

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1377
Wednesday, September 30, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---|---|-------------------|-----------------------------|
| Eller Gardner Holliday, Secretary Kempe, 2nd Vice Chairman Petty C. Young, Chairman T. Young | Freeman Higgins Parmele Inhofe | Gardner Chisum | Linker, Legal Department |

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, September 29, 1981, at 10:45 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman C. Young called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Petty, C. Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Parmele, T. Young, "absent") to approve the Minutes of September 9, 1981 (No. 1374) and the Minutes of September 16, 1981 (No. 1375).

REPORTS:

Petty advised there will be a meeting of the Comprehensive Plan Committee on October 7, 1981, at 12:00 p.m., in Room 213 of City Hall and a Public Hearing will be held on October 21, 1981, at the 1:30 meeting of the Tulsa Metropolitan Area Planning Commission to consider adoption of the Park and Recreation Plan.

CONTINUED ZONING PUBLIC HEARING:

Application No. PUD 266 Present Zoning: RM-1, RM-2
Applicant: William Doyle (Hinkle, Johnson, Arend) Proposed Zoning: PUD
Location: 325' East of 51st Street and Delaware Avenue

Date of Application: August 21, 1981
Date of Hearing: September 30, 1981
Size of Tract: 8 acres, plus

Presentation to TMAPC by: Bill Jones
Address: 201 West 5th Street

Phone: 583-1115

Discussion:

Bill Jones, Attorney, was present to represent Hinkle, Johnson and Arend. He advised that a problem has developed that Mr. Gardner has not had an opportunity to study. The engineers informed him the sewer easement does not move at an angle as previously believed, but moves in a straight line. Therefore, the buildings had to be realigned. He submitted a new text and site plan. There are two changes in the text. The traffic circulation will change with this new plan. This site plan shows access on 53rd and 51st Streets, as well as 52nd Street.

Staff Recommendation:

The primary difference between the two plans as far as land use compatibility is concerned, is that a green strip was used on the west side in the original plan, abutting the single family units, and now an extensive parking lot is on the west side. For that reason, the new plan does not appear to be as compatible. Since Mr. Gardner did not know the changes in the text, he reserved the right to change the Staff's Recommendation after hearing Mr. Jones.

PUD #266 is an 8.97 acre tract of land located south of 51st Street and one lot east of Delaware Place. The applicant is proposing an 18,000 square-foot office building (2-story), 212 apartment units and a clubhouse. The overall plan and development standards are very appropriate except for a secondary point of access to 53rd Street. The T.A.C. required two points of access as they always do for safety reasons (emergency vehicles). However, the Staff cannot support this second access point unless it is a "crash gate" used for emergency vehicles only. Because of the location of the 212 units, southern end of the property, a high percentage of the occupants will use Delaware Place, a minor residential street. Eventually, it may be possible to add a second primary access to 51st Street on the east side of the project, a more appropriate location. Other apartment projects to the east have only one point of access so we would not be setting any precedent in this area.

The Staff finds the PUD, with the access modification, consistent with the Development Guidelines, Comprehensive Plan and PUD Ordinance. Therefore, we recommend APPROVAL, subject to the following conditions:

1. That the applicant's PUD Text and Site Plan be made a condition of approval unless modified herein.
2. That no building permits shall be issued until a Detailed Site Plan has been submitted and approved, meeting all PUD conditions.

PUD #266 (continued)

3. That access to 53rd Street be limited to a crash gate, emergency vehicle access only.

Applicant's Comments:

The concept is on an 8.82 acre tract and the plan is to construct 212 apartment units (condominium-type of units for sale at a later date). There will be 212 units on Development Area "B", which includes a clubhouse with four units adjacent to the clubhouse and the balance of 208 units in another area to the south. The north part, Development Area "A", we plan an 18,000 square foot office building. There are some setback problems, but the nursery next to the subject property is zoned RS-2 and has been a nonconforming business use for many years. Ordinarily, a 30-foot building setback would be required from an RS-2 District for a 2-story office building, but because of the nonconforming use and an office building on either side, he is asking that the setback be waived to 10 feet. In the original plan, there were 4 residential buildings that were within 25 feet and one within 35 feet of the west property line. In the amended plan, there are two buildings within 25 feet of the west property line; and, since that is zoned RS-2, he does not think this violates any setback requirements. Next to Manion Park, there is 10 feet which will require a waiver, as will the buildings next to Joe Creek. Basically, the engineer tried to orient everything to the south and east to take care of the view from Manion Park and from the open space around Joe Creek. Mr. Jones felt the tract is a perfect PUD tract. It is an extremely difficult tract due to the configuration, the fact that Joe Creek comes into it and there are two huge sewers that run through it. There is a 20-foot excess capacity sewer with a 15-foot sewer that comes off it going east across the Creek. The buildings had to be designed around the City sewer to accommodate the 212 units. The maximum amount of units that can be put on this tract is 242, so the Plan is under the maximum by 30 units.

The only difference Mr. Jones has with the Staff Recommendation is the crash gate. The lots on the west contain 5 single family homes with extremely deep lots, the nearest house being 120 feet from the back of the house to his property line. In order to have good circulation and to meet the emergency vehicle requirements, he felt they should be able to go out East 52nd Street, a dedicated street. The initial plan had only 2 means of ingress and egress on 53rd Street and 51st Street. The second plan shows 52nd, 53rd and 51st Streets. The reason for showing 52nd Street as access on the second plan was in case the office building tract is sold or is split off from the other tract, 2 points of access would be left for the apartment facility. It was felt that the screening fence requirement, starting from the north edge of 53rd Street right-of-way and moving to the edge of 52nd Street right-of-way, would be appropriate as a solid fence. It is shown extending further north in the PUD Text. Actually, he would like for the fence to stop at the south right-of-way line of 52nd Street and the north right-of-way line of 53rd Street to merely shield the parking areas and the two buildings from the residences existing on the 200-foot lots. He has no aversion to a solid fence or landscape fencing. The plan was to put 20 trees per 150 lineal feet along the entire west boundary. Ultimately, there would be a solid landscape fence, but could start with a solid wood fence. He is requesting that any fence requirements for the north and the east sides of Development Area "A" and the north side of Development Area "B" be omitted. The only disagreement Mr. Jones has with the Staff, considering they have not had a chance to

PUD #266 (continued)

study 52nd Street as access, is if 53rd Street should be a crash gate or a landscape opening with additional radius. The Fire Marshal was not present at the Technical Advisory Committee meeting to address the problem. He thought he would request that the City landscape this as part of Manion Park landscape and try to get a right-of-way from the City so that there would be enough turning radius to permit emergency vehicles. The 25 feet allowed would be too small for big vehicles. He plans to work with the Fire Marshal to correct the problem.

The property drains to the southeast and has a very small slope to the channel. They plan to use a flap gate to run through a pipe directly into Joe Creek. The engineers have assured there will be no on-site requirements for detention. They plan to tie into the 20-foot sanitary sewer and run an 8-foot sanitary sewer along the west side to the office park. He understands that the property to the west is not adequately served with sanitary sewer and this will permit them to tie into the sewer. The water main is on 51st Street and the plan is to run an 8" line, complete the loop and tie into a 6" line that exists on 53rd Street.

Mr. Jones concluded that with the existing zoning pattern of RM-2 to the east, CS and OM in the area, this PUD is in conformity with the land use patterns established. The plan was to start the project this fall as soon as a site plan is approved by this Commission and the plat completed and filed.

