

TULSA METROPOLITAN AREA PLANNING COMMISSION  
 MINUTES of Meeting No. 1396  
 Wednesday, February 24, 1982, 1:30 p.m.  
 Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Freeman	Petty	Chisum	Jackere, Legal
Gardner	Inhofe	Compton	Department
Higgins		Gardner	
Holliday, 2nd Vice		Lasker	
Chairman		Wilmoth	
Kempe, 1st Vice			
Chairman			
Parmeale, Chairman			
Rice			
Young			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, February 23, 1982, at 11:45 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmeale called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of RICE, the Planning Commission voted 6-0-0 (Freeman, Gardner, Holliday, Kempe, Parmeale, Rice "aye"; no "nays"; no "abstentions"; Higgins, Petty, Young, Inhofe, "absent") to approve the minutes of February 3, 1982 (No. 1393) and February 10, 1982 (No. 1394).

REPORTS:

Director's Report

Mr. Lasker advised there is a National Planning Conference to be held on May 8-12, 1982, in Dallas for APA members. Money has been budgeted for travel and training; therefore, anyone interested was encouraged to attend. This conference is usually a good session in which to discuss zoning and planning issues with people from other cities.

The INCOG Staff is in the process of developing next year's work program and Mr. Lasker asked that if any of the Commissioners had ideas to get in touch with the INCOG Staff.

The INCOG Board approved the reorganization of the Development Coordination Division. Ricky Jones has been hired as the new Planner II on the Staff. Mr. Jones previously was the Planner for the City of Glenpool.

The INCOG Offices are almost complete and Mr. Lasker invited the Commissioners to visit.



CZ-43 (continued)

Protestants: None.

Instruments Submitted: Letter from City of Owasso recommending denial  
(Exhibit "A-1")

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Freeman, Gardner, Holliday, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Higgins, Petty, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be DENIED rezoning to CG, based on the Staff Recommendation:

The East 200' of the East 403' of the South 620' of the N/2 of the NE/4 of the SE/4 of Section 18, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

Application No. CZ-44  
Applicant: Nave and Sellmeyer  
Location: Highway #169 and 120th Street North

Present Zoning: AG  
Proposed Zoning: IL

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Date of Application: December 29, 1981  
Date of Hearing: February 24, 1982  
Size of Tract: 2.5 acres

Presentation to TMAPC by: Art Nave  
Address: Rt. 1, Box 414, Collinsville, Okla. 74021 Phone: 371-3468

Relationship to the Comprehensive Plan:

The Owasso Plan designates the subject property Rural Residential.

The IL District is not in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located north of the northeast corner of 116th Street North and Garnett Road and is approximately 2.5 acres in size. The subject tract is abutted by a single-family residence and mobile home on the north and by vacant land on the west, south and east. The tract is vacant and is zoned AG, as is the surrounding land.

The subject tract has been designated Rural Residential and the requested IL zoning would be inconsistent with the Owasso Plan. It is outside the arterial intersection node and would be inconsistent with the Development Guidelines. In addition, the Owasso Planning Staff and Planning Commission recommends DENIAL of the IL zoning request.

Based upon these facts, the Staff recommends DENIAL of the requested IL zoning.

For the record, if the Commission is inclined to support the applicant's request a decision to plan all of the Garnett frontage for commercial or industrial in this area needs to be made and a plan developed to follow. Without such a plan the Staff cannot support commercial or industrial zoning.

A letter was submitted from the Owasso Planning Commission recommending denial of the requested rezoning (Exhibit "B-1"). The Owasso Planning Commission made the comment that strip zoning is not in accord with the adopted planning guidelines.

Applicant's Comments:

Art Nave was present and explained this zoning is asked for a specific user, Water Products Company of Owasso. There would be a small office and warehouse with three employees. The tract would easily support a septic system. This business would be an 8:00 a.m. to 5:00 p.m. business with no retail sales. There is a slight water problem because the site is higher than the neighbors. The new construction will grade the property out and direct the water toward the bar ditch on the Highway.

The tract is directly across the Highway from a CS zoning and is in close proximity of a bar, service station, restaurant and beauty shop. Mr. Nave has walked door to door and, he has a petition with 7 signatures in favor of the change (Exhibit "B-2") and asked the Commission to approve the rezoning.

CZ-44 (continued)

Protestants: Claude Lamb Address: Rt. 3, Box 962, Collinsville, Ok. 74021  
John Buller Rt. 3, Box 691, Collinsville, Ok. 74021

Protestant's Comments:

Claude Lamb owns the property to the north of the subject tract. His land is lower than this tract and the water runs across his yard. There is no drainage and no fire protection. He is concerned because plastic products would be highly inflammable. Mr. Lamb remarked there are not many houses in that area and was not sure where the people lived who signed the Petition in Favor of rezoning. The tavern was built before the area was zoned and is still zoned agricultural. It was built as a house, but was used as a restaurant and tavern. The land directly across the street is not zoned commercial. He would welcome a home next to his property but opposes industrial use.

