'.
2. Reserve A is allowed an additional monument sign less than 6' in height on the 71st Street frontage with the actual height and size to be approved when the Detail Sign Plan is reviewed.
3. Lot 5 is allowed a monument sign if it is not visible from a public street.

**LEGAL DESCRIPTION**

All of Hyde Park Amended, an Addition in the City and County of Tulsa, State of Oklahoma.

\* \* \* \* \*

**WAIVER REQUEST, SECTION 213:**

**BOA-16272 (Unplatted) (703) (PD-25) (CD-1)** (RS-3)  
Southwest corner of East 50th Street North & North Yorktown Place.

This is a request to waive the plat on a tract of land described as north 185' of the east 165' of the W/2, SW/4, NE/4, SE/4 of Section 7-20-13, as a result of a Board of Adjustment action approving a day care center in an existing house to be remodeled. The plot plan submitted by the applicant incorporates the conditions of approval by the Board. Staff has a concern that the dedication of East 50th Street North and North Yorktown meet the Major Street and Highway Plan (25' on either side of centerline).

The following conditions may apply to any plat waiver:

1. Right-of-way dedication for East 50th Street North and North Yorktown meet the Major Street and Highway Plan (MSHP). (Applicant should provide either book and page information showing present dedication meeting the Major Street and Highway Plan or dedicate the amount to meet the Plan.)
2. Grading and/or drainage plan approval of DPW through the permit process if any grading is proposed.

Mr. Fields advised the applicant that a 6" water line extension will be required for the entire width of the lot and that the applicant should contact either Clayton Edwards or Bob Carr with the Department of Public Works for additional information.

Mr. Penquite informed the applicant that a fire hydrant may be required on the extension based on the location of other hydrants in the area.

On MOTION of FIELDS, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PLAT WAIVER, subject to the above conditions.

Mr. Stump advised that the extension will be conditioned upon the Fire Department's need for a fire hydrant to protect the day care.

**TMAPC Action; 6 members present:**

On MOTION of CARNES, the TMAPC voted 6-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Wilson "aye"; no "nays"; no "abstentions"; Dick, Midget, Neely, Pace, Parmele "absent") to **APPROVE** the Waiver Request for BOA 16272 as subject to conditions recommended by Staff.

\* \* \* \* \*

**OTHER BUSINESS:**

**PUD 190D-33** Minor Amendment - 6406 East 75th Street South.

**Staff Recommendation**

The applicant is requesting a reduction in the required yard adjacent to Sheridan Road from 35' to 32' on Lot 1, Block 6, Minshall Park I. The reduction in the required yard is requested so that an addition to an existing dwelling can be constructed. Staff cannot find anything unique or unusual about the lot, and therefore, recommends **DENIAL**.

Applicant's Comments

**Richard Weigel**

**6406 E. 75th Street**

Mr. Weigel explained that the addition he is planning for his home needs to be on the east side of the existing structure. He is adding a formal dining room and study and the bedrooms are on the south side of the house. Mr. Weigel explained that he is adding 10' in total width, and is asking for a 3' encroachment in the required side yard.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Midget, Neely, Pace, "absent") to **APPROVE** PUD-190-D-33 Minor Amendment.

\* \* \* \* \*

**PUD 288-11** Minor Amendment - 2660 South Birmingham Place.

The applicant is requesting a reduction in the required front yard from 30' to 27' and reduction in the required yard abutting East 27th Place from 35' to 32'. Under the PUD conditions, yards are permitted to be reduced when the site plan is reviewed. Ten other lots in this subdivision have been approved to reduce their required yards. This lot's site plan shows only the corner of a small portion of the building infringing on the required front yard and perhaps only one quarter of the rear of the building infringing on the 35' yard abutting 27th Place. Because of this, Staff recommends **APPROVAL** of PUD 288-11 as requested.

There were no interested parties present.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Broussard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Neely, Pace, "absent") to **APPROVE** PUD-288-11 Minor Amendment as recommended by Staff.

