

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 2054

Wednesday, February 7, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

## **Members Present**

Ballard  
Carnes,  
Chairman  
Dick  
Doherty, 1st Vice  
Chairman  
Horner  
Ledford  
Midget, Mayor's  
Designee  
Pace

## **Members Absent**

Gray  
Taylor

## **Staff Present**

Almy  
Gardner  
Hester  
Jones  
Stump

## **Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, February 5, 1996 at 4:03 p.m., in the office of the County Clerk at 3:55 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:40 p.m.

Director Bob Gardner introduced Janice Almy , the new TMAPC recording secretary.

## **Minutes:**

Approval of the minutes of January 17 and 24, 1996, Meeting Nos. 2052 and 2053:

On **MOTION** of **DICK**, the TMAPC voted **6-0-1** (Carnes, Dick, Doherty, Horner, Ledford, Pace "aye"; no "nays"; Boyle, "abstaining";, Ballard, Gray, Midget, Taylor "absent") to **APPROVE** the minutes of the meetings of January 17 and 24, 1996 Meeting Nos. 2052 and 2053.

\*\*\*\*\*

## **REPORTS:**

### **Director's Report**

Mr. Gardner informed the Commission of items to be heard by the City Council on February 8, 1996 and Jay Stump will be in attendance on the Staff's behalf.

## **SUBDIVISIONS:**

### **PRELIMINARY PLAT:**

#### **4300 Brooktowne (PUD541) (3093)**

**(PD-9)(CD-6)**

East side of South Peoria Avenue at East 43rd Street South

### **TAC Comments**

Jones presented the plat with Roy Johnsen, Paul Coury and John Woolman in attendance.

Johnsen and French discussed access to the service road and agreed to meet and work out specifics.

French recommended limits of no access be shown to the residential street from the commercial lots.

Somedecerff requested that all reserve areas be set forth in the deed of dedication. Also, any additional right-of-way for South Peoria be labeled and identified.

Jones pointed out the different owners names and if the owner is a L.L.C., the standard letter is required.

4300 Brooktowne is a 17-acre multi-use development that is Planned Unit Development 541. The PUD, which will be heard by the TMAPC on December 13, 1995, proposes five commercial/office lots along the Peoria frontage and 52 residential single-family lots on the balance.

Staff would offer the following comments and/or recommendations:

1. Waiver of the Subdivision Regulations to permit a cul-de-sac greater than 500 feet in length.
2. Show addresses on residential portion.
3. All conditions of PUD-541 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.

4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
5. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
10. Street names shall be approved by the Department of Public Works and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
13. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
15. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
16. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
17. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.

20. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
21. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
22. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
23. All other Subdivision Regulations shall be met prior to release of final plat.

On the Motion of Miller, by proxy, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the Preliminary Plat of 4300 Brooktowne, subject to all conditions listed above.

Jones reminded the applicants that the plat would not be transmitted to the TMAPC until the rezoning ordinance had been published. He advised them to track the publication and notify him three weeks prior to publication so notice of the plat can be mailed and time loss kept to a minimum.

#### Staff Comments

Mr. Jones informed the Commission of conditions to the Preliminary Plat, noting the exit onto 43rd Street and emergency access means there will not be a cul-de-sac of more than 500 feet in length; therefore, a waiver of the Subdivision Regulations is not required.

#### TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** ( Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Gray, Midget, Taylor "absent ") to **APPROVE** the PRELIMINARY PLAT for 4300 Brooktowne as recommended by Staff.

\* \* \* \* \*

**CHANGE OF ACCESS ON RECORDED PLAT:**

**Memorial South Center (3693)**

**(PD-18)(CD-7)**

East of the northeast corner of East 61st Street & South Memorial Dr.

**Staff Comments**

Mr. Jones informed the Commission that Traffic Engineering has approved the proposed access change; therefore, Staff recommends **APPROVAL** subject to the document presented.

Carmen Lyman, 8314 East 56th Place, spoke on the tax credit program relating to this development. However, the tax credit program question was not on the agenda, therefore it was not considered.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining", Gray, Midget, Taylor "absent ") to **APPROVE** the CHANGE OF ACCESS ON RECORDED PLAT as recommended by Staff.