Mr. Buller lives directly to the south of the subject tract and agreed with the protest made by Mr. Lamb. If the property has a dam installed, the water would probably back up on his property. The frontage is only 10 rods wide and a draw runs through the middle of the property. He emphasized the lack of fire protection and wish for private, residential living.

Applicant's Comments:

Mr. Nave explained his property is along a busy highway and is commercial. The Owasso Commission approved 10 acres for commercial and 10 acres for mobile homes at the junction of #20 Highway and #169 Highway during this same meeting. The area is continually going commercial and a single-family dwelling is the exception in this area. The neighbors are scattered and three signatures on the exhibited Petition live across the fence from Mr. Lamb in mobile homes and houses. He went as far as 122nd Street, which is within 2 blocks of the property, to discuss this and the two residents present are the only protestants.

MOTION was made by GARDNER, seconded by KEMPE, to DENY this application per Staff Recommendation.

Instruments Submitted: Letter from City of Owasso recommending denial  
(Exhibit "B-1")  
Petition with 7 signatures in favor of rezoning  
(Exhibit "B-2")

Special Discussion for the Record:

Commissioner Rice recognized the statements made by the Staff and the protestants, but felt this area will sooner or later go commercial or light industry because it fronts a busy highway. It is the feeling of the Board of County Commissioners that the trend is toward commercial and light industrial.

Chairman Parmele agreed with Commissioner Rice on the zoning pattern. Commercial zoning goes south of 116th Street more than a quarter of a mile and does front on a busy highway.

TMAPC Action: 8 members present.

On MOTION of GARDNER, the Planning Commission voted 5-2-1 (Freeman, Gardner, Holliday, Kempe, Young, "aye"; Parmele, Rice, "nay"; Higgins, "abstaining"; Petty, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be DENIED rezoning to IL:

CZ-44 (continued)

The South-Half of the South-Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter, LESS .06 Acres for road of Section 5, Township 20 North, Range 14 East, Tulsa County, Okla.

Application No. Z-5665 Present Zoning: AG  
Applicant: Taylor (Cooper) Proposed Zoning: OL  
Location: NE corner of 118th East Avenue and 41st Street

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Date of Application: January 4, 1982  
Date of Hearing: February 24, 1982  
Size of Tract: 2 acres

Presentation to TMAPC by: John Taylor  
Address: 2905 South Elm - Broken Arrow 74012 Phone: 251-2207

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- No Specific Land Use.

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

Staff Recommendation:

The subject tract is located at the northeast corner of 41st Street South and 118th East Avenue. The tract contains a vacant single-family residence and an accessory building. It is abutted by an RS-3 single-family subdivision on the north and west, on the east by two large lot single-family residences zoned AG, and on the south, across 41st Street, by vacant RM-1 land.

The Comprehensive Plan designates the area as Low-Intensity -- No Specific Land Use and the requested OL zoning may be found in accordance with the Plan Map if the surrounding physical factors support its use.

The subject tract is located beyond the node and cannot be supported by the Development Guidelines. The surrounding land is either used or zoned in a residential manner and does not support OL zoning. The Staff feels that rezoning the subject tract to OL would set a precedent allowing the vacant land surrounding the tract to be zoned OL or a more intense district.

118th Street serves as the entrance into the single-family subdivision. Four single-family homes front directly into the proposed office and they would be adversely effected by nonresidential development of the subject property. These homes presently face a single-family residence, which was the case when the subdivision was first designed. To now change this physical fact would be detrimental to the value and resale of these homes.

Therefore, the Staff recommends DENIAL of the requested OL zoning.

Applicant's Comments:

John Taylor, the applicant, was present. This request was made because the Board of Adjustment assured him this zoning was in line with the projected planning. He felt OL zoning would be appropriate due to the size of the tract and the areas surrounding the property. The property to the south is going to be all office or industrial and to the east will be a higher use than single-family.

Application No. Z-5667 Present Zoning: RS-3  
Applicant: A. C. Saint Proposed Zoning: IL  
Location: West of the SW corner of I-244 and Sheridan Road

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Date of Application: January 20, 1982  
Date of Hearing: February 24, 1982  
Size of Tract: 200' x 300'

Presentation to TMAPC by: A. C. Saint  
Address: 3921 South 96th East Avenue Phone: 627-0386

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Commercial.

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

Staff Recommendation:

The subject tract is located west of the southwest corner of Archer Street and Sheridan Road. It contains several residences and is abutted to the north by the Crosstown Expressway, to the east by a single-family residence, to the south by commercial establishments, and to the west by a horticultural nursery. The land to the west is zoned RM-2, to the south is zoned CH and to the east is zoned IL and CG. The subject tract is zoned RS-3 and the applicant is requesting IL zoning for a proposed warehouse use.

The tract has been designated Medium Intensity -- Commercial and the requested IL zoning may be found in accordance with the Plan Map if the surrounding physical factors support its use. In this case, the surrounding land uses and zoning patterns do support the IL zoning District.

Therefore, the Staff recommends APPROVAL of the requested IL zoning.

Protestants: None

Applicant's Comments:

Mr. A. C. Saint was present but had no comments.