\* \* \* \* \*

**PUD-416:** Detail Landscape Plan - north side of 41st St.  
South at Yorktown Ave.

The PUD was approved for 7 single-family dwelling units with a requirement that a landscape plan for the entry areas be approved and installed prior to occupancy. The PUD was platted as Yorktown

Estates and a number of the dwellings have been constructed and occupied, but no landscape plan was approved. This landscape plan is an effort to correct that problem. A stone entry wall changing to a white board fence is proposed along the 41st Street frontage. A landscaped median is proposed with seasonal flowers and some permanent shrubs, but no details have been provided concerning the specific types of plant materials.

The wall and fence are setback a sufficient distance to not obstruct a driver's vision when entering 41st Street. Staff recommends APPROVAL of the Detail Landscape Plan.

There were no interested parties present.

**TMAPC Action; 6 members present:**

On MOTION of PARMELE, the TMAPC voted 6-0-0 (Broussard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Neely, Pace, "absent") to APPROVE PUD 416 Detail Landscape Review as recommended by Staff.

\* \* \* \* \*

PUD 179-C Revised Detail sign Plan - northeast corner of Memorial Drive and 73rd Street South.

The applicant is proposing to replace an existing ground sign for the Interurban with a sign for the Tulsa Brewing Company. The new sign has less display surface area (98 SF) than the existing sign (121 SF). Staff therefore recommends APPROVAL.

**TMAPC Action; 6 members present:**

On MOTION of CARNES, the TMAPC voted 6-0-0 (Broussard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Neely, Pace, "absent") to APPROVE PUD 179-C Detail Sign Plan as recommended by Staff.

\* \* \* \* \*

**PUD 411** Revised Detail Site and Landscape Plans - east of the southeast corner of the Mingo Valley Expressway and Memorial Drive.

The applicant has submitted site and landscape plans for the eastern 200' of Lots 2 and 3, Block 1 of 9700 Memorial. The area will be used for employee parking and vehicle storage for the Fred Jones car dealerships. Twenty new trees are proposed, but no sprinkler system is proposed for this new area. The number of trees and spacing of the landscaped areas conforms to the draft landscape ordinance. Therefore, Staff recommends **APPROVAL** of the Detail Site and Landscape Plans for the eastern 200' of Lots 2 and 3.

There were no interested parties present.

**TMAPC Action; 6 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Broussard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Neely, Pace, "absent") to **APPROVE** PUD 411 Detail Site Plan and Detail Landscape Plan.

\* \* \* \* \*

**PUD 489** Detail Sign Plan - Lots 3 and 6 ground signs - east and north of the northeast corner of 71st Street South and Mingo Road.

The applicant is proposing to place one ground sign on the 71st Street frontage of Lot 6 and one on the Mingo Road frontage in Lot 3. Each sign contains 360 SF of display surface area and is 39.5' tall. The Mingo Road sign is to be placed 125' from the center of the street and the 71st Street sign is to be placed 100' from the center of the street. Both signs will advertise Builders Square and other unnamed tenants in the 71 Mingo Center complex.

Staff finds that both signs comply with the PUD conditions and recommends **APPROVAL**.

**TMAPC Action; 7 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Midget Neely, Pace, "absent") to **APPROVE** PUD 489 Detail Sign Plan as recommended by Staff.

\* \* \* \* \*

Request by Tulsa Preservation Commission to have the Tulsa Metropolitan Area Planning Commission initiate zoning of the Brady Heights to Historic Preservation District (HP).

**Wes Young**

**1140 North Denver**

Mr. Young, who serves on the Historic Preservation Commission, requested the Planning Commission to initiate overlay zoning for Brady Heights Historic District to Historic Preservation District.

**TMAPC Action; 7 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Neely, Pace, "absent") to **DIRECT** Staff to initiate Historic Preservation Zoning process for Brady Heights.

\* \* \* \* \*

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

Date Approved: 8/11/93

*[Signature]*  
Chairman

ATTEST:

*[Signature]*  
Secretary