\* \* \* \* \*

**Amended Plat of Rolling Hills Center Addition (194)**

**(PD-17)(CD-6)**

West of the southwest corner of S. 193rd E. Ave. & East Admiral Place

**Staff Comments**

Mr. Jones informed the Commission that Traffic Engineering has approved the proposed access change to add a new 40-foot access point on to East Admiral Place; therefore, Staff recommends **APPROVAL** subject to the documents presented.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Gray, Midget, Taylor "absent ") to **APPROVE** the CHANGE OF ACCESS ON RECORDED PLAT as recommended by Staff.

\* \* \* \* \*

**WAIVER OF THE SUBDIVISION REGULATIONS:**

**VALLEY CROSSING ( PUD 521) (784)**

**(PD-18) (CD-8)**

Southwest corner of East 71st Street South & the Mingo Valley Expressway

**Staff Comment**

Mr. Jones informed the Commission that records indicate that there are two (2) existing unplugged wells on the subject property. Upon researching the records, the Corporation Commission believes the two wells are and the same. The Corporation Commission records show no plugging of said well. After inspection of the site, two environmental engineering firms reported no evidence of any drilling or wells. Therefore, Sack and Associates, Inc. is requesting a waiver of the Subdivision Regulation that states that all unplugged wells must be shown on the face of the plat. Mr. Jones requested that a warning be placed on the face of the plat to that effect. Staff recommends **APPROVAL** of Waiver of Subdivision Regulation and a warning to be placed on the face of the plat.

Mr. Charles Norman confirmed that the well can not be located and requested a Waiver of Subdivision Regulations. However, Mr. Norman also requested that a warning on the face of the plat not be required.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Gray, Midget, Taylor "absent ") to **APPROVE** the **WAIVER OF THE SUBDIVISION REGULATIONS** subject to a notice on the face of the plat to refer to Certificate of Non-Development.

\* \* \* \* \*

**LOT-SPLITS FOR WAIVER:**

**L-18214 Michael B. Fine (G. Johnson) (2203)**

**(PD-16)(CD-3)**

2805 N. Erie

IL

**TAC Comments**

Jones presented the request with Kathy Gorrell in attendance.

Jones noted the memo from John Herbert dated January 9, 1996 which indicate that a portion of the tract is in a flood hazard zone and that any development will require a Watershed Development permit.

It is proposed to split a triangular lot into two tracts as depicted below. Both lots resulting from the split will meet current zoning standards for the IL district. There is a vacant building on the proposed southern tract which is currently on a septic system. The proposed northern lot is not served by sewer nor does it have a septic system. The northern tract is consists mainly of a drainage easement. Coal Creek meanders through it, and it is abutted on the northeast by Highway 11. The tract is vacant except for a billboard. The owners wish to

sell the southern portion of the lot containing the building and retain the northern tract with the billboard. Since building on the northern tract would not be permitted due to the drainage easement, the applicant is asking for a waiver of the Subdivision Regulations requiring that it be served by sewer or septic (Section 411.3).

Staff would recommend approval of the requested waiver subject to the following.

1. The Tulsa City-County Health Department finds the lot suitable for lot-split.
2. No building be constructed on the northern tract.

On the Motion of Miller, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the lot-split for waiver subject to the above conditions.

Staff Comments

Mr. Jones informed the Commission that the Health Department has approved the lot to the south for a septic system. Staff recommends **APPROVAL** of the lot-split for **WAIVER** subject to no building be constructed on the northern tract.

Ms. Cathy Gorell, REMAX Realtor, clarified the address of the property as 2805 North Erie.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace "aye"; no "nays"; Midget "abstaining"; Gray, Taylor "absent ") to **APPROVE** the lot-split for **WAIVER** as recommend by Staff.

\* \* \* \* \*

**L-18232 J. & C. Burd/B. Whorton (J. Burd) (113) (PD-15)**  
West of the Northwest Corner of E. 116th St. N. & N. Mingo

(CD-County)  
AG

Mr. Jones request that this item be continued to the February 21, 1996 TMAPC meeting.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Gray, Taylor "absent ") to continue this item to the February 21, 1996 TMAPC meeting.

