

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2109

Wednesday, April 16, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

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

Members Absent

Boyle
Westervelt

Staff Present

Almy
Gardner
Jones
Lasker

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 10, 1997 at 12:24 p.m., in the Office of the City Clerk at 12:16 p.m., as well as in the office of the County Clerk at 12:13 p.m.

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

Minutes:

Approval of the minutes of March 26, 1997, Meeting No. 2106:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-0-2** (Ballard, Carnes, Doherty, Ledford, Midget, "aye"; no "nays"; Dick, Horner "abstaining"; Boyle, Gray, Pace, Westervelt "absent") to **APPROVE** the minutes of the meeting of March 26, 1997 Meeting No. 2106.

Approval of the minutes of April 2, 1997, Meeting No. 2107:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-0-2** (Ballard, Carnes, Doherty, Ledford, Midget "aye"; no "nays"; Dick, Horner "abstaining"; Boyle, Gray, Pace, Westervelt "absent") to **APPROVE** the minutes of the meeting of April 2, 1997 Meeting No. 2107.

REPORTS:

Chairman's Report:

Chairman Carnes informed the Commission letters were received from interested parties in regard to item Z-6590. He stated these letters express opposition to the requested zoning change.

Committee Reports:

Budget and Work Program Committee

Mr. Horner stated the proposed budget will be presented later in the meeting.

Rules and Regulations Committee

Mr. Doherty stated there are a number of items scheduled for the April 17, 1997 City Council meeting. He stated he would be attending.

Director's Report:

Mr. Lasker, INCOG, presented the proposed budget and reminded the Commission of the Budget and Work Program Committee meeting that was held to prioritize each item. Also, at the Committee's request, two items were added to the budget.

Mr. Lasker stated the proposed budget was then transmitted to the Mayor and the Budget Department. At that time, INCOG was requested to provide more information in regard to detail cost for each item and the amount City of Tulsa was paying for each item.

Mr. Lasker distributed the budget as presented to the Mayor and Budget Department. The budget packet consist of Revised Budget Highlights, indicating the proposed cost for FY97 to FY98; Work Items for FY98; Preliminary TMAPC Budget and Work Program; TMAPC Mission Statement; TMAPC Goals and Objectives; Counties and County Officers Guidelines.

Mr. Lasker pointed out that most of the changes are in the areas of zoning and land division, mainly license fees and technical assistance for the GDS computer system. He noted the decreases to the Board of Adjustment for the City, based on number of cases; and transportation planning. INCOG Membership Assessment indicates an increase due to population growth, and no increase in per capita dues.

Mr. Lasker stated the Mayor requested that each work item be identified in regard to mandates and related requirements, whether requested or a supporting entity and legal authority and/or mandate.

Mr. Lasker stated a cost breakdown was also provided, indicating the estimated cost of each item, the City/County split and identified the item as a new, one completing in FY97 or an ongoing item. He noted most of the work program items are oriented towards the City of Tulsa.

Mr. Lasker informed the Commission that discussions with the Budget Committee indicated the Urban Development Department was requesting two new positions and that INCOG should meet with Urban Development to see if there is any duplication between what TMAPC does and Urban Development does. INCOG staff met with the Urban Development Department and developed a memo. The memo indicated the Kendall-Whittier project was accomplished with the interaction between INCOG and Urban Development. A generic-type memo stating the functions of TMAPC and Urban Development was also included.

Mr. Lasker stated a memo has been received from the Mayor indicating that she wants to move some funds from the TMAPC program to the Urban Development program. The Mayor will be making a recommendation to the City Council on May 1, 1997 in regard to the budget. Mr. Lasker stated the planning program is staff/employees and if money is moved out of the program, then there could be a staff/employee reduction. A staff reduction would mean not being able to be as responsive to the City or County.

Mr. Horner asked whether the Budget and Work Program items were prioritized. Mr. Lasker replied the items were ranked as high, medium and low priority.

Chairman Carnes asked for clarification of the TMAPC Mission Statement. Mr. Lasker replied this is the statement that TMAPC developed and adopted as guidance for the operations and program development for TMAPC. It sets out what TMAPC will do, be responsible for, and to develop within the guidelines of the State legislation's requirements. The State legislation's requirements are to develop and maintain the Comprehensive Plan, Major Street and Highway Plan, Zoning Code, Subdivision Regulations and other related items. Mr. Doherty stated this is the original Mission Statement he received in 1985.

Chairman Carnes stated if funds are moved and staff/employees are reduced that some parts of the Mission Statement will not be done adequately. Mr. Lasker replied a certain project, whether ranked high, medium or low, will not be completed. Mr. Doherty stated that basically the low-ranking projects will not be completed and the reduction may cause some of the medium-ranked projects not to be completed. Mr. Lasker explained the process of determining the staff-hour cost for each project.

