

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1942  
Wednesday, September 1, 1993, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard	Broussard	Gardner	Linker, Legal
Carnes, 2nd Vice Chairman	Pace	Hester	Counsel
Dick		Jones	
Doherty, Chairman		Matthews	
Horner		Peters	
Midget, Mayor's Designee		Stump	
Neely			
Secretary			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, August 31, 1993 at 1:24 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:33 p.m.

**Minutes:**

Approval of the minutes of August 18, 1993, Meeting No. 1940:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-1** (Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; Neely "abstaining"; Ballard, Broussard, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of August 18, 1993 Meeting No. 1940.

**REPORTS:**

Chairman's Report:

Chairman Doherty announced that Thursday's City Council agenda includes amendments to the Zoning Code regarding the landscape ordinance. He also expects referral back to the Planning Commission of proposed changes to use units for special housing and transitional living centers.

Committee Reports:

Comprehensive Plan Committee

Mr. Neely announced a Comprehensive Plan Committee meeting September 8, 11:30 a.m., to discuss the Riverside Parkway Plan proposal. He encouraged all Planning Commissioners to attend.

Director's Report

Mr. Gardner reported that two of the district briefings on the Riverside Parkway Plan have been held, Districts 6 and 18, and announced when the remaining briefings for Districts 7 and 26 will be held.

**CONTINUED ZONING PUBLIC HEARING:**

ZONING PUBLIC HEARING

Application No.: **Z-6310-SP-1**

Present Zoning: CO

Applicant: Adrian Smith

Location: NW/c of East 51st Street & South Pittsburg (Lot 3 and the east 97.46' of Lot 2).

Date of Hearing: September 1, 1993

Staff Comments

The applicant is requesting a corridor site plan approval for a Piccadilly Cafeteria in PUD 467 which has an underlying zoning of CO. Staff has reviewed the plan which includes landscaping and wall and ground sign details, and finds it to comply with the PUD development standards and the corridor chapter requirements with one exception. The wall and ground signs do not comply. Therefore, Staff recommends **APPROVAL** of the corridor site plan, but only the location of the ground signs should be included in the approval, not the size of the ground signs, nor the wall signs. Staff would recommend requiring that a Detail Sign Plan be approved by TMAPC prior to issuance of any sign permits.

Mr. Stump added the condition that since this is taking up part of Lot 2, the commercial square footage allocated to Lot 2 be proportionally reduced to the land area occupied by the Piccadilly Cafeteria.

Applicant's Comments

**Adrian Smith**

Mr. Smith commented on the method of measuring signs and noted that the subject sign is oval-shaped and is being treated as if it were rectangle-shaped. He questioned why there would have to be a special request for the sign.

Chairman Doherty explained that a minor amendment to the PUD will be required to allow the subject sign, and since this item has not been posted for a minor amendment, the Planning Commission cannot consider it.

Mr. Smith advised that Piccadilly Cafeteria has agreed to lower the wall signs which are above the parapet.

**TMAPC Action; 9 members present:**

On MOTION of PARMELE, the TMAPC voted 8-0-1 (Ballard, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; Midget "abstaining"; Broussard, Pace "absent") to recommend APPROVAL of Z-6310-SP-1 Corridor Site Plan as recommended by Staff.

**LEGAL DESCRIPTION**

Lot 3 and the East 97.46' of Lot 2, Dickens Commons, Tulsa County, Oklahoma.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: Z-6413 Present Zoning: RM-1  
Applicant: TMAPC Proposed Zoning: RS-4  
Location: Between I-244 and Archer Street and between Utica Avenue and Lewis Avenue.  
Date of Hearing: September 1, 1993  
Presentation to TMAPC: Donna Peters

**Relationship to the Comprehensive Plan:**

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the area as Low Intensity Residential - Special District 4 and is included in the Kendall-Whittier Neighborhood Master Plan.

According to the Zoning "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-4 is in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 30 acres in size and is located between I-244 and E. Archer Street, Utica Avenue and Lewis Avenue. It is flat and contains single-family homes and duplex dwellings and all the properties are zoned RM-1.

**Surrounding Area Analysis:** The tract is abutted on the north by single-family and duplex dwellings, zoned RM-1; to the east by a public school, zoned RM-1; to the south by I-244, zoned RS-3; and to the west by vacant property, zoned RM-1.

**Zoning and BOA Historical Summary:** The area was blanket zoned RM-1 with the adoption of a new zoning ordinance in 1970.

**Conclusion:** The Kendall-Whittier Neighborhood Plan indicates the subject property as being a sub area for improvement. The Plan encourages future development to be single-family uses which will preserve the integrity of this area as a low density neighborhood by reducing the multifamily uses.

Therefore, Staff recommends **APPROVAL** of RS-4 zoning for Z-6413.

