

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1580
Wednesday, November 13, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Kempe, Chairman	Frank	Linker, Legal
Connery	Woodard	Gardner	Counsel
Draughon	Harris	Setters	
Paddock, Secretary	Young		
VanFossen			
Wilson, 1st Vice-Chairman			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 12, 1985 at 1:20 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of Minutes of October 23, 1985, Meeting No. 1578:

On **MOTION** of **CONNERY**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Connery, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **APPROVE** the **Minutes of October 23, 1985, Meeting No. 1578.**

REPORTS:

Chairman's Report:

First Vice Chairman Wilson advised the Master Street & Highway Plan Public Hearing will be November 20, 1985 and the Group Homes Public Meeting will be December 4, 1985. In reply to Ms. Wilson, Mr. Gardner advised the Staff representative from INCOG would probably be Mr. Rich Brierre, as he was on the Committee responsible for the Group Homes Study. Mr. Gardner explained the distinction between a Public

Chairman's Report - Cont'd

Meeting and a Public Hearing. A Public Meeting presents no proposal for amendment to the Code, but is an information session. Mr. Gardner advised a Legal Opinion has been requested for the Group Homes Study, but as far as he knew, there have been no other changes. Mr. Draughon questioned if there would be a Public Hearing on Group Homes after the Public Meeting, and Mr. Gardner stated the TMAPC would decide when, or if, a Public Hearing would be set. Mr. Draughon pointed out that, if adopted, it would require zoning amendments and changes, which would require notice for a Public Hearing. Mr. Gardner remarked the primary purpose of the December 4th meeting would be for information to determine the substance of the proposals and then give some direction to the task. Mr. Draughon further inquired as to the November 20th Planning Commission meeting to hear TMATS recommendations, and was informed that meeting is to be an advertised Public Hearing.

Director's Reports:

Mr. Gardner reviewed the proposed amendment to the Zoning Code for sign standards, referring to a letter from Mr. George Kaiser. The proposed change would amend Section 1221 to include the following language, applicable to CG, CH, IL, IM, IH and CBD Districts:

"Wall and canopy signs shall not exceed an aggregate display surface area of three feet per each lineal foot of the building wall to which the sign(s) are affixed."

Mr. L.L. Fincannon, 1116 South 77th East Avenue, inquired if this change applied to signs only or regulations covering walls. Mr. Gardner advised this was in regard to wall and canopy signs, and the size of the wall would determine the size of sign allowed.

In reply to Mr. VanFossen, Mr. Gardner advised Section 1221.4(b) of the ordinance just recently passed applies only to CS and does not apply to any other districts.

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Connery, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **APPROVE** the Proposed **Amendment to Title 42**, Tulsa Revised Ordinances (Tulsa Zoning Code), as Relates to **Regulation of Wall and Canopy Sign Standards** to read: "Wall and canopy signs shall not exceed an aggregate display surface area of three feet per each lineal foot of the building wall to which the sign(s) are affixed for CG, CH, CBD, IL IM and IH Districts."

ZONING PUBLIC HEARING:

Application No.: Z-6084 Present Zoning: RS-3
Applicant: Baines (Wells) Proposed Zoning: OL
Location: South of 11th Street between 76th & 77th East Avenue

Comments & Discussion:

Chair advised the applicant has requested withdrawal in a letter, submitted as an exhibit stating.

Interested Parties:

Mr. Robert Critz	Address: 1129 South 76th East Avenue
Ms. Pam D. Winstone	1119 South 76th East Avenue
Mr. L.L. Fincannon	1116 South 77th East Avenue
M/M Joseph D'Ambrosio	1122 South 76th East Avenue

Mr. Critz spoke on behalf of those in attendance requesting their names be made a part of the record to be notified should this case be resubmitted for processing.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Connery, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **ACCEPT Withdrawal of Z-6084 Baines (Wells)**.

Application No.: Z-6087 Present Zoning: AG
Applicant: Hulett (Cosec International) Proposed Zoning: CS
Location: Southwest corner of 111th & Yale

Comments & Discussion:

First Vice Chairman Wilson read a letter requesting a continuance due to some complications in preparation for this meeting. The applicant requested a one week continuance, which would be a hearing date of November 20, 1985. As a highly publicized issue was scheduled for that date, it was suggested to continue this case until November 27th. Ms. Wilson asked those in attendance on this case if this date would be acceptable.

