

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1691
Wednesday, April 6, 1988, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal
Coutant, Secretary	Harris	Gardner	Counsel
Doherty	Paddock	Setters	
Draughon	Wilson	Wilmoth	
Kempe, Chairman			
Parmelee, 1st Vice-Chairman			
Selph, County Designee			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 5, 1988 at 11:10 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:33 p.m.

MINUTES:

Approval of Minutes of March 16, 1988, Meeting #1689:

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-1** (Carnes, Coutant, Doherty, Kempe, Parmelee, Selph, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Crawford, Harris, Paddock, Wilson, "absent") to **APPROVE** the **Minutes of March 16, 1988, Meeting #1689.**

Approval of Minutes of March 23, 1988, Meeting #1690:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-1** (Carnes, Doherty, Draughon, Kempe, Parmelee, Selph, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Crawford, Harris, Paddock, Wilson, "absent") to **APPROVE** the **Minutes of March 23, 1988, Meeting #1690.**

REPORTS:

Committee Reports:

Mr. Carnes advised the **Comprehensive Plan Committee** had met this date to review amendments to the District 8 and District 11 Plans, which will be presented at the public hearing on April 13, 1988.

* * * * *

REPORTS: Committee - Cont'd

Mr. Doherty reported that the **Rules & Regulations Committee** had also met this date to review proposed amendments to the Tulsa City and County Zoning Codes as relates to sexually-oriented businesses, and the Committee recommended that a public hearing be set for April 27, 1988 to consider this issue.

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Harris, Paddock, Wilson, "absent") to **SET a Public Hearing for April 27, 1988** to consider amendments to the Tulsa City and County Zoning Codes as relates to sexually-oriented businesses, and as recommended by the Rules & Regulations Committee.

* * * * *

Mr. Parmele advised the Budget and Work Program Committee would be meeting next Tuesday, April 12th, at the INCOG offices to review replies and comments to their March 23rd correspondence soliciting input for the FY 88-89 INCOG Budget & Work Program.

SUBDIVISIONS:

CHANGE OF ACCESS:

Brookside Center (2592) SW/c of East 45th Place & South Peoria Avenue (CS)

Staff advised the purpose of the access change was to move one access point 36' north, as recommended by the Traffic Engineer. However, the total number of access points would remain the same.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Harris, Paddock, Wilson, "absent") to **APPROVE the Access Change for Brookside Center**, as recommended by Staff and the Traffic Engineer.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

17014 (393)	Farris	17020 (1694)	Tamarac
17016 (382)	4th National	17021 (1292)	Am. Association
17017 (382)	4th National		

TMAPC ACTION: 8 members present

On **MOTION** of **WOODARD**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Harris, Paddock, Wilson, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: **PUD 436** Present Zoning: **RS-1**
Applicant: **Norman (Lashley)** Proposed Zoning: **Unchanged**
Location: **East of the NE/c of South Columbia Avenue & East 44th Place**
Date of Hearing: **April 6, 1988 (Continued from 3/23/88)**
Presentation to TMAPC by: **Mr. Charles Norman, 909 Kennedy Building (583-7571)**

Staff Recommendation:

The subject tract has a net area of five acres, RS-1 underlying zoning and is located east of the northeast corner of South Columbia Avenue and East 44th Place. This property is described as Lot 6, Block 6, Villa Grove Park Addition and is bounded by the campus of Edison Junior and Senior High Schools on the north. A total of 15 dwelling units is proposed on the site which has a depth of approximately 305' and a frontage along East 44th Place of 724'. The tract is traversed by a large watercourse which intersects the frontage at approximately its midpoint on East 44th Place and exits the tract at its northeast corner.

The PUD 436 Text includes descriptions of topography, utilities, treed areas, and drainage. The site is heavily treed within the eastern two thirds and the proposed density will cause some of the existing trees to be removed for streets or dwelling units. Treed areas in the eastern portion of the development will be retained to the extent possible within a detention area that will function in combination with a private park and common recreational area. Off-site drainage will be carried under the site by a system of drainage conduits and on-site run-off will be managed in the detention area at the northeast corner of the tract. Internal private streets will have a 26' paving width and be constructed according to City standards, plus include landscaped cul-de-sac islands. A privacy, decorative fence will be constructed along East 44th Place with landscaping on the street side of the fence.