\*\*\*\*\*

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

<u>L-18197 Geraldine Lewis</u> (W. Collins) (1603)	(PD-16)(CD-3)
3635 N. Louisville	RS-3
<u>L-18217 Tom &amp; Kathryn Grant</u> (R. Johnsen) (784)	(PD-18c)(CD-7)
East 73rd St. - East of Memorial	CO/OM
<u>L-18219 Lewis Avenue Partners</u> (City of Tulsa) (1283)	(PD-18c)(CD-7)
7121 S. Memorial	CS
<u>L-18221 Shirley Clowdus</u> (City of Tulsa) (694)	(PD-5)(CD-3)
27 N. 106th Pl.	RS-3
<u>L-18223 P. Tims/Foursquare Gospel Church</u> (R. Clinton)	(PD-17)(CD-6)
(894) 1100 Block of S. 119th E. Ave.	RS-2/CS
<u>L-18224 Lai (T. Sack)</u> (784)	(PD-18c)(CD-8)
10202 E. 71st St.	CS
<u>L-18225 Lai (T. Sack)</u> (784)	(PD-18c)(CD-8)
10202 E. 71st St.	CS
<u>L-18226 Chapman Revocable Trust</u> (T. Sack) (784)	(PD-18c)(CD-8)
10202 E. 71st St.	CS
<u>L-18227 Smith (T. Sack)</u> (784)	(PD-18c)(CD-8)
10202 E. 71st St.	CS
<u>L-18228 Lowe's Home Centers</u> (T. Sack) (784)	(PD-18c)(CD-8)
10202 E. 71st St.	CS
<u>L-18229 31st &amp; Memorial L.L.C.</u> (P. Tomlinson) (2393)	(PD-17)(CD-5)
7700 E. 33rd St. S.	IL
<u>L-18230 31st &amp; Memorial L.L.C.</u> (P. Tomlinson) (2393)	(PD-17)(CD-5)
3410 S. 79th E. Ave.	CS
<u>L-18221 James Phillips</u> (City of Tulsa) (694)	(PD-5)(CD-3)
10623 E. Admiral Pl.	CS
<u>L-18233 Dam Shore Investment Corp.</u> (J. Lower) (2593)	(PD-18c)(CD-5)
4424 S. Mingo	IL



Staff Comments

Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Gray, Taylor "absent ") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING:**

Application No: **PUD 507-7** Minor Amendment :

Applicant: Roy Johnsen

Location: East of Southeast corner E. 71st Street & South Memorial Drive

Date of Hearing: February 7, 1996

Presented to TMAPC: Roy Johnsen

The applicant is requesting Minor Amendment approval to allow an increase in the maximum height of parking lot lights and to allow dumpsters to be placed in the rear of the commercial structures without screening requirements. Parking lot lights would be increased from 30 ' to 45'.

Staff has reviewed the application and finds that the approved site plan shows dumpster locations in screened areas on the west and east ends of the southernmost building. Staff notes that these areas are visible from the two entries to the residential area to the south and may be visible from a number of individual apartments. Staff opinion is that the benefits of screening dumpsters include the ability to specifically locate a particular dumpster as well as the ability to contain the overflow from an overfilled unit.

Staff opinion is also that the 30' height for lights as originally agreed to by the applicant is an acceptable standard and is less likely than the proposed 45' to negatively impact the adjacent multi family areas or have undue impact on the 71st Street Corridor. The lights at 45' would be 20' taller than the ground signs, taller than the surrounding buildings and would have the effect of acting as additional attention-getting devices.

Based on the above Staff recommends **DENIAL** of the request for amended dumpster screening and light standard height.

On January 19, the applicant requested modification of requirement that mechanical and equipment areas be screened from public view. Staff has received no additional information regarding the request at this time.

Based on the amount of information given Staff has been unable to determine the potential impacts of the requested modification. Staff therefore recommends **DENIAL** of the additional request.

#### Staff Comments

Mr. Stump informed the Commission that minor amendment PUD 507-7 requests waiver to the height of parking lot lighting from 30 to 45 feet , waiver to the screening of dumpsters, and a more recent request, waiver to the screening of mechanical and equipment areas from public view. There were no specifics provided by the applicant at the time of the application as to which lights, which dumpsters or where the screening would be deleted. Therefore, we have recommend DENIAL of the requests. Upon meeting with Mr. Johnsen this afternoon, Mr. Johnsen presented some details on the screening of the mechanical equipment on top of the buildings. The only concern is with the southern half of the northwestern building in the shopping center. The mechanicals can be seen from a commercial area immediately to the west.