Mr. Hal Allen, 114th & Yale, spoke on behalf of the interested parties and suggested, due to the Thanksgiving Holidays, moving the hearing date to December. Staff was consulted as to upcoming agenda schedules and December 11th appeared to be the earliest available date. The applicant was not available for comment. Ms. Wilson advised those in attendance that a notice would not be mailed regarding the continuance date and this hearing would serve as notice.

Z-6087 Hulett (Cosec International) - Cont'd

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Connery, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **CONTINUE Consideration of Z-6087 Hulett (Cosec International)** until Wednesday, **December 11, 1985** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Application No.: **Z-6085 & PUD #408** Present Zoning: **RS-2**
Applicant: **Medick (Hunter)** Proposed Zoning: **OL**
Location: **South of the SW/c of Columbia Place and 51st Street**
Size of Tract: **.6 acres, approximately**

Date of Hearing: **November 13, 1985**
Presentation to TMAPC by: **Mr. Jack Medick, 5838 East 63rd** (492-4182)

Relationship to the Comprehensive Plan:

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested OL District is **not** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .6 acres in size and located approximately 150' south of the southwest corner of Columbia Place and East 51st Street. It contains several large trees, is flat, the site of a single-family residence and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north by a single-family residence zoned OM and on the west by a church zoned RS-2, on the east by a townhouse development zoned RM-T (PUD #294) and to the northeast by PUD #257 developed for a multiple story office building with OM underlying zoning.

Zoning and BOA Historical Summary: Medium intensity uses and rezonings have been granted in this general area where the tracts abut East 51st Street. One interior property was zoned for low intensity townhouse use under a PUD and spread south along Columbia Place.

Conclusion: Although the zoning pattern of the frontage properties along East 51st Street is OM and developed for office under PUD #257, the character of the interior area away from the arterial frontage, is residential. The subject tract is an interior lot without frontage on an arterial street. Redevelopment has occurred to the east of Columbia Place, across from the the subject, under RM-T and RD zoning with a PUD.

Z-6085 & PUD #408 Medick (Hunter) - Cont'd

This type of redevelopment is a "may be found" in accordance with Low Intensity - Residential and would be appropriate on the subject tract. The requested OL zoning is not in accordance with the Comprehensive Plan. Therefore, the Staff recommends DENIAL of OL. We would be supportive of RM-T and a PUD consistent with the zoning to the east.

NOTE: The Staff reviewed the PUD and suggested conditions and standards for development in the event that the Commission is supportive of the project.

Staff Recommendation - PUD #408

The subject tract is .6 acres in size and is an interior residential lot approximately 150' south of East 51st Street on the west side of Columbia Place. The Staff is not supportive of the requested OL underlying zoning and therefore expresses nonsupport of PUD #408. The applicant is proposing to convert an existing residence to an office and would be required to pave the required number of off-street parking spaces. Based on the area of the residence being 2,317 square feet, a total of eight parking places would be required for general office uses. The PUD Plan Map shows that this parking would be limited to the area basically north of and behind the existing residence. Structural modifications are proposed to be new windows and doors, possibly a new roof in the future, removal of the carport, and various cosmetic improvements (paint, etc.) According to the Text, no expansion to the residence is requested now or in the future. The Text indicates that the use of the building will be for a "light commercial operation" with three employees (the use of terminology "commercial" versus "office" must be clarified if the Commission supports this application). The site is interior in nature and any traffic to and from this business/office operation must be considered a nonresidential encroachment into the neighborhood. Sign standards in the Text indicate that one 3' x 2' sign would be installed in front of the building. Lighting for security purposes is indicated to be necessary by the Text, but not shown in the Plan.

Based on nonsupport of the requested underlying zoning, Staff recommends **DENIAL** of PUD #408 and support of RM-T with a required PUD consistent with zoning to the east of Columbia Place.