SUBDIVISIONS:

Preliminary Plat:

Sutton East (3304)

(PD-16) (CD-6)

East of the southeast corner of East Pine Street and North 129th East Avenue

TAC Comments:

Jones presented the plat with no representative present.

Lee stated that a 12" water main extension would be required across the frontage of the property.

French noted that access met Traffic Engineering approval.

Jones explained condition "1" and advised that Transportation Engineering must be satisfied prior to final plat release.

Sutton East is a one-lot industrial subdivision plat which contains 3.21 acres. The sketch plat was reviewed by the TAC at the January 2, 1997 meeting. The property is on a septic system and therefore must be approved by the Department of Environmental Quality.

Staff would offer the following comments and/or recommendations:

1. Right-of-way for East Pine Street must be identified with book/page information or dedicated by this plat.
2. City of Tulsa Zoning Code requires a 50' building line from East Pine Street. A variance from the Board of Adjustment is required for any less distance.
3. 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.
4. 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.)
5. 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).
6. 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.
7. 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.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.
15. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
16. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
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. This plat has been referred to Catoosa and Owasso because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
23. 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.)
24. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
25. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of McGill, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of Sutton East, subject to all conditions listed above.

Staff Comments:

Mr. Jones pointed out there is a problem with the title opinion and the legal description. He stated there is a strip of land that was not included in the legal description, therefore cutting off access to East Pine Street. Staff has advised the applicant the title opinion will have to be resolved by Quit Claim Deed or the applicant's obtaining the property and then dedicating the right-of-way to the City.

Therefore, staff recommends approval subject to the conditions recommended by TAC and the applicant's resolving the problem with the title opinion and dedicating the required right-of-way to the City.

TMAPC Action; 8 members present:

On **MOTION** of **LEDFOORD**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Gray, Westervelt "absent") **APPROVE** the Preliminary Plat of Sutton East, subject to the conditions recommended by TAC and the applicant's resolving the problem with the title opinion and dedicating the required right-of-way to the City.

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ZONING PUBLIC HEARING:

Application No.: Z-6590

Applicant: Joan K. Hastings

Location: 4148 East 51st Street South

Presented to TMAPC: Joan K. Hastings

RS-2 to OM

(PD-18) (CD-7)

Commissioner Robert Dick left the dais and indicated he would be abstaining from this item.

Staff Recommendation:

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix the requested OM zoning **is not** in accordance with the Plan Map; OL zoning **may be** found in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is two lots that front East 51st Street with a total size of approximately 155' x 121'. It is located west of the southwest corner of East 51st Street South and South Richmond Avenue. It is flat, non-wooded, there is a single-family dwelling on each lot, and the property is zoned RS-2.

Surrounding Area Analysis: The subject tract is abutted on the north across East 51st Street by a parking lot, zoned OM; to the northeast by a multistory office building, zoned OMH; to the south and east by single-family dwellings, zoned RS-2; and to the west by a vacant lot, zoned RS-2. The single-family dwellings east of the subject tract front Richmond Avenue and face directly into the subject tract.

Zoning and BOA Historical Summary: The tract lying on the north side of East 51st Street and north of the subject tract was rezoned to OL and OMH in 1981, and in 1991, a Planned Unit Development with Corridor zoning was approved for the north side of East 51st Street west of the subject tract. Subsequent site plans have approved commercial uses.

Conclusion: This area is in transition to office uses along the south side of East 51st Street with only five residential lots remaining on either side of East 51st Street South between Harvard and Yale Avenues. Based on the existing zoning and development and the Comprehensive Plan, staff recommends **DENIAL** of OM and **APPROVAL** of OL zoning for Z-6590.

Applicant's Comments:

Joan Hastings, 4148 East 51st Street, 74135, stated she is in agreement with staff recommendation for OL zoning.

Interested Parties Comments:

Nelson Moore, 5120 South Richmond, 74135, expressed concerns with the change in zoning. He stated the subject properties do not front 51st Street. He stated there is an access road to these properties that accesses from Richmond Avenue. He feels, since he owns the property adjacent to the subject properties, there will be an increase in the amount of traffic in front of his property.

Mr. Moore expressed concern with the lack of parking. He stated there is no parking available other than the driveway for each property. He also expressed concern with the dead-end street. He feels the dead-end street does not provide turn-around ability.

Mr. Moore noted the proposed use of Ms. Hastings' property is a dentist's office. He expressed concern for safety issues in regard to controlled substances used at the dental office and security in general.

