

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1418
 Wednesday, August 11, 1982, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Hennage, 2nd Vice- Chairman	Freeman	Chisum	Linker, Legal
Hinkle	Gardner	Compton	Department
Kempe, 1st Vice- Chairman	Higgins	Lasker	
Parmeale, Chairman	Young		
Petty, Secretary	Inhofe		
Rice			

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, August 10, 1982, at 8:48 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.

MINUTES:

Consideration of the minutes for July 28, 1982, was tabled for one week.

REPORTS:

Director's Report:

Mr. Lasker advised the Commission that the annual Leadership Retreat will be held on October 3 and 4 at Shangri La. All pertinent information will be forwarded to the members.

Report of Receipts and Deposits:

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmeale, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") to approve the Report of Receipts and Deposits for the month of July, 1982.

RESOLUTION No. 1418:563:

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmeale, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") that the following Resolution No. 1418:563 be approved and adopted:

A RESOLUTION AMENDING THE SUBDIVISION REGULATIONS OF THE TULSA METROPOLITAN AREA PERTAINING TO THE NUMBER OF PLATS REQUIRED FOR PROCESSING AND TO AMEND LANGUAGE PERTAINING TO ENDORSEMENT OF FINAL APPROVAL ON PLAT; AUTHORIZING AND DIRECTING CERTIFICATION THEREOF TO THE CITY AND COUNTY OF TULSA, OKLAHOMA AND FILING THEREOF IN THE OFFICE OF THE COUNTY CLERK.

RESOLUTION No. 1418:563 (continued)

WHEREAS, the Tulsa Metropolitan Area Planning Commission did on the 30th day of August, 1978, adopt a set of regulations governing the subdivision of land within the Tulsa Metropolitan Area; and

WHEREAS, on the 20th day of July, 1982, the Tulsa Metropolitan Area Planning Commission did call a Public Hearing for the 4th day of August, 1982, and has given notice thereof, for the purpose of considering the adoption of a resolution amending the Subdivision Regulations pertaining to the number of plats required for processing and to amend language pertaining to endorsement of final approval on plat; and,

WHEREAS, said Public Hearing was held on August 4, 1982; and,

WHEREAS, after public hearing and upon due study and deliberation, it was deemed to be in the public interest and in keeping with the purposes of the Planning Commission as set forth in the Tulsa Metropolitan Area Planning Commission Enabling Act, Title 19, Oklahoma Statutes, Section 863.6, to adopt a resolution amending the Subdivision Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Subdivision Regulations of the Tulsa Metropolitan Area be and the same are hereby amended to read as follows, to wit:

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SECTION 2. APPLICATION PROCESS

2.2 SKETCH PLAT.

2. Procedure

- (a) At least fifteen (15) copies of the sketch plat shall be submitted to the Planning Commission Staff at least ten (10) working days prior to the meeting of the Technical Advisory Committee.

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SECTION 2. APPLICATION PROCESS

2.3 PRELIMINARY PLAT.

1. Application Procedure and Requirements. The subdivider shall submit a preliminary plat for approval. Fifteen (15) copies of said plat shall be submitted. The preliminary plat shall:
 - (a) be accompanied by an application and filing fee established by the Planning Commission;
 - (b) comply in all respects with the sketch plat as approved, if applicable; and
 - (c) be filed with the Planning Commission Staff at least ten (1) working days prior to the meeting of the Technical Advisory Committee at which it will be considered.

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SECTION 2. APPLICATION PROCESS

2.5 FINAL PLAT.

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4. Endorsement of Approval on Plat.

(b) The parties responsible for endorsing approval on the plat shall be the appropriate City or County Engineer or any other party authorized in writing to sign for said City or County Engineer and one of the following:

- (1) Chairman of the Planning Commission
- (2) Any officer of the Planning Commission
- (3) Director of INCOG
- (4) Assistant Director of INCOG

BE IT FURTHER RESOLVED THAT, upon adoption and approval hereof by the Tulsa Metropolitan Area Planning Commission, this Resolution be certified to the City Commission of the City of Tulsa and the Board of Commissioners of the County of Tulsa for approval and thereafter that it be filed as a public record in the office of the County Clerk of Tulsa County.

APPROVED and ADOPTED this 11th day of August, 1982, by a majority of the full membership of the Tulsa Metropolitan Area Planning Commission including its ex officio members, as provided by law.

PUBLIC HEARING:

PUBLIC HEARING ON PROPOSED AMENDMENTS TO
TITLE 42, SECTION 420.1; SECTION 430.1;
SECTION 430.2; SECTION 820.2c; SECTION
1730.3; AND SECTION 1800, TULSA REVISED
ORDINANCES (TULSA ZONING CODE).

The public hearing was opened to discuss amendments listed above to the Tulsa Zoning Code.