If the Commission is supportive of OL zoning on the subject tract, Staff recommends this zoning be limited to the north 65' of the tract to be aligned with the OM District to the east per Z-6085 and be subject to the following conditions:

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

2. Development Standards:

Land Area (Net):	27,840 sf	.64 acres
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Z-6085 & PUD #408 Medick (Hunter) - Cont'd

3. Permitted Uses: Limited to general office uses as permitted by right in an OL District excluding funeral homes and drive-in bank facilities and limited to use of the existing residence only.
4. Maximum Building Height: One Story/Existing
5. Maximum Building Floor Area: 2,317 sf/no expansion permitted
6. Minimum Off-street Parking: 1 space per 300 sf for general office uses only - 8 spaces *

* All parking areas, except for two spaces permitted in front of the existing garage, shall be constructed in the rear of the existing residence and within the north 65' of the subject lot. Parking areas shall be screened from view of the general public along Columbia Place by a screening fence or vegetation which shall be determined at the time of submission of the Detail Site Plan.
7. Minimum Building Setbacks:

from Centerline of Columbia Place	60'/Existing
from West Boundary	50'/Existing
from South Boundary	70'/Existing
from North Boundary	40'/Existing
8. Minimum Landscaped Open Space: Preserve existing trees and yards except for required paved parking.
9. That all trash, utility and equipment areas shall be screened from public view.
10. That all parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall not be greater than 20' tall and limited to conventional residential lighting on the east side of the present building.
11. Signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and limited to one 3' x 2' sign along Columbia Place. Illumination, if any, shall be by constant light.
12. That a Detail Landscape Plan is considered to be the existing vegetation which shall be preserved to the extent possible. It is understood that minor modifications could be required for installation of parking areas and drives.
13. Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.

Z-6085 & PUD #408 Medick (Hunter) - Cont'd

14. That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit for a parking lot or any other construction. The character of the existing residence's exterior facade shall be preserved and no modification of that character which would detract from its residential nature is permitted.
15. That no Building Permit shall be issued until the requirements of Section 260 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, making the City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

Mr. VanFossen questioned if it might have been more appropriate to present this case to the Board of Adjustment. Mr. Gardner stated the amount of zoning required to accommodate the applicant's need would align with the zoning across the east and be consistent, but the problem Staff has is the access would entirely on the interior. Mr. Gardner continued by saying if TMAPC felt the use was appropriate in this particular instance, it could be accommodated by not extending the zoning any farther south than what the existing OM zoning line goes on the east and then allow the PUD. Mr. Gardner agreed the BOA is another avenue but a hardship would have to be proven. Mr. Paddock commented this was not the type of situation where a PUD should be utilized, and asked if it would be possible to recommend a change in zoning without a PUD. Mr. Gardner stated this could be done, but Staff has indicated in their recommendation the preference to leave it residential, as Staff cannot support nonresidential zoning where there is strictly internal access from a residential street. Mr. Gardner suggested the Commission, if finding it appropriate to get past the access question could, under the PUD, address and preserve the residential character.

Applicant's Comments:

Mr. Jack Medick, representing the applicant, stated intent to use the structure as it currently is for offices. Mr. Medick stated parking could be very easily managed (only three employees), the use of one small sign and no changes to topography. Mr. Medick reviewed zoning around the subject tract and requested approval of OL with the PUD. In reply to Mr. Connery, Mr. Medick established his company was not currently working out of the facility. Mr. VanFossen explained for the applicant that, if the PUD is approved, he would not have the right to expand. Mr. Medick stated the square footage of ground to developed area would allow enough space for expansion (even though none is anticipated at this time) and they would like to have the right to go as high as the buildings across the street. Mr. VanFossen reiterated the PUD, if approved as submitted, would restrict them to one story and 2,317 square feet, unless they submitted and gained approval of an amendment.

Z-6085 & PUD #408 Medick (Hunter) - Cont'd

Interested Parties:

Mr. Dave Momper, 5637 South Pittsburg, spoke in favor of this application as the real estate broker responsible for the sale of the property. Mr. Momper informed the Commission the owners have tried to sell this property as residential, but have been unsuccessful for over a year. The owners are a retired couple who have wanted to sell due the growth of building around this property. Mr. Momper asked the Commission to approve this application so the owners would not have to continue to have a hardship.

Additional Comments & Discussion:

Mr. VanFossen while respectfully understanding Staff's position, felt this would be a hardship case and recommended approval of the zoning and PUD. Mr. Paddock advised he could not support the PUD application on this matter as it does not meet the stated purposes of a PUD, and he did not see any attempt by Staff to state the PUD met the requirements, and he thought this might be another case where the PUD process was being abused. Mr. Carnes asked Mr. Paddock if he favored the use of the building for an office as it presently existed. Mr. Paddock replied he did not, as it is a matter of the use of the land and the access, which was from a residential street. As there were no protestants in attendance and the owners did have a buyer available, Mr. Carnes made a motion to approve OL for the north 65' with support of the proposed PUD with no change to the south portion of the tract. Mr. VanFossen stated support of this motion only under the conditions as stated, but still feels it would have been more appropriate to go before the BOA. Mr. Connery stated support of Mr. VanFossen's statement and felt it might be more suitable to deny the application and have them resubmit it to the BOA. Discussion followed on the merits of BOA application versus the zoning request and PUD approach. Mr. Gardner advised that, in either event, the north 65' would still have to be OL before the BOA would have anything with which to deal. Ms. Wilson stated she could not support the motion as presented.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **4-2-0** (Carnes, Draughon, Connery, VanFossen, "aye"; Paddock, Wilson, "nay"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **APPROVE Z-6085 Medick (Hunter) for OL** on the North 65' of the subject tract and **PUD #408 Medick (Hunter)** as follows:

