

# TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2066

Wednesday, May 8, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

## Members Present

Carnes,  
Chairman  
Doherty, 1st Vice  
Chairman  
Gray  
Horner  
Midget, Mayor's  
Designee  
Pace

## Members Absent

Ballard  
Boyle  
Dick  
Edwards  
Ledford

## Staff Present

Almy  
Jones  
Stump

## Others Present

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, May 6, 1996 at 9:48 a.m., in the office of the County Clerk on Friday, May 3, 1996 at 4:34 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 1:46 p.m.

## Minutes:

### Approval of the minutes of April 24, 1996, Meeting No. 2064:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Ballard, Dick, Edwards, Ledford "absent") to **APPROVE** the minutes of the meeting of April 24, 1996 Meeting No. 2064.

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## **REPORTS:**

### **Committee Reports:**

#### **Rules and Regulations Committee**

Mr. Doherty informed the Commission that Rules and Regulations Committee will meet on May 15, 1996 following the regularly scheduled TMAPC meeting to discuss outdoor advertising.

#### **Community Participation Committee**

Ms. Gray informed the Commission that the Community Participation Committee will meet today in Room 1102 following the TMAPC meeting.

## **SUBDIVISIONS:**

### **Preliminary Plat:**

#### **The Estates of Hampton Hills (773)**

**(PD-21) (County)**

South and west of the southwest corner of E. 131st Street and South Lewis Avenue

### **TAC Comments:**

Jones presented the plat with Jack Cox and Ed Schermerhorn present.

Cox stated that the street is now to be dedicated to the public and the street name has been changed to 7th Street. A new plat was submitted with the changes.

Jones stated that a waiver of the Subdivision Regulations would be required for an over-length cul-de-sac and to not provide for continuation or appropriate projection of existing streets in surrounding areas (Section 4.2.1(a)). Jones stated that a second point of access and appropriate stub streets should be provided.

Rains requested that all curve data and street radi be shown. Also, the access point to lot one should be shifted away from the west property line.

French recommended that direct residential access to the arterial streets be discouraged and agreed that a second point of access and stub street should be provided.

Jones pointed out that he had talked with Terry Silva and two perc tests were pending. Jones stated that he could set the preliminary plat before the TMAPC after giving 15-day notice to abutting property owners once the Health Department approval was given.

The subject property has been reviewed on two separate occasions by the TAC under a different configuration. The sketch plat for "Schermerhorn Property" was reviewed on May 18, 1995 and the preliminary plat "Lakeridge Ranches" on October 5, 1995. The plats were held for transmittal to the TMAPC and therefore, never reviewed. The Estates of Hampton Hills proposes a different street and lot configuration of a private cul-de-sac with 13 lots. Based on the conditions listed below, staff would recommend approval of the Sketch Plat only and transmits to the TMAPC for review. Staff would offer the following comments and/or recommendations:

1. Waiver of the Subdivision Regulations to permit a cul-de-sac of more than 500' in length, a scale of 1" = 150', and no stub streets.
2. Building setback lines are greater than those required in the Tulsa County Zoning Code. These can only be enforced on a private bases.
3. A release letter from Creek Rural Water District #2 is required to insure water service to the subject tract.
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 shall be tied to or related to property line and/or lot lines.
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. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
7. Street names shall be approved by the County Engineer and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.
9. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
10. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
11. Limits of Access or LNA as applicable shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.
12. It is recommended that the Developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. Street lighting in this subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
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 method of sewage disposal and plans therefore shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
16. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
17. The method of water supply and plans therefore shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)
22. This plat has been referred to Jenks, Bixby, and Glenpool 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.
23. 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.)
24. All other Subdivision Regulations shall be met prior to release of final plat.

On the motion of McGill, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of The Estates of Hampton Hills, subject to all conditions listed above.

**Staff Comments:**

Mr. Jones stated that Mr. Johnsen is requesting a one-week continuance in order to have time to meet with the County Engineer and Staff to address the concerns with this plat.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **CONTINUE** the Preliminary Plat on The Estates of Hampton Hills to May 15, 1996.

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**Final Approval:**

**Brewer's Mingo Road Addition (PUD 364)(1984)**

**(PD-18) (CD-8)**

Northeast corner of East 101st Street and South Mingo Road

**Staff Comments:**

Mr. Jones informed the Commission that TAC and the Planning Commission has reviewed the preliminary plat and recommended approval subject to a number of conditions. Mr. Jones stated that those conditions have been met and release letters have been received. Staff recommends approval of the final plat of Brewer's Mingo Road Addition subject to Legal's approval of the Deed of Dedication and Restrictive Covenants.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **APPROVE** the Final Plat of Brewer's Mingo Road Addition subject to Legal Department's approval of the Deed of Dedication and Restrictive Covenants.