Staff Comments

Ms. Peters reported that Staff met with area residents July 20 and mailed out notices in early August notifying residents of the proposed rezoning. Ms. Peters distributed summary sheets for each of the neighborhoods proposed for rezoning. Ms. Peters referred to maps indicating land use and residents' response to the mail-out. She explained that if no response was received Staff would consider that to be in favor of the rezoning. Listed below are the responses from the neighborhoods.

Neighborhood Profile and Resident Response

Barton Neighborhood

Profile:

Total Lots	121		
Single-Family	107 Lots	(90.%)	
Duplex	7 Lots	(5.8%)	
Multifamily	1 Lot	(.8%)	
Church	4 Lots	(3.3%)	

Resident Responses:

For: 17  
Against: 3  
No Response: 102

Of those who responded, sentiment ran 6:1 FOR the rezoning.

Of the three property owners against the rezoning, one owns a duplex and two own single-family residences.

Four notices were undeliverable.

TMAPC Comments

Mr. Carnes asked if the seven duplexes would retain existing zoning.

Chairman Doherty replied that they would continue to be used as duplexes, and any future expansion or significant changes would require Board of Adjustment (BOA) exception, since with RS-4 zoning they will be considered use by exception. He explained that current use would be grandfathered but zoning would be RS-4.

Mr. Parmele asked if the Planning Commission could apply to the BOA on behalf of the duplex owners for exceptions.

Mr. Gardner explained that property built as a duplex prior to any action taken today was a permitted use by right and any action

taken would show that use to be nonconforming as to zoning, but was a permitted use at the time zoning was changed. He noted that the only time the duplex owners would appear before the BOA would be if improvements were made to the structure.

Chairman Doherty commented that should TMAPC make application to BOA on behalf of the duplex owners for that exception, then should the duplex owners need to rebuild due to fire or natural disasters, it would be already approved.

#### Interested Parties

##### **Gary Watts, City Councilor, District 4**

Councilor Watts encouraged the Planning Commission to support the applications being considered for rezoning. He declared that physical improvements made in this area have caused it to experience a turnaround in private investments. Councilor Watts advised that this rezoning will ensure that these neighborhoods continue as predominately single-family and hopes to see an increase in home ownership.

##### **Kent McCullough**

**1024 East 17th Place**

Mr. McCullough, property owner in the subject area, asked if rezoning was applied for to preserve single-family and keep multifamily from being constructed and asked if any redevelopment plans are being considered for the area.

Councilor Watts advised that reinvestment is being sought in existing structures rather than to raze and rebuild.

#### Comments

Mr. Gardner pointed out that of the three protests, two are from owners of single-family homes.

Mr. Carnes made a motion for approval of rezoning as recommended by Staff, with the stipulation that the Planning Commission be the applicant for an exception before the BOA on behalf of duplex owners who have indicated opposition. The motion was seconded by Dick.

In response to a question from the Planning Commission, Ms. Peters advised that there was one duplex owner opposed to the rezoning.

Discussion ensued over the Planning Commission initiating a request to the BOA for special exceptions on behalf of an owner when the owner is unaware of the request. It was noted that if rezoning is approved, duplexes are no longer a use by right but legal nonconforming uses, and should changes be made, the owners must bear the burden of filing for special exceptions.

After much debate, the consensus of the Planning Commission was to recommend approval of Staff recommendation, notify duplex owners that the Planning Commission is willing to assist them in an exception application to the BOA, and the Planning Commission is

willing to recommend waiver of fees should they wish to make such application.

Mr. Neely asked if this provision was made in previous blanket zonings.

Chairman Doherty advised that there were no objections previously.

Mr. Neely questioned the consistency of such action.

The Planning Commission expressed concern over the length of time it might take for an application to the BOA to be processed in the event of a natural disaster.

Mr. Parmele requested the four-plex be afforded the same opportunity.

Commissioner Dick asked why an exception is being made in this instance.

Chairman Doherty explained that the intention is not to make an exception, but rather to show good faith to those whose underlying zoning has changed.

Commissioner Dick indicated he wants to ensure that the intent of the Planning Commission is to assist the duplex owners if they wish to continue their right to have a duplex or multifamily unit, etc. He questioned how often this would have to be repeated, since there will be other blanket zoning cases in the future once the precedent is set. Commissioner Dick disclosed that the minutes will reflect concerns of the Planning Commission regarding BOA action and that they would like to assist the duplex owners. He expressed concern that different principles are being applied to each neighborhood, and questioned the consistency in zoning and application.

Chairman Doherty expressed concern that in the future, a zoning clearance officer will need to know the Planning Commission's concern.

Discussion ensued as to how the subject lots can be flagged to indicate the intent of the Planning Commission.