Legal Description:

The South 200' of the North 350' of Lot 2, BETHELL UNION HEIGHTS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma.

Application No.: Z-6086
Applicant: Parsons (Price)
Location: 6225 South Mingo
Size of Tract: .3 acres, approximate

Present Zoning: RS-3
Proposed Zoning: OL

Date of Hearing: November 13, 1985
Presentation to TMAPC by: Mr. Ron Parsons, 9922 East 24th (622-1317)

Relationship to the Comprehensive Plan:

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use - Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested OL District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .3 acres in size and is located north of the northeast corner of Mingo Road and 63rd Street. It contains an unoccupied single-family dwelling, is nonwooded, flat and zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by an indoor soccer facility zoned CO, on the east and south by similar single-family dwellings zoned RS-3 and on the west by a single-family dwelling zoned AG.

Zoning and BOA Historical Summary: Several properties located east of Mingo Road have been rezoned in accordance with the Comprehensive Plan with CO zoning.

Conclusion: Based on the Comprehensive Plan and existing zoning patterns in the area, Staff can support the requested OL zoning.

Applicant's Comments:

Mr. Ron Parsons stated the intended use would be a multi-line insurance sales office, and cosmetic changes would be made to the interior and exterior of the structure. In reply to Mr. Connery, Mr. Parsons advised the structure on the lot was a two bedroom house with a one car attached garage.

TMAPC ACTION: 6 members present

On MOTION of CARNES, the Planning Commission voted 5-0-1 (Carnes, Connery, Paddock, Wilson, VanFossen, "aye"; no "nays"; Draughon, "abstaining"; (Kempe, Woodard, Harris, Young, "absent") to APPROVE Z-6086 Parsons for OL, as recommended by Staff.

PUD #148-A Williams (Gracemont) - Cont'd

for the church. Mr. Williams advised the BOA request would be for a temporary use variance for parking as the church will be relocating in the next three to five years. Mr. Williams again stressed this was not a zoning change request and a variance would be for temporary, not permanent, parking.

Discussion followed where Ms. Wilson stated the church might consider a contractual agreement with the shopping center or other businesses in the area for parking and commented that abandonment of the PUD conditions would be a permanent action. Mr. Paddock remarked the BOA does not usually look favorably on temporary use variances and asked Mr. Gardner to comment on BOA consideration. Mr. Gardner advised the BOA has granted temporary variances but the Legal Department states they may not be able to defend these in court; the BOA does grant them as a kind of interim step.

Mr. Williams explained this had been presented as a minor amendment to the PUD and it became obvious that this type of attempt would not be met favorably by the Staff. Mr. Williams again reminded they did not intend this to be a permanent parking facility, and should any changes in zoning come about, it would be of concern to the interested parties. Mr. VanFossen then suggested making this an amendment to the PUD to permit temporary parking. Mr. Gardner commented the TMAPC did not have the power to grant a variance, as the area was zoned RM-1. Mr. Linker advised the underlying zoning would not permit parking, and suggested to keep the PUD and amend to allow temporary parking, subject to BOA approval. Ms. Wilson then inquired on a proper definition of "temporary". Mr. Linker advised stating a specified period of time. Mr. Gardner informed, in reply to Mr. Paddock, the Commission could approve a major amendment for a specific period of time and attach any other conditions needed before presentation to the BOA. Mr. Connery commented it seemed as if the issue was being confused as the request was for a major amendment to abandon the PUD and the parking was incidental.

Interested Parties:

Mr. Bill Chapin, 805 Hunter's Point Court, Catoosa, owner of lots around the subject area, stated no objection to the church using the area as a parking lot, but did object to it being done without the controls of the PUD.

