

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 2047  
Wednesday, December 6, 1995, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Ballard  
Boyle, 2nd Vice  
Chairman  
Carnes,  
Chairman  
Doherty, 1st Vice  
Chairman  
Gray, Secretary  
Ledford  
Midget, Mayor's  
Designee  
Pace  
Taylor

**Members Absent**

Horner  
Selph

**Staff Present**

Gardner  
Hester  
Jones  
Stump

**Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 1, 1995 at 4:44 p.m., in the office of the County Clerk at 4:40 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:35 p.m.

**REPORTS:**

**Committee Reports:**

**Rules and Regulations Committee**

Mr. Doherty reported that the Rules and Regulations Committee will meet at the conclusion of today's meeting in Room 1102 to discuss possible amendments to the sign code.

**SUBDIVISIONS:**

**SKETCH PLAT:**

JENKS 7TH/8TH GRADE CENTER (PUD 306-C) (2083) (PD-26) (CD-2)  
East of the northeast corner of East 101st Street & South Delaware Avenue.

Jones presented the plat with Joe Donelson in attendance at the TAC meeting.

Pierce requested a 25' utility easement along the west side of the proposed Harvard Avenue and provisions for overhead.

French recommended that the southern curve of south Harvard Avenue be redesigned to accommodate traffic flow. French also suggested that the eastern future parking lot not access to E. 101st Street but rather South Harvard. Also, more parking should be provided for the football and baseball area.

After considerable discussion on the location of South Harvard, it was determined to approve the conceptual location and forward the sketch plat to the TMAPC for input.

JENKS 7TH/8TH GRADE CENTER is a one lot subdivision plat which contains 53.59 acres and is part of Planned Unit Development 306-C. A provision of the PUD is the extension of Harvard Avenue from the Creek Turnpike to East 101st Street South.

Staff would offer the following comments and/or recommendations:

1. Harvard Avenue alignment and construction meet with Department of Public Works approval.
2. All conditions of PUD 306-C shall be met prior to release of 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.
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
4. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
5. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

7. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. 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 plat release.)
16. 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.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
21. This plat has been referred to Bixby and Jenks because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.

22. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

23. All other Subdivision Regulations shall be met prior to release of final plat.

On the Motion of Miller, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the Sketch Plat for Jenks 7th/8th Grade Center, subject to all conditions listed above.

Jones informed Donelson that the Sketch Plat would be set for the December 6th TMAPC meeting.

#### Staff Comments

Mr. Jones informed that a primary condition for approval of the PUD was that the extension of Harvard Avenue from the Creek Turnpike to 101st Street South be provided. Mr. Jones pointed out that only the southern portion of this tract is being platted. He reminded the Planning Commission that Harvard Avenue is designated on the Major Street and Highway Plan (MSHP) as a residential collector, 60' right-of-way width. He informed that the proposal presented is to locate Harvard along the east side of the tract next to the Vensel Creek Channel then south to join with 101st Street South. Mr. Jones noted that this proposal makes no provision for crossing the creek and stated that the original PUD minutes indicate that the applicant does not intend to bear the entire cost of both the bridge and the extension. He reported that there are no provisions in the City's budget through the next five years to have monies available for the Harvard extension. However, he pointed out that according to Subdivision Regulations, it is the developer's responsibility to construct the collector street or residential street. Mr. Jones reminded the Planning Commission that they are being asked to review a sketch plat, and he noted that the preliminary plat and detail site plan will be before the Planning Commission at a later date.

Mr. Gardner informed that the City has budgeted one-half million dollars, according to the Third Penny Sales Tax Extension 1996-2001 Report, for the engineering of the Harvard extension south from 91st Street to 101st Street.