Mr. Parmele noted that, in the future, should a duplex owner want to obtain a loan on this property, he will be unable to do so if there is improper zoning on it.

Mr. Stump advised that when the BOA grants a special exception to allow a duplex, it is typically per plot plan or per existing development.

Chairman Doherty expressed concern over conveying the Planning Commission's discussion and action and tying it to the duplex lots. He suggested sending the minutes to the property owners for their future use in seeking BOA relief.

Ms. Wilson made a motion to amend the main motion to strike verbiage relating to assisting with the BOA and waiving of fees.

Interested Parties

Sean Fairman

104 North Yorktown

TMAPC Action; 9 members present:

On MOTION of WILSON, the TMAPC voted 6-3-0 (Ballard, Dick, Horner, Midget, Neely, Wilson "aye"; Carnes, Doherty, Parmele "nays"; no "abstentions"; Broussard, Pace "absent") to AMEND the main motion striking verbiage relating to assisting with the BOA filing and waiving of fees on behalf of the duplex owners.

MOTION TO AMEND PASSED.

TMAPC Discussion

Chairman Doherty declared that discussion indicates the Planning Commission's willingness to assist the duplex owners is established and concern over the rights of property owners who have existing uses to continue that use under all reasonable circumstances. He advised that if these minutes are transmitted to duplex property owners for their records for future use, this will enable the owners to get the relief they need.

Mr. Neely expressed concern for lack of consistent policy, since in past blanket zonings there was not necessarily owners' consent, and by virtue of not responding, the assumption was made that owners were consenting.

Chairman Doherty suggested that the Rules and Regulations Committee consider a policy to be entered into the TMAPC Policy and Rules of Procedure that would establish that any duplex property owner that was blanket zoned would, upon request, receive consideration from the Planning Commission of assisting their application to the BOA.

Mr. Parmele expressed concern that property owners' rights are being taken away who do not want this to be done. He declared that the Planning Commission is limiting duplex owners' ability to refinance those properties if they want to obtain a bank loan to modernize their property. He expressed concern that those who did not respond do not realize that they have concurred with the rezoning action being considered.

Mr. Neely made a motion to amend the main motion to approve and refer this item to the Rules and Regulations Committee for development of a TMAPC policy to assist duplex owners in blanket zoned areas. The motion was seconded by Mr. Midget.

Councilor Watts advised that in the Kendall-Whittier area, there were no concerns expressed over existing duplexes during that blanket rezoning process.

Ms. Ballard made a motion to table Z-6413. Motion died for lack of a second.

**TMAPC Action; 9 members present:**

On MOTION of NEELY, the TMAPC voted 9-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace "absent") to AMEND the main motion to APPROVE Staff recommendation of Z-6413 and to recommend that the Rules and Regulations Committee develop a policy of providing assistance for duplex owners in all blanket rezoned areas.

**TMAPC Action; 9 members present:**

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace "absent") to recommend APPROVAL of Z-6413 for RS-4 zoning and to recommend that the Rules and Regulations Committee develop a policy of providing assistance for duplex owners in all blanket rezoned areas.

**LEGAL DESCRIPTION**

Lots 1-11, Block 1, Lots 1-22, Block 2, Lots 1-22, Block 3, Lots 1-11, Block 4 all in Barton Addition; Lots 1-22, Block 1, Lots 1-48, Block 2, Lots 1-49, Block 3 all in Eastland Addition; Lots 1-14, Block 5, Lots 1-14, Block 6 all in Gillette Hall Addition, less and except the right-of-way for Admiral Place and I-244.

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ZONING PUBLIC HEARING

Application No.: Z-6414 Present Zoning: RM-1  
Applicant: TMAPC Proposed Zoning: RS-4  
Location: Between 3rd and 6th Streets and Utica and Lewis Avenues.  
Date of Hearing: September 1, 1993  
Presentation to TMAPC: Donna Peters

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject area as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-4 District is in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 73 acres in size and is located between S. Victor Avenue and Lewis Avenue, 3rd Street and 6th Street. It is flat, non-wooded, and contains single-family homes and duplex homes.

**Surrounding Area Analysis:** The subject tract is abutted on the north by scattered small businesses and single-family and duplex homes, zoned CH and OL; to the east by commercial uses, zoned CS; to the south by a few single-family and duplex homes and some commercial businesses which are located to the southeast and zoned CS. To the southwest are industrial and warehouse uses that are zoned IM and to the west by commercial businesses and warehouse uses zoned CG and IM.

**Zoning and BOA Historical Summary:** The history of zoning actions in this area indicates that a few lots west of the subject tracts have transitioned to commercial and industrial uses. The area was blanket zoned RM-1 with the adoption of a new zoning ordinance in 1970.