Mr. Moore feels, in regard to stormwater management, there will be a drainage problem if the front yard is required to be concrete for parking purposes. Also, if there is any type of parking lot constructed at the rear of the property, he feels it will cause stormwater to shed to his property.

David McElwain, 2220 East 45th Place, 74105, stated he is interested in acquiring one of the subject properties for the purpose of a private practice. He feels his private practice will be very low volume. In regard to parking, he stated due to the regulations on parking, the entire front yard will be converted to a parking lot with required landscaping.

Scott McIntosh, 5115 South Richmond Avenue, 74135, stated he opposed the zoning request in general.

Mr. McIntosh stated he moved to area for the school and neighborhood and requested the Commission to deny the request and keep the integrity of the neighborhood as residential. He feels the rezoning will degrade the quality of life in the area.

Mr. McIntosh expressed concern with future uses or types of business on the subject properties.

Tom Miller, 5109 South Richmond Avenue, 74135, presented a picture of the turn-around. He expressed concerns with safety issues and increase of traffic in the area. Mr. Doherty reminded Mr. Miller that the replatting process will address the turn-around issue.

Mr. Miller stated there are currently a large number of children in the neighborhood and with the increased traffic he feels their safety will be jeopardized. He noted there are currently no sidewalks in the area and the children have to be closely monitored.

Mr. Miller expressed concern with bio-hazardous materials that will be used in conjunction with a medical or dental office.

Patricia Caldwell, 5129 South Richmond, 74135, signed up as an interested party but did not speak.

Karen Denney, 5123 South Richmond, 74135, presented a letter and pictures from Patricia Caldwell, as well as pictures of the neighborhood, in general, displaying the scenic, well-maintained neighborhood that it is. She requested the zoning remain as residential to maintain the integrity of the neighborhood.

Ms. Denney expressed concern with the narrow lot to the west of the subject properties in that it may be developed as commercial and the subject properties would be converted to parking lots. Then the scenic view would be destroyed and the concrete would cause a drainage problem in the area.

Ms. Denney also expressed concern for the children's safety. She stated the children in the area currently ride their bikes and play on the dead-end street. She feels the turn-around will not be adequate and people will use the dead-end street as a turn-around. She stated there is a current problem with attempting a left-hand turn on 51st Street from Richmond Avenue.

Applicant's Rebuttal:

Joan Hastings presented pictures of her property. She stated the street in front of the subject property was dedicated back to her in 1988 by the City of Tulsa. The street is directly accessed from 51st Street with a utility easement.

Ms. Hastings pointed out in the pictures several businesses in the immediate area. Those businesses consist of an 12-story bank building, apartment complexes, other businesses and restaurants. Ms. Hastings pointed out the four homes surrounding her home are rental properties.

Ms. Hastings stated the owner of the two-acre tract to the west of the subject property is intending to file a rezoning application for OL zoning. She pointed out the property to the west of the two-acre tract is currently zoned OM.

Ms. Hastings stated she purchased her home twenty years ago from a man who operated a scuba-diving school in the pool in the back yard and a diving shop from the garage of the house. She operated a private swimming school in the evenings and on Saturdays. She stated the swimming school never presented a problem with parking or traffic issues.

Ms. Hastings stated she does not currently have a contract on her home; however, she is aware the doctor is interested in the subject property. She knows there is enough room for parking due to the street being dedicated back to her and shown on the map as a part of her property.

Ms. Hastings stated she has attempted on several occasions to sell the subject property as residential; however, people favor the house but not the location. She feels the rezoning will not affect the neighborhood.

TMAPC Comments:

Mr. Doherty asked whether D. McElwain was aware of the replatting requirement due to the rezoning. D. McElwain replied in the affirmative. Mr. Doherty asked whether the replatting requirement will include a turn-around to take care of Mr. Moore's concerns. D. McElwain replied in the affirmative; the tentative drawings indicate perpendicular parking on both sides of the road and a hammer-head turn-around.

Mr. Horner pointed out the "Cox" property.

Ms. Pace requested Ms. Hastings to verify which property is hers. Ms. Hastings replied the west tract is her property and the east tract is privately owned by another individual. Ms. Hastings stated the owner of the east tract requested her to include his property in the rezoning. Ms. Hastings stated Mr. Cox indicated he would have included his property as well if he had known of the rezoning request. Ms. Hastings indicated the doctor is interested in her home for use as a private practice.

Mr. Midget asked whether Ms. Hastings has considered a Planned Unit Development. Ms. Hastings replied she is not familiar with a Planned Unit Development. Mr. Gardner stated staff considered a PUD, but OL zoning eliminates any multistory buildings and limits it to a one-story building. In this particular case, the existing building will be utilized and adequate room is available in the front yard for the required parking. Mr. Gardner feels a PUD will not accomplish anything more.