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**4300 Brooktowne (PUD 541) (3093)**

**(PD-9) (CD-6)**

East side of S. Peoria Avenue at 43rd Street South

**Staff Comments:**

Mr. Jones reminded the Commission of the procedure to place final plats on the agenda in anticipation of receiving the release letters. Mr. Jones stated that Staff has not received the release letters on 4300 Brooktowne and requested continuance of this item to May 15, 1996.

**TMAPC Comments:**

Mr. Doherty asked if the preliminary plat has been changed to reflect the removal of the emergency access on the north side. Mr. Jones stated that the emergency access will be removed, but it will remain as an access. Mr. Johnsen informed Mr. Doherty that in the Deed of Dedication this is an access for the residence, not an emergency access.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **CONTINUE** the Final Plat of 4300 Brooktowne to May 15, 1996.

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**Plat Waiver, Section 213 or Section 260:**

**PUD 544 (Max Campbell) (893)**

**(PD-4) (CD-4)**

2640 East 11th Street South

**TAC Comments:**

Jones presented the application with Steve Schuller present.

Considerable discussion was given to the additional right-of-way required along East 11th Street and Columbia Avenue. The applicant agreed to dedication of all right-of-way. French noted that the city may require a PFPI to remove the on-street parking lane and the applicant was in agreement.

A revised plan was submitted for review.

PUD 544 is a pending application for an automobile sales facility which will be heard by the TMAPC on March 27, 1996. Two small buildings are proposed for the development along with required off-street parking.

Based on the existing subdivision plat and size of the tract, Staff can not see a benefit to the City in a replat. All requirements of the plat waiver can be obtained by filing separate instruments of record.

Staff recommends **APPROVAL** of the plat waiver for PUD 544, subject to the following conditions:

1. Dedication of additional right-of-way for East 11th Street to meet the Major Street Plan or obtain a waiver by the TMAPC. Atlas sheet 29 shows 35' of existing ROW, 50' required.
2. Dedication of additional right-of-way for South Birmingham Place to meet the Major Street Plan or obtain a waiver by the TMAPC. Atlas sheet 29 shows 40' of total ROW, 50' required.

3. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
4. Access control agreement, if required by the Department of Public Works (Traffic Engineering).
5. 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 PUD 544, subject to all conditions listed above.

**Staff Comments:**

Mr. Jones stated that Steve Schuller is representing the applicant for the plat waiver and that PUD-544 was recommended for approval by the Planning Commission to permit an automobile sales facility at this location subject to a number of conditions. TAC reviewed the plat waiver request and TAC found determined there is no benefit in the requiring of a replat. However, TAC expressed concern in regards to the right-of-way on East 11th Street. Mr. Jones stated that 11th Street is designated as a 100 foot-secondary arterial and presently there are 35 feet of right-of-way. TAC requested that an additional 15 feet of right-of-way be dedicated. Mr. Jones informed the Commission that this PUD has not yet been approved by the City Council, therefore any waiver should be contingent upon Council approval of the PUD.

**Applicant's Comments:**

Steve Schuller, 320 South Boston Avenue, stated that staff has done an excellent job in presenting his case. Mr. Schuller informed the Commission that his client does not have a problem with any of the conditions. However, in regards to the dedication of the additional 15-foot of right-of-way, Mr. Schuller requested the Commission to reconsider this condition because there is currently only a 35 foot right-of-way on 11th Street from Lewis to Delaware Avenue.

**TMAPC Comments:**

Mr. Carnes stated that he is in agreement with the applicant.

Mr. Doherty stated that Council has always advised the Commission that it must identify a nexus between requiring dedication of right-of-way and the increased intensity of use. Mr. Doherty stated that he would not support staff's decision in this case due to this property already being zoned CH and that this use does not represent an increase in traffic, and therefore no requirement on the arterial generated by this development.