Steve Compton of the INCOG Staff explained the proposed amendments as follows:

SECTION 420.1 ACCESSORY USES IN RESIDENTIAL DISTRICTS

An error was made in the printing of the Code. This proposed change is to correct the error by placing an asterisk under Item 3 of Table 2, requiring Board of Adjustment approval for more than two boarders in all R Districts.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe "absent") to recommend to the Board of City Commissioners that Title 42, Section 420.1 of the Tulsa Revised Ordinances (Tulsa Zoning Code) be amended to read as follows:

SECTION 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS

420.1 Accessory Uses Permitted

Table 2

<u>Uses</u>	<u>Districts</u>
1. Accessory Commercial	RM-3
2. Home Occupations	All R Districts*
3. Sleeping Rooms	
Two Persons	All R Districts
More than two persons	All R Districts*

*By Special Exception requiring Board of Adjustment approval.

SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS

Previously, the Zoning Code required a 26-foot structure height in all residential districts. When this is applied to the building height definition two problems are revealed, (a) identifying the ground elevation of a building on a sloping lot and (b) interpreting the actual total building height since the definition is a height to the top plate.

After study and discussion, the Staff is proposing to change the structure height to 35 feet in all districts, amend the definition of "Building Height", and add a definition for "Average Ground Elevation", (the definitions are under Section 1800 of this Public Hearing). The overall effect of these amendments would not change the general height of a building from what it is now, it would only provide a more clear way to address building height questions.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe "absent") to recommend to the Board of City Commissioners that Title 42, Section 430 of the Tulsa Revised Ordinances (Tulsa Zoning Code) be amended to read as follows:

SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS

430.1 Bulk and Area Requirements in the RS, RD and RM Districts

Table 3

	RS-1	RS-2	RS-3	RD	RM-T	RM-O	RM-1	RM-2	RM-3
Structure Height (Max. Ft.)	35'	35'	35'	35'	35'	35'*	35'*	35'	NA'

SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS

As the Code is written, any setback from the centerline of a non-arterial street is measured as 25 feet plus the distance shown on Table 3 for front yard. An average cul-de-sac has a radius or half right-of-way of 50 feet; and, if the Code was strictly interpreted for an RS-3 area, a house could be built on the property line (25' for non-arterial street plus 25' allowed by Table 3 for RS-3 equals 50' or the same as the radius). This amendment to the Code would better define the setback for a cul-de-sac street.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe "absent") to recommend to the Board of City Commissioners that Title 42, Section 430 of the Tulsa Revised Ordinances (Tulsa Zoning Code) be amended to read as follows:

SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS

430.1 Bulk and Area Requirements in the RS, RD and RM Districts

Table 3

	RS-1	RS-2	RS-3
Front yard and any yard abutting a public street; measured from the centerline of abutting street; add to the distance designated in the Column to the right, 1/2 of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan: (Minimum feet)****			
Arterial & Freeway Service Road	35'	35'	35'
Not an Arterial	35'	30'	25'
Side Yards (Min. Ft.)*****			

*In the RM-0 and RM-1 Districts a one-story limitation shall apply to structures containing more than three (3) dwelling units which are within 50 feet of an adjoining RS District.

****Except where a lot or portion of a lot abuts a cul-de-sac having a radius greater than 25 feet, the setback distance designated in the Column to the right shall be measured from the property line.

*****Does not apply to interior lot line of townhouse developments.

SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS

In single-family subdivisions, the lot area plus a portion of the right-of-way is designated as the land area per dwelling unit. However, in mobile home subdivisions, the lots are smaller and the overall figure does not work out. It was intended that the figure for land area per dwelling unit be used to determine overall density. This amendment would allow for the smaller lots in the mobile home subdivisions and would designate the formula for computing the density.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe "absent") to recommend to the Board of City Commissioners that Title 42, Section 430 of the Tulsa Revised Ordinances (Tulsa Zoning Code) be amended to read as follows:

SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS

430.2 Bulk and Area Requirements in the RMH District

(c) Mobile Home Subdivision:

Maximum Permitted Dwelling Units	Gross Area* divided by 6,000 square feet
Lot Size (Min.)	4,000 square feet

*Gross Area shall mean the lot area plus 1/2 of the right-of-way of any abutting street to which the lot has access.

SECTION 820. ACCESSORY USES PERMITTED IN CORRIDOR DISTRICT

Signs were never intended to be used as a principal use in a Corridor District as indicated by Table 1 - Section 810; however, the wording under Section 820.2(c) indicated that signs could be a principal use. This amendment would correct that statement.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe "absent") to recommend to the Board of City Commissioners that Title 42, Section 820 of the Tulsa Revised Ordinances (Tulsa Zoning Code) be amended to read as follows:

SECTION 820. ACCESSORY USES PERMITTED IN CORRIDOR DISTRICT

820.2 Accessory Use Conditions

- c. Signs in the Corridor District, which are accessory to permitted principal uses, are subject to the use conditions as set forth in Sections 1221.2 and 1221.5 of this Code. In addition, ground signs are also subject to the conditions set forth in Section 850.2(h) of this Chapter.

