

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2179

Wednesday, October 21, 1998, 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>
Harmon	Boyle	Beach	Romig, Legal
Horner	Carnes	Dunlap	Counsel
Jackson	Westervelt	Huntsinger	
Ledford		Matthews	
Midget		Stump	
Pace			
Selph			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 19, 1998 at 9:15 a.m., posted in the Office of the City Clerk at 9:07 a.m., as well as in the office of the County Clerk at 9:04 a.m.

After declaring a quorum present, Secretary Jackson called the meeting to order at 1:30 p.m.

### **REPORTS:**

#### **Committee Reports:**

##### **Comprehensive Plan Committee**

Mr. Ledford announced that there would be a work session immediately following the TMAPC meeting today.

#### **Director's Report:**

Mr. Stump reported that the Infill Task Force will be meeting on October 26, at 4:00 p.m. The five work groups will be reporting their draft recommendations to the Infill Task Force and then refining the draft recommendations. He stated that the Infill work groups will be finalizing their reports in the next two months. He explained that the final report will be presented to the TMAPC and Mayor Susan Savage.

Mr. Stump stated that there is a subdivision plat on the City Council Agenda for Thursday, October 22. He commented that there is no need for staff or TMAPC to attend the meeting.

**Continued Zoning Public Hearings:**

**CZ-247 – Betty Douthit**

**AG-4 to CS**

Northwest corner East 116<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue.

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 15 Plan, a part of the City of Owasso Comprehensive Plan designates the subject tract as Low Intensity - Rural Residential.

The requested CS zoning is not in accordance with the Plan.

Staff Comments:

**Site Analysis:** The subject property is approximately 3.19 acres in size and is located on the northwest corner of East 116<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue. It is flat, non-wooded, vacant, and is zoned AG-R in the County.

**Surrounding Area Analysis:** The subject tract is abutted on north, south and west by single-family dwellings, zoned AG-R and to the east by vacant land, zoned AG.

**Zoning and BOA Historical Summary:** The most recent rezoning action in this area was in 1985 when a 2.5 acre tract, located approximately one mile west of the subject tract, was approved for CG zoning for retail and restaurant use on the northeast corner of East 116<sup>th</sup> Street North and North Garnett Road.

**Conclusion:** The Owasso Comprehensive Plan does not support CS zoning in this area. Therefore, based on the Comprehensive Plan, the surrounding zoning and development, staff recommends **DENIAL** of CS zoning for CZ-247.

**Applicant’s Presentation:**

Debi Douthit, 11621 North 126<sup>th</sup> East Avenue, stated that she would like to withdraw her application until a later date.

**Staff Comments:**

Mr. Stump asked Ms. Douthit if she is withdrawing her request. He explained to her that if she withdraws the application, then she will have to reapply and pay the expenses to file a new application. In response, Ms. Douthit stated that she understands that she will lose the fees that she has paid for this application. She further stated that she understands that when she reapplies she will have to pay the fees again.

Mr. Stump informed the Planning Commission that they could strike Ms. Douthit's application from the agenda.

Mr. Jackson announced that CZ-247 has been stricken from the October 21, agenda.

\* \* \* \* \*

## **Zoning Public Hearings:**

**Z-6645/PUD-591 – Wayne Alberty**

**RS-1 to RS-2/PUD**

South of southwest corner East 47<sup>th</sup> Street and South Gary Avenue

### **Staff Recommendation for Z-6645:**

#### **Relationship to the Comprehensive Plan:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential.

According to the Zoning Matrix the requested RS-2 zoning (revised by applicant from RS-3) is in accordance with the Plan Map.

#### **Staff Comments:**

**Site Analysis:** The subject property is less than one acre in size and is located south of the southwest corner of East 47<sup>th</sup> Street South and South Gary Avenue. The property is flat, partially wooded, contains one single-family dwelling and is zoned RS-1.

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

**Zoning and BOA Historical Summary:** The most recent zoning action in this area rezoned a .85 acre tract located on the northeast corner of East 47<sup>th</sup> Street South and South Gary Avenue from RS-1 to RS-2 in order to split the tract into three separate lots.