Mr. Midget questioned whether another building could be built closer to the front lot line in the future which would establish the need for additional right-of-way. Mr. Jones stated that the CH zoning does not require any setbacks. However, the applicant has stated in the PUD that a building is proposed at the very south end that would not utilize the zero-setback condition that is allowed. Mr. Midget questioned whether this item would come back before the Commission for consideration. Mr. Linker stated that if the applicant uses the property for something that is permitted within the PUD, then it would not. The Commission cannot reconsider this dedication once the dedication is waived. Mr. Jones reminded the Commission that the Commission will consider this again if something happens that initiates the platting requirement.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **4-2-0** (Carnes, Doherty, Gray, Horner "aye"; Midget, Pace "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **APPROVE** the Waiver of the platting requirements and waiving the condition of requiring additional right-of-way for East 11th Street, subject to the conditions as recommended by TAC.

**Motion failed** due to requirement of six affirmative votes to waive subdivision regulations.

Ms. Pace stated that the approval for this PUD was a split vote and she feels that staff is recommending the additional right-of-way for protection or buffering.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **APPROVE** the waiver of the platting requirements for PUD-544 subject to the conditions as recommended by TAC and subject to City Council approval of the PUD.

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**Lot Split for Ratification of Prior Approval:**

L-18280 Robert Hawks, Jr. (1973)  
1730 E. 151st Street

(PD-21) (County)  
AG

L-18282 Floyd & Katherine Snider (1413)  
7402 W. 106th Street North

(PD-15) (County)  
AG

L-18284 King E. Stockton (3692)  
5523 & 5529 S. Norfolk Ave.

(PD-18) (CD-2)  
RS-3

**Staff Comments:**

Mr. Jones informed the Commission that these lot-splits for ratification of prior approval are in order and meet the Subdivision Regulations.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **APPROVE** the Lot-splits for Ratification of Prior Approval, finding them in accordance with Subdivision Regulations.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** PUD-518-2

**Applicant:** Jerry Ledford, Jr.

**Location:** 8936 South Maplewood Avenue (Minor Amendment to reduce required rear yard)

**Date of Hearing:** May 8, 1996

**Presented to TMAPC:** Jerry Ledford, Jr.

**Staff Recommendation:**

The applicant is requesting approval for an amendment on a single-family lot to allow a reduction in the rear yard setback from 25' to 15'.

Staff has reviewed the request and finds that the lot in question is a corner lot and that the area fronting the street is irregularly-shaped. Staff also finds that the subject parcel backs onto an area of existing single-family residences. The PUD was approved in October of 1994.

Consistent with other requests of this nature, it is Staff's opinion that the standards of newer PUDs should be enforced unless a clear and overriding hardship can be demonstrated. Staff's concern is that PUDs are approved subject to standards which create an expected character and that the expected character is jeopardized by unnecessary revisions. Staff also has concern that this reduction in rear yard area may set a precedent which could impact other lots that abut the adjoining residential neighborhood. The adjacent neighborhood is subject to RS-2 standards which require a minimum 25' rear yard.

Staff suggests that a viable design solution may exist on this lot which does not require a reduction in rear yard standards.

Based on the above Staff recommends **DENIAL** of the requested amendment.

Should the Commission wish to approve the request, staff suggests that it be made clear that the amendment is based on an irregularly-shaped lot and is not intended to create precedent, particularly on the west side of South Maplewood Avenue.

**Applicant's Comments:**

**Jerry Ledford, Jr.** is representing the owner, Ron Sypes. Mr. Ledford stated he understood the Staff's concern on the reduction of the setback to 15'. Mr. Ledford stated that if the home is constructed as planned, the impact on the 15-foot setback would be less intrusive to the adjacent property owner to the rear. However, if the home is rotated to face East 90th Street South, this would designate the setback in question a side yard which requires only a 15' setback, and entire side of the home would have more of an impact on the adjacent property owner.

**Interested Parties Comments:**

**Gerald S. Wilhelm**, 8825 South Lakewood Court, stated he is the adjacent property owner immediately behind the subject property. Mr. Wilhelm feels that a 15-foot setback is inadequate and that the 15-foot setback will impact the resale of his home. Mr. Wilhelm stated that the home does not fit on this site, and that the Commission should not change the established guidelines to make the home fit. Mr. Wilhelm expressed if the applicant is proposing an alternative, then that alternative should be drawn up and brought back before the Commission for consideration. Mr. Wilhelm opposes the 15-foot setback and submitted a letter to that regards.

**Isabel G. Saterback**, 9019 South Lakewood Court, stated she is the president of the homeowner's association and is representing the board of directors of the homeowners association. Ms. Saterback informed the Commission that the homeowners association is opposed to the minor amendment. Ms. Saterback suggested getting a smaller plan because this house is too large for the lot. Ms. Saterback expressed concern related to the impact this large home will have on the other properties in the area. Ms. Saterback recommended and urged the Commission to deny the request.