**Conclusion:** The subject property is within the Kendall-Whittier Neighborhood Special District, and based on the Comprehensive Plan for this area, any rezoning from RM districts should be RS-4 which will encourage and protect single-family renovation and investment.

Therefore, Staff recommends **APPROVAL** of RS-4 zoning for Z-6414.

Staff Comments

Ms. Peters presented the following:

Neighborhood Profile and Resident Response

Wells Neighborhood

**Profile:**

Total Lots	317		
Single-Family	294 Lots	(92.7.%)	
Duplex	14 Lots	(4.4%)	
Multifamily	5 Lots	(1.6%)	
Church	4 Lots	(1.3%)	

**Resident Responses:**

For: 45  
Against: 8  
No Response: 264  
Of those who responded, sentiment ran 6:1 FOR the rezoning.

Of the eight property owners against the rezoning, all own single-family residences.

Four notices were undeliverable.

Interested Parties

**Gary Watts, City Councilor**

Councilor Watts advised that there has been confusion in the subject area from residents thinking the density was being increased.

TMAPC Action; members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace "absent") to recommend APPROVAL of Z-6414 per Staff recommendation and to recommend that the Rules and Regulations Committee develop a policy of providing assistance for duplex owners in all blanket rezoned areas and to withhold transmittal until the Rules and Regulations Committee makes such policy.

LEGAL DESCRIPTION

Lots 4-19, Block 1, Holmes Subdivision; Lots 4-19, Block 16, Wells Subdivision; Lots 5-11, Block 17, Gillette Hall; Lots 5-11, Block 9, Lots 5-18, Block 10, Lots 5-11, Block 11 all in Wakefield Addition; Lots 3-8, Block 1, Lots 8, 11, 12, 18, 19, 20, Block 2, Lots 1-7, Block 3, all in Hillcrest Ridge Addition; Lots 3-8, Block 1, Lots 3-14, Block 2, Lots 3-14, Block 3, Lots 3-14, Block 4, Lots 1-13 and 16-28, Block 10, Lots 1-18, Block 11, Lots 1-12, Block 12, Lots 1-12, Block 13, Lots 1-6, Block 14, Lots 1-13, Block 15, all in Hillcrest addition; Lots 1-13, Block 1, Lots 1-21, Block 2, Lots 1-22 and 32-54, Block 5, Lots 1-26, Block 6, Lots 1-26, Block 7, Lots 1-24 and 35-49, Block 8, Lots 1-13, Block 11, Lots 1-13, Block 12 all in Abdo Addition, Tulsa County, Oklahoma.

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ZONING PUBLIC HEARING

Application No.: Z-6415 Present Zoning: RM-1  
Applicant: TMAPC Proposed Zoning: RS-4  
Location: Between 6th Street and 10th Street, Xanthus Place and Lewis Avenue.  
Date of Hearing: September 1, 1993  
Presentation to TMAPC: Donna Peters

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the area as Low Intensity - No Specific Land Use

According to the Zoning "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-4 is in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject area is approximately 24 acres in size and is located approximately 100' south of 6th Street, 240' east of Xanthus Avenue, 100' west of S. Lewis Avenue and on the north side of the MKT railroad right-of-way. It is non-wooded, flat and contains single-family and duplex homes.

**Surrounding Area Analysis:** The tract is abutted on the north by single-family residences, duplex homes and small businesses, zoned CS; to the east by strip shopping, zoned CS; to the south by vacant property and some industrial warehouses that are zoned IM; and to the west and southwest by industrial warehouses and businesses, that zoned IM.

**Zoning and BOA Historical Summary:** The area was blanket zoned RM-2 with the adoption of a new zoning ordinance in 1970.

**Conclusion:** The subject property is part of the Kendall-Whittier Neighborhood Special District and based on the Comprehensive Plan for this area, any rezoning from RM districts should be RS-4 to encourage and protect single family renovation and investment.

Therefore, Staff recommends **APPROVAL** of RS-4 zoning for Z-6415.

Staff Comments

Ms. Peters presented the following:

Neighborhood Profile and Resident Response

Hillcrest Neighborhood

Profile:

Total Lots	89		
Single-Family	81 Lots	(91.%)	
Duplex	7 Lots	(7.9%)	
Multifamily	1 Lot	(1.1%)	
Church	0 Lots	(0%)	

Resident Responses:

For: 13  
 Against: 2  
 No Response: 75

Of those who responded, sentiment ran 13:1 FOR the rezoning.

The one property owner against the rezoning owns a single-family residences.

Two notices were undeliverable.

Ms. Peters read a letter from Mr. Darrell Hunt, 711, 713, 715, 717, 719 and 721 South Zunis, owner of three duplexes located on one lot.