TMAPC Action: 8 members present.

On MOTION of YOUNG, the Planning Commission voted 8-0-0 (Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

Lots 16 and 17, Block 2, Greenlawn Addition, Tulsa County, Okla.



Application No. PUD 279

Present Zoning: CS and RM-1

Applicant: Roy Johnsen (Welder)

Location: East of the Southeast corner of 71st St. and Quincy

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Date of Application: January 22, 1982

Date of Hearing: February 24, 1982

Size of Tract: 6.51 Acres

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Staff Recommendation:

Planned Unit Development #279 is located south and east of the southeast corner of East 71st Street South and South Quincy Avenue. The subject tract is mostly vacant except for two single-family residences and out-building. The tract is abutted on the north by CS zoning and a proposed office park development, on the west by CS, RM-1 and RS-2 zoning Districts, on the south by RS-2 zoning and containing single-family residences, and on the east by RM-1 zoning with a proposed multifamily development. The tract is zoned CS and RM-1 and the applicant is proposing an office park use.

According to the Comprehensive Plan, the tract has been designated Medium- and Low-Intensity -- No Specific Land Use. The requested office park if developed to OM standards would not be in accordance with the Plan Map, on the majority of the site. Also, the Zoning Code specifically equates OL with RM-1 and OM with RM-2, and since this tract is zoned CS and RM-1, the proposed development using OM standards would be inconsistent with the Zoning Code's intent. In addition, the purpose of the PUD supplemental zoning is to allow for the rearrangement of uses, not increasing substantially the intensity of the uses. Because of these factors, the Staff reviewed the application based upon the use of OL standards.

The Staff reviewed the applicant's Illustrative Site Plan and Development Text and find that PUD #279 with minor modifications, is consistent with the Comprehensive Plan and the standards of the PUD Chapter of the Tulsa Zoning Code. Therefore, the Staff recommends APPROVAL of PUD #279, subject to the following conditions:

(1) Development Standards

- A. Gross Area 6.7 acres
- B. Net Area 6.4 acres
- C. Permitted Uses As permitted within an OL District.
- D. Maximum Floor Area: 105,000 square feet
- E. Maximum Building Height: 2 stories
- F. Minimum Landscaped Open Space: 25% of net area
- G. Minimum Building Setbacks:
  - From 71st Street 50 feet (110' centerline of 71st Street)
  - From Quincy Avenue 25 feet
  - From South Boundary 75 feet
  - From Other Boundaries 20 feet
- H. Parking Ratio: 1 space per 300 square feet of floor area.

I. Minimum Lot Frontage:

- |                               |  |
|-------------------------------|--|
| If abutting public street     | As required within an OL District  |
| If not abutting public street | 20' of frontage on an interior private drive providing the lot access is to a public street. |

J. Other Bulk and Area Requirements: As required within an OL District

- (2) That the applicant's Illustrative Site Plan and Development Text be conditions of approval as being representative of the design and character of the project.
- (3) That no building permit shall be issued until a detailed site plan of the proposed development shall have been submitted and approved by the TMAPC.
- (4) That a detailed landscape plan be approved prior to occupancy of the building including a six (6) foot screening fence where the tract abuts an R District, per the Zoning Code.
- (5) Sign Standards:

Signs accessory to the office uses shall comply with the restrictions of the Planned Unit Development Ordinance and the following additional restrictions:

(A) Ground Signs

Ground signs shall be limited to one monument sign identifying the project located at the 71st Street entrance to the project not exceeding 6 feet in height and not exceeding a display surface area of 120 square feet, one monument sign identifying the project at the Quincy entrance not exceeding 4 feet in height and not exceeding a display surface area of 32 square feet, and one monument sign per building located within the interior of the project not exceeding 4 feet in height and not exceeding a display surface area of 32 square feet.

(B) Wall or Canopy Signs

Wall or canopy signs shall be limited to one sign for each principal building and shall not exceed a display surface area of 64 square feet.

- (6) That no building permit shall be issued until the property has been included within a subdivision plat, submitted to and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Roy Johnsen was present and had been furnished with a copy of the Staff Recommendation with all the conditions. Mr. Gardner advised that the only conditions where the application differed from the Staff Recommendation were the screening fence requirement and the downgrading of the general development standards from OM to OL. The Ordinance requires a 6 foot, solid surface screening fence where the property abuts an R District and the Staff has made the same requirement as a part of the PUD.

Mr. Johnsen advised the Commission that the conditions recommended by the Staff are acceptable to the applicant. The key facts of the property are the frontage is zoned CS and the rear is zoned multifamily. A fairly low density office park is proposed. This seems consistent with the zoning patterns in the area.

Protestants: None

TMAPC Action: 8 members present.

On MOTION of RICE, the Planning Commission voted 8-0-0 (Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentions"; Petty, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, subject to the conditions set out in the Staff Recommendation:

Tract "A" - A tract of land located in Lot 3, Valley Bend Subdivision, a subdivision of Lot 1, Section 7, T-18-N, R-13-E, of the Indian Base and Meridian, Tulsa County Oklahoma, according to the recorded plat there-of being more particularly described as follows to-wit: All of Lot 3, said Valley Bend Subdivision less and except the West 85.00 feet of the North 150.00 feet of said Lot 3, said described tract containing 2.02 acres more or less.

