

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2301**

Wednesday, February 27, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Hill	Beach	Romig, Legal
Carnes	Ledford	Dunlap	
Dick	Midget	Fernandez	
Harmon		Huntsinger	
Horner		Matthews	
Jackson		Stump	
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 25, 2002 at 9:00 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 2<sup>nd</sup> Vice Chair Jackson called the meeting to order at 1:30 p.m.

**Minutes:**

**Approval of the minutes of February 20, 2002, Meeting No. 2300**

On **MOTION** of **WESTERVELT**, the TMAPC voted 6-0-1 (Bayles, Carnes, Dick, Jackson, Pace, Westervelt "aye"; no "nays"; Horner "abstaining"; Harmon, Hill, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of February 20, 2002, Meeting No. 2300.

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Mr. Harmon in at 1:32 p.m.

**REPORTS:**

**Director's Report:**

Mr. Stump reported that there are several items on the City Council agenda for February 28, 2002.

**SUBDIVISIONS:**

**ACCELERATED BUILDING PERMIT:**

**Montereau in Warren Woods (PUD-641) (0383)**

(PD-18-B) (CD-7)

**Location:** North of East 71<sup>st</sup> Street, East of Granite Avenue, 56.6 Acres

**Staff Recommendation:**

This request is for an accelerated release of a building permit for piers for a parking garage for the proposed Montereau project. Uses proposed for the project include a continuing care retirement community and an office park.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations.

TMAPC approved the preliminary plat for Montereau in Warren Woods on April 18, 2001. The Technical Advisory Committee reviewed the request for an accelerated release of a building permit on February 21, 2002 and discussed features of the plat including street accesses and the new process for the accelerated release of a permit because this is the first request of its kind using the updated Subdivision Regulations.

The Technical Advisory Committee did not object to a specific building permit granted only for piers to be dug for a parking garage on this site. Staff can recommend **APPROVAL** of the request for authorization for an accelerated release of a building permit with the conditions that the permit be granted specifically for piers for a parking garage on the site, ~~with no other permits being granted until the Final Plat is filed, and that the permit be in accordance with an approved site plan and the current Preliminary Plat.~~

Mr. Stump stated that this is a multi-building complex and the portion that the applicant would like to start on, if completed, would not be of any use to the applicant until other buildings are completed. There is still the hammer present to force the applicant to plat the subject property because there would not be building permits to complete all of the other buildings. This is a large project and there are exceptional circumstances, as well as there is complete safety in allowing this request because the applicant would be prohibited from building the buildings that actually make use of the subject property unless it is platted in the future.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, representing William K. Warren Medical Research Center, Inc., stated that this is a large project with a budget of over a hundred million dollars. Mr. Johnsen cited the basis for granting an accelerated building permit. He indicated that the subject property would be platted in the near future.

Mr. Johnsen explained that when this application went before TAC he was only asking for an accelerated building permit for piers for the underground parking garage and that is what is being requested today. He commented that he would be going back to TAC with foundation permits on two other buildings. He stated that when one looks at the size of the project, there is still consistency with the concept that there is recourse to force the platting requirement. He further stated that there are numerous buildings that he would not be seeking permits on until the plat is actually completed. He indicated that the platting process is underway and hopes to have it completed in approximately 60 days.

Mr. Johnsen concluded that he would like to leave the request open to be able to come back with additional requests for accelerated releases if he can substantiate his case.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Johnsen if he was suggesting that the language be amended for the approval or by taking it back to TAC would it qualify for a second application. In response, Mr. Johnsen stated that it could be argued either way, but the staff recommendation states a condition that no other permits be granted until the final plat is filed. Mr. Johnsen stated that it would be better form to state, "This accelerated building permit being issued today is limited to the piers for the underground parking garage".

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget "absent") to **APPROVE** the request for authorization for an accelerated release of a building permit with the conditions that the permit be granted specifically for piers for a parking garage on the subject site only. (Words deleted by the TMAPC are shown as ~~strikeout~~; words added or substituted by TMAPC are underlined.)

**Related item:**

**APPLICATION NO.: PUD-641**

**DETAIL SITE PLAN**

**Applicant:** Roy Johnsen

(PD-18) (CD-7)

**Location:** North of East 71<sup>st</sup> Street, East of Granite Avenue, 56.6 acres

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for a new 49.74-acre retirement community, featuring 17 single-family cottages, 238 elderly housing apartment-style units, 22 assisted living units and a skilled care center with 60 beds. The proposed use is in conformance with the approved Planned Unit Development for the site.