SECTION 1730. ZONING MAP AMENDMENTS

The existing local code requires the legal description to be posted on the sign that is set on the property to be rezoned. The Staff did not feel this was necessary, since the sign itself would be setting on the property. This requirement was more restrictive than the State Statutes requires and the Staff feels that the notice placed in the legal paper and the notices sent to residents within 300 feet was ample.

Commissioner Rice requested that the present zoning classification be included. Mr. Compton agreed that 2(c) should include the present zoning classification and it would be included in the recommendation to the City Commission.

Mr. Bob Paddock, Chairman of District 6, 2215 E. 25th Street, attended the work session to study these amendments and a question was raised at that time about placing the approximate size of the tract on the sign. Mr. Compton explained that this information will be on the sign as a matter of policy. The Staff did not want this as a code restriction because it could create more problems with illegal postings. The requirements proposed are simply what the State Statutes mandate.

In addition, Section 1730.3(a), under 2.(b), some typographical errors were made. Under (b.)1., "RM-3" was left out and under (b.)4., "FD" was not included. This amendment would be to include these in the Code.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe "absent") to recommend to the Board of City Commissioners that Title 42, Section 1730 of the Tulsa Revised Ordinances (Tulsa Zoning Code) be amended to read as follows:

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe "absent") to continue consideration of Z-5739 until Wednesday, August 18, 1982, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5740
Applicant: Gresham (Wanamaker)
Location: Northeast corner of 91st and Yale

Present Zoning: RS-3 & AG
Proposed Zoning: RM-T

Date of Application: June 25, 1982
Date of Hearing: August 11, 1982
Size of Tract: 17.84 acres

Presentation to TMAPC by: Ollie Gresham
Address: 2727 E. 21st St., Suite 400 - 74114

Phone: 745-0101

Relationship to the Comprehensive Plan:

The District 18 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 RM-T District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located 1,000 feet east of the NE corner of South Yale Avenue and East 91st Street. It is 17.84 acres in size, contains one single-family structure, zoned RS-3 and AG and the applicant is requesting RM-T zoning. It is abutted on all sides by vacant land that is zoned AG on the north and east; RS-1 on the south; and, RS-3 and a PUD for light office use on the west.

A review of the surrounding area indicates that the intersection of 91st and Yale is developing generally in accordance with the Development Guidelines and the Comprehensive Plan. Three of the four corners are zoned for medium intensity use and RM-0 or OL buffers have been established around the south two corners with OL and RS-3 zoning used as a PUD to serve as the buffer on the north side of the NE corner. Between the subject tract and the CS corner node is an undeveloped tract that the Staff feels should be used as the buffer in order to remain consistent with the existing zoning patterns and Comprehensive Plan. The RM-T request would be "jumping" the area established by surrounding zoning patterns as the buffer.

Therefore, the Staff cannot support the requested RM-T zoning and would recommend DENIAL; however, we would recommend RS-3 zoning on that portion of the tract zoned AG.

Applicant's Comments:

Mr. Ollie Gresham represented Ken Wanamaker who has a contract pending on the tract. This application was brought before the Commission about 11 months ago. From the minutes, Mr. Gresham felt the problem with the original application was the fact that the whole tract was not under the application. He felt that the whole tract now under application was appropriate for high-intensity zoning. It is his understanding that the CS, OL and RS-3 tract to the west is under one ownership and could be brought under a PUD application. If the subject tract were rezoned RM-T, it could be used as a buffer for the land immediately to the east.

Protestants: None.

Special Discussion for the Record:

Chairman Parmele asked Staff why there is no buffer area between the OL and CS. Mr. Compton stated that the OL is considered a buffer and that Staff would consider the tract abutting the CS zoning that is vacant to be a continuation of the buffer down the side of the subject tract and to the south around the CS corner to the southeast.

Chairman Parmele stated he could not see the harm in RM-T zoning on this tract, due to the zonings and PUD already approved in the area. Mr. Compton remarked that the Commission has to look not only at the use, but also at the zoning patterns and the precedent set by expanding the intensity to the east from the node.

Commissioner Kempe asked if the advertising would allow splitting the tract through the middle with RM-T on the west and RS-3 on the east half. Mr. Compton advised this would be possible under the advertising. Commissioner Kempe wondered if this solution would be agreeable with the applicant, since a PUD could be filed. Mr. Gresham agreed it would be a step in the right direction.

TMAPC Action: 6 members present.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-T on the western 1/2 of the property and RS-3 on the balance:

RM-T

A part of the South Half of the Southwest Quarter of Section Fifteen (15), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, in Tulsa County, Oklahoma, described as follows: Beginning at a point on the South line of Section 15, which point is North 89°49' East, a distance of 880.77 feet from the corner of Sections 15, 16, 21 and 22. Thence North no degrees two minutes West parallel to the West line of Section 15, a distance of 1320 feet to a point. Thence North 89°49' East parallel to the South line of Section 15, a distance of 293.59 feet to a point; thence South no degrees two minutes East a distance of 1320 feet to a point on the South line of Section 15; thence South 89°49' West a distance of 293.59 feet to the point of beginning.