**Wayne Saterback**, 9019 South Lakewood Court, is opposed and submitted a letter in that regards.

**Bill Morgan**, 8814 South Lakewood Court, stated that his lot was unusual, but the developer is able to build within the easements. Mr. Morgan does not feel this house will fit the property.

**Dennis Caruso** stated that he submitted a letter opposing the request to reduce the setback. Mr. Caruso stated that the rules have been set up and everyone should abide by them.

**Councilor Cleveland** expressed her desire to leave the guidelines in place.

**Applicant's Rebuttal:**

Mr. Ledford, Jr. reminded the Commission and the residents that if the home were built to face East 90th Street South, then the side yard setback requirement is 15 feet and the entire side of the home could be built on that line.

**TMAPC Comments:**

Mr. Midget stated that this home is too large for this site. Mr. Midget expressed concern of setting a precedent if approved.

Mr. Doherty expressed that the Commission needs to review the guidelines concerning setbacks. Mr. Doherty stated he cannot support varying the setbacks.

Mr. Carnes stated he feels that the Commission has to be careful in enforcing PUD restrictions that have been negotiated, and he supports Staff recommendation of denial.

**TMAPC Action; 6 members present:**

On **MOTION** of **PACE**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **DENY** the request for Minor Amendment to reduce required rear yard on PUD-518-2 as recommended by Staff.

**Legal Description for PUD 518-2:**

Lot 1, Block 3, Colefax Hill, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located at 8936 South Maplewood Avenue, Tulsa, Oklahoma.

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**ZONING PUBLIC HEARING:**

**Application No.: Z-6535**

**Present Zoning: RS-1**

**Applicant: Joyce Kirkwood**

**Proposed Zoning: AG**

**Location: North of northwest corner East 7th Street and South 193rd East Avenue**

**Date of Hearing: May 8, 1996**

**Presented to TMAPC: Joyce Kirkwood**

**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Consideration Area 1 - Low Intensity, No Specific Land Use and Development Sensitive on the west 200'.

According to the Zoning Matrix the requested AG is in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 6.92 acres in size and is located north of the northwest corner of East 7th Street and South 193rd East Avenue. It is flat, non-wooded, contains a single-family dwelling and accessory buildings and is zoned RS-1.

**Surrounding Area Analysis:** The tract is abutted on the north by a non-conforming salvage yard, zoned RS-1; to the south by scattered single-family dwellings and vacant property, zoned RS-1; to the west by vacant land, zoned AG; and to the east by single-family dwellings in Wagoner County.

**Zoning and BOA Historical Summary:** The subject tract has been zoned RS-1 since 1970. The most recent zoning action in this area was in 1992 which rezoned the tract in the northwest corner of East 11th Street and South 193rd East Avenue to CS, however; no commercial development has occurred.

**Conclusion:** The Comprehensive Plan designates the land, within Consideration Area 1 to be generally low intensity. Based on the existing non-conforming use on the property adjoining the subject tract and the surrounding uses, Staff recommends **APPROVAL** of AG zoning for Z-6535.

**Applicant's Comments:**

Ms. Kirkwood stated she is in agreement with Staff's recommendation.

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of AG zoning for Z-6535.

**Legal Description for Z-6535:**

The West Half, of the South Half, of the North Half, Northeast Quarter, Southeast Quarter, and the North 132' of the East Half, South Half, North Half, Northeast Quarter, Southeast Quarter, less .08 acres for Road, Section 1, T-19-N, R-14-E, Tulsa County, State of Oklahoma and located north of the northwest corner of East 7th Street and South 193rd East Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6536**  
**Applicant:** Napoleon Midget  
**Location:** 3110 East 34th Street North  
**Date of Hearing:** May 8, 1996  
**Presented to TMAPC:** Napoleon Midget

**Present Zoning:** RS-3  
**Proposed Zoning:** AG

**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Corridor.

According to the Zoning Matrix the requested AG is in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 2.5 acres in size and is located south and west of the southwest corner of East 34th Street North and North Harvard Avenue. It is flat, non-wooded, contains a barn, other small out-buildings and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property, zoned RS-3 and to the east, west and south by scattered single-family dwellings on large lots and vacant land, zoned RS-3.

**Zoning and BOA Historical Summary:** There has been no rezoning activity in this area for many years.

**Conclusion:** The Comprehensive Plan designates the property as Low Intensity - Corridor. Residential development in this area is sporadic and on large lots and agriculture uses area prevalent. Staff recommends **APPROVAL** of AG zoning for Z-6536.