PUD 436 Norman (Lashley) - Cont'd

According to the Text, livability space will be provided at a ratio of 5,000 square feet on each lot with 2,000 square feet per dwelling unit contained in the common areas thus meeting RS-1 standards. The detention and park area will be improved to include a gazebo, walkway, a lawn croquet area and basketball court. Lot sizes on rectangular lots range in width from a minimum of 75' to a maximum of 94', averaging 78' for the 11 rectangular lots. Lots within the immediate area are typically 125' wide. The size of the neighboring lots, therefore, exceed RS-1 minimums. Staff is not supportive of PUD 436 mainly due to the differences in widths between the proposed lots and lots existing in the immediate area. If the lot count was reduced and the Outline Development Plan and Text revised accordingly, Staff would be supportive of the project. The major revision considered necessary would be to reduce the number of lots from 15 to 13, and also to increase the lot width along East 44th Place to a minimum of 80' irrespective of the park area. The proposed plan and concept has merit and would be supported by Staff if revised as follows:

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

2) **Development Standards:**

Land Area (Gross):	238,808 sf	5.48 acres
(Net):	220,706 sf	5.07 acres

Permitted Uses: Single-family residences with customary accessory uses and associated private recreational facilities as permitted in the RS-1 District.

Maximum Number of Dwelling Units: 13

Land Area per DU with 13 Lots: 18,362 sf

Lot Sizes: 11,500 to 15,500 sf

Maximum Building Height: 35'

Minimum Livability Space per DU including Common Open Space and Detention Area: 7,500 sf *

Minimum Yards:

Front/Private Street	30'; Lot 4/25'
Side	5'/15' minimum separation between buildings
Side/Private Street	20'
Rear	25'

* Common landscaped open space and landscape areas shall be provided in accordance with Exhibits A, B, and C of the PUD 436 Text. Treed areas shall be preserved to the maximum extent possible.

PUD 436 Norman (Lashley) - Cont'd

- 3) Subject to TMAPC review and approval of conditions of the Technical Advisory Committee.
- 4) That the development be in general compliance with the RS-1 Zoning Code provisions unless modified by the PUD Text and approved by the TMAPC.
- 5) That the development include a combination wrought iron and masonry privacy fence along East 44th Place as provided in the PUD Text.
- 6) That a homeowners' association be created to provide for maintenance and operation of secured entrances, if any, at East 44th Place, and other private facilities such as drainageways, interior streets, parks and landscaped areas, and related private improvements.
- 7) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of any Building Permits. Approval and recording of the final plat may be substituted for the Detail Site Plan, except that details of landscaping, entrance designs, etc. shall continue to be subject to TMAPC review and approval prior to issuance of any Building Permits.
- 8) That a Detail Landscape Plan and Sign Plan be submitted to and approved by the TMAPC prior to granting an Occupancy Permit for any residential units in the development. The landscaping materials required under the approved Plan shall be maintained and replaced as a continued condition of granting Occupancy Permits.
- 9) 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.

Applicant's Comments:

Mr. Charles Norman, representing the developer Mr. Lewis Price, advised Mr. Price would be building his home first and then developing the remainder of the lots within the subdivision, which would be a two to four year project. Mr. Norman advised the application had been amended to request 14 lots, not 15 as originally submitted, and he reviewed the Site Plan and Concept Landscape Plan for PUD 436. He pointed out this subdivision would be on a sewer system, as opposed to septic tanks used by surrounding tracts. Mr. Norman advised he had met with the neighborhood residents as to the concerns with the number of lots proposed for the project; however, he pointed out that under the Code, 13 lots would be permitted by right under RS-1 standards.

Mr. Norman advised the applicant was also amending the proposed side yard setbacks set forth in the PUD Text to read, "5 feet; provided there shall be a minimum separation between structures of 20 feet, except that the building separation between Lots 1 and 2, and Lots 13 and 14 may be 15 feet". Mr. Norman further explained that the gross land area per lot proposed was 17,057 square feet, while the RS-1 requirement was only

PUD 436 Norman (Lashley) - Cont'd

16,000 square feet, and compared this proposal to the nearby Hidden Hills Addition which had 16,533 square feet of gross land area per lot. In regard to the drainage and detention concept, Mr. Norman submitted for the record a letter from Hammond Engineering Company detailing the plans for this concept. He advised on the fencing proposed was a stone, brick and wrought iron screening wall, which would provide extensive landscaping on the exterior of the screening wall.

In regard to the suggested 12 or 13 lots, Mr. Norman submitted and reviewed engineering plat studies, pointing out the benefits offered by the 14 lot configuration. He reiterated the amenities being offered were not normally provided in a conventional subdivision. He stated that a "plain, vanilla" type development could be achieved through the 12 or 13 lot configuration. However, he requested the Commission approve the 14 lot proposal with the modification to the side yard setbacks.