The plans feature a main entry off of South Granite, said entry being at a right angle to South Granite in conformance with TAC preliminary plat approval. In addition to this entry is a secondary entrance from 71<sup>st</sup> Street South. All private roads are dimensioned at 26 feet in width, measured face-to-face of curb. No gates or other restrictions are planned at these entry points as so noted on the face of the Site Plan. Plans have been submitted to the Fire Marshal for final review and approval of emergency access and circulation capabilities.

Lighting treatment restricts lighting to the property, and per plan submitted, does not affect adjacent residential-zoned properties to the west and east. No outdoor trash receptacles are planned. In order to meet the parking requirement of two spaces per single-family dwelling unit, the garage for each of the 17 dwelling units is being considered as one space, and the driveway for the other.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, stated that he met several months with the City to design a street section, which he believes is the equivalent of a normal City standard street, but there may be a question of whether it meets standards technically. He requested that the language permit "alternative section, if approved by the Department of Public Works" and reserve the right to file a minor amendment if necessary. He explained that this is not a typical single-family private street, but more like an apartment project. He commented that he would accept staff's recommendation with these two provisos. He stated that he believes that staff has agreed on emergency and secondary access (the secondary access to 71<sup>st</sup>) can be 24 feet in width, curb and gutter, City standards instead of 26 feet in width. He indicated that he would be filing a minor amendment to revisit security issues on the project and the section he would like to build on the roads. He commented that this is not an attempt to build substandard roads.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Johnsen to describe the standard he is referring to. In response, Mr. Johnsen stated that it would have five inches of asphalt, 16" of base and then a compacted sub-base. He explained that this was designed in coordination with the City of Tulsa to permit heavy loads (heavy load 20). He stated that he believes that his section would be acceptable to the City, but if not, he would like to present that issue to the Planning Commission. He explained that the roads would be built late into the project and there would be an opportunity to fairly present it to the Planning Commission. Mr. Johnsen concluded that the interior roads would be 26 feet in width and the 24 feet in width only relates to a secondary access point.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-641 as recommended by staff, subject to an alternative roadway paving cross-section being permitted if approved by the Department of Public Works and applicant may return with a minor amendment if necessary and permitting the secondary access to be 24 feet in width, measured face to face of curb.

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**PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENTS:**

**FY 2003 City of Tulsa Capital Improvement Project Requests to find in Conformance with the Comprehensive Plan.**

**Staff Recommendation:**

**SUMMARY**

**CITY OF TULSA CAPITAL IMPROVEMENT PROJECT (CIP) REQUESTS, FY  
2003  
February 15, 2002**

Some 54 new capital improvement project (CIP) requests were submitted for INCOG/TMAPC staff review this year. By State statute, any request for major capital funding must be reviewed for conformance with the Comprehensive Plan and must be found in accord in order to receive funding. As a general rule, many of the requests submitted each year are not land-use related and so are beyond the scope of the Plan. That was the case this year as well, as some of the requests were for technology upgrades and improvements or replacements of

existing facilities. Technology upgrades were requested for communications and computer systems. Replacements requested involved the convention center, the downtown bridge on Boulder, sidewalks and some Public Works facilities. Improvements to existing facilities involved Tulsa Transit equipment and the animal shelter.

Other capital requests included services (water line loop and Police radio enhancements) to serve the newly annexed area in Wagoner County and several requests resulting from the neighborhood pilot studies being done by the Urban Development Department. Involved in the Sixth Street Redevelopment requests were site acquisition for mixed-use development, drainage improvements and street resurfacing. Brady Village requests included the Boulder bridge replacement, a bike trailhead and parking garages. Brookside requests involved intersection improvements and entryway markers. Several of the transportation-related requests (see attached comments) resulted from these pilot studies as well.

Requests in the Charles Page area included sidewalks, bus shelters, landscaping and drainage control. Kendall-Whittier improvements included sidewalks, lighting, a continuation of the Lewis Avenue improvements, improvements to Admiral and three overpass improvements. Requests involving the Hope VI project area were for sewer lines.