RS-3

A part of the South Half of the Southwest Quarter of Section Fifteen, Township Eighteen North, Range Thirteen East of the Indian Base and Meridian, in Tulsa County, Oklahoma, described as follows: Beginning at a point on the South line of Section 15, which point is North 89°49' East, a distance of 1174.36 feet from the corner of Sections 15, 16, 21 and 22. Thence North no degrees two minutes West parallel to the West line of Section 15, a distance of 1320 feet to a point. Thence North 89°49' East parallel to the South line of Section 15, a distance of 293.59 feet to a point; thence South no degrees two minutes East a distance of 1320 feet to a point on the South line of Section 15; thence South 89°49' West a distance of 293.59 feet to the point of beginning.

Application No. 5743

Present Zoning: RS-3, AG

Applicant: Norman (Eagleton)

Proposed Zoning: RD

Location: North and West of East 91st Street and South Yale Avenue

Date of Application: July 1, 1982

Date of Hearing: August 11, 1982

Size of Tract: 8.1 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building, Suite 1100 - 74103

Phone: 583-7571

Relationship to the Comprehensive Plan:

The District 18 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 RD District may be found in accordance with the Plan Map.

The subject tract is located approximately 1/4 mile northwest of the northwest corner of East 91st Street and South Yale Avenue. It is 8.1 acres in size, vacant, zoned AG and RS-3, and the applicant is requesting RD zoning. It is abutted on the north by vacant land zoned AG, on the east and south by single-family dwellings zoned RS-3, and on the west by a developing single-family area zoned RS-2.

The tract is isolated and generally outside the arterial intersection node or its "wrap-around" buffer. If you extend the OL zoning line from PUD #269 west to the subject tract and at the same time, extend the RM-0 zoning line from PUD #275 north, only a small corner of the tract could ever be considered as appropriate. Given the fact that small lot single-family development exists in the area to the east of the tract and it would be economically difficult to redevelop the area at "buffer" intensities, the Staff feels that even the corner of the subject tract would be inappropriate for RD zoning.

Therefore, the Staff recommends DENIAL of RD and APPROVAL of RS-3.

Applicant's Comments:

Mr. Charles Norman represented Mr. John Eagleton, owner of the property. The subject tract lies to the north of an arterial street and is connected by a forty-foot strip of land that is not quite wide enough to dedicate as a public street, but is part of the application. This property does have some distinguishing characteristics in that to the south there is a large, 60-acre tract included in a PUD which varies from RM-2, RM-0 and RS-3, but the PUD has permitted a multifamily development to the west line of the subject property. There are other multifamily uses in the immediate area. The property on the northwest corner of 91st Street and Yale Avenue has been developed in an isolated fashion for large lots with scattered single-family homes already developed and some mobile homes. There is no water service in the area. Most of the homes are presently served by wells. Eighty-ninth Street does not extend through, but there is a stub of 89th Street from the Thousand Oaks Subdivision. This is a fully-developed subdivision with no more than 6 dwelling units constructed, although all the streets are cut, paved and improved. All utilities are installed. There is a 100' P.S.O. easement on the west side of the subject property, but is thoroughly on the lots in Thousand Oaks. Mr. Norman feels this would be an appropriate area for the development of duplexes with the density of 10 units per acre, which would provide for a

Z-5743 (continued)

higher requirement of livability space. About 1,200 feet of 12" water line will need to be constructed from the north and about 220 feet of 6" water line from the south. This represents a cost of about \$90,000 for off-site water lines, which is a significant factor in terms of development costs. The RS-3 zoning recommended by the Staff would permit a maximum of 65 duplexes, but the requested RD zoning would permit 77 duplexes. The 12-unit difference becomes significant due to the utility and development costs. Duplex is a "may be found" district under the Development Guidelines because it is a low-intensity development.

Mr. Compton explained that one consideration of the Staff was the fact that when an area is developed as a PUD, it is based on the underlying zoning. There have been many cases for PUD's where the protestants have asked what would keep the same type of development from occurring across the street. The Staff and this Commission has explained to them that straight zoning decisions will not be effected by the spread allowed under the PUD. He feels this intersection is growing in a typical manner and at this point there is no reason to exceed the Development Guidelines. The RS-3 could be developed as duplexes, which is the reason for the Staff Recommendation.