**Interested Parties Comments:**

**Michael E. Jasper, Jr.**, 3102 East 34th Street North, asked why the zoning has to be changed since this property is already been used as agricultural use. Mr. Doherty replied that the applicant is wanting to make improvements and a building permit is required. However, the building permit cannot be issued due to the zoning. Mr. Doherty stated that originally the property was for agricultural use. However when zoning was extended to this area, it was anticipated that this area would develop as residential and the zoning maps reflect it as residential. Mr. Doherty stated that the request is to take the area back to reflect the true use of agricultural. Mr. Jasper questioned if the change in zoning would affect the other property owners in the area with livestock. Mr. Doherty replied in the negative. Mr. Jasper asked the Commission to define "stable" in regards to whether the property should be zoned AG or Commercial, based upon the definition. Mr. Doherty replied that a stable in a place where one occasionally keeps livestock, and due to the livestock being defined as an agricultural use, this property should be zoned agricultural. Mr. Jasper expressed concern about the traffic problems in this area.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **5-0-1** (Carnes, Doherty, Gray, Horner, Pace "aye"; no "nays"; Midget "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of the AG zoning for Z-6536 as recommended by Staff.

**Legal Description for Z-6536:**

The East Half of the West Half of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter, Section 20, T-20-N, R-13-E; and located at 3110 East 34th Street North, Tulsa, Oklahoma.

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Items Z-6537 and PUD-547 were heard simultaneously.

**Application No.:** Z-6537

**Applicant:** Greg Breedlove

**Location:** South and west of southwest corner 111th Street and South Yale

**Date of Hearing:** May 8, 1996

**Presented to TMAPC:** Greg Breedlove

**Present Zoning:** AG

**Proposed Zoning:** RE

**Staff Recommendations:**

**Relationship to the Comprehensive Plan:**

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 1 (area of steep slopes and highly erodible soils).

According to the District 26 Plan the requested RE is in accordance with the Plan.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 10.3 acres in size and is located south of East 111th Street South and west of South Yale Avenue. It is sloping, wooded, contains a wastewater lift station and is zoned AG.

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

**Zoning and BOA Historical Summary:** Single-family development with RS-1 standards has been approved on adjacent property to the east and southeast.

**Conclusion:** The Development Policies recommended by the Comprehensive Plan have designated this property as being within Special District 1 with steep slopes and highly erodible terrain surrounding a plateau area which is not included in the Special District. Low intensity residential development is recommended by the Plan for this area. Therefore, Staff recommends **APPROVAL** of RE for Z-6537.

**Application No.:** PUD-547 (Single-family home development)      **Present Zoning:** AG  
**Applicant:** Greg Breedlove      **Proposed Zoning:** RE/PUD  
**Location:** South and west of southwest corner 111th Street and South Yale  
**Date of Hearing:** May 8, 1996  
**Presented to TMAPC:** Greg Breedlove

**Staff Recommendation:**

The applicant is proposing a five-lot residential subdivision on a private cul-de-sac which is an extension of 114th Street South. The PUD is accompanied by a rezoning request (Z-6537) for rezoning. The PUD would subdivide an existing tract and landlock the remainder of the parcel not in the PUD. The PUD contains steeply-sloped land that is highly erodible. The PUD contains just over ten acres and the Bulk and Area requirements of the RE district would apply. At least four off-street parking spaces are proposed. The private street is proposed to comply with City of Tulsa specifications as far as paving thickness, subgrade preparation and materials are concerned. The proposed private street meets all of the newly adopted TMAPC policies on private street with the exception of the width of right-of-way, width of paving and perhaps curbing and maximum slopes and grades. Standards for these street design criteria were not provided by the applicant. Staff does not feel that a standard width street is needed (26'), due to the limited number of dwellings served and lack of demand for on-street parking. Staff does, however, believe that great care is needed in the design of the street and the stormwater drainage system. This is due to the steep slopes and highly erodible soils on the tract. Also, an erosion control plan for each track should be submitted with each building permit application within the PUD.

Staff finds that uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-547 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD-547 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of the approval, unless modified herein.
  
2. Development Standards:

Land Area (Gross):	449,761 sf
Permitted Uses:	Use Unit 6
Maximum Number of Dwelling Units:	5
Minimum Lot Size:	50,000 sf
Other Bulk and Area Requirements:	As required in the RE District

3. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas within the PUD.
6. All private roadways shall be a minimum of 20' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb or edge-to-edge of paving if center drained streets are used. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent. The minimum private street right-of-way shall be 30'.