**Conclusion:** Based on the Comprehensive Plan designation and the surrounding land uses, staff recommends **APPROVAL** of RS-2 zoning for Z-6645.

**AND**

### **Staff Recommendation for PUD-591:**

The PUD (as revised) proposes three single-family dwellings on 0.95 acres located 310' south of the southwest corner of 47<sup>th</sup> Street and South Gary Avenue, having 180' of frontage on South Gary Avenue. The proposed development would have a single private roadway providing access from South Gary Avenue. Related zoning case Z-6645 is requesting a change to RS-2.

The subject tract contains an older frame home, which the new owner proposes to remove. There are single-family homes zoned RS-1 to the north, south and west. The French Villa Apartments, which are zoned RM-2 and RS-1, are located to the east across South Gary Avenue.

If the property is rezoned to RS-2, staff finds the uses and intensities of development proposed and as modified by staff, to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-591 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of



**Screening and Buffering:**

A six-foot screening wall or fence shall be provided along the north, south and west boundaries of the PUD. A five-foot screening wall or fence shall be provided along the east boundary of the PUD.

3. The Department 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.
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 18' in width for two-way roads and 12' 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 shall be 10 percent.
6. No Building Permit shall be issued until the requirements of Section 1170F 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.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. Entry gates or guard gates, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to Issuance of a building permit.
9. Approval of the PUD is not an endorsement of the layout. This will be done during the subdivision platting process.

\*There shall be no detached accessory buildings within the PUD.

**Applicant's Presentation:**

**Robert Nichols**, 111 West 5<sup>th</sup>, stated that he is representing the property owner, Mr. Boyd and the applicant, Mr. Alberty. He explained that the current proposal is for three dwellings rather than four dwellings. He indicated that there will be an on site detention pond on the southwest corner of the subject property.

Mr. Nichols stated that the property owners accept the staff's recommendation and request that this application be approved.

**Interested Parties who oppose the proposal are as follows:**

**Frank Cox**, 4815 South Florence Place; **Teresa Miller**, 4809 South Florence Place; **Charles Cook**, 4820 South Florence Place; **Drew Kimmel**, 3204 East 47<sup>th</sup>; **Danette Gallatin**, 3123 East 48<sup>th</sup>.

**The above interested parties expressed the following concerns and oppositions:**

There should be normal spacing with normal back yards; the property owners will become boxed in; the proposal will add to a serious flooding problem; the proposal will set a precedent if approved; traffic will increase in the subject area; will breach the restrictive covenants by changing the zoning; stormwater will be diverted onto their properties; the proposal will be detrimental to the neighborhood; contribute to standing water problems in the neighborhood; the subject properties have always been RS-1 and should remain RS-1 with RS-1 standards; the interested parties would accept a single-family residence with normal spacing. The interested parties stated that the proposal will result in 80% of the subject property covered by concrete and add to the flooding problem.

**TMAPC Comments:**

Mr. Harmon asked Mr. Cox to state the size of the lot on which he lives. In response, Mr. Cox stated his lot measures 100' X 100'. Mr. Harmon stated that Mr. Cox's lot is approximately 1/3 acre and the proposal is to put houses on an equivalent to a third-acre tract. Mr. Harmon commented that the proposal does not seem to be creating density greater than what is already in existence. Mr. Cox responded that the neighbors will be sitting on top of each other if this proposal is approved. Mr. Harmon asked Mr. Cox if the proposal will create anything greater than what is existing. In response, Mr. Cox stated that the density is greater when the property lines are within 15' or 20' of each other. In response, Mr. Harmon stated that a third-acre lot is a third-acre lot wherever it is located; however, some may be in different shapes, but they are still third-acre lots. Mr. Harmon reminded Mr. Cox that he stated he had already experienced flooding. Mr. Harmon asked Mr. Cox why he felt that this proposal will exacerbate his flooding problem. In response, Mr. Cox stated that the runoff will fill the detention pond and run out onto his property. Mr. Harmon stated that the detention pond would actually help with the runoff. In response, Mr. Cox stated that the water rolls off of the hill about six inches deep and will fill up the detention pond and overflow. Mr. Harmon stated that whatever runs into the detention pond would keep that much water runoff from the adjacent neighbors. Mr. Cox stated he did not know if that would be the case.