Additional Comments & Discussion:

Discussion followed among Commission and Legal with a determination that the Commission could recommend a condition to grant approval of temporary parking for five years or until sale of the church, subject to BOA approval. Mr. Draughton questioned, although there were no protestants, is there a requirement to notify nearby residents when there

PUD #148-A Williams (Gracemont) - Cont'd

was to be a change in a PUD. Mr. Gardner advised they had been notified and would be notified again if the major amendment was approved subject to BOA approval. The BOA hearing notice would specify the applicant's intent. Mr. Connery commented, as he understood it, the Commission was completely changing the terms of the major amendment and stated support of the Staff recommendation for denial of abandoning the PUD.

Mr. Carnes made a motion to deny abandonment of the PUD but grant a major amendment for the purpose of temporary parking for a period not to exceed five years or the sale of the church property, whichever comes first, contingent upon BOA approval; plus a screening fence installation with no lighting permitted. Mr. Gardner recommended the applicant should be prepared at the BOA presentation to state the type of surface materials to be used and preparations for safety.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Connery, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **DENY Abandonment of PUD #148, but APPROVE a Major Amendment to PUD #148-A Williams (Gracemont)** for the purpose of temporary parking, subject to a period not to exceed five years or the sale of the church property, whichever comes first, contingent upon BOA approval; plus a screening fence installation with no lighting permitted.

Legal Description:

Lot 1, and 10, Block 2, BRIARGLEN SOUTH ADDITION, a replat of Briarglen Plaza, City of Tulsa, Tulsa County, State of Oklahoma.

Application No.: **Z-6088**

Present Zoning: **RS-2**

Applicant: **Jackson**

Proposed Zoning: **OL**

Location: **SE/c of 133rd East Avenue & 21st Street**

Size of Tract: **2.5 acres, more or less**

Relationship to the Comprehensive Plan:

The District 17 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested OL District **may be found** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2.5 acres in size and located at the southeast corner of 21st Street South and South 133rd East Avenue. It is gently sloping, contains one single-family dwelling unit and is zoned RS-2.

Z-6075 & PUD #409 Pittman (Evans) - Cont'd

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-2 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 4.5 acres in size and located on the north side of 75th Street, between Birmingham Avenue and Birmingham Court. It is partially wooded, flat, vacant and zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north and east by single-family dwellings zoned RS-1, on the south by Oral Roberts University zoned RS-1, and on the west by single-family dwellings zoned RS-3.

Zoning and BOA historical Summary: Rezoning action along 75th Street has allowed a higher intensity development than conventional RS-1 densities. In addition, the area contains both RS-2 and RS-3 zoning districts.

Conclusion: The one block strip located between 74th Street and 75th Street, and between Lewis Avenue and Evanston Avenue appear to be in transition to more intense residential development than RS-1. The trend has been established by previous cases and due to the tracts abutting Oral Roberts University, the Staff support this transition. The requested RS-2 would be a logical transition from the RS-3 to the west of the subject tract to the RS-1 on the east.

Based on the Comprehensive Plan and existing zoning patterns, the Staff recommends APPROVAL of the requested RS-2 zoning.

NOTE: This case was referred back to the TMAPC by the City Commission on October 4, 1985 in order to allow the applicant to file PUD #409.

Staff Recommendation - PUD #409

The subject tract was requested to be rezoned from RS-1 to RS-2 which was supported by the Staff and recommended for approval by the TMAPC on August 28, 1985 (4-3-0). The City Commission held a public hearing on October 4, 1985 and referred the item back to the TMAPC for a PUD to be filed. The main purpose of the PUD was to create a Homeowner's Association to maintain the stormwater detention pond to be built at the northwest corner of the tract, and to allow some flexibility in the layout of the lots.

Z-6075 & PUD #409 Pittman (Evans) - Cont'd

The Site Plan will create 13 residential lots with one "reserve lot" for stormwater detention. The interior of the site will be served by a cul-de-sac/public street.

The Staff review of the Development Plan and Text finds that it is: (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, the Staff recommends APPROVAL of PUD #409, subject to the following conditions:

1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2) Development Standards:

Land Area (Gross):	179,856 sf	4.13 acres
(Net):	156,731 sf	3.60 acres

Permitted Uses: Single family detached residential units

Maximum Number of Lots: 13 residential lots with 1 reserve lot for stormwater detention

Minimum Lot Width: 75' average

Minimum Lot Area: 9,000 sf average *

Minimum Land Area per Unit: 10,875 sf **

Maximum Structure Height: 35'

Minimum Livability Space/Unit: 5,000 sf

Minimum Yard Setbacks:

from Centerline of 75th Street 60'

from Centerline of 74th Street 55'

from Centerline of Birmingham:

Front Yard Setback 55'

Side Yard Setback 40'

Rear Yards 25'

Minimum Side Yards 10' one side

5' other side

* Ranges in area from 8,100 square feet to an excess of 12,000 square feet.