Tract "B" - A tract of land located in Lot 2, Valley Bend Subdivision, a subdivision of Lot 1, Section 7, T-18-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the recorded plat there-of being more particularly described as follows to-wit: All of Lot 2, said Valley Bend Subdivision less and except the North 290.00 feet of the West 35.70 feet of said Lot 2, said described tract containing 2.08 acres more or less.

Tract "C" - A tract of land located in Lot 1, Block 1, River Grove Subdivision, a subdivision in Section 7, T-18-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma according to the recorded plat there-of, being more particularly described as follows, to-wit: All of said Lot 1, Block 1, River Grove Subdivision.

Application No. PUD 280

Present Zoning: RS-3

Applicant: Keleher (Player)

Location: South side of 35th Street between New Haven and Oswego

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Date of Application: January 22, 1982

Date of Hearing: February 24, 1982

Size of Tract: 1.8 Acre

Presentation to TMAPC by: Tom Keleher

Address: 2626 E. 21st Street - 74114

Phone: 749-6474

Mr. Gardner explained that a maximum of 9.7 units could be developed on the tract using the underlying RS-3 zoning without a PUD. He requested, in this particular instance, the Staff Recommendation be read after the applicant presented his proposal.

Applicant's Comments:

Tom Keleher, representing the applicant, pointed out that there is no change in the zoning or density, but a PUD would allow them to move the buildings around and provide for amenities. A site plan review will be required to ascertain that the applicant has complied with the PUD standards. On-site detention is required and the drainage plan must be approved by the City Engineer.

The original property was the Albert Pike Addition and this is the only property remaining in that subdivision. The other properties that were in this addition have been re-subdivided. A question was raised in the District 6 meeting regarding 2-story restrictions, which applies in the other subdivisions but not in this case. Two-story buildings have been proposed due to the economics of developing an in-fill project.

Mr. Keleher wished to make a few comments after hearing the Staff Recommendations.

Commissioner Young requested that Mr. Keleher clarify how many units would be on the tract and was informed there would be 8 new units. The existing house on the tract was thought to be a duplex but has never been used as such, which would make the total of 9 units on the property.

Mr. Gardner then read the Staff Recommendation.

Staff Recommendation:

Planned Unit Development #280 is approximately 2 acres in size and is located west of the southwest corner of 35th Street and South Pittsburg Avenue. The subject tract contains a large single-family residence with the remainder being vacant. The surrounding area is developed in single-family residences. The surrounding land is zoned RS-3, as is the subject tract and the applicant is requesting PUD APPROVAL for duplex townhouses to be sold as single-family residences.

The subject tract contains 81,528 square feet of gross area. Under the RS-3 zoning, it can support 9.7 units and the applicant is proposing 9 units. The applicant is also proposing that the new units be two stories in height and the RS-3 zoning District allows a building height of 26 feet (2 or 2½ stories). The livability requirement of 4,000 square feet per unit can be met for the total project and the PUD Chapter in the Zoning Code allows for dwelling types from Use Units 6, 7 & 8 to be developed within a PUD that has any part located in a residential District.

After the above review of the applicant's Development Text and Plot Plan, the Staff finds PUD #280 to be consistent with the Comprehensive Plan and the standards of the PUD Chapter of the Tulsa Zoning Code. Therefore, the Staff recommends APPROVAL of PUD #280, subject to the following conditions:

1. Development Standards:

- A. Area (Gross): 81,528 square feet  
(Net): 78,543 square feet
- B. Permitted Uses: Principal and accessory uses permitted as a matter of right in an RS-3 District and dwelling types contained in Use Units 6 & 7.
- C. Maximum Number of Units: \* 9 units
- D. Maximum Building Height: 26 feet
- E. Minimum Livability Area: 43,635 square feet
- F. Minimum Parking Spaces: 2 spaces per unit
- G. Minimum Building Setbacks:
  - From centerline of 35th Street 55 feet
  - From Perimeter Boundaries 20 feet
  - From Building to Building 10 feet

\*This figure is based on the existing structure which was formerly a duplex being counted as one unit. The amount of area zoned RS-3 will not support the splitting of this structure into two or more units.