#### Applicant's Comments

Charles Norman, attorney for the applicant, reviewed the zoning history of the subject tract, noting that there will not be residences on the south side of the Creek Expressway or the drainage area as originally proposed, thereby eliminating the need for Harvard as a residential collector at this location. He reiterated that the purpose of the sketch plat is to procure preliminary indications on how to approach platting for the future use of the proposed 7th/8th Grade Center. Mr. Norman declared that the extension of Harvard is not necessary for the operation of the proposed 7th/8th Grade Center contemplated by the Jenks School District, and the issue of whether or not to extend Harvard is for considerations other than for the convenience and use of the school district. He pointed out that Harvard serves as a section-line road, and he is unaware in the history of Tulsa that a private or public owner has been required to pay the cost of a section-line road improvement. Mr. Norman reiterated that the school district does not have the funds to pay for the construction of the bridge or extension of Harvard Avenue. He revealed that the Jenks School District has no objection to dedicating right-of-way as required. He requested that right-of-way be as near to the eastern boundary as possible to avoid losing additional usable land to the west of the right-of-way.

He informed that if there is general approval of the right-of-way being aligned as shown on the sketch plat, the applicant can proceed. This would permit the bridge to be constructed and the Planning Commission would be asked to waive the requirement that Harvard be extended. He informed that the applicant cannot afford it, nor does he feel that it is appropriate for the school district to pay for a street which, according to the public hearing, all of its support was based on neighborhood convenience rather than traffic necessity. He stated that approval of the site plan as proposed will allow construction of the bridge over the channel in a way to discourage excessive speeds.

#### Interested Parties

##### **Roy Gann**

**10102 South Delaware 74137**

Mr. Gann, owner of property at 101st and South Delaware, expressed no opposition to the proposed school construction; however, he was concerned about adequate stormwater management in the area. Mr. Gann presented supporting data indicating that the area currently does not have sufficient drainage and cited instances of flooding in the area. Mr. Gann encouraged the Planning Commission to ensure that drainage is sufficiently addressed.

Mr. Jones explained that this project is being reviewed by the Department of Public Works and Joe Donelson, a professional engineer, is working with them. He revealed that fees-in-lieu of onsite detention will be permitted. Mr. Jones explained how it is anticipated that drainage will be directed.

##### **Bill Patton**

**3328 East 99th Street**

Mr. Patton, a resident of Silver Chase and vice-president of Silver Chase Association, deemed that the actual construction of the Harvard extension will not begin for many years due to its cost. Mr. Patton declared that residents of Silver Chase feel that the developer should be responsible for that construction, and he urged cooperation between the school and City to see that the street is constructed. He also stated that that residents anticipate an overload of traffic in the area. He suggested that if the extension of Harvard is not funded, consideration should be given to four-laning 101st Street. Mr. Patton urged that the sketch plat not be approved until the City and representatives from the school can devise a means of funding construction of South Harvard.

#### Applicant's Rebuttal

Mr. Norman noted that the Jenks school at 101st and Yale is at the intersection of two arterial streets and no one in that area suggested that the Jenks School District should pave either of those streets. He declared that Harvard is an extension of a section-line road. Mr. Norman pointed out that the proposed construction is to serve people who live in the area and will not create additional traffic, but will bring it together in a different way to serve the patrons of the Jenks School System. Mr. Norman explained that construction will be in three phases, requiring three bond issues, and the option is available for the district to plat enough of the property for phase one.

Mr. Gardner reminded the Planning Commission that there was much debate regarding the extension of Harvard Avenue; however, there was never was any question over the need for Harvard to be extended. The decision was made to not bring the traffic through Silver Chase, but into this tract and downgrade Harvard from an arterial to a collector. Mr. Gardner does not believe that it was ever envisioned that the School Board would be responsible for building the bridge, and the primary objective from the planning standpoint was to show it on the plan and obtain right-of-way. He stated that the School Board and the City must

determine how funding will be addressed before the final plat will be released. He determined that if the bridge is not built for many years, it does not make sense to require paving of a street that goes nowhere.

Mr. Doherty deemed that the City should bear the cost of bridge construction, no developer would be asked to do so. He stated that the right-of-way and alignment presented seem to be acceptable, and funding and timing of construction for the Harvard extension seem to be the only issues for debate.

There was considerable discussion over the estimated cost, approximately \$160,000, of construction for extending Harvard.

Mr. Doherty deemed that proposed right-of-way and concept is acceptable, and he suggested leaving open the responsibility for construction to allow the applicant and City to have discussion. He deemed that final determination will be made at the preliminary plat hearing.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to **APPROVE** the **SKETCH PLAT** for the Jenks 7th/8th Grade Center, noting concerns expressed.