** Gross area divided by 14 equals 12,847 square feet.

3) That a Homeowner's Association shall be formed to maintain the "reserve lot" for the purposes of stormwater detention and other related private improvements, as necessary.

Z-6075 & PUD #409 Pittman (Evans) - Cont'd

- 4) That the RS-2 provisions of the Zoning Code shall be considered minimum development standards for development; however, shall be subject to modification on a case-by-case basis upon review and approval of a minor amendment by the TMAPC.
- 5) That the Final Plat shall be considered an acceptable substitute for the Detail Site Plan and all PUD conditions of approval shall be included on the face of the plat.
- 6) Subject to review and conditions of the Technical Advisory Committee.
- 7) That a Detail Sign Plan for an entrance sign shall be submitted to and approved by the TMAPC prior to installation.
- 8) That a Detail Landscape Plan for the "reserve lot" and any related facilities shall be submitted to and approved by the TMAPC and installed prior to issuance of an Occupancy Permit.
- 9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have 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, making the City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

Mr. Gardner stated the applicant has provided a sketch plat, based on City Commission request, and this PUD would limit the applicant to the sketch plat. Ms. Wilson inquired as to the uniqueness of this PUD to require a Final Plat as indicated in condition #5. Mr. Gardner advised that, when dealing with a single family subdivision, a Final Plat is sufficient to meet the requirements. Mr. VanFossen referred to the analysis done, at the previous presentation of this zoning case, of the number of lots would have been permitted under RS-1, which should have allowed at least twelve. Therefore, the number of lots is not particularly being upgraded. Mr. Gardner informed that by allowing the applicant a private street, rather than a dedicated street, they can have the thirteen lots with a PUD. In reply to Mr. Draughon, Mr. Gardner confirmed that the "reserve lot" and the "stormwater detention pond" referred to the same area. Mr. Draughon asked Legal if there was a law that requires the Homeowner's Association to maintain the detention pond. Mr. Linker advised that there was no law, but making it a condition to the PUD and a covenant of the platting process, then there was something that could be enforced.

Z-6075 & PUD #409 Pittman (Evans) - Cont'd

Applicant's Comments:

Mr. Bland Pittman, representing the applicant, stated the establishment of the Homeowner's Association was done to meet the City Commission's requirement to provide maintenance of the detention pond, and this group will be the responsible and/or liable party, not the City. In regard to the detention pond, Mr. Pittman remarked they had used the services of an Engineer to calculate what would be needed to ensure the pond would not add to any existing water problems in the area.

In reply to Ms. Wilson, Mr. Pittman advised the maintenance should be limited to lawn mowing, general surface clean-up, etc. Mr. Gardner commented on the determination of setback requirements in reply to Mr. VanFossen.

Interested Parties:

Mr. Larry Gamel	Address: 7422 South Birmingham Court
Mr. Tom Riley	7317 South Birmingham Place
Ms. Carol Williams	2525 East 74th Place
Mr. Jack Carter	7410 South Birmingham Court
Ms. Helen Jones	2619 East 73rd, Tulsa
Ms. Kay Clancy	7423 South Birmingham, Tulsa

Mr. Larry Gamel stated the concern of the homeowners was not only the water issue, but the fact zoning may be changed from RS-1 to RS-2, which could decrease the value of the surrounding lots. Mr. Gamel stated he was adamantly against this zoning request. Mr. VanFossen reminded that, under RS-1, twelve lots could be established, but the PUD is submitted to provide the reserve lot for drainage. Mr. Gamel proceeded by discussing the drainage problems and asked that the zoning be left as is.

Mr. Carnes stated he favored a PUD because, if the lots were sold individually without the PUD, each lot would have separate drainage areas instead of one area providing the drainage, as provided for in the PUD. Mr. Carnes remarked he felt the applicant has done a professional job and the neighborhood would be better off with this PUD than if the area were twelve single lots.