Mr. Doherty asked whether signage would be limited in OL zoning. Mr. Gardner replied signage is limited to 32 square feet.

Mr. Midget stated he mentioned a PUD because OL allows different use units by right, and a PUD could restrict the uses and maintain the residential character.

Mr. Doherty stated the replatting process will deal with the turn-around issue. He feels cars backing out onto Richmond are not appropriate. He stated the orientations of these lots are different from the balance of the neighborhood in that they front 51st Street. However, he feels OL zoning is the least obtrusive and most restrictive non-residential zoning, and fronting 51st Street is not a typical residential pattern. He feels the professional office seems a likely use for this property and concurs with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-1-1** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; Midget "nay"; Dick "abstaining"; Boyle, Westervelt "absent") to recommend **DENIAL** of OM and **APPROVAL** of OL zoning for Z-6590 as recommended by staff.

Legal Description for Z-6590:

Lot 1 and 2 and 30' of vacated street north, Block 7, Tanglewood Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located west of the southwest corner of East 51st Street South and South Richmond Avenue, Tulsa, Oklahoma.

Mr. Midget stated, for the records, the reason for his objection was not that he was opposing the need to change the zoning, but that he feels a PUD would provide the opportunity to protect the residential character of the neighborhood, especially with the proposed development to the west of the subject properties. He feels the neighborhood should be protected.

Mr. Gardner pointed out that the property to the west of the subject properties has been under consideration in the past and the interior portion has never been supported for any type of office zoning.

Mr. Doherty explained the process of the Zoning Hearing for Z-6590.

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Application No.: PUD-557/Z-5620-SP-9

Applicant: Charles E. Norman

Location: Southeast corner East 93rd Street and South Memorial Drive

Presented to TMAPC: Charles E. Norman

(Corridor Site Plan for a multifamily residential subdivision on the east half and a commercial area on the west half.)

CO - PUD

(PD-18) (CD-8)

Chairman Carnes stated a timely request for continuance to April 23, 1997 has been received.

The following persons signed up as interested parties:

Ronald Pingilley, 9312 South 85th East Avenue, 74133

Matt Vaughan, 8525 East 94th Street, 74133

Candace Chonk, 8514 East 93rd Street, 74133.

Applicant's Comments:

Charles Norman stated he has no objection to the continuance in accordance with the rules of the Commission. He stated he is willing to meet with any of the interested parties to discuss the application prior to next week's meeting.

TMAPC Action; 7 members present:

On **MOTION** of **DICK**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Boyle, Gray, Pace, Westervelt "absent ") to **CONTINUE** the Zoning Public Hearing for PUD-557/Z-5620-SP-9 to April 23, 1997.

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Items PUD-405-G and Z-5722-SP-8 were heard simultaneously.

Application No.: PUD-405-G and Z-5722-SP-8

(PD-18) (CD-8)

Applicant: Charles E. Norman

Location: South and west of 93rd Street and South Memorial Drive

Presented to TMAPC: Charles E. Norman

(Continue to April 23, 1997 to provide revised notice.)

Chairman Carnes stated items PUD-405-G and Z-5722-SP-8 will need to be continued to April 23, 1997 to provide revised notice.

There were no interested parties signed up.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Boyle, Gray, Pace, Westervelt "absent ") to **CONTINUE** the Zoning Public Hearing for PUD-405-G and Z-5722-SP-8 to provide revised notice.

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Application No.: Z-6591

Applicant: Jon E. Brightmire

Location: 1902 North 129th East Avenue

Presented to TMAPC: Jon E. Brightmire

RS-3 to IM

(PD-16) (CD-6)

Chairman Carnes informed the Commission that item Z-6591 has been withdrawn.

The following persons signed up as interested parties:

Denise Hemston, 3172 East 1st Street, 74104

Oce Cummisky, 1806 North 129th East, 74116

Staff Comments:

Mr. Gardner informed the Commission and the interested parties that since this item has been withdrawn, the applicant would be required to file a new application if he wished to pursue a zoning change. He stated if a new application is filed, interested parties would be notified accordingly.

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Application No.: PUD-558

Applicant: William B. Holloway

Location: 1215-1221 South Frisco

Presented to TMAPC: William B. Holloway

RD/CH to PUD

(PD-7) (CD-2)

Staff Recommendation:

The proposed PUD is composed of the remainder of two lots on Frisco Avenue which have had their eastern portion taken for right-of-way for the Inner Dispersal Loop. The northern lot is zoned RD and borders the expressway on its northern and eastern sides. The southern lot is zoned CH and borders the expressway on the east; a single-family dwelling zoned CH is on the south and a City of Tulsa fire station is on the west across Frisco Avenue. No underlying zoning change is proposed.