Commissioner Petty was concerned about the RS-3 tract between the subject property and some existing RD zoning. In addition, he did not feel economic conditions should be a factor in rezoning. Conditions may change and the Planning Commission could be sorry for any action taken on that basis. Mr. Norman pointed out the fact that there are intervening properties not zoned is not as significant, because whatever the alternative zoning might be in the future, any of the zoning would be compatible with RD and RD would not be compelling any decision with respect to this property that would not be dictated by what has already happened across the street. Commissioner Petty thought the Staff made a good point for the way the RM-0 lines up with the property under application. Mr. Norman felt RD is acceptable and would achieve the desired results from his client's standpoint without splitting the property. RM-0 with 15 units per acre on a quarter of the property would probably provide the extra 12 units.

Commissioner Hennage felt the 12 extra units was not an outrageous request.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 5-1-0 (Hennage, Hinkle, Kempe, Parmele, Rice, "aye"; Petty, "nay"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RD:

The W/2 of the NW/4 of the SE/4 of the SE/4, and the W/2 of the E/2 of the NW/4 of the SE/4 of the SE/4, and the East 40 feet of the W/2 of the SW/4 of the SE/4 of the SE/4 of Section 16, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, containing 8.1 acres.

PUD #293 Meyer (Price Holeman) 75th Street and Lewis Avenue (RD)

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") to continue consideration of PUD #293 until August 25, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD #294

Present Zoning: (RS-3)

Applicant: (Corey)

Location: 96th Street, west side of South Sheridan Road

Date of Application: July 1, 1982

Date of Hearing: August 11, 1982

Size of Tract: 17.5 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building, Suite 1100 - 74103 Phone: 583-7571

Staff Recommendation:

The subject tract is 1/2 mile south of the southwest corner of East 91st Street and South Sheridan Road. It is 17.5 acres in size, contains one single-family structure, zoned RS-3 and the applicant is requesting supplemental Planned Unit Development zoning for a single-family zero lot line residential development. It is abutted on the north and south by small lot single-family projects developed under PUD's and to the east and west by vacant land zoned AG. The entire tract is located within the proposed right-of-way for the Mingo Valley Expressway.

The Staff has reviewed the applicant's Development Plan and Text and find the proposed project to be;

- a) a unified treatment of the development possibilities of the project site, and
- b) consistent with the stated purposes and standards of the PUD Chapter concerning innovative and flexible design.

However, our review also found that the proposed project is not;

- a) consistent with the Comprehensive Plan, and
- b) in harmony with the existing and expected development of the surrounding area.

The Staff views the PUD Supplemental Zoning District to be as stated in the PUD Chapter, "an alternative to conventional development". This alternative method of development provides the developer with many advantages that often allows a project to be developed to an intensity greater than when developed in a conventional manner. In the case of the subject tract, the Staff feels that the applicant has used the PUD to develop an internal design that is consistent with the purposes of the PUD Chapter, but that the Chapter also specifically identifies that the development should be consistent with the Plan and expected surrounding development. This tract is in the planned right-of-way for an expressway which makes it inconsistent with the PUD Chapter and Comprehensive Plan.

However, the Staff realizes that we cannot restrict the applicant from developing his land and we feel that it is illogical to provide him with an additional tool for development that could allow an intensity greater than conventional development. But, we could support a PUD application that is not proposing an intensity greater than under conventional development based on the fact that the PUD conditions could control the development intensity.

The Staff's review also identifies that the proposed project would not be developed at an intensity greater than a conventional RS-3 project, and therefore, can support this project and recommend APPROVAL of PUD #294, subject to the following conditions:

8.11.82:1418(16)

PUD #294 (continued)

1) That the applicant's Development Plan and Text be made a condition of approval unless modified herein.

2) General Development Standards

Gross Area: 765,875 sq. ft. 17.58 acres
Net Area: 741,054 sq. ft. 17.01 acres

Permitted Uses: Zero lot line single-family residences; open space and recreational uses including picnic areas, jogging track, and nature trails.

Maximum Number of Lots: 69 lots

Minimum Livability Space: 6.34 acres

3) Specific Development Standards

Development Area "A"

Gross Area: 420,054 sq. ft. 9.64 acres
Net Area: 395,256 sq. ft. 9.074 acres

Permitted Uses: Zero lot line single-family residences and recreational facilities in common areas.

Maximum Number of Units: 48 D.U's.

Minimum Lot Width: 50 ft.

Minimum Lot Size: 5,000 sq. ft.

Maximum Building Height: 26 ft.

Minimum Open Space Per Lot: 2,000 sq. ft.

Minimum Livability Space 2.2 acres

Streets (private) Right-of-Way: 30 ft.

Minimum Building Setbacks;

From Right-of-Way Line of,

Sheridan 25 ft.

Front Yard 20 ft.

Rear Yard 20 ft.

Side Yard (one side) 10 ft.

Side Yard (other side) 0 ft.

From Perimeter 20 ft.

Parking: Two enclosed off-street parking spaces per dwelling unit.

Development Area "B"

Gross Area: 190,907 sq. ft. 4.383 acres
Net Area: 190,907 sq. ft. 4.383 acres

Permitted Uses: Open space and recreational uses including picnic areas, jogging trails and nature trails.