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**PLAT WAIVER, SECTION 213:**

Z-6358 (Burning Hills) (383) (PD-18) (CD-7)  
6927-6929 South Canton Avenue

Jones presented the request with Betty Southard in attendance at the TAC meeting.

Z-6358 was a request to rezone an existing office building on a .303-acre tract from OL to OM. This request was approved in June of 1992 and made the property subject to the platting requirement. As the submitted site plan shows, the applicant is proposing to construct a wood-frame storage/carport structure and what appears to increase the parking area.

Based on the existing subdivision plat and size of the tract, Staff can see no benefit to the city in a replat. Staff would recommend APPROVAL of the plat waiver for Z-6358, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On the Motion of Somdecerff, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the Plat Waiver for Z-6358, subject to all conditions listed above.

**TMAPC Action; 8 members present:**

On MOTION of BOYLE, the TMAPC voted 8-0-0 (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to APPROVE the PLAT WAIVER for Z-6358 as recommended by Staff.

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Z-6512 (Unplatted) (3194)

(PD-18)(CD-5)

East of the northeast corner of E. 61st Street & South Mingo Road

Jones presented the request with Pat Sisemore in attendance at the TAC meeting.

Herbert noted a concern for a plat waiver with no proposed use on the north portion of the subject tract. Herbert also noted that a stormwater sewer may be required on the north portion, depending on the type of development.

Jones recommended that the plat waiver be for this use only, with any new use being reviewed at the time proposed.

French recommended the access on the east side of the lot be redesigned with a reverse curve.

Z-6512 is a request to rezone an approximate .98 acre tract from, RS-3 to IL. The TMAPC approved the rezoning on November 8, with final City approval anticipated around the end of the year. The applicant proposes to utilize the existing dwelling as an office for an automobile sale lot.

Based on the size of the tract and use of existing structure, Staff is supportive of the requested waiver. Staff would also point out that a number of waivers have been granted in the immediate area. Staff recommends APPROVAL of the plat waiver for Z-6512, subject to the following conditions:

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.
4. Subject to current use only, with any changes making the tract subject to platting requirements.

On the Motion of Herbert, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the Plat Waiver for Z-6512 subject to all conditions listed above and for this use only.

Staff would recommend that the applicant follow the rezoning application and inform Staff when the ordinance is expected to be published. This will reduce time in processing the plat waiver.

Staff Comments

Mr. Jones advised that the applicant was supportive of conditions recommended by TAC.



Interested Parties

Lloyd Hobbs, Chairman for Planning District 18, informed that area residents questioned whether the building will comply with setback requirements after 61st Street South is widened.

Mr. Jones replied that the building would become nonconforming since it would not meet setback requirements of an IL-zoned district.

Ms. Gray inquired where the vehicles will be displayed, noting that new asphalt is at the rear of the building.

Mr. Jones informed that the applicant intends to add paving for vehicle display. He revealed that the applicant has been informed that the Zoning Code requires all offstreet parking be on a dust-free all-weather surface.

Allen Hall, 11002 East 51st Street, advised that the asphalt area will be asphalt-concrete and will meet parking requirements as required by the Zoning Code.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to **APPROVE** the PLAT WAIVER for Z-6512 as recommended by Staff and subject to all paving being installed with no waiver from the Board of Adjustment for gravel parking.

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

L-18188 Tuttle Papock Limited Partnership (City of Tulsa) (1794) 2112 S. Garnett	(PD-17)(CD-5) CS
L-18190 Arthur G. Horn (City of Tulsa) (2903) 2028 N. Harvard	(PD-3)(CD-3) RM-1
L-18192 Darwin Smith, Jr. (382) 2501 - 2508 W. 66th Pl. S.	(PD-8)(CD-2) RS-3
L-18194 31st Memorial LLC (P. Tomlinson) (2393) 3215 S. 79th E. Ave.	(PD-17)(CD-5) CS
L-18195 Carrie/John M. Hendricks, Jr. (593) 139 S. College	(PD-4)(CD-4) RS-3
L-18198 Mt. Olive Evangelistic Lutheran Church (City of Tulsa) (1794) 12435 E. 31st St.	(PD-17)(CD-6) RS-3

**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 **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

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**LOT-SPLIT FOR WAIVER:**

L-18173 Rex Starr (3203) (PD-3) (CD-3)  
2430 E. King Street.