\* Amended to 15% by staff at TMAPC meeting.

7. No Building Permit shall be issued until the requirement of Section 1107F of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. An acceptable erosion control plan shall be provided with each building permit application and with the engineering drawings for any street construction.
10. The Board of Adjustment must grant a variance of the street frontage requirement for the remainder of the tracts not included in the PUD, since they will not have any street frontage.

**Applicant's Comments:**

**Jeff Levinson**, 35 East 18th, asked that the Commission approve the staff recommendation to rezone this property from AG to RE and approve the PUD in accordance with Staff's recommendation with the exception of condition six limiting the vertical grade of private streets to 10%. He asked that be amended to 15%. Mr. Stump stated that Staff has no objections to amending the grade to 15%.

Mr. Levinson stated that the tract located to the west has access to Delaware.

**TMAPC Comments:**

Mr. Doherty expressed concerns that it appears that there are three tracts, none of which has access on a public street at this time. Mr. Doherty asked how the areas to the north and west of the PUD are accessed. Mr. Stump replied that the house located in this area has a driveway that ties into a private street and connects to 111th, and the existing tract has frontage on 114th Street.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **5-0-1** (Carnes, Gray, Horner, Pace "aye"; no "nays"; Doherty "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of the RE zoning for Z-6537 as recommended by Staff.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **5-0-1** (Carnes, Gray, Horner, Pace "aye"; no "nays"; Doherty "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of the PUD-547 subject to the conditions as recommended and amended by Staff.

**Legal Description for Z-6537 and PUD-547:**

A tract of land in the NE/4 of Section 33, T-18-N, R-13-E, of the IBM, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the Southwest corner of the NE/4; thence N 89°59'00" E, a distance of 508.12' to the point of beginning: thence N 00°00'39" W, a distance of 343.40'; thence N 46°35'52" E, a distance of 351.64'; thence S 43°24'08" E, a distance of 346.92'; thence N 50°27'12" E, a distance of 0.00'; thence along a curve to the left having a central angle of 23°21'00" and a radius of 25.00', a distance of 10.19'; thence along a curve to the left having a central angle of 27°02'19" and a radius of 360.00'; a distance of 169.89'; thence N 00°03'53" E, a distance of 71.05'; thence along a curve to the right having a central angle of 35°09'47", and a radius of 215.00'; a distance of 131.95'; thence N 35°13'40" E, a distance of 8.13'; thence along a curve to the right having a central angle of 54°46'20" and a radius of 165.00', a distance of 157.73'; thence due East, a

distance of 94.19'; thence S 00°00'20" E, a distance of 775.50'; thence S 89°59'00" W, a distance of 812.85' to the point of beginning, and located south and west of the southwest corner of East 111th Street South and South Yale Avenue, Tulsa, Oklahoma

\* \* \* \* \*

**Application No.:** Z-6051-SP-1 Corridor Site Plan (Assisted living apartments)

**Applicant:** Larry Greenauwalt

**Location:** South of southeast corner of 81st Street and South Mingo Road

**Date of Hearing:** May 8, 1996

**Presented to TMAPC:** Larry Greenauwalt

**Staff Recommendation:**

The Corridor Site Plan is for a 37-unit assisted living apartment for the elderly. The tract is 250' x 400' fronting on Mingo Road immediately north of the recently-approved South Towne Square Subdivision containing single-family homes. The subject tract is currently part of a larger 11-acre tract which extends an additional 650' to the north and 105' to the east. No development proposal has been developed for the remainder of the tract. To the east and northeast of the subject tract is the new single-family residential subdivision South Towne Square Extended. It has a street stubbed to its access. If single-family homes were developed along this extension, the subject tract would be surrounded by single-family dwellings.

Staff believes a better location for this higher density project would be at the north end of the land owner's 11-acre tract. If located to the north, the southern portion could be developed for single-family residential which would be compatible with the current development to the south and east.

Staff also has concerns about the 105' wide strip on the east side of the proposed development. The long, narrow strip of undeveloped land created between the single-family subdivision to the east and the proposed elderly housing project will be very difficult to develop. Staff is concerned that the unusual shape and location of this strip of land will be used to justify a use that is detrimental to the abutting uses.

In addition, this site plan violates Section 804 of the Corridor Chapter which requires that the principal access to the site be from an internal collector street. No collector street system is proposed.

Staff recommends that Corridor Site Plan Z-6051-SP-1 be **DENIED** for the above-stated reasons.