The letter states, "All property marked in red are duplexes except the southeast corner of 7th and Zunis. That property is a two-story four-plex. The yellow property is a workshop and storage building for a construction contractor. My property is on the northeast corner of 8th and Zunis; it is completely surrounded by multifamily dwellings." Signed by Darrell Hunt.

Ms. Peters advised having field-checked the area, and the property in question contains three duplexes which are boarded up and in disrepair. The four-plex is occupied and appears to be in good condition. Staff's opinion is that the owner would be better served to sell the duplexes as single-family residences than rehabilitate them in a duplex manner.

Interested Parties

**Francis Smith**

**2224 East 8th Street**

Ms. Smith expressed concern over being able to renovate the duplexes since they are in a flood zone.

Mr. Gardner advised that the subject property is in the Storm Water Management acquisition plan.

**Allan Stewart**

**2244 East 7th Street**

Mr. Stewart, Planning Chair for Planning District 4, advised that support of the blanket rezoning has met with support from area residents. He addressed the three duplexes which had been referred to earlier and noted that they have not been occupied since the Memorial Day flood. Mr. Stewart described the dilapidated condition the duplexes are in. He declared that the rezoning will result in significant improvement for the majority of residents in the area.

**Mrs. Rice**

**2451 N. Pittsburg**

Mrs. Rice owns property in the subject area and was present to gain a better understanding of the proposed rezoning.

TMAPC Action; 9 members present:

On **MOTION** of **DICK**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace "absent") to recommend **APPROVAL** of Z-6415 for RS-4 zoning per Staff recommendation and to recommend that the Rules and Regulations Committee develop a policy of providing assistance for duplex owners in all blanket rezoned areas and to withhold transmittal until the Rules and Regulations Committee makes such policy.

**LEGAL DESCRIPTION**

Lots 16-28, Block 5, Lots 3-28, Block 6, Lots 3-27, Block 7, Lots 1-8, Block 8, Lots 3-11, Block 9, Lots 3-8, Block 16, all in Hillcrest Addition, Tulsa County, Oklahoma.

**TMAPC Action; 9 members present:**

On MOTION of DICK, the TMAPC voted 9-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace "absent") to WITHHOLD transmittal of Z-6413, Z-6414 and Z-6415 to the City Council pending recommendation from the Rules and Regulations Committee on policy.

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**PRELIMINARY PLAT:**

Bradford Oak Estates (2283) (PD-18) (CD-8)  
South of SE/c of 91st Street South & South Yale Ave.

Bradford Oak Estates (PUD-501) was given sketch plat approval by the Technical Advisory Committee on April 22, 1993.

The plat was presented by Jones with Morris in attendance at the TAC meeting.

Jones stated the four conditions of the Fire Department since Penquite could not be present:

1. Minimum 26' paving width to accommodate Fire Department vehicles.
2. Maintain 45' outside radius for turning.
3. Second access point not required.
4. Possible new fire hydrant required.

Hill of PSO advised by telephone after the meeting that the 3' fence easement should also contain a utility easement due to the need to cross the area with electric lines.

On MOTION of CANAHL, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the PRELIMINARY PLAT of BRADFORD OAK ESTATES, subject to the above conditions and those listed below:

1. On face of plat show Book/Page references for dedications on Yale and Braden. Indicate that the right-of-way between what is existing and 60' is being dedicated by this plat.

2. The paving and/or turnaround should be adequate for fire protection and emergency and/or delivery vehicles (see Fire Department).
3. All conditions of PUD-501 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to section 1100-1107 of the Zoning Code in the covenants.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.
5. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants.
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
10. Street names shall be approved by the Department of Public Works and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
13. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)

14. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
15. The key or location map shall be complete.
16. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
17. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.
18. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
19. All (other) Subdivision Regulations shall be met prior to release of final plat.

#### Staff Comments

Mr. Jones advised of receipt of a letter from the City of Bixby regarding this item. The letter states concern over drainage; should this property drain into the Frye Ditch area, they recommend that detention be provided on site. If it does not flow into the Frye Ditch, then they have no problems with it. Mr. Jones stated that the engineer is working with the Department of Public Works and proposes to allow fees-in-lieu-of dedication. He suggested recommending approval subject to Public Works requirements.

In response to a question from Chairman Doherty, Mr. Linker advised that the Planning Commission should process this application as any other subdivision plat; Public Works will deal with the issue of on-site detention.

Commissioner Dick commented that, over the past few years, flooding has increased because of development in the City of Tulsa in the subject area. He suggested that standards need to be changed regarding payment in-lieu. Commissioner Dick declared that anything the Planning Commission can do to obtain detention on site will alleviate that problem.