The PUD proposes four townhouse lots containing two- or three-bedroom dwellings with detached two-car garages and a patio area between the garage and the dwelling. All lots would have vehicular access onto Frisco Avenue. The subject tract is approximately 25 feet higher than the expressway, which should help moderate highway noise.

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-558 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-558 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)	14,989 SF
(Net)	12,476 SF
Permitted Uses:	Townhouses - Use Unit 7 a
Maximum Dwelling Units:	4
Minimum Lot Width:	20'
Maximum Building Height:	35'
Minimum Livability Space per Lot:	600 SF
Minimum Building Setbacks:	
From east boundary of PUD	5'
From south boundary of PUD	4'
From north boundary of PUD	0'
From centerline of Frisco Avenue	40'
From internal lot lines	0'

3. No Zoning Clearance Permit shall be issued 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. No sign permits shall be issued for erection of a sign for the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. No Building Permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved TMAPC.

Applicant's Comments:

William Holloway, 1519 South Utica, 74104, and **Robert Johnson**, 1244 East 24th Street, 74114, proposed taking the two lots, one zoned RD and the other CH, overlaying a PUD and constructing four (4) townhouse single-family residences. He believes the requirements of lot area and land area for livability for setbacks have been met.

Mr. Doherty asked whether they agree with staff's recommendation. Mr. Holloway replied he has not read the staff's recommendation but was informed staff recommended approval of the PUD. Chairman Carnes provided the recommendation and asked Mr. Holloway and Mr. Johnson to review to recommendation and comment during their rebuttal.

Interested Parties Comments:

Dan Hauser, 1286 South 105th East Avenue, stated he is representing his son as owner of the property in the area. He feels this is a request for spot-zoning. He stated the site plan calls for the units to be located within four feet of the property line and constructing a six-foot fence. He noted the house on the adjacent lot was built within two feet of the property line. He feels the townhouse units and the adjacent house will be too close to each other.

Mr. Hauser expressed concern with the measurements indicated on the site plan. He stated the site plan indicates Frisco Avenue is 25 feet in width. He measured Frisco Avenue as 36 feet in width. Therefore, the townhouse units would be constructed five feet closer to the street.

Mr. Hauser also expressed concern with the parking availability. He stated the ten-foot setback from the property line will not accommodate the parking of a vehicle. He stated the cul-de-sac is also not illustrated correctly on the site plan. He feels there is not adequate room for turning around in the cul-de-sac.

Mr. Hauser feels the proposal is too dense for the area. He pointed out the other homes in the area are residential with a 56-foot setback, sidewalks and tree-line parking.

David Hartley, 1231 South Frisco, 74119, stated he has lived at this address for 57 years. He presented a history of the neighborhood. He stated the reason Frisco Avenue is 36 feet wide was to accommodate the streetcar.

Mr. Hartley stated the change in zoning would affect the aesthetics of the neighborhood. He feels the proposed development would not allow enough room for landscaping, sufficient parking or turn-around area for vehicles.

Mr. Hartley stated, in regard to the aesthetics of the neighborhood, this area is one of the best places to view the City of Tulsa's downtown skyline. The townhouses will take away from the view and provide hiding places for the unwanted.

Mr. Hartley stated the problem with the proposed development is the proposal is too large for the area.

Charisse Cooper, 1227 South Frisco, 74119, signed up as an interested party but did not speak.

Applicant's Rebuttal:

Mr. Holloway stated he is very interested in and concerned with preserving the residential character of the neighborhood. He stated he owns a single-family home in the area and want to preserve the flavor of the neighborhood.

TMAPC Comments:

Mr. Doherty stated a condition could be placed on the motion to allow the Planning Commission to review the appearance of the townhouse to ensure compatibility with the surrounding neighborhood and to verify the measurements to ensure the lot is not overdeveloped.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to recommend **APPROVAL** of PUD-558 subject to the conditions as recommended by staff and that all driveways be at least 21 feet in depth from the street and review of elevation plans by the Planning Commission prior to issuance of building permit.

Legal Description for PUD-558:

Partial Lot 5, Block 12, Lindsey Second Addition, beginning at the southwest corner of Lot 5, thence North 50.5', thence East 76.9' parallel to the North line, Southeast 81.24' to the Southeast corner, thence West 140' to the Point of Beginning, and Lot 8, Block 1, Childers Heights Addition, to the City of Tulsa and located at 1215 South Frisco and 1221 South Frisco Avenue, Tulsa, Oklahoma.