- 2. That the Development Text and Plot Plan be made conditions of approval including the platting of individual lots, each containing one dwelling.
- 3. That a detailed site plan meeting the graphical intent of the Plot Plan be approved prior to issuance of a building permit.
- 4. That a detailed landscape plan be approved and in place prior to occupancy. The landscape plan shall include a perimeter fence along all boundaries except the northern boundary adjacent to 35th Street.
- 5. That a homeowner's association be created to maintain all common areas including private drives if units are sold now or in the future.
- 6. No building permit shall be issued until the property has been included within a subdivision plat, submitted to and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Protestants: Ben Shoemake 3531 S. Oswego - 74135  
Lee Young 3523 S. Oswego  
Phil Moffat 3531 S. Richmond  
Carol Nielson 3520 S. Pittsburg

Protestant's Comments:

Ben Shoemake presented a petition of protest with 113 signatures (Exhibit "D-1"). This project would cause a problem of ingress and egress from the driveway onto E. 35th Street because of a sharp turn and narrow street. Fire protection would be hindered if they had to enter the property. He feels the proposed development would result in unreasonable devaluation of surrounding residential property and have an adverse affect on the salability of the homes. Two-story development would encroach on the privacy of the surrounding homes. Traffic would be increased, which in turn would increase the noise. There will be considerable run-off due to the asphalt paving. The subject property can be developed as single-family residential instead of the congested townhouse development proposed.

Commissioner Young asked Staff about the height restriction if this were developed without a PUD and Mr. Gardner replied 2-story could be built. He further explained there are two reasons for the Planned Unit Development. The first is that a private street could be built with a PUD as opposed to a dedicated street, which would reduce the number of units. The second reason is that units cannot be attached without a PUD or duplex approval via the Board of Adjustment.

Lee Young lives immediately to the west of the subject tract. He agrees with the problems voiced by Mr. Shoemake that the proposed development would create problems with fire protection, utilities and drainage. He did not feel this proposal would be compatible with the existing single-family residences which average about 1200 square feet. He suggested the question concerning the restrictive covenants be researched.

Phil Moffat agreed the proposed development would not be compatible with the existing structures. The cost of these townhouses would be approximately twice the value of the other homes in the area. The exterior of these townhouses would probably be masonry, whereas the existing homes are mainly siding. He also was concerned about access and agreed this would be spot zoning. He requested the application be denied on the basis of protecting the neighborhood.

Carol Nielson's property would abut the proposed street and objects to this application on that basis. Also, her property would be bounded on both sides by a street. She selected her property because there were not any 2-story houses in the area. Mrs. Neilson wondered what was proposed for the existing house on the site. The street will probably be 10 feet from the front of the house. A swimming pool and playground in the near vicinity would distract from the atmosphere in the homes.

Applicant's Comments:

Gary Player is the applicant and moved into the home presently on the property in September. He has since found he cannot afford to keep this large a lot. The house he is living in is large and 2-story, which meets his family's needs. The strip between his house and the houses facing Pittsburg is 45 feet. This would leave a 15-foot sideline when a street is put in and would be wider than the distance between some existing structures.

Mr. Keleher pointed out again that this is the original Albert Pike Addition, which carried no restrictive covenants when it was platted in the 1920's. The street will be a normal, paved street, although it would not carry the normal width of a City street. He could not see how these townhouses, which would cost almost twice the amount of the existing structures, would devalue

property. These are not the typical townhouses. They would be zero lot line units and under the building code would have to be constructed so that one house could be removed in case of catastrophe. He did not believe District 6 recommended denial but went on record as wanting single-family detached units.

Chairman Parmele read a letter submitted by the District 6 Chairman, Bob Paddock (Exhibit "D-2"), which stated the District recommended denial because proposed development is not compatible with surrounding development.

Mr. Keleher remarked this is not spot zoning. He took exception with the Staff condition in Paragraph 4, "That a detailed landscape plan be approved and in place prior to occupancy..." This condition could work a hardship and Mr. Keleher wished to strike the words "...and in place prior to occupancy..." He did not like the idea of a fence all the way around the property.

Since this site is unique and surrounded by a community of detached, single-family houses, Mr. Gardner explained some sort of fencing requirement, maybe fencing and landscaping combination, would be needed to delineate this property. It will be a community within a community. The entry way will have to be attractive in order to sell the houses. The landscaping plan could be brought back when something more definite is decided. In addition, a fence would resolve the conflict of privacy.

MOTION was made by HOLLIDAY, seconded by HIGGINS, to approve the PUD application, but deleting the words "...and in place..." in Paragraph 4 of the Staff Recommendation.

Special Discussion for the Record:

Chairman Parmele wished to explain to the protestants that the applicant has the right to build 9 single-family, 2-story dwelling units with the present zoning. Mrs. Nielson asked if there would be an easement for the street and was informed by Chairman Parmele this would be a private street for the development's use only.

Commissioner Young recognized Mr. Moffat who pointed out that 8 more units could not be built without a PUD due to the setbacks. Approximately one year ago a PUD was denied. From a practical point of view, this is spot zoning because it changes the neighborhood, making a community within a community.

Instruments Submitted:

Protest Petition with 113 signatures	Exhibit "D-1"
Letter from District 6 Chairman, recommending denial of this application	Exhibit "D-2"

TMAPC Action: 8 members present.

On MOTION of HOLLIDAY, the Planning Commission voted 8-0-0 (Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentions"; Petty, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved PUD, subject to the Staff recommendations and conditions; and, that Paragraph 4 of the Staff Recommendation be revised to read as follows:

- "4. That a detailed landscape plan be approved prior to occupancy. The landscape plan shall include a perimeter fence along all boundaries except the northern boundary adjacent to 35th Street."