PUD #294 (continued)

Development Area "C"

Gross Area: 154,914 sq. ft. 3.556 acres
Net Area: 154,914 sq. ft. 3.556 acres

Permitted Uses: Zero lot line single-family residences and recreational areas in common areas.

Maximum Number of Units: 21 D.U.'s.

Minimum Lot Width 50 ft.

Minimum Lot Size: 5,000 sq. ft.

Maximum Building Height: 26 ft.

Minimum Open Space Per Lot 2,000 sq. ft.

Minimum Livability Space: .96 acres

Streets (private) Right-of-Way 30 ft.

Minimum Building Setbacks:

Front Yard 20 ft.
Rear Yard 20 ft.
Side Yard (one side) 10 ft.
Side Yard (other side) 0 ft.
From Perimeter Boundary 20 ft.

Parking: Two enclosed off-street parking spaces per dwelling unit.

- 4) That an owner's association be created to maintain all common areas, including private drives and landscaped areas.
- 5) That a Detail Landscape Plan be submitted and approved by the TMAPC prior to occupancy of any structure, including landscaped entry and parking islands, saving of specimen trees in Development Area "A", disturbance of wooded areas in Development Area "C" by only the right-of-way for the private streets, and saving of large areas of trees where pond and street grading are not necessary.
- 6) That no building permit shall be issued until a Detail Site Plan has been submitted to and approved by the TMAPC.
- 7) That signs be consistent with Section 420.2 (d) (2) of the Tulsa Zoning Code.
- 8) That no building permit 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:

Mr. Charles Norman represented the applicant, Mill Creek Development Company which is owned by one of the developers of Mill Creek Pond, the subdivision which is immediately south of the subject tract. This property

PUD #294 (continued)

is 17½ acres of a 20-acre tract that has an east-west long side and shows the proposed Mingo Valley Expressway extension through the middle. The only element in which this application is not consistent with the Comprehensive Plan is the expressway element of the Major Street and Highway Plan. Because of the way the right-of-way is laid out, it is impossible to draw any plan to be consistent with the Major Street and Highway Plan. The property is not large enough to accommodate the 300' of right-of-way plus the off-ramps. There has been no design solution. However, they have tried to propose a plan that is consistent with surrounding development and consistent with the topography and other features of the property. The property to the north has been zoned under corridor and has been developed in smaller lots with corresponding open space. The subdivision to the south was developed under RS-2 standards with lots as small as 5,000 square feet with a major recreation space on the existing lake. The developer of the subject property has tried to take advantage of the existing pond as an amenity within the property by maintaining the existing creek channel in its natural state and create 3 development areas. Development Area "A" would be to the east and designed as single-family, Development Area "B" would be open space only and Development Area "C" would be single-family homes.

The road to the west side would be adjacent to the south boundary in order to maintain the pond in its present location and size. A low water crossing along the north side would be designed for use in all but the most heavy rainfall. There is a 35' access easement proposed, which would allow the residents of the area to gain access to Hunter Park.

If the expressway is built, this plan would not accommodate it going thru the middle of the tract, but could take the north 300' and if adjusted, would minimize the affect on the property. If the expressway should go through as planned, then almost all of the development would go to the side. However, construction of the Mingo Valley Expressway or Creek Expressway is in doubt. If constructed at all, it will be at least 20 years in the future. It is not possible for a single property owner of a tract this size to hold property in an undeveloped state for such a period of time. This property is zoned RS-3 and would accommodate 91 dwelling units if the maximum were permitted. However, he is asking for approval of 69 dwelling units. If the pond were eliminated and a channel installed, then 69 RS-3 60-foot lots could be platted. The request is not to increase the density. The PUD was requested in order to have private streets, smaller lots and create the larger recreational area. The development standards are identical to those imposed on Mill Creek Pond to the south. He requests the Staff Recommendation be approved.

Commissioner Petty was concerned about the proposed expressway that is designed to go through the middle of the tract. Mr. Norman stated that the Legal Department has taken the stand that reasonable use of the property cannot be denied because a public facility is planned at sometime in the future. Mr. Linker felt this brings up the granting of Corridor zoning on the basis of an expressway that might not be built. He agreed with Mr. Norman.

<u>Protestants:</u>	Alice Kay Syblon	Addresses:	9601 South Maplewood Avenue
	William Syblon		9601 South Maplewood Avenue
	Mr. & Mrs. G. M. Fleener		9602 South Maplewood Avenue

Protestant's Comments:

Mrs. Kay Syblon represented the protestants who live in Mill Creek Pond Addition. She feels the applicant failed to present what will happen to

PUD #294 (continued)

the property along the south boundary where the street on the proposed development comes through. Her home and the Fleeners' home would back-up to where the street is planned to come through. At the time her lot was purchased, she asked the developer of Mill Creek Pond, Mr. Franklin, what would happen on the tract under application. She was told the property would be donated to the City of Tulsa as part of Hunter Park. Mrs. Syblon's home is on a cul-de-sac and if this application is approved as presented, there will be a street in her back yard. There would only be five feet between the fence in her back yard and the proposed street. Her request is to move the street so that it is not in such close proximity of her lot.