C. Young asked the depth of the property from 51st to the back and to the south. Mr. Jones answered it is 1,289 feet, almost a quarter of a mile. C. Young stated he recalled the case when Mr. Hinkle presented it to the Board for rezoning and thought there were protestants. One of the protestant's concerns for RM-1 zoning would be the apartments traffic driving onto those residential streets. Mr. Jones explained that the initial application advertised for RM-1 or OL, but since he has contracted to buy the property, he has not heard of any protests. He has heard that P.S.O. is putting in a new substation, so P.S.O. would like to see 52nd Street abandoned to acquire the extra 50 feet for the project. C. Young was still concerned with the traffic. Mr. Jones stated it was not the number of dwelling units involved, it is the number of trips. C. Young wondered about the Fire Marshal problem that is still unresolved and asked if Mr. Jones would like to continue the PUD for a week to resolve the problem. Mr. Jones stated they have had one preliminary discussion with the Staff, but the Fire Marshal is interested in as much accessibility as possible due to their equipment. Anything that would increase accessibility would be approved.

Mr. Gardner discussed the changes proposed by Mr. Jones, starting with the Site Plan. Some compatibility is lost by having the parking lot adjacent to the rear of the single family property lines. The parking is objectionable; however, the fact that fewer buildings face the residence is a privacy factor and a plus from a land use relationship.

The screening fence should screen not only the apartments, but the recreational complex because of the heavy activity next to the single family homes. The emergency vehicle access could be 53rd Street and Mr. Gardner guarantees that as long as the emergency vehicles can get in, there will be no problem with the Fire Marshal. If it is a choice between 53rd and 52nd Streets, the Staff would support 52nd in terms of access. There is

PUD #266 (continued)

a 5-foot strip that prohibits access, so they do not have any access as a matter of right unless given by this Commission in the PUD.

Modification might have to be made to the tree planting standards because of the relocation of the parking lot. The fence is needed as shown in the original plan, except for any access to 52nd Street. Mr. Jones had no objection to putting in a solid fence wherever it is needed on the west side.

Mr. Gardner made the following additional conditions to the previous Staff Recommendations:

4. That the screening fence be extended north to include the rear of the apartment and recreational facility per original PUD Text.
5. If Area "A" is sold, that a mutual access easement, to be recorded on the subdivision plat, remain through Area "A" to serve Area "B".

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved PUD #266, subject to the Staff Recommendations and conditions and the following additional condition by the Planning Commission:

6. That full access be permitted to 52nd Street.

Legal Description:

TRACT A:

A tract of ground lying in and being a part of the NW/4 of the NE/4 of Section 32, Township 19 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma, and being more particularly described as follows, to wit:

Beginning at a point on the East line of the Amended Plat of Villa Grove Gardens, an Addition to the City of Tulsa, Tulsa County, Oklahoma, said point being in the centerline of East 53rd Street, as shown on the plat of record of the Amended Plat of Villa Grove Gardens; thence North 0°-04'-24" East along the East line of said Amended Plat of Villa Grove Gardens, for a distance of 659.50' to a point in the centerline of East 52nd Street, as shown on the plat of record of said Amended Plat of Villa Grove Gardens; thence South 89°-57'-11" East for a distance of 465.43'; thence South 0°-04'-23" West for a distance of 345.00'; thence South 89°-57'-11" East a distance of 90.00'; thence South 0°-4'-23" West for a distance of 58.12'; thence North 89°-56'-43" West for a distance of 39.00'; thence South 36°-30'-29" West for a distance of 123.82'; thence South 8°-13'-13" West for a distance of 158.47'; thence North 89°-56'-43" West for a distance of 420.43' to the point of beginning, containing 7.0779 acres; AND

PUD #266 (continued)

TRACT B:

Beginning at the center of existing Highway identified as 51st Street at a point intersected by an extension of East line of Villa Grove Gardens Addition; thence South along East line of said Addition 659.5'; thence East parallel to the center of 51st Street 125'; thence North 659.5' to center of 51st Street; thence West along the centerline of said Street 125' to point of beginning; ALL being part of the NW/4 of the NE/4 of Section 32, Township 19 North, Range 13 East of the Indian Base and Meridian; (the North 25' of said Tract being a public highway) ALL in the City of Tulsa, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

SUBDIVISIONS:

For Final Approval and Release:

The Vinyard Amended (PUD 252) (3293) East 55th Place and South Atlanta Avenue (RM-T, RS-3)

The Staff advised the Commission that all approval letters had been received and that final approval and release was recommended.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Parmele, Inhofe, "absent") to approve the final plat and release on The Vinyard Amended Addition.