In reference to the lights, Staff recommends that the height of 45 feet be allowed in front of the commercial area, but immediately south of this area in the southern portion of the PUD is an apartment complex, and Staff does not feel that 45-foot high lights would be appropriate adjacent to the apartment complex. Staff would recommend the variance to the 45 feet be allowed for areas north of the southernmost building, but that lighting remain 30 feet high for anything farther south.

Even though the dumpsters are at the back of the buildings, Staff recommends screening. One of the important features of screening is it locates the dumpsters on the ground, and does not allow them to be moved to different locations. Staff would recommend DENIAL of this request.

#### Applicant's Comments

Mr. Johnsen states that this is one of the better-quality centers in the City. It consist of three buildings, forming a "U" shape. In a project like this, with an out-of-town owner, out-of-town architect, in-town contractor, mistakes are made. Site plans were presented on this project and approved, construction commenced and is complete. What occurred, at the time of acquiring permanent financing, is the lender required a detailed zoning endorsement or title insurance endorsement, on the project. Based upon review of the as-built plans, it was learned that the light standards were up to 42 feet, one section of the building did not have a parapet wall, and the dumpsters behind the buildings had not been screened.

The parapet wall on the south 200 feet of the northwestern most building (identified as 862-A and 864-C) was inadvertently omitted during construction. Due to the other businesses, car wash and shopping center, in the area that did not have any screening of the mechanical and equipment areas, Mr. Johnsen is asking for modification to the requirement that mechanical and equipment areas not be visible by persons standing at ground level for the area of the northwest building that does not currently have a parapet wall.

In reference to the screening of dumpsters, there are two dumpsters located at Computer City, and four dumpsters setting in a notch formed on the west side of the northwest building. To the south is an area zoned for apartments. Mr. Johnsen said he was advised by Mr. Reents, an attorney representing the owner of this apartment property. that the screening should be provided for the dumpsters. Mr. Johnsen would like for the Commission to recognize that the dumpsters were out of public view for the most part, but with the proposed apartments to the south, the argument is well-made. As for the dumpsters located in the notch, they cannot be viewed by anyone except possibly from the car wash. Screening of these dumpsters will only add to the maintenance/upkeep of the wooden fences. Again Mr. Johnsen stated that other dumpsters in the surrounding area are not screened. The compactor is located in the area of the loading dock. The loading dock has walls that are 3 to 4 feet in height along the south boundary. The compactor is enclosed and is dark brown in color. With the loading dock as a barrier between the compactor and public view, we are asking for modification to the requirement that the dumpster/compactor be screened.

Mr Johnsen stated an error was made on the lighting. The conditions state 30-foot light standards. There are twenty-six or twenty-eight shielded fixture lights in this center. Most of the lights are 40 feet, and none are above 42 feet. The maximum building height was approved for 40 feet, and one does not get the impression that the lights are excessively high. The lighting of this project is excellent. If the minor amendment is approved, the lights would remain as they are.

Mr. Mark Reents, an attorney representing the property owner of the apartment complex, states that the screening of trash dumpsters serves aesthetic purpose and functional purposes. The functional purpose is that the screening would eliminate blowing trash, whether in the notched area or not. Mr. Reents did not distinguish between trash dumpsters and the compactor. Mr. Reents and his client have no objections to the shielded lights at their current heights, as long as they are not increased. In regard to the screening of the mechanical areas, Mr. Reents is not prepared to speak, stating that he was not informed of this issue.

#### TMAPC Review

Mr. Doherty expressed concern about the screening of dumpsters and mechanical areas, and the lighting and the effect these will have on the proposed multi-family area in the flat, open field to the west.

Mr. Boyle questioned whether the additional part of the application can be considered if the notice had not been received by this party or interested parties. Mr. Stump informed the Commission that notice was properly processed and sent to Mr. Reents' client.

Ms. Pace expressed her concern for the screening of dumpsters and mechanical areas from public view.