The CIP requests included a number of requests for the Central Business District, in addition to the bridge and convention center improvements noted earlier. These involved continued downtown residential development and a new Police Department complex.

Staff has reviewed the CIP requests for FY 2003 and finds them in accord with the Comprehensive Plan. Staff therefore recommends that the TMAPC likewise find them in accord.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget "absent") **FINDING** the FY 2003 City of Tulsa Capital Improvement Project (CIP) requests in accord with the Comprehensive Plan.

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**PUBLIC HEARING FOR TULSA COUNTY ZONING CODE TEXT AMENDMENTS**

**Proposed Amendments to Tulsa County Zoning Code Text**

**Staff Recommendation:**

Ms. Fernandez stated that County Board of Adjustment Members (CBOA) initiated the proposed changes presented today. Staff reviewed cases over the last five years that indicated that 37% of the CBOA cases relate to variances for lot size or to allow more than one dwelling on a lot of record. The CBOA, at their January 15<sup>th</sup> meeting, agreed that the proposed amendments were in order.

**Tulsa County Zoning Code Proposed Amendments**

*(Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)*

**SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**

Not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot which is within an approved Planned Unit Development, ~~or~~ in an RMH district, or in an AG district, with the exception in the AG district that there be no more than two dwellings per lot.

**SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS**

The principal uses permitted in the Agriculture District and Agriculture-Residential District are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, screening requirements and other use conditions in Chapter 12. The use units permitted in the Agriculture District and Agriculture – Residential District are set forth in Table 1.

**Table 1**

**Use Units Permitted in the Agriculture Districts\***

Use Units		Districts	
No	Name	AG	AG-R
9.	Mobile Home Dwelling	<u>X*****</u>	<u>E*****</u>
* X=	Use by Right		

E= Special Exception

\*\*\*\*\* Temporary Mobile Home:

The placement of a single-wide manufactured home on an AG or AG-R zoned lot is permitted on a temporary basis while a single-family dwelling is being constructed on the same lot, subject to the following conditions:

1. A mobile home for temporary dwelling purposes shall be allowed only if and where a permanent dwelling is being constructed upon the premises.
2. In no case shall both the mobile home and the dwelling under construction be occupied.
3. If the lot is nonconforming as to lot area or width, it shall have a lot area of no less than one acre nor a lot width of less than 100'.
4. The mobile home installation shall meet all Department of Environmental Quality regulations.
5. The location of the mobile home shall conform to all required yards, height and off-street parking requirements of the district in which located.
6. The temporary, single-wide manufactured home shall be allowed on the property for a maximum of two years from the date of the issuance of the permit for the single-family dwelling being constructed on the same lot or until construction of the single-family dwelling is complete, whichever occurs first.

## **SECTION 320. ACCESSORY USES IN AGRICULTURE DISTRICTS**

### **320.1 Accessory Uses Permitted**

Accessory uses customarily incident to a principal use permitted in an Agriculture District and Agriculture - Residential District are permitted in such districts; however, the keeping of wild or exotic animals as defined in Chapter 18 of this Code is not a permitted accessory use.



In addition, the uses setforth in Table 2 are permitted as accessory uses.

**Table 2**

**Accessory Uses Permitted In the Agriculture Districts**

Uses	Districts
6. <u>Family Day Care Home</u>	AG*      AG-R*
<u>*Must meet requirements in Chapter 420.2.D.</u>	

**SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**

**Table 3**

**Bulk and Area Requirements in the Agriculture Districts\*\*\*\*\***

Districts	AG	AG-R
LOT WIDTH (Min. Ft.)	<del>200</del> <u>150</u>	150
LOT AREA (Min. Acres)	2	1
LAND AREA PER DWELLING UNIT (Min. Acres)	<del>2.2</del> <u>2.1</u>	1.1
FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET		
Measured from Centerline of abutting street, add to the distance designated in the column to the right, 1/2 of right-of-way designated on the Major Street Plan, or 25 feet if not designated on the Major Street Plan (Min. Ft.)		
Arterial and Freeway Service Road	35	35
Not an Arterial	<del>25</del> <u>35</u>	<del>25</del> <u>35</u>
SIDE YARDS (Min. Ft.)		
One side yard	<del>10</del> <u>15</u>	<del>10</del> <u>15</u>
Other side yard	<del>5</del> <u>15</u>	<del>5</del> <u>15</u>

REAR YARD (Min. Ft.) 40 40

\*\*\*\*\*If more than one dwelling unit is allowed on a single lot, the dwellings shall be separated by a distance of 30' or more.