Bloss Addition (3194) NE corner of 59th Street and South Mingo Road (IL)

Community Village Addition (PUD #213) (2493) 31st Street and South 90th East Avenue (RM-1 & RS-3)

The Staff advised the Commission that all approval letters had been received and that final approval and release was recommended.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Parmele, Inhofe, "absent") to approve the final plat and release on Bloss Addition and Community Village Addition.

Eaglebrook Addition (183) SE corner of 61st Street and South Memorial Dr. (CS)

The Chair, without objection, tabled the above item.

Minor Amendment and Site Plan:

PUD #166 The Enclove Addition SE corner of 91st Street and Sheridan Rd.

Staff Recommendation:

The applicant is requesting, as a minor amendment, to approve a revised detailed site plan for the Enclove Condominiums located south of 91st Street and east of South Sheridan Road. The revised site plan includes a minor redesign of the location of the units and parking within Block 1. The Staff considers the redesign to be an improvement over the original site plan and accordingly recommends APPROVAL, subject to the following conditions:

1. That all conditions of PUD #166 applicable to "Area C", shall apply.
2. That a homeowner's Association be created to maintain all private streets and common areas.
3. That a subdivision plat be approved by TMAPC, incorporating within the restrictive covenants all PUD conditions of approval, that the City of Tulsa be made beneficiary to said covenants and said plat be filed of record in the County Clerk's Office.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions";

PUD #166 (continued)

Freeman, Higgins, Parmele, T. Young, Inhofe, "absent") to approve the Minor Amendment and Revised Site Plan for The Enclove, PUD #166, subject to the above Staff Recommendations.

PUD #215 Charles Norman SE corner of 81st Street and Memorial Drive

Bob Gardner advised that all the area in the northeast quadrant on either side of Haikey Creek is "Area C". The applicant is requesting approximately 4.4 acres within PUD #215 be deleted. The amount being removed from the PUD is a small CS portion previously taken out of the PUD and a narrow tract located between Haikey Creek and Memorial Drive. This will merely reduce the number of dwelling units permitted and the note in the Staff Recommendation is for information to anyone who wishes to develop this floodplain area. Quite a bit of work would have to be done to utilize maximum development. Development could be permitted, but all City drainage requirements would have to be met.

Staff Recommendation:

The applicant is requesting that approximately 4.4 acres near 81st Street and Memorial Drive within PUD #215 be deleted, as a minor amendment, from the PUD controls. The applicant has filed PUD #270 and companion zoning Case Z-5635 which includes the 4.4 acres, plus additional Memorial frontage property. Since the subject property is zoned RS-3, 23 dwelling units should be reduced from the maximum remaining dwelling units permitted within PUD #215, "Area C".

The Staff considers the request to be minor since removal will not significantly affect the existing PUD development. Therefore, the Staff recommends APPROVAL of the requested Minor Amendment, subject to the following restrictions:

1. That the total number of dwelling units permitted in "Area C" be reduced to 677 maximum units, resulting in a net loss of 23 units.
2. That all other PUD #215 conditions shall apply.

NOTE: The total number of units permitted within "Area C" of PUD #215, as amended, is subject to site plan approval and actual dwelling units approved within the Site Plan, because of the floodplain, may be reduced.

Instruments Submitted: Letter from Charles Norman explaining Minor Amendment, including showing the changes (Exhibit "A-1").

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Parmele, Inhofe, "absent") to approve the Minor Amendment to PUD #215, subject to the above Staff Recommendations.

There being no further business, the Chair adjourned the meeting at 2:15 p.m.

Date Approved October 21, 1981

Chairman

ATTEST: Marian E. Holliday