Applicant's Comments:

Mr. Norman was not aware of the conversation with Mr. Franklin, in fact, Mr. Franklin did not own the property at that time. Mr. Norman understands Mrs. Syblon's concern. The street would be private, serving only the houses on that property and would be narrower than a public street. The real problem is the pond. Moving the street to the north would require cutting the dam and building the road across the deepest part of the existing pond. There is about a 10-foot grade from the subject property to the protestants' lots. It might be possible to move the street slightly to the north, but he prefers to consider some kind of screening between the two properties, rather than forcing the developer to lose a large part of the pond. Mill Creek Pond is one of the attractions that makes the subdivision successful. He would not object to a screening proposal in the Detail Site Plan in the area where the road abuts lots in the Mill Creek Pond Addition.

Mrs. Syblon agreed with the screening. She will still get headlights from the road, but felt the screening would help. However, she still requests the separation be wider. A letter was presented from the protestants requesting the area between the proposed road and their lots be 20 feet (Exhibit "A-1").

Mr. Norman appreciates the protestants attitude and will try to work out the problem.

Mr. Compton suggested that condition #6 of the Staff Recommendation be amended to read, "That no building permit shall be issued until a Detail Site Plan has been submitted to and approved by the TMAPC, including the design of the street location and screening in the southeast corner of the project to provide a buffer for the subdivision Mill Creek Pond to the south".

Instruments Submitted: Letter from protestants requesting a wider separation between their lots and the proposed road (Exhibit "A-1")

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, 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 (including the following amendment to condition #6):

6. That no building permit shall be issued until a Detail Site Plan has been submitted to and approved by the TMAPC, including the redesign of the street location and screening in the southeast corner of the project to provide a buffer for the subdivision Mill Creek Pond to the south.

8.11.82:1418(20)

PUD #294 (continued)

A tract of land, containing 17.5821 acres, that is part of the S/2 of the SE/4 of the NE/4 of Section 22, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: "Beginning at a point" on the easterly line of the NE/4 of section 22, said point being 165.00' northerly of the southeast corner thereof; thence South $89^{\circ}05'50''$ West and parallel to the southerly line of the NE/4 for 577.78'; thence South $57^{\circ}36'50''$ West for 102.93'; thence South $0^{\circ}05'10''$ East for 110.00' to a point on the southerly line of the NE/4; thence South $89^{\circ}05'50''$ West for 657.79' to the Southwest corner of the SE/4 of the NE/4; thence North $0^{\circ}08'46''$ West for 660.22' to the Northwest corner of the S/2 of the SE/4 of the NE/4; thence North $89^{\circ}05'51''$ East for 1,322.32' to the Northeast corner of the S/2 of the SE/4 of the NE/4; thence South $0^{\circ}11'41''$ East along the Easterly line of Section 22 for 495.21' to the "point of beginning" of said tract of land.

OTHER BUSINESS:

PUD #265-1 Nichols (Crews) West of the SW corner of East 67th Street and South Utica Avenue.

Staff Recommendation - Minor Amendment

The subject tract is located west of the SW corner of East 67th Street and South Utica Avenue. It is 9.3 acres in size and the applicant has received approval for a small lot (patio home) type development. The applicant is requesting a minor amendment for reducing the required rear yard from 20 feet to 17.5 feet for Lot 10, Block 3, and reduce side yard requirement from 15 feet to 13 feet on Lot 18, Block 1 and Lot 18, Block 2.

The Staff has reviewed the request for the reduction of the side yard requirement on Lot 18, Block 1 and Lot 18, Block 2, and feel that neither the aesthetic or the practical impact of this would be more than minor in nature and would therefore recommend APPROVAL.

The Staff has also reviewed the request for the reduction of the rear yard requirement on Lot 10, Block 3. This is a case where it appears that the adjacent property owner's fence is encroaching on the subject tract creating the rear yard discrepancy. There will probably need to be legal action required by the applicant to clear title for this lot; however, the reduction of the rear yard requirement of the PUD can be supported as minor in nature and the Staff would recommend approval.

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") to approve this minor amendment to PUD #265.

PUD #273-1 Lynn Meyer (Ernst Enterprises) 21st Street and Cincinnati Avenue

Staff Recommendation - Minor Amendment

The subject property is located at the SE corner of 21st Street South and the abandoned Midland Valley Railroad. It was approved as a PUD for a multi-family residential use with the applicant proposing to remodel two existing 4-plex apartment structures on the north portion of the tract and construct an additional 8 townhouse units on the south portion.