The East Two Hundred (200) Feet of Lot Thirty-three, less and except:  
The North 114 Feet of the West 70.5 Feet, and the South 104 Feet of  
the North 114 Feet of the East 30 Feet of the West 100.5 Feet thereof,  
and  
The North One Hundred Fifty (150) Feet of the East Two Hundred (200)  
Feet of Lot Forty-eight (48), all in ALBERT PIKE SUBDIVISION, in  
the City of Tulsa, Tulsa County, State of Oklahoma, according to  
the Recorded Plat thereof.



Application No. PUD 223-A

Present Zoning: (RM-0)

Applicant: Tannehill (Hecht)

Location: NW corner of Edison Street and Country Club Drive

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Date of Application: January 22, 1982

Date of Hearing: February 24, 1982

Size of Tract: 5.89 acres

Presentation to TMAPC by: Tom Tannehill

Address: 1918 East 51st Street, Suite 2W

Phone 749-4694

Staff Recommendation:

Planned Unit Development #223-A is located on the northeast corner of Edison Street and Country Club Drive. The subject tract is a portion of Development Area "A" for PUD #223. The tract is zoned a combination of RM-0 and RS-2 and the applicant is requesting several amendments to the original conditions placed on the tract as follows:

4. Development Area "A":

b. That the net land area be 2.2 acres.

e. That the following minimum setbacks shall apply:

West boundary	20 feet
North boundary	25 feet
East boundary	20 feet
South boundary	25 feet

g. That private streets be permitted as shown on the Final Site Plan and that they be constructed to the material specifications of the City Engineer.

h. Delete

i. Delete

The Staff has reviewed the original Site Plan and Text approved October 24, 1979; previous amendment to conditions, approved December 12, 1979; the requested amendments as of this date; and the new Site Plan and can recommend APPROVAL of the amendments. However, for the purpose of eliminating confusion, the Staff has incorporated all amendments into a new set of conditions for Development Area "A" and would recommend APPROVAL of PUD #223-A, subject to the following conditions:

4. Development Area "A":

a. That the maximum number of units be 30.

b. That the net land area be 2.2 acres.

c. That the minimum of lot frontage be 20' and the minimum lot area be 2,200 square feet on the western tier of lots (fronting Country Club Drive) and 1,600 square feet on the remainder of the tract.

d. That a minimum of two off-street covered parking spaces be provided for each dwelling unit and additional spaces be provided for guest parking.

e. That the following minimum setbacks shall apply:

West boundary	20 feet
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PUD #223-A (continued)

North boundary;

Western tier of lots	15 feet
Eastern tier of lots	20 feet
East boundary	20 feet
South boundary	25 feet
Building separation	10 feet

- f. That the west and north boundaries be landscaped with suitable plant materials to provide visual screening. The specific landscaping materials be located and specified at the time of final site plan approval, and that the plant materials be in place prior to occupancy of any dwelling unit.
- g. That the private street be permitted as shown provided that it stop 10 feet before the north boundary, visual landscape screening occurs between the end of the street and the boundary, and that the street be constructed to the material specification of the City Engineer.
- h. That the exterior facades of the buildings meet as a minimum, the graphical intent of the elevations submitted. Including, but not limited to: The majority of the garages being enclosed; presence of porches, patios, fireplaces, and landscaping; and that the eleven unit building located along the eastern boundary and fronting on Country Club Drive be split into two buildings, one containing six units and one containing five units with 10 feet separating these 2 complexes.

In addition, the Staff can recommend Site Plan APPROVAL based on the Plan submitted, and modifications recommended by the Staff; provided the applicant submits an amended plot plan for review and approval prior to the issuance of a building permit.

- I. That a subdivision plat be approved by TMAPC, incorporating within the restrictive covenants the PUD conditions of approval and that the City of Tulsa be made beneficiary to those covenants prior to a building permit being issued.

Applicant's Comments:

Tom Tannehill represented Patrick Ross Constructors, Inc., the new owner and proposed developer of this property. He has talked to numerous people in the area about this project and the majority of them were concerned about Development Area "B", which is not under consideration today. The differences between the original application and this application are, the deletion of two units and the setback was changed because of an old storm sewer through the middle of the property. This sewer was substandard and cannot be used. There had also been a requirement that 50% of the exterior of the structures to be masonry and the side facing Country Club Drive was to be predominately of masonry exterior. However, he thought the Staff was satisfied as to the quality of the homes to be built based on the builder's reputation and the objection to non-masonry was withdrawn. He agrees with the Staff Recommendations except for the requirement for building separation.

PUD #223-A (continued)

He does not know if there is some basic construction reason why the building was not broken in the submitted plan and did not know if it were practical to construct them as the Staff suggests. If the Commission follows the Staff Recommendation and there is a need to come back before the Board, Mr. Tannehill hoped it be treated as a minor amendment to the PUD.

Mr. Gardner explained the masonry requirement on the previous application had to do with quality and the fact that a specific plan was not submitted. The application presented today has a condition that the buildings be of the same quality as the elevation presented. The garages will be on the interior of the project toward the private street. There will be fireplaces and patios which will make this development compatible with the existing homes. The previous proposal would have had open carports and no garages.