Mr. Doherty suggested that each item, lighting, screening of dumpsters, and screening of mechanical areas, be voted on separately.

#### TMAPC Action; 9 members present:

On **MOTION** of Doherty, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Gray, Taylor "absent ") to **DENY** the request to amend the dumpster screening and **APPROVE** the request to eliminate screening of the compactor.

#### TMAPC Action; 8 members present:

On **MOTION** of Doherty, the TMAPC voted **4-4-0** (Boyle, Carnes, Doherty, Pace "aye"; Baker, Ballard, Dick, Ledford "nay"; none "abstaining"; Midget, Gray, Taylor "absent ") to **APPROVE** the request for amended light standard heights with the condition of lowering the five (5) southern light standards. **Motion failed**. Chair asked for another motion.

#### TMAPC Action; 9 members present:

On **MOTION** of Dick, the TMAPC voted **6-3-0** (Ballard, Carnes, Dick, Horner, Ledford, Midget "aye"; Boyle, Doherty, Pace "nay"; none "abstaining"; Gray, Taylor "absent ") to **APPROVE** the request for amended light standard heights to their current height.

**TMAPC Action; 7 members present:**

On **MOTION** of **Ballard**, the TMAPC voted **8-1-0** (Ballard, Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget "aye"; Pace "nay"; none "abstaining"; Gray, Taylor "absent ") to **APPROVE** the request to eliminate the screening of mechanical and equipment on the portion of the northwest building which does not have a parapet wall.

\* \* \* \* \*

**Z-6521 and PUD 542 were heard simultaneously.**

Application No.: **Z-6521**

Applicant: Roy Johnsen

Location: North of the northwest corner of 91st Street & Sheridan Road.

Presented to TMAPC: Roy Johnsen

Present Zoning: AG

Proposed Zoning: RS-1

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-1 is in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 40 acres in size and is located on the west side of S. Sheridan Road approximately 1/4 mile north of E. 91st Street South. It is sloping, partially wooded, has a single-family dwelling on it and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north by single-family dwellings and vacant property, zoned RS-1 and AG; and to the south west and east by single-family dwellings, zoned RS-1, RS-2 and RS-3.

**Zoning and BOA Historical Summary:** The areas to the east, west and south have been approved for single-family development.

**Conclusion:** The subject tract is within an area that is designated Low Intensity by the Comprehensive Plan. Based on the surrounding zoning and new development in the area, Staff can support the request and recommends **APPROVAL** of RS-1 zoning for Z-6521.

Application No: **PUD 542 (PD-18) (CD-8)**

Applicant: Roy Johnsen

Location: North of the northwest corner of 91st Street & Sheridan Road.

Presented to TMAPC: Roy Johnsen

Present Zoning: AG

Proposed Zoning: RS-1/PUD542

### Staff Recommendation

The applicant is proposing a single family residential development on half acre lots which would contain up to 51 lots and is accompanied by rezoning request Z-6521 for RS-1 zoning. Access would be from private streets. The existing collector street, 86th Street, which currently terminates at the west side of this tract is proposed to be a private street which would be extended eastward to Sheridan Road and would be open to the public. Staff can support the proposed land use, intensity of use and development standards, with the exception of the street system. The existing collector, 86th Street, serves a number of subdivisions to the west and staff believes its maintenance should not be left to a private homeowners association. It should be a public street. The other streets in the subdivision could be private streets if properly designed to provide safe access to the lots in the steeply terrained development. Some of the currently proposed minor streets exceed the maximum permitted length of a cul-de-sac; but none of them serve more than 20 lots.

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 542 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 542 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)	40 acres
(Net)	38.4 acres
Permitted Uses	Use Unit 6 and customary accessory uses
Maximum Number of Dwelling Units	51
Minimum Lot Size	22,500 sf
Other Bulk and Area Requirements	As provided within an RS-1 District
Minimum Private Street Right-of-way	30'

3. 86th Street South shall be extended as a public collector street from its current terminus to Sheridan Road.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas within the PUD.
5. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. 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 and cul-de-sacs shall be 15 percent. All cul-de-sacs shall be designed to meet the requirements of City emergency vehicles.
6. No Building Permit shall be issued until the requirements of Section 1170F 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 and making the City beneficiary to said covenants.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

#### Applicants Comments

Mr. Johnsen questioned as to whether the street needs to be labeled as a collector street. Mr. Johnsen proposed a 50 feet right-of-way public street with 26 feet wide street, which is the standard minor residential street width. In regard to adequate parking for Lots 11, 12, 13 and 14 of Block 1, the applicants will accept a three-car garage requirement which will allow space for six cars to park in front of the each garage. Gates will be installed at all private streets and a guardhouse will be on the south side.