**Interested Parties:**

**Melinda Pulley**, 4744 South Gary Avenue, stated that she is south of the proposed property. She commented that she has heard about the water runoff and the traffic issues. She explained that she is the last house on the street and would know more than anyone how much traffic is in the area. She commented that everyone turns around in her driveway and she would have a good idea of how much traffic is in the subject area.

Ms. Pulley stated that the properties that Mr. Boyd is proposing to change are in terrible condition. She commented that the proposed development would improve the property value. She explained that currently there is an abandoned house on the subject property which attracts kids to hang out and party into the night. She stated that the proposal would deter kids hanging out in the area and causing interruptions in the evening hours.

Ms. Pulley commented that the property owner could divide the subject property into two tracts for two homes and then the homeowners could install pools. This would also increase the concrete coverage and add to the water runoff problem, which would be worse than a detention pond.

Ms. Pulley stated that the proposal meets the issues that have been mentioned and will improve the subject area. She commented that the homes are geared to elderly people and would not increase to the traffic. She stated that it would be better to have more people in the neighborhood than is present daily for security reasons. She explained that currently there are several vacant properties and no one is around to report or watch for vandalism, etc.

Ms. Pulley expressed her support for the proposal and requested the Planning Commission to approve this application.

**Applicant's Rebuttal:**

Mr. Nichols stated that he appreciates the comments made by each of the interested parties. He commented that the planning staff has done an excellent job and is the best in any community he has ever worked in.

Mr. Nichols stated that there have not been any new facts brought to light that were not already considered in the staff recommendation. He commented that several of the issues were of opinions and everyone is welcomed to give their opinion. The opinions zeroed in on density issues. He stated that the fact is that this tract of ground is under consideration would have lots that would 12, 720 SF each. The lots would be deficit 780 SF of RS-1 standards. Mr. Stump stated that the applicant's proposal will be within 91% of meeting the RS-1 standards.

Mr. Nichols indicated that all of the homes in the subject area are zoned RS-1 and barely meet the RS-1 standards. He commented that a majority of the lots in the subject area barely meet the RS-1 standards and the area was platted in 1964. He stated that the minimum for RS-1 is 13,000 SF per home and most of the homes are approximately 13,500 SF lots. He explained that the lots that are proposed by his client are less than four or five percent short. He stated that changing the zoning to RS-2 is not taking the existing neighborhood from one standard to another. The lot size difference between the proposed and the existing would be barely noticeable.

Mr. Nichols stated that the proposed project will provide a buffer for the neighbors to the west from the RM-2 apartment complex.

**TMAPC Comments:**

In response to Mr. Selph, Mr. Nichols stated that the actual coverage of the lot by impermeable surface would be less than 40%. Mr. Stump stated he calculated the impermeable coverage to be around 35%.

Mr. Nichols stated that the proposal will not devalue the surrounding property. He indicated that the proposed homes will be built to a physical standard that will meet or exceed any of the existing homes in the neighborhood. He stated that the proposal will bring value back to the subject neighborhood, which it needs.

Mr. Nichols stated that the issue of flooding is beyond the scope of this discussion today. He explained that the Stormwater Management Department addresses flooding issues. The onsite detention pond must be built to the Stormwater Management's standards and his client will do so.

Mr. Nichols informed the Planning Commission that the proposed community that his client would like to build is geared toward older people who are not interested in maintaining large yards and large homes.

Mr. Pace asked Mr. Nichols which way the overflow from the detention pond would flow. In response, Mr. Nichols stated that the application is subject to Stormwater Management's reconfiguration. If Stormwater Management recommends that there be some alteration to the proposal then it would be in their jurisdiction and would have to come back before the TMAPC for the alteration of the site plan. Mr. Nichols stated that his client will have to file a plat and the plat will have to go through the platting process. Mr. Nichols stated that the City Engineer's office and the Stormwater Management office will review the proposal.