Ms. Wilson suggested that Staff write a letter to Public Works indicating their concern and that the Planning Commission is interested in knowing how the decision is made to accept fee-in-lieu-of or on-site detention. Commissioner Dick requested that the Tulsa County Engineer also be included.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 8-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace, Parmele "absent") to APPROVE the Preliminary Plat of Bradford Oak Estates.

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**PRELIMINARY PLAT:**

May's #21 (2783) (PD-26) (CD-8)  
SW/c of 101st Street South & South Sheridan Road.

Chairman Doherty announced that this item is to be stricken from the agenda and will be resubmitted as a major amendment.

\* \* \* \* \*

**WAIVER REQUEST: SECTION 213:**

BOA-16359 Pleasant View (593) (PD-4) (CD-4)  
2906 East 3rd Street

Staff Comments

This application is a result of a Board of Adjustment action on July 27, 1993, which approved a day-care and learning center subject to this specific site plan. The faculty is for students, faculty and employees of Tulsa University and is considered an accessory use to the university.

As noted on the FILE COPY, the north 1/2 of Lot 2 is not included in the plat waiver since it was not part of the Board of Adjustment application.

Jones presented the waiver at the TAC meeting.

Canahl stated that drainage should tie into existing storm sewers on 3rd Street and Evanston. A PFPI will be required.

Dixon stated that the handicap ramp on the corner of 3rd Street and College should be redesigned to face directly east.

Hill, of PSO, stated in a telephone conversation after the meeting that if the 20' alley is to be vacated, an easement would be required to accommodate existing lines.

On MOTION of CANAHL, the Technical Advisory Committee voted unanimously to APPROVE the PLAT WAIVER for BOA-16359, subject to the above conditions and those listed below:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Access control agreement if required by the Department of Public Works (Traffic Engineering).
3. Utility extensions and/or easements if needed.

**TMAPC Action; 8 members present:**

On MOTION of NEELY, the TMAPC voted 8-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace, Parmele "absent") to APPROVE the Waiver Request for BOA-16359 as recommended by Staff.

\* \* \* \* \*

**CHANGE OF ACCESS ON RECORDED PLAT:**

Resubdivision of Second Research and Development Center (2593)  
 NW/c of East 51st Street South & South 83rd E. Ave. (PD-18) (CD-5)

Staff Comments

This is a request to shift an existing 40' access from East 51st Street South 12' to the east and relocate and enlarge an existing 20' access to a 40' access off South Memorial Drive. Traffic Engineering approved the request on August 23, 1993 and Staff would recommend APPROVAL.

**TMAPC Action; 8 members present:**

On MOTION of NEELY, the TMAPC voted 8-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace, Parmele "absent") to recommend APPROVAL.

\* \* \* \* \*

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

L-17706	Oliver	(113)	(PD-15)	(County)	12323 N. Memorial	AG
L-17736	Carman	(3193)	(PD-18)	(CD-9)	5327 S. Wheeling Ave.	RS-3
L-17749	Langenkamp	(PD-18)	(CD-8)		6127 S. 107th E. Ave.	CO
L-17761	Surface	(684)	(PD-18)	(CD-8)	10141 E. 62nd St. S.	RS-3
L-17762	Johnston	(583)	(PD-18)	(CD-9)	2501 E. 71st St.	RS-1
L-17763	Moore	(3093)	(PD-6)	(CD-9)	4111 Oak Road	RE

Staff Comments

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

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Pace, Parmele "absent") to RATIFY the above-listed lot-splits having received prior approval.

\* \* \* \* \*

OTHER BUSINESS

PUD-369-3: Minor Amendment - 8908 East 95th Place, Lot 18, Block 2, Cedar Ridge Park III.

Staff Comments

The applicant is requesting a reduction in the required rear yard from 20' to 12'6" to construct an addition to the house. The lot is no different in depth or shape from all the other 17 lots on the block face, and the rear of this lot abuts the rear of a row of single-family lots. All these lots are required to have a 20' rear yard. Staff can find nothing unique or unusual about this lot which would create a hardship not shared by others in this PUD. Therefore, Staff recommends DENIAL of PUD-369-3.

**AND**

PUD-369-4: Minor Amendment - 8903 East 96th Place, Lot 20, Block 2, Cedar Ridge Park III.

The applicant is requesting a reduction in the required rear yard from 20' to 15'6" to construct an addition to the house. The lot is no different in depth or shape from all the other 17 lots on the block face, and the rear of this lot abuts the rear of a row of single-family lots. All these lots are required to have a 20' rear yard. Staff can find nothing unique or unusual about this lot which would create a hardship not shared by others in this PUD. Therefore, Staff recommends DENIAL of PUD-369-4.

Applicant's Comments

**David Gibson**

Mr. Gibson presented a letter from the property owner on the northeast corner of 96th Street South and 89th East Avenue voicing no objection to the covered patio. He acknowledged that the cover did not comply with the building permit, but noted that in the past there were never any problems with patio covers protruding in the back yard.