Mr. Wayne Saterbak, 9019 South Lakewood Court, has concerns about the 26-foot width and inquired as to whether or not no parking signs could be placed on the public street.

Mr. Pierre L. Smith, 8815 South Lakewood, speaking on behalf of twenty (20) residents in the area, expressed concerns that Lakewood and 86th Street would be used as a bypass for the traffic on Sheridan and 91st Street. Mr. Smith presented four requests. The first was that 86th Street be limited to a maximum width of 26 feet. Though sidewalks have not been discussed, Mr. Smith requested that sidewalks not be required or allowed. Also, he requested placement of a stop sign at the corner of Norwood and 86th Street and installation of a crash gate at the present eastern terminus of 86th Street until 75 percent of the construction in the PUD is completed to reduce through traffic on Lakewood. The last item is a watershed issue. He requested some type of a berm or water retention facility to slow down the water runoff.

### TMAPC Comments

Mr. Doherty expressed concern for the availability of adequate parking in the area of the cul-de-sac serving Lots 11, 12, 13 and 14, Block 1. The possibility of parking overflowing onto the 26-foot street will defeat the purpose of the collector function. Provisions need to be made to allow for adequate parking to be provided for these four lots.

Ms. Pace and Mr. Doherty agreed that no parking signs are needed. However, the Commission does not have the authority to authorize the placement of signs.

Mr. Doherty informed Mr. Smith that a stormwater report states that a payment of fee-in-lieu of detention will be allowed, provided a storm sewer system is installed, which will not increase drainage problems in the neighboring development. Keeping 86th Street South closed to shield existing neighborhoods should be addressed at the plat stage.

Mr. Ledford states that street grates, stop signs and related items should be studied by Traffic Engineering.

### TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Gray, Taylor "absent ") to recommend **APPROVAL** of Z-6521 for RS-1 and PUD 542 as recommended by Staff except that Lots 11, 12, 13 and 14, of Block 1 are required to have six (6) off-street parking spaces each; and 86th Street will remain closed to through traffic until 30 units have been completed.

The TMAPC also approved the concept that 86th Street be a 26-foot wide collector street with the condition that walls be constructed and gates installed to secure the street from the residences, subject to the future waiver of the Subdivision Regulations by the Planning Commission.

### LEGAL DESCRIPTION FOR Z-6521 and PUD542

Northeast Quarter, of the Southeast Quarter, Section 15, T-18-N, R-13-E, Tulsa, County, State of Oklahoma, and located north of the northwest corner of East 91st Street South and South Sheridan Avenue, Tulsa, Oklahoma.

\* \* \* \* \*



**OTHER BUSINESS:**

**PUD 179-S Joe Donalson 800' west & south of E. 71st St.& S. Mingo (PD-18) (CD-8)**  
**(Site Plan)**

The Chairman declared this item stricken from the agenda, since the Site Plan did not comply with the PUD conditions.

\* \* \* \* \*

**Amendment to TMAPC Rules of Procedure (Lot-splits)**

**TMAPC Rules of Procedure**

**Section I. J. 3. LOT SPLITS:**

- a. Right-of-way acquisition by the City of Tulsa requires the processing and approval of a lot-split by the Tulsa Metropolitan Area Planning Commission (TMAPC) when the City acquires only a portion of an existing lot of record. It is the policy of TMAPC to permit Staff to process such lot-splits as "prior approval lot-splits" and stamp the deed(s) for recording with the Tulsa County Clerk. TMAPC then ratifies Staff approval at the next regularly scheduled meeting of TMAPC.
- b. All residential lot-split applications which contain a lot having more than three side lot lines cannot be processed as prior approval lot-splits. Such lot-splits shall require a ten-day written notice to abutting property owners (including lot owners separated only by a residential street). Deeds for such lot-splits shall not be stamped or released until the TMAPC has approved said lot-split in a public meeting. (11.26.86)

**Staff Comments**

Mr. Gardner stated, that Staff wants to make sure when the City takes title to a portion of a lot, that such a lot-split be considered a prior approval lot-split. Staff is requesting TMAPC amend their policies as submitted under item 3a. Staff recommends adopting the policy as submitted.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Gray, Taylor "absent ") to **APPROVE** amending Section I.J.3 of the TMAPC Rules of Procedure as recommended by Staff.