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OTHER BUSINESS:**PUD-230-2 Jon Beatt**

(PD-17) (CD-5)

South 103rd East Avenue, north of East 41st Street

(Minor Amendment to permit an increase in the number, square footage and height of signage in the PUD.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to permit an increase in the number, square footage and height of signage in the PUD. The applicant is proposing two ground signs in Development Area B and one wall sign on the east face of an existing building located on Parcel 1 of Development Area A.

Signage proposed for Development Area B consists of a "directional" sign six feet in height with 12 square feet of display surface area located at the western edge of a parking area fronting on South 103rd East Avenue. A second sign is proposed for the northern edge of the same parcel and would consist of a 30-foot high pole sign with 147 square feet of display area. The sign proposed for Development Area A consists of a 90 square foot wall sign placed 26 feet high on the building wall.

Existing signage within the PUD consists of two ground signs located in front of each of the two buildings in Development Area A. Each sign is identified by the applicant as 2.67 feet by four feet in size. Additional signage consists of one 28-foot high business identification sign located in Development Area B with Mingo Valley Expressway frontage and containing 196 square feet of display surface area.

The approved PUD Outline Development Plan allows one four foot high ground sign with a maximum of 32 square feet of display surface area in Development Area A and the same number and size of signage in Development Area B. In 1987, a Minor Amendment and a Board of Adjustment Variance permitted the 28 foot business identification sign with expressway frontage in Development Area B.

The underlying OL zoning would allow only one sign per street frontage for each lot of record with a display surface area of 2/10 square foot per lineal foot of street frontage. The PUD currently consists of two lots in Development Area A and one lot in Development Area B. Information submitted with the application indicates that Development Area B may be split into two lots.

Staff has reviewed the request and finds the PUD Standard and prior Minor Amendment/Board of Adjustment action limits signage to a total of three signs for the entire PUD. Staff believes the application of the OL Office Business Sign requirements of the Zoning Code with a 20-foot height and 150 square foot maximum may allow additional signage in excess of the PUD Development Standard while still maintaining the office character of the PUD.

Although the applicant's request is intended to better identify a particular company within the office development, the office nature of the PUD and the overall character of the development have been maintained by allowing signage which meets the requirements of the PUD and the height and display area standards of the OL District. The applicant's request to permit a total of three signs on a lot with only two street frontages and two signs on a lot with one street frontage as well as increase the sign height and maximum display area would require a variance from the Board of Adjustment.

Staff, therefore, recommends **DENIAL** of the applicant's request for additional signage in Development Areas A and B while supporting the application of the OL Business Sign standards allowing one sign for each street frontage of a lot.

Applicant's Comments:

Jon Beatt, 9520 East 55th Place, stated he has a client who is moving to Tulsa, West Telecommunications, and will be located at 3810 South 103rd East Avenue in the Koger Office Park.

Mr. Beatt stated the building at this location is positioned a considerable distance and fronts Highway 169. The access road to the building is from 41st Street, approximately one-quarter mile away, and entering on 102nd Street.

Mr. Beatt stated because of the office park, signage is restricted to one sign per lot. The allowed signage is already used for the purpose of the building name that is already in existence. He stated West does have and anticipates a large amount of walk-in traffic to the facility and therefore requests signage for identification purposes.

Mr. Beatt stated West is requesting one 7'x21' sign to be located along the Highway 169 boundary line, a small 4'x3' directional sign for the parking and building, and an additional wall sign on the building itself.

TMAPC Comments:

Chairman Carnes feels the PUD is not being adhered to.

Chairman Carnes asked Mr. Gardner to comment on the request. Mr. Gardner replied when dealing with a office complex, the larger tenants want their own free-standing sign so they can be identified from the major streets. Mr. Gardner stated the ordinance does not permit individual signs. Mr. Gardner informed the Commission that whatever their decision today, the applicant will be required to seek a variance for a hardship from the Board of Adjustment.

Mr. Doherty feels there are hardships present in regard to the tract being isolated on two sides by a drainage ditch and expressway on another side, as well as the character of the area, with a portion of the tract south of 41st Street zoned commercial and a portion of the tract north of 41st Street, zoned office. The technical requirements of the office apply. He stated this is a very large tract with two buildings and could be lot-split to allow the signage. He feels the signage would be appropriate due to the hardships and there being no residentially-zoned tracts in the area.