**Table 3**

**Bulk and Area Requirements in the Agriculture Districts**

	<b>Districts</b>	
	<b>AG</b>	<b>AG-R</b>
BUILDING HEIGHT (Max. Ft.)*	<u>NA-35</u>	<u>26 35</u>
<u>*Farm building for Agricultural purposes.</u>	<u>*NA</u>	<u>*NA</u>

**SECTION 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS**

**420.1 Accessory Uses Permitted**

Accessory uses customarily incident to a principal use permitted in a Residential District are permitted in such district; however, the keeping or raising of wild or exotic animals as defined in Chapter 18 of this Code shall not be permitted as an accessory use.

In addition, the following uses set forth in Table 2, are permitted as accessory uses.

**Table 2**

**Accessory Uses Permitted in Residential Districts**

<b>Uses</b>	<b>Districts</b>
8. <u>Family Day Care Home</u>	<u>All R Districts</u>

## 420.2 Accessory Use Conditions

The restrictions established by this section may be modified by Board of Adjustment special exception approvals and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

### **D. Family Day Care Homes**

- a. Must be licensed by the State of Oklahoma Department of Human Services.
- b. Must obtain a Zoning Clearance Permit from the Building Inspector if established after the effective date of this amendment.
- c. A maximum of seven children, including those pre-school children under five years of age who reside in the residence, may be cared for in the home.
- d. No person shall be employed other than a member of the immediate family residing on the premises or a substitute caregiver as required by the standards for Family Day Care Homes adopted by the Oklahoma Department of Human Services.
- e. No signs advertising the Family Day Care Home shall be permitted on the lot.
- f. No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structures.
- g. No family day care home may be located on a lot within 300 feet of another lot containing a Family Day Care Home if any boundary of said lots abut the same street. "Street" as used herein shall mean any named or numbered street along its full length, irrespective of any intervening street.
- h. State licensed Family Day Care Homes in existence on the effective date of this amendment, but which would be prohibited by the spacing requirements herein, may continue as otherwise regulated herein.

**SECTION 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**

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

**Table 3**

**Bulk and Area Requirements in the RE, RS, RD & RM Districts**

	Districts						
	RE	RS	RD	RM-T	RM-0	RM-1	RM-2
STRUCTURE HEIGHT(Max. Ft.)	<u>26-35</u>	<u>26-35</u>	<u>26-35</u>	<u>26-35</u>	<u>26-35*</u>	<u>26-35*</u>	<u>26-35*</u>

\* All multifamily dwellings and their accessory building, except garages, shall be set back at least 25 feet from any RE or RS district. A single-story limitation shall apply to multifamily dwellings which are within 50 feet of an RE or RS district. All three-story or greater multifamily dwellings shall be at least 75 feet from an RE or RS district.

**SECTION 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**

The Special Exception Uses, permitted in the Residential Districts, as designated in Table 1, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

- A. The accessory use provisions of the Residential Districts pertaining to signs are applicable to accessory signs for principal uses permitted by special exception.
- B. Home Occupations:
  1. The home occupation shall be engaged in only by the family or person occupying the dwelling as a private residence. No person shall be employed in the home occupation other than a member of the immediate family residing on the premises.
  2. No signs, display or advertising on premises, visible from outside the lot, shall be permitted. Signs or displays, including signs exceeding two square feet on a vehicle, advertising the home occupation on the premises which are visible from outside the lot are prohibited.
  3. The home occupation shall be conducted entirely within an enclosed principal building or customary accessory building.
  4. No mechanical equipment shall be used which creates a noise, dust, odor or electrical disturbance.
  5. No exterior alterations of the structure shall be made which would detract from the residential character of the structure.
  6. Outside storage or display of materials or items associated with the home occupation is prohibited.

7. A maximum of 500 square feet or floor area may be used in the home occupation.
8. Vehicles used in conjunction with the home occupation shall be parked off the street, on an all weather surface, on the lot containing the home occupation and shall be of a type customarily found in a residential district.

**SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES**

**1202.3 Use Conditions:**

- A. May continue for a period not to exceed 30 days per each application for special exception approved by the Board of Adjustment. The Board of Adjustment shall impose appropriate time limitations on temporary open-air activities, except construction facilities, to insure that the use is not injurious and is temporary in nature.

**CHAPTER 18  
DEFINITIONS**

**Family Day Care Home:** A dwelling used to house and provide supervision and care for ~~five~~ seven children, said total to include those preschool children under five years of age who reside in the residence.

**Height, Building:** ~~The vertical distance measured from the average ground elevation to the top of the highest top plate.~~ The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure, provided that Height Exceptions listed under Section 220. shall apply.

Mr. Stump stated that there should be a footnote referencing the conditions for family daycare homes as it is noted in Chapter 420.2.D.

**APPENDIX B  
TULSA COUNTY ZONING CODE  
INDEX OF LAND USES**

Land Use	(A)	Use Unit
Adult Day Care		<u>5</u>

There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget "absent") to recommend **APPROVAL** of the proposed amendments to the Tulsa County Zoning Code Text, subject to there being a footnote added to Chapter 3 for Family Daycare Homes stating the requirements it must meet, listed in Chapter 420.2.D. as recommended by staff.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.:** PUD-628-3/Z-6467-SP-4-c      **MINOR AMENDMENT**

**Applicant:** Mir M. Khezri      (PD-18) (CD-8)

**Location:** 9311 South Mingo Road

**Staff Recommendation:**

The applicant is requesting a minor amendment to the ground sign standards for PUD-628. The existing standards allow one ground sign not exceeding 12 feet in height and 32 square feet in display surface area per lot. The applicant is requesting a 14-foot high sign with 46 square feet of display surface area.

Two previous requests for amendments to the ground sign standards have been denied by the Planning Commission on this same lot. On December 6, 2000, the Planning Commission denied a request for a 25-foot high sign with 176 square feet of display surface area and on February 7, 2001, the Planning Commission denied a request to permit a ground sign with a maximum display surface area of 64 square feet.

The sign standards for PUD-628 are as follows:

1. One ground sign not exceeding 12 feet in height and 32 square feet in display surface area shall be permitted on each lot.
2. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

The lots abutting South Mingo Road have been approved for office uses and the existing sign standards are appropriate for the permitted uses in this PUD. Staff recommends **DENIAL** of the requested amendment.

**Applicant's Comments:**

**Mir M. Khezri**, 1801 North Willow Avenue, Broken Arrow, Oklahoma 74102, representing Dr. Fisher, stated that his client is only asking for 14 SF more than what the Zoning Code allows. He explained that the proposed sign would have

an electronic displaying system. He stated that in order to accommodate the proposed sign, his client, in good faith, removed a 64 SF display surface area and 25-foot high sign that was previously on the property. The previous sign was located in the corner of the subject property.

Mr. Khezri stated that his client needs a sign to display some of the services he provides in a marquee-type sign or electronic display area. He explained the subject property is next to Highway 169 and there are billboards all along the corridor that are 600 SF. His client is only asking for an increase of 14 SF display surface area. He stated that he could modify the sign to 12 feet in height.

**Applicant's Comments:**

Mr. Harmon asked Mr. Khezri if he would accept the 12 feet in height if he could have the 46 SF display surface area. In response, Mr. Khezri answered affirmatively.

**There were no interested parties wishing to speak.**

**TMAPC Comments:**

Mr. Harmon stated that he could support the sign being lowered to 12 feet.

Mr. Horner stated that there has been many years spent creating the sign language, regarding what could and could not be done. Mr. Horner asked staff if the 32 SF of display surface area is the maximum allowed. In response, Mr. Stump stated that currently the PUD standards have a maximum of 12 feet in height and 32 SF of display surface area for the signage. Mr. Stump further stated that this is the case for each one of the lots (six lots) in this PUD. Mr. Stump explained that the subject PUD is allowed more signage than many of the office developments are allowed because wall and ground signs are allowed. Mr. Stump stated that because the subject area is zoned corridor it allowed more signage. Mr. Stump explained that staff's major concern is that this is an office-type use and there is an effort to keep signage in offices down to basically identifying the office, rather than advertising products that they have in the office because most offices do not sell products. Mr. Stump stated that staff has some concerns that if this applicant is allowed 40% more square footage than any other lot in the subject area, then all of the owners would want more signage. Mr. Stump commented that the signage allowed is in keeping what is typically allowed in offices and in addition this subject PUD is allowed wall signage.