<u>Protestants:</u>	H. W. Gilbert	Address:	564 North Country Club Drive
	Floyd Zook		2406 West Oklahoma Street, 74127
	Doris Burger		1758 West Fairview Avenue

Protestant's Comments:

H. W. Gilbert lives to the west of the proposed development. The houses in the area are nice homes and he would like to see the buildings be more than all wood frame. To the north is a development that is all masonry exterior and he felt these townhouses should be masonry at least half-way. He also suggested a brick wall between the development and Country Club Dr. Mr. Gilbert thought there would have to be from 6 to 10 feet of fill on the tract.

Floyd Zook is the Chairman for District 11 and has reviewed the architect's plans as well as the material on the original hearing in 1979. He wishes to bring to the Commission's attention the fact that on the original PUD the west boundary setback line was 25 feet and the application today is asking for 20 feet and he understands the Staff is recommending 15 feet. Mr. Gardner explained the closest setback is 20 feet for four units and the majority would be 25 feet and some would be 30 feet. Mr. Zook continued by stating on the north boundary the original setback line was 50 feet and this application is asking for 25 feet. He also felt the west side of the buildings should be at least half masonry. The blueprints show a three-story structure, which would be in conflict with the previous approval limiting structures to 2 stories.

Doris Burger was opposed to this development because of the number of units proposed. Mr. Gardner explained these will be townhouses and each unit will be on its own lot. The units will be sold and will not be subsidized apartments. Mrs. Burger advised that various new townhouses in Gilcrease Hills are still vacant and will not sell. She did not feel this was a good location because of the close proximity to a fire station, subsidized apartments, a grade school and the expressway.

Mr. Gilbert asked about the 6" water line that was previously required because of past experience with water shortage. Mr. Gardner replied it is the policy of the City Water and Sewer Department to require loop lines, which would be bigger than existing lines in the area. The applicant would have to meet the requirements of the Water and Sewer Department and the drainage requirements of the City Hydrology Department.

Applicant's Comments:

Mr. Tannehill did not have any further comments, but would answer any questions. Commissioner Holliday asked what the approximate sales price of the units would be and Mr. Tannehill answered in the area from \$65,000 to \$75,000. This design is for bigger units than the original application, which is the reason they have been moved to the north. The units were moved away from Edison Street because of the noise factor, although he has never noticed any excessive noise while at the location. He also explained to Commissioner Holliday that there is no masonry planned for the buildings, but there is a landscaping requirement on the west and north sides. Mr. Gilbert is the only resident with a house immediately across from this location.

Commissioner Higgins was also concerned with the need for a masonry requirement. Commissioner Gardner was also concerned with the compatibility of these townhouses with the other homes. Mr. Gardner remarked that the Commission could make a requirement that the buildings have masonry exterior which Commissioner Holliday and Commissioner Higgins agreed would increase the price of the units. Mr. Tannehill noted that such a requirement would probably "kill" the project.

Chairman Parmele pointed out that because of a grade change everything to the north is considerably higher than the subject tract. The masonry would only benefit the view from Country Club Drive. Mr. Tannehill presented photographs of the area and pictures of projects completed by the builder (Exhibit "E-1").

Instruments Submitted: Photographs of the subject property (Exhibit "E-1")

TMAPC Action: 7 members present.

On MOTION of KEMPE, the Planning Commission voted 6-1-0 (Freeman, Higgins, Holliday, Kempe, Parmele, Rice, "aye"; Gardner, "nay"; no "abstentions"; Petty, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, subject to Staff Recommendations and conditions:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Country Club Oaks Subdivision, Osage County, Oklahoma, and the remaining area of Lot 2, Block 5, South Osage Hills Subdivision, Osage County, and Lots 1 and 2, Block 4, South Osage Hills Addition to Tulsa, Osage County, Oklahoma, according to the recorded plat thereof, less and except: Beginning at the SW corner of said Lot 2; thence North along the West line of said Lot 2 a distance of 10'; thence North  $69^{\circ}-38'-19''$  East a distance of 246.05'; thence North  $88^{\circ}-36'-45''$  East a distance of 125' to a point on the East line of said Lot 1; thence South along said East line a distance of 90' to the SE corner of said Lot 1; thence West along the South line of said Lots 1 and 2 a distance of 357.40' to the point of beginning, and

A tract of land lying in Section 35, Township 20 North, Range 12 East of the Indian Base and Meridian, Osage County, Oklahoma, more particularly described as follows, to wit: Commencing at the SE corner of Osage County (SE corner Lot 4, Section 35, T-20-N, R-12-E); thence due North along the 96th Meridian a distance of 301.50' to a point; thence due West a distance of 30.00' to the point of beginning; thence continuing due West a distance of 100.00' to a point; thence

PUD #223-A (continued)

due North a distance of 139.77' to a point; thence South  $62^{\circ}$  East a distance of 113.26' to a point; thence due South parallel to the 96th Meridian a distance of 86.61' to the point of beginning.