TMAPC Comments

There was discussion among the Planning Commissioners over approving a blanket minor amendment to allow all the houses in the area the same option for the covered patio. Ms. Wilson advised that the subject patio is extremely close to the back fence and agrees with Staff that a blanket minor amendment would not be a good idea.

TMAPC Action; 8 members present:

On MOTION of HORNER, the TMAPC voted 5-3-0 (Ballard, Dick, Doherty, Horner, Midget, "aye"; Carnes, Neely, Wilson "nay"; no "abstentions"; Broussard, Pace, Parmele "absent") to APPROVE PUD-369-3 and PUD-369-4 minor amendments with the condition that the patios never be enclosed or walls installed.

\* \* \* \* \*

**PUD-369-6:** Minor Amendment to reduce required yard - southwest corner of 89th East Avenue and 95th Street South - Lot 4, Block 1, Cedar Ridge Park III.

Staff Comments

The applicant is requesting a reduction in the required front yard from 25' to 20'. The lot fronts a portion of an "eyebrow" which produces an irregular front building setback line. An inspection of the lot found that a dwelling was already constructed on the lot, but appeared to be set back the same amount as the adjacent homes. Since the curvature of the front lot line produced the intrusion into the required front yard and the dwelling placement is compatible with the other dwellings in the PUD, Staff recommends APPROVAL of PUD-369-6.

TMAPC Action; 8 members present:

On MOTION of HORNER, the TMAPC voted 8-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Parmele, Pace "absent") to APPROVE PUD-369-6 minor amendment.

\* \* \* \* \*

PUD-257 John Moody

(PD-18) (CD-9)

SE/c of 51st Street & South Columbia Place.  
Detail Sign Review

Chairman Doherty announced that the applicant has withdrawn his request.

\* \* \* \* \*

**PUD-493-1:** Minor Amendment to reduce required yard - west of the northwest corner of 41st Street South and Yorktown Avenue - Lot 8, Block 1, Royal Oaks.

The applicant is requesting a reduction in the required yard abutting 41st Street from 35' to 27' in order to construct a single-family dwelling. The lot is quite large but the northwest portion contains a storm water detention area. Even with this detention area, there is more than enough room on the lot to move the dwelling 8' to the north and comply with the PUD standards. Moving the dwelling north might also reduce the number of trees which must be removed to accommodate the dwelling. Staff, therefore, recommends **DENIAL** of PUD-493-1.

Applicant's Comments

**Jack Arnold, Architect**

**7318 South Yale**

Mr. Arnold advised that the structure is being set back to enhance the stormwater detention with landscaping, rock walls, etc. For this reason, he concurred that it would be better for the neighborhood and house to be set back. Mr. Arnold explained the layout of the house on the lot. He explained that he is not requesting the mass of the house be set back, only the garage and closet area. Mr. Arnold estimated the garage to penetrate about 4' into the side yard and the closet area in the back penetrates approximately 8'. He explained that this site of the 41st Street area is lowest of the other lots adjacent to 41st Street, creating an even lesser impact regarding roof lines.

TMAPC Comments

Mr. Neely conveyed concern that, since this subdivision is in the early stages of development with large lots and expensive homes, he wants to avoid the setback problems experienced in Eight Acres.

Mr. Neely made a motion to deny the application, seconded by Chairman Doherty.

Mr. Midget pointed out that this is an odd-shaped lot, and the detention easement in front makes it unique. He advised support of the applicant's request for relief of the setback requirement.

Chairman Doherty questioned why the driveway needs to be as wide as indicated. In response, Mr. Arnold informed the northwest corner of the driveway is approximately 10' to 11' wide.

Mr. Arnold modified his application to request a reduction in the required yard abutting 41st Street to 30', resulting in encroachment of 5' in the eastern portion of the structure.

TMAPC Action; 7 members present:

On **MOTION** of **NEELY**, the TMAPC voted **2-5-0** (Doherty, Neely "aye"; Ballard, Dick, Horner, Midget, Wilson "nay"; no "abstentions"; Broussard, Carnes, Parmele, Pace "absent") to **DENY** PUD-493-1 Minor Amendment as recommended by Staff.

MOTION FAILED.

TMAPC Action; 7 members present:

On MOTION of MIDGET, the TMAPC voted 5-2-0 (Ballard, Dick, Horner, Midget, Wilson "aye"; Doherty, Neely "nay"; no "abstentions"; Broussard, Carnes, Parmele, Pace "absent") to APPROVE PUD-493-1 Minor Amendment amended request for a reduction in the required yard abutting 41st Street to 30' per a revised plot plan of this structure.

\* \* \* \* \*

PUD 384-A-2 Minor Amendment - east of the southeast corner of 71st Street South and Elwood Avenue.