Ms. Pace asked staff if the subject area has storm drainage. In response, Mr. Stump stated that Gary is overland flow. Mr. Stump explained that because of the changes in grade the detention pond may drain in the same drainage area that stormwater currently flows into. Mr. Stump stated that the City's regulations are that post-development cannot create any greater flow or swell than occurred prior to development. Mr. Stump explained that the detention pond would be used to ensure that the flow or swell is not greater after development than prior to development.

Mr. Harmon stated that it appears that the proposal is a responsible plan. Three homes on approximately one acre with a detention pond provided seem responsible. He acknowledged that the neighbors have concerns, but the proposal does not seem to be out of line for the neighborhood and the development that is most likely to take place surrounding the subject area. This proposal does not seem to be of too great of density or create a flooding hazard any greater than what is existing.



Mr. Ledford requested staff to include the provision that Item No. 8, regarding entry gates or guard gates, must receive detail site plan approval from Traffic Engineering and TMAPC.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Harmon, Horner, Jackson, Ledford, Midget, Pace, Selph “aye”; no “nays”; none “abstaining”; Boyle, Carnes, Westervelt “absent”) to recommend **APPROVAL** of RS-2 zoning for Z-6645 and **APPROVAL** for PUD-591 as amended, subject to conditions as recommended by staff. (Language deleted is shown as strikeout type, language added or substituted is underline type.)

**Legal Description for Z-6645/PUD-591:**

The North 165’ of the East 212’ and the North 15’ of the East 200.00’ of the South Half of Lot 15, Claypool Subdivision, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; less and except the East 5’ thereof dedicated to the public.

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**Z-5722-SP-10a/PUD-405 – Scott Rodehaver** (PD-18) (CD-8)

West of southwest corner East 91<sup>st</sup> Street and South Memorial  
(Minor Amendment/Corridor and PUD Site Plans)

**Staff Recommendation:**

The applicant is requesting approval of a Minor Amendment to an existing Corridor/PUD Site Plan to decrease the total land coverage of an office building on Lot 9 from 6,550 SF to 4,694 SF and increase the building height to two stories and building floor area to 9,387 SF. This increase in building floor area is approximately 15% when the buildings on both Lots 8 and 9 are connected.

A single-story 6,550 SF building with landscaping and parking was approved for Lot 9 in 1997 as part of a two lot-two building office development. A related minor amendment (PUD 405-13) allowed the two lots to be combined for purposes of computing an aggregate building coverage that would conform to Corridor District bulk and area requirements. A condition of approval of PUD 405-13 was the execution of a lot-tie agreement approved by the City Attorney prohibiting Lots 8 and 9 from being sold separately.

Staff has reviewed the revised site plan for Lot 9 and finds it conforms to bulk and area, building height, setback, access, mutual access, parking, signage, circulation and landscaping requirements of PUD 405 as amended and of the Corridor District requirements of the Zoning Code.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment to the Corridor Site Plan as submitted with the following condition:

1. Execution and recording of an acceptable lot-tie agreement as required by PUD 405-13 before issuance of a building permit.
2. No more than 19,500 SF of the total office floor area on Lots 8 and 9 may be used as medical offices.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Harmon, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Westervelt "absent") to recommend **APPROVAL** of the Minor Amendment and Corridor Site Plan subject to the conditions as recommended by staff.

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**Other Business:**

**PUD-312A – Ricky Jones**

(PD-18) (CD-5)

North of northwest corner East 51<sup>st</sup> Street and South Garnett Road  
(Detail Site Plan)

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval of a 138,800 SF two-story office building on 14.8 acres (net).

Staff has reviewed the request and finds conformance to the use, bulk and area, building area, height, setback, parking, access, circulation and total landscaped area standards of PUD 312-A Development Area A.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD 312-A Development Area A as submitted.

**NOTE:** Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **7-0-0** (Harmon, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Westervelt "absent") to **APPROVE** the Detail Site Plan for PUD-312-A as recommended by staff.

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There being no further business, the Secretary declared the meeting adjourned at 2:30 p.m.

Date approved: 11-4-98

Brouillette  
Secretary

ATTEST: [Signature]  
Commissioner