As part of the approval and based on the physical constraints caused by the exceptional narrowness of the southern portion of the subject tract, the southernmost unit was allowed a two (2) foot setback from the west property line and the two southernmost units were allowed an eighteen (18) foot setback from the east property line.

After a detail engineering survey was done, the applicant has found that the tract is narrower than initially thought and he is now requesting setback changes from the east property line on the southern three units, per the plan submitted.

The Staff has reviewed the request and the minutes of this case and feel that the Commission was very concerned about the encroachment to the east where the tract abuts the rear yards of single-family residences and increased the Staff's recommendation of 15 feet to 18 feet. The applicant is proposing to maintain that 18-foot rear yard, but will need to encroach into the front yard with two additional units.

PUD #273-1 (continued)

The Staff can support this as minor in nature and therefore, recommends APPROVAL of a 2-foot, 5-foot, and 5-foot setback respectively, for the three (3) southernmost units from the west property line, per submitted plot plan.

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") to approve this minor amendment to PUD #273, per submitted plot plan.

PUD #268-1 C. M. Reinkemeyer - S. & W. of the SW corner of East 91st Street and South Mingo Road

Staff Recommendation - Minor Amendment

The subject PUD is located south and west of the SW corner of East 91st Street and South Mingo Road. It was approved as a PUD for a combination of single-family, duplex/patio homes and multifamily/condominium uses. The applicant is requesting to amend his Development Plan to include a P.S.O. substation as a permitted use in the designated single-family portion of the PUD (Development Area "A").

The applicant is selling to P.S.O. a 2.3 acre tract approximately 115 feet east of the SE corner of East 91st Street and South 92nd East Avenue. The use is an area-wide use by exception, and therefore, a permitted use in the PUD, subject to the amending of the Development Text. It is vacant, unplatted, and the underlying zoning is RS-3. It is abutted on the north, east, and south by vacant unplatted land, and on the east by vacant platted single-family land.

Based on the facts that it could be a permitted use in the PUD and that the change would not adversely affect any abutting properties, the Staff views this request to be minor in nature, and would recommend APPROVAL, subject to the reduction of Development Area "A" by 2.3 acres, which in turn would reduce the maximum number of dwelling units by 10 as shown on the plans submitted.

Special Discussion for the Record:

Chairman Parmele did not feel this is a minor amendment, but rather a major amendment. Mr. Compton had contacted Alan Jackere in the Legal Department concerning this request. The Staff feels this is a use by exception in an RS-3 District. Churches have been approved by exception in PUDs and this is the reason the amendment is presented as minor. The lots abutting the requested site are vacant.

Mr. Linker felt that if this question had been presented to the Board of Adjustment, notice would have been given to the abutting property owners and thought this request should be treated as a major amendment.

TMAPC Action: 6 members present

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") to continue consideration of this item for one month in order to set the request for public hearing as a major amendment to PUD #268.

Staff Recommendation - Detail Site Plan Approval

The subject property is located at the SW corner of East 71st Street and South Lewis Avenue. It is 47 acres in size and approved as a three phase development for a Retail Mall/Hotel/Office Complex use. The applicant is requesting a Detail Site Plan approval for Phase I of the development.

The Staff has reviewed the applicant's request and find the following:

ITEM	APPROVED	SUBMITTED
AREA		
Gross:	1,142,100 sq. ft.	1,137,420 sq. ft.
Net:	984,810 sq. ft.	980,140 sq. ft.
Permitted Uses:	Principal & Accessory Uses Permitted as a matter of right in a CS District.	Same
Maximum Floor Area:	656,792 sq. ft.	647,735 sq. ft.
Maximum Building Height:	150 feet	145 ft. & 4 in.
Minimum Building Setback:		
From centerline of East 71st St.	230 feet	235 feet
From centerline of South Wheeling	290 feet	395 feet
From centerline of South Lewis Ave. (excluding existing and future banking buildings at the north-east corner).	600 feet	605 feet
Minimum Number of Parking Spaces:		
Per Code as required for Use Units.	1,752 spaces	2,233 spaces
Minimum Internal Landscaped Open Space:	16.5%	16.5%
Sign:	Per Code Sec. 1130.2 (b)	Same

After analyzing the above cited data and submitted Exhibits, The Staff can support and does recommend APPROVAL of the Phase I Detail Site Plan.

Applicant's Comments:

Mr. Charles Norman was present and explained that the changes to the PUD since it was approved are minimal and within the limits of the Development Standards.

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") to approve this Detail Site Plan for PUD #282.

SUBDIVISIONS:

For Final Approval and Release

McMichael Acres (1492) East of the NE corner of West 23rd Street and
South Jackson Avenue (IM)

The Staff advised that all letters of release had been received and recommended final approval and release.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Hinkle, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Young, Inhofe, "absent") to approve the final plat of McMichael Acres and release same as having met all conditions of approval.

There being no further business, the Chair adjourned the meeting at 3:08 p.m.

Date Approved

9-1-82



Chairman

ATTEST:



Secretary