Interested Parties:

Address:

Mr. John Moody, Attorney	7666 East 61st Street, #240	74133
Mr. Robert Fraley	4215 South Columbia Place	74105
Ms. Gayla Blase	2798 East 44th Place	"
Mr. Richard Burgess	4247 South Columbia Place	"
Mr. A.B. Hawkins	2915 East 44th Place	"
Mr. Wally Bryce	2788 East 44th Place	"
Mr. H.J. Trinder	2948 East 44th Place	"
Mr. H. Robert Wood	3101 East 45th Street	"
Ms. Julia Atherton	2735 East 44th Place	"
Dr. W.J. O'Meilie	2750 East 44th Street	"
Ms. Laura Breitenstein	2749 East 44th Place	"
Mr. Arthur Whitt	2709 East 42nd Street	"

Mr. John Moody advised he was representing several interested parties from the neighborhood, and presented protest petitions with 164 signatures. Mr. Moody thanked Mr. Norman and his client for the cooperation extended in keeping the residents advised of the proposal, however, the homeowners still had several concerns. Mr. Moody stated the residents did not feel the proposed development met the requirements of the PUD Chapter of the Zoning Code, as they believed this proposal was not compatible with the adjoining and surrounding property as to lot size, frontage, open space, etc. He submitted a series of photographs of homes in the neighboring subdivisions.

Mr. Moody stated the primary objections to be: the number of dwelling units proposed; the double-frontage lots on 44th Place; the proposed screening wall and landscaping; and placement close to the street which was totally out of character with the other homes in this area. He added that the residents felt the proposed design created a "fortress enclave", which was also out of character with the atmosphere of the neighborhood. Mr. Moody commented that the 17,000 square foot lots as mentioned by the applicant appeared to include the right-of-way, as he contended the actual lot size was much less (9,000 to 15,000 square feet). He advised the protestants felt 10 to 12 dwelling units was a more appropriate range rather than the 14 units proposed.

Acknowledging the opposition to 14 lots, Mr. Parmele pointed out that the applicant could, by right, develop 13 lots. Mr. Moody stated the protestants were mainly objecting to the appearance of the lots backing to 44th Place, as this was totally out of character with the homes in the area that had large setbacks fronting the street. Mr. Doherty commented that the suggested 10 to 12 lots would be too restrictive considering the Code permitted 13 by right, and the applicant was submitting this PUD voluntarily.

Mr. Carnes confirmed that, if the land needed for detention was subtracted, there would still be enough for 13 lots. Mr. Coutant asked if the protestants were objecting to a solid screening fence, or the the fact that the fence proposed was partially wrought iron and not solid. Mr. Moody replied that they were objecting to the whole design concept of the screening. In response to Commissioner Selph, Mr. Moody confirmed the protestants would still be opposed to the PUD should the TMAPC support Staff's recommendation for 13 lots.

Mr. Robert Fraley, a resident in this area since 1969, stated he would like to see the quality and character of the neighborhood maintained as it currently existed. He commented that he did not feel the issue to be the number of lots proposed, but the impact of the design as he did not feel the proposed development was in keeping with that of the neighborhood. Commissioner Selph reiterated that the applicant could, by right, develop 13 lots without having to submit a PUD, and that the PUD offered more protection than the RS-1 standards. Supporting Commissioner Selph's comments, Ms. Kempe added that this PUD did not really change much of what the applicant could do under the existing zoning. In regard to the wall, Mr. Gardner clarified that the wall could be installed in some form even on the plats showing the conventional 12 or 13 lots. Mr. Fraley expressed concern that this development would impact the value of the existing homes.

In regard to the houses backing on 44th Place, Mr. Draughon obtained clarification that the houses would be 25' from the street with the fence on the property line which was approximately 12' from the curb.

Ms. Gayla Blase agreed with the objections raised by Mr. Moody and commented on the frustrations of the residents as to their limited options. Ms. Blase stated strong opposition to the wall and the back of the dwellings facing 44th Place. Ms. Kempe commented as to what would be permitted under the existing RS-1 zoning.

Mr. Richard Burgess stated concern as to the impact of this development on the property values, and joined the opposition to the dwellings backing on 44th Place. Mr. Burgess also expressed concern about the water discharge to the east.