Mr. Tom Riley stated he wanted to correct the thought that a trend to higher density was being established east of Lewis, as this area is not medium or high density, but RS-1 and should remain so. Mr. Riley inquired as to enforcement of liability on the Homeowner's Association. Mr. Linker advised the only way that individuals in the proposed subdivision could be held responsible would be if they were negligent in some respect.

Ms. Carol Williams addressed the drainage problems of the area and is concerned this development would add to these problems. Ms. Williams submitted photographs indicating waterflow of excess water in the area.

Z-6075 & PUD #409 Pittman (Evans) - Cont'd

Mr. Jack Carter, speaking for other Interested Parties in attendance, stated agreement with previous comments made to the Commission on zoning changes and drainage. Mr. Carter questioned if the developer would be responsible for curbing, grading, etc. for Phase I, as well as providing some kind of financial assurance of completion so as not to leave a vacant and/or eroded lot. Mr. Gardner advised once the subdivision plat is filed there are certain assurances that provisions will be met, but the catch is that the developer may not be financially able to complete the work. Mr. Linker commented that bonding requirements are being reviewed in the new drainage ordinance, but a permit is not required for grading. Mr. Linker established for Mr. Draughon that the applicant would have to comply with whatever ordinance is in effect at the time application is made for a permit.

Ms. Helen Jones remarked there was already a lot left vacant by a previous developer after grading was done and she fears this might happen again, which would only add to drainage problems.

Ms. Kay Clancy also voiced concerns over the water run-off in the area and suggested the developer be responsible for putting in an additional sewer system.

Applicant's Rebuttal:

Mr. Pittman commented the intent is not to build a pond, but to provide detention for excess water, as required by the City. Therefore, a fence is not required. Mr. Pittman remarked the City Commission, by requesting this PUD, tied down the fact that the applicant would not increase the thirteen lots, stipulated the setbacks, and the building setback lines would be as shown on the plan.

Mr. Bill Lewis, Engineer for the project, stated the intent is to keep the detention facility a size to hold about 1,500 acre feet of water, which should be approximately two feet deep. Although dimensions are not finalized, they are subject to approval by Stormwater Management. Mr. Lewis confirmed for Mr. Draughon the area is for detention, not retention. The pond would be full of water only after a sudden rain and remain dry 95% of the time.

Additional Comments & Discussion:

Mr. Carnes again stated his contention that a neighborhood is better off where PUD guidelines are imposed and moved for approval of this request. Mr. Paddock stated that, since the zoning request and the PUD are being submitted as they are, he was against the zoning but in favor of the PUD and would, reluctantly, vote for the motion. Ms. Wilson advised she would be voting against the motion.

Z-6075 & PUD #409 Pittman (Evans) - Cont'd

Mr. Linker interjected the Commission cannot vote again to reconsider zoning as the TMAPC approved RS-2 at the hearing on August 28, 1985, unless the first motion is to reconsider the action taken on August 28th. Mr. Carnes then changed his motion to vote for approval of PUD #409, subject to the listed conditions.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **5-1-0** (Carnes, Connery, Draughon, Paddock, VanFossen, "aye"; Wilson, "nay"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **APPROVE PUD #409 Pittman**, subject to conditions as recommended by Staff.

TMAPC ACTION: 6 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Connery, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **APPROVE** the early transmittal of the minutes relating to PUD #409 to the City Commission.

Legal Description:

Lot 1 and 2, Block 2, SOUTHERN HILLS ESTATES, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, less and except a tract of land lying in said Lot 1, Block 1, the south 204' of the west 159' thereof.

OTHER BUSINESS:

PUD #281-5

Lot 1, Block 6, Gleneagles, and Blocks 5 and 6 of Kingsridge Estates -- Located East and West of South 91st East Avenue and South of East 64th Street South

Staff Recommendation - Minor Amendment

NOTE: The first part of this application was approved by the TMAPC on November 6, 1985.

The second portion of the application requests approval for amending Blocks 5 and 6 Kingsridge Estates from single-family detached dwelling units to single family detached, duplex, and triplex units. If this request is approved, the area presently platted for single-family lots would be replatted to delete individual lots. The approved land use for this area is the product of PUD #281-4 which changed the area from 114 units of multi-family to 50 detached single family units maximum. The predominant character of the land to the north, south and west of the subject tract is developed and developing single family detached areas.