**Staff Comments:**

Mr. Stump stated that Staff has received a letter stating that Sterling House will be purchasing the 105-foot strip that Staff felt would be hard to develop in the future. Mr. Stump stated that Mr. Gardner expressed concerns about the density and stated that Mr. Gardner would prefer that this project be located closer to the intersection at the northern end of this tract. Mr. Stump informed the Commission that Staff recommended denial based upon these two issues, of which one has been resolved.

**Applicant's Comments:**

**Dan Gasset** stated that he is the developer of the proposed site. Mr. Gasset informed the Commission that Sterling House has forty of these units opened and operating, and fifteen more under construction. Mr. Gasset presented a rendering of the project.

**TMAPC Comments:**

Mr. Midget stated that he does not have concern with the traffic. However, Mr. Midget expressed concerns for the number of units on such a small tract.

Mr. Doherty questioned how many of the residents have active driver's licenses. Mr. Gasset replied that there are currently 935 residents and three cars. Mr. Doherty asked how many staff will be employed at this location. Mr. Gasset replied approximately fifteen at any one time.

Mr. Doherty asked how the additional 105' wide strip will be maintained. Mr. Gasset stated that the strip will be mowed and maintained.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of the Corridor Site Plan for Z-6051-SP-1 with inclusion of the 105' wide strip of abutting land to the east as part of the Sterling House development.

**Legal Description for Z-6051-SP-1:**

The North 250.00' of the South 277.50' of the West 500.00' of Lot 1, Section 18, T-18-N, R-14-E, IBM, Tulsa County, State of Oklahoma, and located south of the southeast corner of East 81st Street South and South Mingo Road, Tulsa, Oklahoma.

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**Application No.:** PUD-541-1 (Minor Amendment to development standards)

**Applicant:** Roy Johnsen

**Location:** East of southeast corner East 42nd Place and South Peoria

**Date of Hearing:** May 8, 1996

**Presented to TMAPC:** Roy Johnsen

**Staff Recommendation:**

The applicant is requesting approval for the following Minor Amendments.

- A. Reduction of the north and east building setback in area A (adjacent to E. 42nd and E. 43rd streets) from 25' to 10'/
- B. To amend the parking setback from interior lot boundaries.
- C. To allow required parking to be located on adjoining lots.
- D. To amend the building setbacks in area E to allow structures within 25' of the adjoining residential boundary (presently 40').

Staff has reviewed the requests and finds the setback requests to be general in nature, more accurately addressed during site plan review. Staff also finds the parking requests to be more appropriately addressed at site plan review or not requiring an amendment.

Staff comments are as follows:

- A. Setbacks along 42nd and 43rd Streets - Staff finds the request to be more accurately addressed during site plan review and recommends **APPROVAL** of an amendment to allow a reduced setback to 10' if appropriate per a specific site plan. Staff also recommends that a one-story limitation be placed on portions of structures within 25' of the property line.
- B. Parking setback from interior lot boundaries - Staff finds no PUD standard requiring such setback.
- C. Parking allowed on adjoining lots - Staff finds the item to be more appropriately addressed at site plan review and finds no PUD standard addressing the item. Parking on adjoining lots should be specifically addressed (number of spaces effected) through restrictive covenants and on the face of the site plan.
- D. Amended setbacks in Area E - Staff finds the item to be more accurately addressed at site plan review and recommends **APPROVAL** of an amendment to allow a reduced setback from 40' to 25' if appropriate per a specific site plan.

**Applicant's Comments:**

Mr. Johnsen stated he is in agreement with Staff's recommendation.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **APPROVE** Minor Amendment PUD-541-1 as recommended by Staff.

\* \* \* \* \*

**OTHER BUSINESS:**

**PUD 538 Jim Parker**

**(PD-26) (CD-8)**

*(Site Plan for a shopping center in Development Area S)*  
Northeast corner 101st Street South and South Yale Avenue

**Staff Recommendation:**

The applicant is requesting site plan approval for a commercial and office center on the site.

Staff has reviewed the request and finds that the plan, as proposed, conforms to the setback, parking, height and landscaped area requirements of the PUD.

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

Restaurant use shall be limited to 3200 SF

Office use of 6269 SF

Revision of the dumpster enclosure to include opaque gates

Relocation of the dumpster enclosure to the west to minimize impacts on the future residential development in the east. The enclosure is currently located approximately 31' from the rear wall of the closet future unit.