\* \* \* \* \*

**Resolution Supporting Third Penny Sales Tax**

**A RESOLUTION  
SUPPORTING THE EXTENSION  
OF THE  
THIRD PENNY SALES TAX**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, as according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, the TMAPC is required to review all proposed improvements of the type embraced within the Comprehensive Plan for approval and recommendation; and

WHEREAS, all projects proposed for construction under the Third Penny Sales Tax extension have been reviewed by the TMAPC and approved as in accordance with the Comprehensive Plan; and

WHEREAS, funding such capital projects through sales tax monies has proven to be a most effective means of developing and maintaining public infrastructure;

NOW, THEREFORE, BE IT RESOLVED by the TMAPC that this Commission supports the extension of the Third Penny Sales Tax.

**Staff Comments**

Mr. Gardner presented a Resolution Supporting the Extension of the Third Penny Sales Tax.

TMAPC Comments

Mr. Carnes suggested amending the Resolution to read "NOW, THEREFORE, BE IT RESOLVED by the TMAPC that this Commission unanimously supports the extension of the Third Penny Sales Tax."

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Gray, Taylor "absent ") to **APPROVE** the Resolution with the amendment suggested by Mr. Carnes supporting the third penny sales tax.

\* \* \* \* \*

Street Closing - Cul-de-sac S. Atlanta Avenue

The only purpose for closing a public right-of-way in this instance is to restrict access to the general public now or in the near future. The private street versus public street issue is addressed by TMAPC frequently. Private streets are permitted by the Zoning Code in townhouse plats and in PUDs. The Vineyard Amended is both a townhouse plat and a PUD (252-A).

If closed, the maintenance of the subject cul-de-sac street would become the responsibility of a homeowners association. The City would want some assurance of the establishment of a homeowners association and their ability to finance future maintenance of the private street.

The closing of this cul-de-sac street (South Atlanta Avenue) will not set a precedent for closing of other cul-de-sac streets which are not both a PUD and a townhouse plat. However, there are numerous single-family developments on public cul-de-sac streets that are within PUDs that would be totally inappropriate for private streets after the fact.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle Carnes, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Gray, Taylor "absent ") to recommend the **APPROVAL** of the closing of the cul-de-sac - South Atlanta Avenue north of 55th Place.

\* \* \* \* \*

**Z-6140-SP-1 Landscape Plan Approval**

Southwest corner of Memorial Drive and the Creek Turnpike Landscape Plan for Corridor Site Plan

**Staff Comments**

Mr. Stump informed the Commission that one of the conditions of the Corridor Site Plan approval was that the Planning Commission approve the landscaping plan because the applicant did not have one at the time the corridor site plan was submitted. The applicant believed this would be approved after the building permit, but before occupancy. However, the building permit office requires that the landscaping plans be approved prior to a building permit being issued, in accordance with Chapter 10 Landscaping Chapter. The applicants have submitted a landscaping plan. Staff would recommend some minor changes in the variety of plant materials. Staff recommends approval of the landscaping plan with a condition that Staff could approve some minor revisions at a later date.

**TMAPC COMMENTS**

Mr. Doherty expressed concern as to why plans review is interpreting that section of the Zoning Code to require landscape plan approval prior to building permit and not prior to certificate of occupancy. He recommended to refer this matter to Rules and Regulations for possible amendment to the Chapter to allow PUD's and Corridor Site Plans submission and approval prior to occupancy rather than to building permit.


**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Gray, Taylor "absent ") to **APPROVE** the landscaping plan as recommended by Staff.

\* \* \* \* \*

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

Date Approved: 2-7-96

  
Chairman

ATTEST:

  
Secretary