Mr. Horner stated that if this application was approved then it would allow the applicant an additional 51% of signage. Mr. Khezri stated that his client removed the existing sign that was grandfathered in. Mr. Khezri further stated that his client is dropping 50 SF of display surface area that existed. In response, Mr. Stump stated that the original sign was for T-Town Golf Center and it was the only sign for an area larger than this six-lot area. Mr. Stump commented that it is

debatable if whether the applicant was allowed to use the existing sign under the PUD conditions, but it is gone now and it no longer matters.

Mr. Jackson stated that when the subject property was T-Town Golf Center, it was only one lot and the existing sign was for that use.

Ms. Pace asked staff if the applicant was approved for the requested sign, that would mean that each of the six lots would be allowed the same signage. In response, Mr. Stump stated that the other lots are granted the PUD standard of 32 SF display surface area and 12 feet in height, and if this application was approved, they may request more and it would be difficult to deny if this application is approved today. Mr. Westervelt stated that if all six owners requested the increased signage it would increase it over 200%.

Mr. Harmon stated that his earlier thoughts were in error and he could not support this application.

Mr. Westervelt stated that he could not support his application, because then there would be five other lot owners in for signage increase, which could result in a 200% increase.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget "absent") to **DENY** the minor amendment for PUD-628-3/Z-6467-SP-4-c as recommended by staff.

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**APPLICATION NO.: PUD-643-1**

**MINOR AMENDMENT**

**Applicant:** Wayne Alberty

(PD-18) (CD-7)

**Location:** East 74<sup>th</sup> Court and South Memorial Drive

**Staff Recommendation:**

The applicant is requesting a minor amendment of the minimum building setback standard of 43 feet from the south boundary to 30 feet on Lots 1-6, Block 1, and of 43 feet from the east boundary to 33 feet on Lot 6, Block 5.

PUD-643 has been approved for a maximum of 80 one-story townhouse dwelling units on 11.8 net acres. This minor amendment request is for Building 1 located in the southwest corner of the PUD and Building 5 located in the southeast corner (see enclosed proposed site plan dated 11/20/2001). Building 1 would have minimum building setback of 30 feet from the south boundary of the PUD and Building 5 would have a minimum building setback of 33 feet from the east



boundary of the PUD. All other standards would remain the same. The existing standards permit a maximum building height of one story not to exceed 35 feet.

The request is minor in nature and as modified by staff would be compatible with existing and proposed development. Therefore, staff recommends **APPROVAL** of the minor amendment with the condition that the maximum building height for Lots 1-6, Block 1 and Lot 6, Block 5, French Creek Patio Homes be one story not to exceed 25 feet in height.

Mr. Harmon acknowledged a letter received opposing the minor amendment (Exhibit B-1) from Wayne Kincaid.

**The applicant indicated his agreement with staff's recommendation.**

**Interested Parties Comments:**

**C.A. and Irene Zaferes**, 8319 East 75<sup>th</sup> Street, Tulsa, Oklahoma 74133, stated that the developer, Tully Dunlap, has not kept his promises and is not a good neighbor. He indicated that the developer tore down neighborhood fences and replaced them with a new fence, but left gaps between the neighbors' and the developer's fences. He stated that the developer put the good side of the fence facing his own property and the neighbors have to look at an ugly fence. The developer destroyed shrubbery and never replaced it as promised.

Mr. Zaferes requested the Planning Commission to deny anything requested by Mr. Dunlap until he corrects the fences and landscaping he destroyed.

Ms. Zaferes described their backyard as looking at a war zone. She concurred her brother's previous comments.

**TMAPC Comments:**

Mr. Harmon asked Mr. Zaferes if the developer actually destroyed fences and shrubbery that was on private property. In response, Mr. Zaferes stated that Mr. Dunlap claimed the fences and shrubbery were on the easement, but it was actually on private property. Mr. Zaferes requested Mr. Dunlap to put the fence back and correct the gaps, but the developer has refused. Mr. Zaferes stated that he gave Mr. Dunlap permission to come onto his property because he was told it was an easement to a sewer pipe. Mr. Zaferes further stated that he gave the permission with the understanding that the property would be restored as it was, but the developer never kept his promise.