**Note: Site plan approval does not constitute landscape or sign plan approval.**

**Applicant's Comments:**

Ray Biery stated that the biggest user of the dumpster will be Med-X Drug, and he has tried to locate the dumpster near it. Mr. Biery stated that the dumpster will only be emptied three times a week and will be restricted to pickup between the hours of 8:00 a.m. and 8:00 p.m. Mr. Biery indicated he is an abutting property owner and does not have a problem with the location of the dumpster. The dumpster will be located between the office building and the shopping center with a lot of trees for landscaping, in addition to a wall.

**TMAPC Comments:**

Ms. Pace stated she voted against the PUD because of the pickup window located on the line between the proposed residential development and Walgreen. Ms. Pace feels that this is a continuation of intense commercial use having the dumpster on the same line relative to the residential development. Mr. Pace stated she cannot support this site plan with the current location of the dumpster.

Mr. Carnes stated the new residents coming in will be aware of the location of the dumpster and he will be in support of the site plan.

Mr. Doherty expressed concern of the proximity of the dumpster.

Ms. Pace stated that when the PUD provisions become this specific they are very hard to enforce, but she feels that a site this size should have an internal collection of refuse. Ms. Pace stated that the Commission is planning land use and she feels this is not an appropriate separation of land uses.

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **5-1-0** (Carnes, Doherty, Gray, Horner, Midget, "aye"; Pace "nay"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **APPROVE** the Site Plan for Development Area A in PUD-538 for a shopping center as recommended by staff except the location shown for the trash dumpster is approved with the restriction on refuse pickup to be limited to 8:00 a.m. to 8:00 p.m.

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**Staff Recommendation:**

The applicant is requesting approval for the entry drive to the gated "Rockhurst" community.

Staff has reviewed the request and finds that the entry provides adequate stacking distance as well as adequate pre-gate turning area for passenger vehicles and smaller delivery trucks.

However, Staff notes that the curb-to-curb street width is shown at 24' as opposed to the 26' approved in the PUD standards. Staff also notes that three parking spaces are to be provided outside the entry gate.

Staff contacted the applicant's engineer and was informed that above-noted items could be included on the plan prior to the hearing date. If the plan has been revised by that date Staff recommends **APPROVAL**.

If the engineer is unable to revise the plan per Staff comments within the allocated time period Staff recommends **CONTINUANCE** until May 15, 1996.

**Applicant's Comments:**

**John Moody**, 5555 East 71st Street, stated that the hearing on this PUD was originally continued in order to give the applicant a chance to switch the entrance from East 105th Street on the west side, to Sheridan Road to accommodate the protestants, Staff and Planning Commission's concerns. Mr. Moody stated that his client did not want to be on Sheridan Road due to the entryway's resembling a public street or entrance. Mr. Moody stated that when he presented the original sketch design that Mr. Sack had done, it was to see if a gate and driveway would work on Sheridan. At that time the sketch design did show three parking spaces; however, Mr. Moody stated that this was not a final design and requested the right to come back before the Commission with the actual design once it was complete. The size of the drive will accommodate eight cars as far as the stacking lane beyond the right-of-way line of Sheridan. Mr. Moody reminded the Commission that this is a 21-lot subdivision. The traffic engineer and Mr. Sack have worked on the design. There have been trees removed at the request of the traffic engineer in order to provide better visibility. Due to these accommodations, the effect of a private street or entrance is reduced. Therefore, Mr. Moody is requesting a 24' wide street in this area to maintain the effect of a private street or entrance.

**TMAPC Comments:**

Mr. Carnes stated that the standard 26' should be kept.

Mr. Doherty expressed concern with the turn-around area.

Mr. Horner asked the reason for 24' versus 26'. Mr. Sack replied that a 24' would allow the developer to work around and save trees.

Mr. Midget stated that the 24' is for a visual effect in keeping with a private street and would support the request.

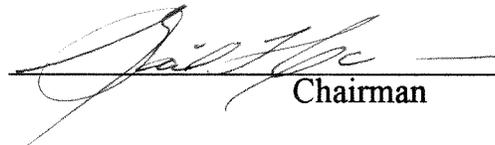
**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **5-1-0** (Doherty, Gray, Horner, Midget, Pace "aye"; Carnes "nays"; none "abstaining"; Ballard, Boyle, Dick, Edwards, Ledford "absent ") to **APPROVE** the Site Plan presented at the meeting for the entry gate area for PUD-543

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There being no further business, the Chairman declared the meeting adjourned at 3:35 p.m.

Date Approved: 5-22-96

  
Chairman

ATTEST:

  
Secretary

Secretary