**(PD-3)(CD-3)**  
IM

It is proposed to split an industrial tract containing two industrial buildings into two tracts as depicted below. Both tracts will meet the Bulk and Area requirements for the IM district. Both tracts abut public water and sewer, and each tract will be served separately. However, the current street width on East King is 40' and the current street width on North Lewis Place is 36'. According to the Major Street and Highway Plan, the minimum width for a Tulsa public street is 50'. The applicant would therefore be required to dedicate 5' of right-of-way on East King Street and 7' of right-of-way on North Lewis Place. However, applicant is requesting waiver of the dedication requirement.

Jones presented the request with Jay Simmons in attendance at the TAC meeting.

Somdecerrff noted that no plans existed for improvements to the street, but he would request the right-of-way.

French requested that a radius at the corner be dedicated and the applicant agreed.

Edwards pointed out that the building is built over an existing sewer line. Simmons stated that several buildings to the south were over the same line. Edwards stated that he would like time to visit with representative concerning the sewer and add conditions prior to the TMAPC meeting.

On the motion of French, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the lot-split, subject to all right-of-way being dedicated and any additional conditions regarding the sewer line.

There were no interested parties in attendance of the TMAPC meeting.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to **APPROVE** the WAIVER of L-18173 as recommended by Staff.

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Staff Comments

Tulsa Subdivision Regulations require that applications for waiver must be heard by the Technical Advisory Committee prior to presentation to the Tulsa Metropolitan Area Planning Commission. The applicant is requesting a waiver of this requirement.

It is proposed to split an approximate 300' x 325' tract from a 9.6-acre tract. This tract has preliminary plat approval as "Star Center 4". However, final approval will not be given until 1996. The purchaser of the property, Texaco Refining and Marketing, Inc., must complete the purchase transaction before December 31, 1995. Therefore, the applicant is requesting a lot-split on the property at this time. A lot-split on the property before it is platted requires right-of-way dedication on the entire 9.6-acre tract. The applicant is dedicating required roadway right-of-way through the platting process on the 300' x 325' tract plus has given additional right-of-way to Public Works. The applicant is requesting waiver of roadway right-of-way dedication on the remaining portion of the 9.6-acre tract.

Applicant's Comments

Jeff Levinson, 35 East 18th Street, attorney for the applicant, deemed that it would not be detrimental to the City or surrounding area to approve the requested lot-split. He informed that it is intended for Star Center 4 to be platted by the end of January, and all necessary dedications will be made. Mr. Levinson advised that funds will not be available to close the transaction after the first of the year, and requested that the Planning Commission approve the waiver.

Mr. Boyle asked why the applicant does not want to dedicate the required roadway right-of-way.

Mr. Levinson explained which roadway right-of-way dedications were being made.

Mr. Jones pointed out that if the Planning Commission requires right-of-way dedication on all the lots in the lot-split, the applicant has the option of not completing the lot-split.

Mr. Doherty summarized that whether dedication is made in advance of intersection improvement or not reflects on whether the City must acquire the right-of-way by eminent domain by purchasing it or by plat dedication.

Mr. Boyle stated that he sees no compelling reason to waive dedication.

Mr. Levinson pointed out that if he presented a plat approval of the tract, the issue of the balance of dedication would not be before the Planning Commission, and the applicant would not be compelled to dedicate right-of-way in connection with the plat.

Mr. Ledford pointed out that the Planning Commission has set precedent in developing areas that lot-splits dedicate right-of-way, and he sees no reason to veer from this policy.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-1-0** (Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; Ballard "nay"; none "abstaining"; Horner, Selph "absent") to **DENY WAIVER** of L-18199 for roadway right-of-way dedication.

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**ZONING PUBLIC HEARING:**

Application No.: **PUD 405 D-1** Minor Amendment

Applicant: Acura Neon, Inc.