PUD #281-5 - Cont'd

A recent requirement of the TMAPC (which was endorsed by the City Commission) was to further reinforce the detached single family character of adjacent areas under PUD #397. The subject area is generally bounded on the north by East 64th Street, on the east by South 91st East Avenue, and on the west by South 89th East Avenue. Staff recommends this portion of the request be CONTINUED until November 13, 1985, for further study and review.

Comments & Discussion:

Mr. Paddock read a letter from the Burning Tree Master Association, Inc. dated November 1st and addressed to Mr. Gardner at INCOG requesting only single-family homes remain in this area. Mr. Frank advised today's presentation is based on the requested continuance mentioned above on that portion of PUD 281-5 dealing with Block 6 and 6 of Kingsridge Estates. Mr. Frank also informed the Commission that a revised layout has been submitted which Mr. Norman will review.

Applicant's Comments:

Mr. Norman reviewed background information as this application has gone through several amendments. Never Fail, as relayed by Mr. Norman, has been in contact with the homeowners association and offered to install a sprinkler system and landscaping on the narrow patch on the west side (approximately 500') of the subject tract. Mr. Norman also advised the revised plans have been submitted to the Burning Tree Master Association and Mr. Bob Sanders, President of that association, has authorized him to advise TMAPC the association is in agreement with the current revisions.

Additional Comments & Discussion:

Mr. VanFossen inquired if the single-family units were the same as required by the original PUD. Mr. Gardner advised that a reduction in density from 114 units of multi-family to 50 single-family was made and at the platting process, only 43 lots were platted. However, the applicant has since requested 50 as previously allowed.

When asked by Mr. VanFossen about garage requirements, Mr. Norman commented the site plan does not show common parking areas. Mr. Norman advised the only thing being asked for approval today was permission to have the buildings combined as to type and then the Detail Site Plans would set the other requirements. Mr. Gardner advised the applicant is wishing to proceed with the particular layout, as amended, but will need some kind of conceptual approval. In reply to Ms. Wilson, Mr. Norman clarified the location and intended uses of Blocks 5 and 6.

Mr. VanFossen stated he thought this should be a major, not minor, amendment and could not support this as a minor amendment. Mr. Paddock asked Staff if they considered this to be a major or minor amendment. Mr. Norman commented the changes made have been changes downward (as a minor amendment) and done so with the participation of the Burning Tree

There being no further business, the Chairman declared the meeting adjourned at 5:20 p.m.

Date Approved Nov. 27, 1985

Marilyn A. Wilson
1st Vice-Chairman

ATTEST:

RBF Adlock
Secretary

PUD #281-5 - Cont'd

Master Association. Mr. Norman also remarked that, where there have been "grey areas", Staff has required notice to be given to any interested parties, and the applicant has done so. Mr. Gardner read from the Zoning Code Ordinance stating, "minor changes of the PUD may be authorized by the TMAPC which may direct the processing of an amended subdivision plat incorporating such changes so long as substantial compliance is maintained with the Outline Development Plan and the purposes and standards of the PUD provision hereof". Mr. Gardner advised the original PUD was for 114 apartment units, then it was amended downward to 50 units (detached) single-family. Mr. VanFossen remarked he now understood why this was presented as a minor amendment and withdrew his objection.

Mr. Paddock commented he was willing to accept Staff's Interpretation of a minor amendment, and it appeared the essential parties have been notified and involved in the process. As requested by Mr. Draughon, clarification was given as to the Kingsridge Estates area and the Burning Tree Area. In reply to Mr. Draughon, Mr. Gardner advised water detention for this area was a part of the Gleneagles Subdivision PUD, which had been arranged with the City and Never Fall. The City would buy the land and Mr. Fall would improve the pond to the specifications needed to meet the drainage for the area.

Mr. Paddock advised the motion should include that TMAPC is approving the minor amendment with the inclusion of commitments and amendments made today by Mr. Norman.

TMAPC ACTION: 6 members present

On **MOTION** of **CONNERY**, the Planning Commission voted **5-1-0** (Carnes, Connery, Paddock, Wilson, VanFossen, "aye"; Draughon, "nays"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **APPROVE** the **Minor Amendment to PUD #281-5 Kingsridge Estates**, and to include the following:

- a) Conceptual approval of the revised plan;
- b) Bring back the Detail Site Plan and elevations of proposed structures to the TMAPC with notice to the Burning Tree Master Association;
- c) Required landscaping and a sprinkler system on the tract just to the west of the subject property (with a water meter);
- d) Fencing on the south side (64th Street) along the west boundary.