Ms. Gray stated she is familiar with the location of the facility, and due to the location of the two buildings, she is in agreement with Mr. Doherty that the signs are appropriate.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-1-0** (Ballard, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; Carnes "nay"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** Minor Amendment PUD-230-2 to permit one - 7'x21' sign to be located along Highway 169 boundary line; a small 4'x3' directional sign for the parking area and building; and an additional wall sign on the building itself.

Z-5659-SP-1e Scott Case

(PD-18) (CD-8)

65th Street and South Highway 169

(Minor Amendment to the Site Plan to permit the construction of a decorative structure with identification signage on the west side of the property.)

Staff Recommendation:

The subject tract is part of Lot 1, Block 1, The Greens of Bedford Apartments, containing an existing apartment complex and has an underlying zoning of CO (Corridor). The applicant is requesting a minor amendment to the original Site Plan to permit the construction of a decorative structure with identification signage on the west side of the property.

The proposed decorative structure is a 40.5 foot tower with an 11.3 foot by 11.3 foot base. The tower matches the architectural style of the recently remodeled leasing office and clubhouse located at the north central area of the site. According to the site plan revisions submitted, the tower will be located 15 feet from the Highway 169 right-of-way and will have a total surface display area of four square feet on each of three sides as shown in the revised site plan submitted with the application. Signage on the structure will face to the north, south and east.

Staff review indicates that the proposed structure is consistent and harmonizes with the existing development and approved site plan and maintains the purposes of the provisions of the Corridor District. The decorative structure meets the height and setback requirements of the Zoning Code. The three signs mounted on the structure, however, are not permitted under Section 1221 D (4) of the Zoning Code which allows signs containing no more than two sides.

Therefore, based on the information submitted, Staff recommends **APPROVAL** of the minor amendment to the corridor site plan with the following conditions:

1. Approval of a variance from the Section 1221 D (4) provisions of the Zoning Code from the Board of Adjustment.
2. Submission to and approval by TMAPC of a detailed Sign Plan.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** Minor Amendment Z-5659-SP-1e to permit the construction of a decorative structure with identification signage on the west side of the property subject to approval of a variance from the Section 1221D(4) provisions of the Zoning Code from the Board of Adjustment and submission to and approval by TMAPC of a detailed sign plan as recommended by staff.

PUD-532-1 Joseph Coleman

(PD-1) (CD-4)

Northwest corner North Denver and West Archer

(Minor Amendment to delete the PUD Development Plan conditions requiring BOA action relating to facility spacing requirements and the PUD condition to provide a sidewalk along the northern boundary.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to delete the requirement contained in the PUD standards that the Board of Adjustment grant a Special Exception eliminating the spacing requirement for similar uses in the area. The applicant is also requesting the deletion of the PUD requirement that a sidewalk be constructed along the northern boundary of the PUD fronting on Brady Street.

Staff has reviewed the request and finds that the spacing requirement is a characteristic of the principal use approved for the site and is allowed by right or Special Exception within the general zoning district within which the Planned Unit Development is located. Board of Adjustment action is unnecessary. When the PUD Development Plan was reviewed and approved, the spacing requirement use condition was met under Section 1103 Section A of the PUD Chapter of the Zoning Code. The Salvation Army Facility was the first use to be approved by the BOA. The new homeless shelter was granted a variance of the spacing requirements from the Salvation Army facility by the BOA. The Avalon Prerelease Center was approved by the BOA for location across the street.

Staff review also finds that the closing of Brady Street to facilitate the construction of the new City-County jail makes the provisions of a sidewalk unnecessary.

Therefore, based on the requirements of the PUD Chapter and the closing of Brady Street, staff recommends **APPROVAL** of the Minor Amendment to delete the PUD Development Plan conditions requiring Board of Adjustment action relating to facility spacing requirements and the PUD condition to provide a sidewalk along Brady Street. All other conditions contained in the PUD-532 Development Plan apply.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** Minor Amendment PUD-532-1 to delete the PUD Development Plan conditions requiring BOA action relating to facility spacing requirements and the PUD condition to provide a sidewalk along the northern boundary (Brady Street) as recommended by staff.

* * * * *

PUD-168-7 Catherine Tatum

(PD-18) (CD-8)

83rd Place and South Harvard

(Minor Amendment to reduce the required rear yard setback for the northeast and southwest corners of an existing dwelling.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required rear yard setback for the northeast and southwest corners of an existing 2380 square foot dwelling. The applicant requests that the rear yard be reduced from 20 feet to 12 feet to accommodate an existing covered patio at the northeast corner of the structure and from 20 feet to 18 feet to accommodate the southwest corner of the home. The encroachments were recently the cause for a prospective buyer of the property to back out of a sales contract.