Location: Northwest corner of the Creek Turnpike and South Memorial Drive - Portion of Lot 3 of Block 4 of the 9100 Memorial Addition.

Date of Hearing: December 6, 1995

Presentation to TMAPC: Richard Craig

The applicant is requesting a minor amendment approval to allow additional wall signage, increasing the maximum display area from 1 SF per linear foot to 2 SF per linear foot.

Staff has reviewed the request and finds it to be in keeping with the revised standards for the parcel directly to the north which is of a similar use.

Staff recommends **APPROVAL**.

**TMAPC Comments**

Mr. Doherty expressed concern that the sign not be excessively bright.

**Applicant's Comments**

Richard Craig, Acura Neon, Inc., informed that the sign will be a white plastic cover over the neon and there will be no exposed neon.

**TMAPC Action; 9 members present:**

On **MOTION** of **TAYLOR**, the TMAPC voted **8-1-0** (Ballard, Boyle, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; Carnes "nay"; none "abstaining"; Horner, Selph "absent") to **APPROVE** PUD 405-D-1 MINOR AMENDMENT as recommended by Staff.

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Application No.: Z-6310-SP-3a/PUD 467-7  
Applicant: Ed Bishop  
Location: East of Northeast corner E. 51st St. & South Harvard  
Date of Hearing: December 6, 1995  
Presentation to TMAPC: Ed Bishop

**Z 6310 SP-3a :**           **Minor Amendment** - East of the Northeast Corner of 51st Street  
**PUD 467-7**                   and South Harvard - Development Area 5 of Dickens Commons

The applicant is requesting minor amendment approval to allow an increase to building height for "City Bites" in order to install related signage. The proposed increase is from 22' to 28' with an alternate request to 26' if 28' is not acceptable.

Staff has reviewed the request and finds that this particular structure is in the west end of the PUD, across 51st Street from the Marion Avenue entrance to the residential area to the south. The residents of this particular area have repeatedly expressed concern over the amount of signage in the PUD. This particular PUD has, over time, experienced significant increase in the number and display area of ground signs allowed.

Review also indicates that the "architectural feature" to which the sign is attached will extend approximately 8' above the top of the parapet wall of the remainder of the building.

Staff opinion is that the impact of the requested increase is inappropriate at this location in the PUD. The result of the increase which will be used to display signage will add no usable space to the structure and will exceed the maximum height for ground signs in the PUD. The individual impact of this sign as well as the cumulative impact to the residents to the south will, in Staff opinion, be greater than the PUD intended.

Staff recommends **DENIAL** of any height increase for this use at this location.

Applicant's Comments

Ed Bishop, architect for the project, revealed that there is already a precedent of 26' of building height in the area. He requested that the front portion of the building be allowed 26' of height. Mr. Bishop pointed out that the sign on the front of the building is a canopy entry.

Mr. Stump reiterated problems in the area from excessive signage and with this area. He acknowledged that Piccadilly Cafeteria is allowed 26'; however, their sign is lower than permitted, is closer to the commercial area to the east and is at the on-ramp to the expressway.

After discussion it was the consensus of the Planning Commission to deny the request in order to protect the neighborhood from further intrusion of area signage.

TMAPC Action; 9 members present:

On **MOTION** of **PACE**, the TMAPC voted **8-1-0** (Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; Ballard "nay"; none "abstaining"; Horner, Selph "absent") to **DENY** Z-6310-SP-3a/PUD 467-7 as recommended by Staff.

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**OTHER BUSINESS:**

**PUD 534: Detail Site Plan - 5540 and 5544 South Lewis - South of the southwest corner of 55th Street South and South Lewis, west side of the street, Savoy Villas**

The applicant is requesting site plan approval for the office area at the east side of the PUD abutting Lewis Avenue.

Staff has reviewed the request and finds that the site plan as shown conforms to the approved concept plan. Further review indicates that four of the parking spaces on the north and south ends of the parking area are 8' in width. The minimum parking space width is 8.5'.

Staff has relayed the information to the applicant, who has agreed to reduce the building length by one foot, increasing the distance between the building and the right-of-way from 50' to 51'. This will add the necessary .5' to the four spaces.