Mr. Westervelt informed Mr. Zaferes that the TMAPC deals with land use only. Mr. Westervelt stated that he does not believe the City is responsible for rebuilding fences that are located on their easements for utilities.

Mr. Romig stated that the City is not liable, but the developer may be responsible for replacing the fence and shrubbery.

Mr. Jackson informed Mr. Zaferes that he needed to consult with his own legal counsel to see if the developer is responsible for replacing the fence and shrubs. In response, Mr. Zaferes stated that the Planning Commissioners are elected to protect the City and letting the project be developed is a dereliction of duty because it is overcrowding an already-crowded area.

Ms. Pace informed Mr. Zaferes that the Planning Commissioners are not elected officials, but the City Council is elected and it would be a more appropriate area for this type of dialogue. Mr. Zaferes stated that he thought he was attending the City Council meeting. Ms. Pace suggested Mr. Zaferes contact his City Councilman. Mr. Zaferes stated that he has called numerous times and he never returns his calls.

Mr. Stump explained to the interested parties that the request would not affect the area where they live because the buildings would remain set back 43 feet.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget "absent") to **APPROVE** the minor amendment for PUD-643-1, subject to condition as recommended by staff.

\*\*\*\*\*

**OTHER BUSINESS:**

**APPLICATION NO.:** PUD-643

**DETAIL SITE PLAN**

**Applicant:** Wayne Alberty

(PD-18) (CD-7)

**Location:** Memorial Drive South to East 74<sup>th</sup> Court South, and from East 74<sup>th</sup> Place South

**Staff Recommendation:**

The applicant is requesting approval of detail site plans for the gated entries. The plans have been approved and signed by Traffic Engineering and the Tulsa Fire Department/Fire Marshal as required by item #8 of PUD-643 Development Standards.

Staff recommends **APPROVAL** with the condition that copies of the signed plans be submitted and filed with TMAPC/Land Development Services and the Department of Public Works.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget "absent") to **APPROVE** the detail site plan, subject to conditions as recommended by staff.

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**Proposed Downtown Tulsa Park – Master Plan to find in conformance with the Comprehensive Plan**

**TMAPC Comments:**

Mr. Carnes stated that today during the worksession, staff explained that the proposal was in accordance with the Comprehensive Plan.

Mr. Harmon stated that he believes this is a good project.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Dick, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Midget "absent") to **FIND** the proposed Downtown Tulsa Park Master Plan to be in accordance with the Comprehensive Plan.

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**TMAPC Comments:**

Mr. Harmon stated that he needs to assume the Chair for a housekeeping item. Mr. Harmon announced that he received letters of resignation from two Officer positions. Joe Westervelt is resigning as the 1<sup>st</sup> Vice Chair and Brandon Jackson is resigning as 2<sup>nd</sup> Vice Chair. Mr. Harmon acknowledged their resignations.

Mr. Harmon stated that using his power of appointment, he would like to appoint new officers to fill these positions as follows: Brandon Jackson, 1<sup>st</sup> Vice Chair and Joe Westervelt as 2<sup>nd</sup> Vice Chair.

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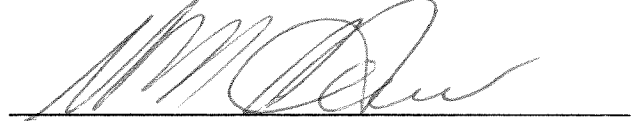
**Commissioners' Comments:**

Mr. Westervelt informed the Planning Commission that Dwain Midget lost his brother recently and requested members to send a card or note to Mr. Midget.

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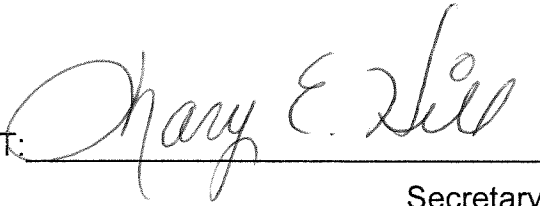
There being no further business, the Chairman declared the meeting adjourned at 2:20 p.m.

Date Approved: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "M. DeWitt", is written over a horizontal line.

Chairman

ATTEST:

A handwritten signature in cursive script, appearing to read "Mary E. Hill", is written over a horizontal line.

Secretary