The applicant is requesting the following amendments to the PUD standards:

Change the ground sign permitted from a 6' high 64 SF monument sign to a 28' high 128 SF pole sign.

After examining the site with the walls of the manager's quarters in place, which are approximately 27' high, Staff believes the proposed change in the sign size and height will be compatible with the surrounding area and is the minimum needed for visibility on 71st Street. Therefore, Staff recommends APPROVAL.

\* \* \* \* \*

Revised Landscape Plan

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The applicant is also requesting to delete the Bradford Pear trees proposed along the west side of the mini-storage complex. This requested change is as a result of the Fire Department's requirement that an 18' gravel roadway be provided in the easement on the west side of the tract for fire truck access. With this roadway there will not be enough room for the trees. Since there was no PUD requirement for the trees, Staff recommends APPROVAL of the revision.

**TMAPC Action; 7 members present:**

On MOTION of DICK, the TMAPC voted 7-0-0 (Ballard, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes, Parmele, Pace "absent") to APPROVE PUD-384-A-2 Minor Amendment and Revised Detail Landscape Plan as recommended by Staff.

\* \* \* \* \*

**PUD 196** Revised Detail Sign Plan - south of the southwest corner of 71st Street South and Memorial Drive.

The applicant is replacing existing wall signs on a Kentucky Fried Chicken restaurant. The new signs comply with the PUD conditions; therefore, Staff recommends APPROVAL.

**TMAPC Action; 7 members present:**

On MOTION of MIDGET, the TMAPC voted 7-0-0 (Ballard, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes, Parmele, Pace "absent") to APPROVE PUD-196 Revised Detail Sign Plan as recommended by Staff.

\* \* \* \* \*

**PUD 179-C** Revised Detail Site Plan - south of southeast corner of 71st Street South and Memorial Drive.

The applicant is converting the former InterUrban restaurant to the Tulsa Brewery Restaurant. In doing so, they are making an addition to the building containing 150 SF and building a 15' X 20' accessory storage building at the rear of the restaurant. Staff finds both additions conform to the PUD conditions and recommends APPROVAL.

**TMAPC Action; 7 members present:**

On MOTION of DICK, the TMAPC voted 7-0-0 (Ballard, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes, Parmele, Pace "absent") to APPROVE PUD-179-C Amended Site Plan as recommended by Staff.

\* \* \* \* \*

**PUD-282-A:** Detail Sign Plan - west of the southwest corner of 71st Street South and Lewis Avenue.

The applicant is proposing to replace the existing ground sign at the middle entrance to the Kensington development on 71st Street with a new project identification sign with space for tenant signs. The sign is 26' high and contains 283 SF of display surface area. The sign complies with the PUD standards and Staff recommends **APPROVAL**.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes, Parmele, Pace "absent") to **APPROVE** PUD-282-A Detail Sign Plan as recommended by Staff.

\* \* \* \* \*

**PUD-498:** Amended Detail Site Plan - east of the southeast corner of 71st Street South and Mingo Road - Lot 1, Block 1.

The Home Depot store is requesting approval of a revised Site Plan which provides for a covered drive-through area for lumber pick-up. The addition is at the northwest corner of the building and will reduce the number of parking spaces by 15. To compensate for this, 32 additional compact spaces have been added at the rear of the building. Staff recommends **APPROVAL** of the Revised Detail Site Plan.

**TMAPC Action; 7 members present:**

On **MOTION** of **DICK**, the TMAPC voted **7-0-0** (Ballard, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes, Parmele, Pace "absent") to **APPROVE** PUD-498 Amended Site Plan as recommended by Staff.

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**PUD-360-A:** Detail Site Plan - northwest of the northwest corner of 91st Street South and Memorial Drive - Lot 3, Block 1.

The applicant is proposing an 816 square-foot drive-through restaurant on Lot 3, Block 1, Homeland #0102. Staff evaluation of the Site Plan determined it met or exceeded all the PUD requirements; therefore, Staff recommends **APPROVAL**.

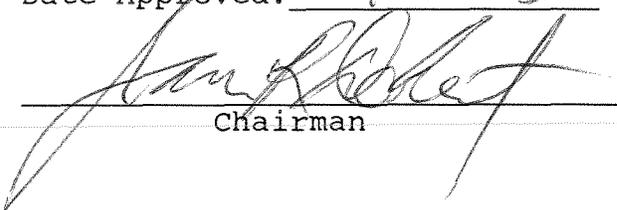
**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Dick, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes, Parmele, Pace "absent") to **APPROVE** PUD-360-A Detail Site Plan as recommended by Staff.

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

Date Approved: 9-15-93

  
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Chairman

ATTEST:

  
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Secretary *Vice Chair*