It should be noted that the plan as submitted does not include a 5' landscaped strip between the head-on parking and the Lewis Avenue right-of-way nor does it include 15% of the streetyard in area to be used for landscaping. The applicant is submitting an Alternative Landscape Compliance request to address these issues.

Staff recommends **APPROVAL** subject to the following:

- a) a revised site plan showing the buildings set at 51' from the westerly Lewis right-of-way line;
- b) Commission approval of the requested Alternative Compliance.

**Note: *Site Plan approval does not constitute Landscape Plan approval.***

**AND**

**PUD 534: Alternative Landscape Compliance - 5540 and 5544 South Lewis - South of the southwest corner of 55th Street South and South Lewis, west side of the street, Savoy Villas**

The applicant is requesting approval of alternative landscape compliance for the office area at the east side of the PUD abutting Lewis Avenue.

Staff has reviewed the plan and finds that the total open space provided (28%) exceeds the required 20%. Staff also finds that the plan as submitted does not include a 5' landscaped strip between the head-on parking and the Lewis Avenue right-of-way, nor does it provide a minimum of 15% of the streetyard as area to be used for landscaping.

The plan as proposed does include a significant number of trees beyond that which are required by the Code; it also provides more than the required number of trees in the streetyard. It does not show other plant material. It is therefore assumed that the landscaped

areas are to be sodded. The plan does not show irrigation method, planting details or an installation schedule. Hedges and trees are shown in the Lewis Avenue right-of-way.

The criterion for judging the appropriateness of alternative compliance is that the alternative is "equivalent to or better" than the requirements of the landscape chapter.

Staff opinion is that the plan as proposed concentrates trees and landscaped areas in locations which best buffer the residential entry and provide benefit to the office structures. Staff opinion is also that one of the major purposes of the landscape ordinance was to buffer the impact of parking lots (and parked cars) on the adjacent street. Staff is not comfortable with the concept of planting the right-of-way and strongly urges against setting a precedent which allows right-of-way planting as an alternative to parking area setbacks.

Therefore, Staff recommends **DENIAL**.

Should the Commission see fit to approve the alternative, Staff recommends approval subject to the following:

- a) revisions showing additional shrub and ground cover plantings;
- b) a revised plan noting irrigation methods, sizes of material, planting schedule and installation details.

Applicant's Comments

Steven Turner, Turner and Associates Architects, representative for the applicant, addressed the alternative landscape compliance, informing of revisions which exceed requirements. He presented a rendering depicting irrigations, sizes of material, planting schedule and installation details. Mr. Turner pointed out that there is very little frontage along Lewis Avenue, and the issue is the 5' landscape border along Lewis Avenue. He informed that this is the last infill site along Lewis Avenue between 61st and 51st Streets, noting that no other property in the area is required to comply with the landscape ordinance. They already have their landscaping in the City right-of-way. Mr. Turner is requesting 18" along the right-of-way in which to plant a hedge to screen vehicles.

TMAPC Action; 9 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **5-3-1** (Ballard, Boyle, Doherty, Midget, Pace "aye"; Carnes, Gray, Taylor "nay"; Ledford "abstaining"; Horner, Selph "absent") to **APPROVE** PUD 534 DETAIL SITE PLAN and PUD 534 Amended Alternative Landscape Compliance.

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Request by L. C. Neel for a partial refund of fees for CZ-222

Mr. Stump informed of receipt of a letter from L.C. Neel requesting a refund of partial fees, since his property has been annexed into the City of Broken Arrow and zoning was never finalized with Tulsa County. He suggested that out-of-pocket fees not be refunded, such as advertising, signs, obtaining names, etc.

After discussion, it was the consensus of the Planning Commission to refund 50% of application fees incurred.

**TMAPC Action: 8 members present:**

On **MOTION** of, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Selph "absent") to **REFUND** 50% of the application fees paid by L.C. Neel for CZ-222.

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There being no further business, the Chairman declared the meeting adjourned at 3:10 p.m.

Date Approved: Dec 20 1995

  
Chairman

ATTEST:

  
Secretary