Staff review of two surveyor's inspection plats submitted with the application find that the lot is of an irregular size, being 110.47 feet deep on the north and 126.87 deep on the south. The existing structure (50.7 foot by 46.9 footprint) encroaches into the required rear yard and 20-foot building line/utility easement by one foot at the southwest and by 7.6 feet at the northeast. The rear yard backs to South Harvard Avenue and the survey indicates that the 7.91 foot encroachment by the covered patio was not constructed over gas or telephone lines.

The applicant informed Staff that the when the house was purchased in 1989, only the one-foot encroachment at the southwest corner was noted on the surveyor's inspection plat. The existing covered patio was not indicated as an encroachment and the owner replaced the existing patio cover and extended the patio surface to the north shortly after purchase but did not further encroach into the 20-foot rear yard setback and utility easement.

Staff review finds the request will not have an adverse effect on abutting properties nor appreciably alter the character of the PUD. The encroachment by both the patio and house do not cover underground utilities within the 20 foot utility easement.

Based on the surveyor's plats submitted with the application, Staff recommends **APPROVAL** of the Minor Amendment to reduce the required rear yard of Lot 4 from 20 feet to 12 feet to accommodate the existing covered patio* and from 20 feet to 18 feet to accommodate the southwest corner of the existing dwelling. Approval does not alter the PUD standards and applies only to the existing construction on Lot 4 or 8316 East 83rd Place South.

* Patio cover must remain open on sides.

Interested Parties Comments:

Ann Holcomb, 3316 East 83rd Place, presented a letter from Patio Homes Association in support of the amendment.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** Minor Amendment PUD-168-7 to reduce the required rear yard of Lot 4 from 20 feet to 12 feet to accommodate the existing covered patio, noting the patio cover must remain open on sides, and from 20 feet to 18 feet to accommodate the southwest corner of the existing dwelling as recommended by staff.

* * * * *

PUD-460-A Roy Johnsen

Determine whether PUD-460-A requires a major or minor PUD amendment.

Staff Comments:

Mr. Gardner stated the change within the Planned Unit Development has to do with the issue of a different layout than the one that is shown on the plan. The dimension and boundaries of the single-family area has not changed. However, the open space has changed slightly, but the use is still single-family. The difference is the three different areas that border the multifamily and the streets are planned for private streets.

Mr. Gardner stated the Commission needs to determine whether this change requires a major or minor PUD amendment and the appropriate notification requirements, not debate whether the streets should be private or not.

Applicant's Comments:

Roy Johnsen stated the property in the northwest corner, 81st and Mingo, was approved as a PUD, identifying commercial, multifamily and single-family areas and an open-space area along the northern boundary. He presented the proposed PUD, noting the commercial and multifamily areas remain the same.

Mr. Johnsen stated the single-family area is basically the same in all of the dimensions except the proposed open-space area is slightly larger and extends more to the west. However, the basic concept of single-family development has been adhered to. The proposed permitted density is less than the number of units that were previously approved. The dwelling types are still detached single-family. There are three areas where private streets are proposed.

Mr. Johnsen requested the Commission to determine whether PUD-460-A requires a major or minor amendment to proceed without delay.

TMAPC Comments:

Mr. Doherty feels it is minor in nature, minor in procedure and minor in filing fee; however, given the City Council's recent concern in regard to private streets and gated communities, he asked whether the request could be treated as a minor with a condition, if necessary, subject to approval of City Council.

Ms. Pace asked the size of the development areas. Mr. Johnsen replied there are three villages, one being 14.4 acres, one being 18.3 and the other 14.8 acres.

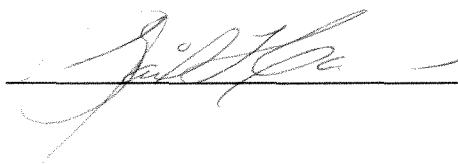
Chairman Carnes asked the number of lots in the C-1 area that will have the private street access. Mr. Doherty replied he recalls the debate on the PUD and a condition of a crash gate for C-1 area. Mr. Johnsen replied the policy will require a crash gate be installed.

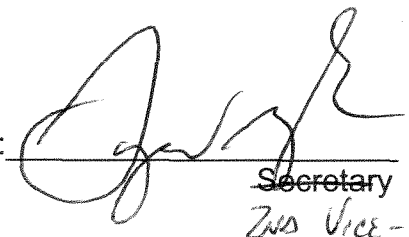
TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to treat PUD-460-A as a minor amendment and at the time of hearing attach a condition, if necessary, making it subject to approval of City Council.

There being no further business, the Chairman declared the meeting adjourned at 3:18 p.m.

Date Approved: 5-14-97


Chairman

ATTEST: 
Secretary
2nd Vice-Chairman