SUBDIVISIONS:

For Final Approval and Release:

The Westbank (1192) 1700 Block South Jackson Avenue (OM)

The Staff advised all letters and necessary papers had been received and the plat is ready for final approval and release.

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Freeman, Gardner, Holliday, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Higgins, Petty, Young, Inhofe, "absent") to approve the final plat and release same for The Westbank Addition.

Sixty-One Riverside (182) 61st Street and Riverside Drive (RM-2)

The Staff advised all letters and necessary papers have been received and the plat is ready for final approval and release.

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Freeman, Gardner, Holliday, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Higgins, Petty, Young, Inhofe, "absent") to approve the final plat and release same for Sixty-One Riverside Addition.

OTHER BUSINESS:

PUD #202-B -- Minor Amendment/Site Plan Approval - Lot 1 & 2, Block 2, Shadow Mountain II Addition

The applicant is requesting to increase the number of off-street parking spaces from 350 to 402 spaces. All other conditions and requirements are the same. The open space is substantial around the base of the tower, on the perimeter and at the end of the parking isles. Therefore, the Staff recommends APPROVAL of the Minor Amendment to add 52 parking spaces and APPROVE the revised site plan.

On MOTION of HOLLIDAY, the Planning Commission voted 7-0-0 (Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Petty, Young, Inhofe, "absent") to approve this Minor Amendment and Site Plan.

PUD #190 -- Minor Amendment - Lot 12, Block 11, Minshall Park I Addition

The applicant has begun construction of a single-family dwelling which contains one level as a basement, the majority of which is underground, one full floor above-ground and a partial floor above the ground floor. The PUD Covenants and conditions of approval limit the structure height to 35 feet or 2 stories.

Since the lot slopes the Building Inspector measured the highest point of the house perpendicular to the ground and it measures 35 feet. A third party, Mr. Royce Jones, believes the structure height is greater than 35 feet and contends that the structure is 3 stories, rather than 2 stories.

PUD #190 (continued)

The Staff agrees with the measurement of the Building Inspector which is an average based on the slope of the lot. To measure at the top of the grade would be incorrect, since the structure would measure only 27 feet of height and to measure at the bottom of the grade would penalize the owner for having a sloping lot and would merely require that he fill the lot under the building pad, and therefore, the height of the structure would not change and the Building Inspector's measurement would read 35 feet.

The Zoning Code does not define "story", but the Building Code does. The Zoning Code does not restrict the height or pitch of the roof, but the PUD conditions do (35 feet).

Summary:

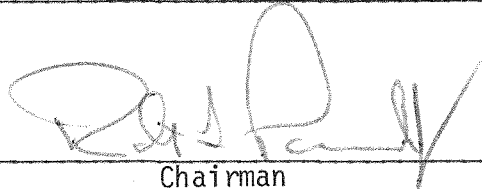
The structure meets the Zoning Code, meets the 35-foot height maximum and the number of stories is debatable. Since the height of the structure would not change regardless of whether the structure contained a basement, were filled or were built on piers, the Staff can support a Minor Amendment, if by definition, the structure turns out to be "3 stories" in height.

Mr. Ross Hutchins is the attorney for the applicant and brought to the Board's attention that the house is a split level and no single floor covers the perimeter of the house. The house only has one-story height in the side walls, a rather steep-pitched roof and a portion below grade. He does not believe this is in violation, but asked that a minor variance to the PUD be approved. A letter was presented from the applicant, Michael R. Dankbar, requesting this change (Exhibit "F-1").


On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Petty, Young, Inhofe, "absent") to approve this Minor Amendment to PUD #190 at Lot 12, Block 11, Minshall Park I Addition.

There being no further business, the Chair adjourned the meeting at 3:25 p.m.

Date Approved 8-10-82

  
Chairman

ATTEST:

  
Secretary





TMAPC RECEIPTS

MONTH OF FEBRUARY, 1982

ZONING

Zoning Fees	(15)	\$1,520.00	
Fee Waived	( 0)		\$1,520.00

LAND DIVISION

Subdivision Preliminary Plats	( 3)	\$ 150.00	
Subdivision Final Plats	( 6)	404.00	
Lot-Splits	(24)	200.00	
Fee Waived	( 0)		\$ 754.00

BOARD OF ADJUSTMENT

Board of Adjustment Fees	(62)	\$2,955.00	
Fee Waived	( 0)		\$2,955.00

\$5,229.00

DEPOSITORY TICKET

CITY RECEIPT

789	014666	\$1,786.00
790	015254	965.00
791	015851	1,208.00
792	016190	1,295.00
		\$5,254.00
	*Less:	(25.00)

\$5,229.00

CITY BOARD OF ADJUSTMENT

\$2,620.00

COUNTY BOARD OF ADJUSTMENT

\$ 335.00

CITY SHARE

\$1,137.00

COUNTY SHARE

\$1,137.00

\*Less: City Board of Adjustment - William or Merle Christ - \$25.00 -  
 Receipt #29279 - Deposit #014666