Mr. A.B. Hawkins stated objection to height and design of the (detention) wall, which he understood would be 16' high. Mr. Hawkins requested the PUD be postponed until the floodplain elevations could be determined, as there appeared to be a discrepancy between the Department of Stormwater Management (DSM), the City of Tulsa, and the Corps of Engineers. Mr. Parmele read the DSM comments submitted which indicated a Watershed Development Permit would be required prior to development. He further suggested Mr. Hawkins check with DSM as to the floodplain maps. Ms. Kempe added that this same detention would be required regardless of how the property developed.

Mr. Wally Brise commented that, while he would like to see the number of dwelling units reduced, he felt this proposal was done tastefully; especially considering the fact that the applicant could develop 13 lots under conventional zoning. Mr. Brise remarked on the advantages offered by the sewer system installation to the entire area. He advised he lived across from the subject tract and he would rather see the screening wall and landscaping, as proposed to the existing view of a vacant lot which had been used as a dumping ground. Mr. Brise expressed some concern, considering the cost of the amenities proposed, that the project might be abandoned due to financial failure. Mr. Brise obtained clarification that an Occupancy Permit would not be issued until the conditions of the PUD had been met.

Mr. H.J. Trinder, a resident in this area for 26 years, stated opposition to this plan for the reasons mentioned by Mr. Moody.

Mr. H. Robert Wood joined in the concerns expressed regarding water run-off and the possibility of flooding to his property. Mr. Wood agreed with those protesting the density of the project. Commissioner Selph asked Mr. Wood, knowing that a Watershed Development Permit would be required, if he would prefer the proposed PUD or leaving the site as is to be developed under RS-1 standards. Mr. Wood admitted this was a difficult question, and in lieu of having the houses developed to the character of the existing homes with large lots and open space, he would prefer 13 lots to 15 lots.

Ms. Julia Atherton concurred with the objections presented by Mr. Moody on behalf of the residents.

Dr. W.J. O'Meilia agreed with those protestants who felt this concentration of dwelling units was not in keeping with the the nature or character of the neighborhood.

Ms. Laurie Breitenstein commented that she felt if the Commission approved this application, it would further jeopardize the salability of homes in this area, as she and her husband have had difficulty selling their home in the \$130,000 to \$160,000 range, while this development proposed a \$250,000 price range.

PUD 436 Norman (Lashley) - Cont'd

Mr. Arthur Whitt stated that he felt the Commission would be making a mistake if they assumed that the developer would be financially able to build even 13 lots, and he did not think people would move into such a confined area.

Applicant's Rebuttal:

Mr. Norman clarified that the screening wall would be a maximum of 6' tall, and that the PUD would require all of the screening and landscaping to be installed before the first residence was occupied. In regard to drainage concerns, Mr. Norman reviewed the detention requirements. Mr. Norman pointed out that the detention area wall would be approximately 9.8' tall, and not 16' as mentioned by a protestant. He added that this was the only development within this square mile that provided detention. Mr. Norman reiterated that the decision facing the TMAPC and City Commission was whether to approve a conventional development with 13 lots, or approve the 14 lot proposal with the amenities pledged in the PUD.

Review Session:

Mr. Doherty commented that he felt the community would be better served by the controls of the PUD and would, therefore, move for approval of PUD 436 with the amendments for 14 lots and side yard setbacks, as submitted by the applicant.

Mr. Carnes stated he agreed, in part, with Mr. Doherty; however, he would be voting against the motion as he could not support any number of lots he felt to be outside the RS-1 standards. In reply to Mr. Parmele, Mr. Gardner clarified that 14.9 was the maximum number of units allowed under RS-1; however, physically the lots would have to be less than the 80' average. Since the applicant has reduced this to 14 lots, they all average 80' or greater; 15 lots would not be permitted without BOA approval of a variance. Mr. Parmele advised he was familiar with this neighborhood and was in sympathy with the residents as they were facing the problem of infill developments. However, legally, 14.9 lots would be allowed without BOA review, should the developer be able to lay it out; therefore, he felt compelled to go along with the developer.

Commissioner Selph stated he was also sympathetic to the concerns of the protestants, and he felt the PUD would offer more protection than the standard RS-1 development. However, he concurred with Staff and Mr. Carnes in support of 13 lots. Mr. Draughon advised he would be voting against the amendment as he felt the developer could offer a configuration where the backs of the houses were not facing 44th Place.

Mr. Coutant stated that it appeared from the comments of the interested parties, that the density of the project was not the main concern, as they did not want the development with either 13 or 14 lots. Further, he did not see this as a pivotal issue between the motion for 14 lots or the Staff recommendation for 13 lots. He stated the issues raised as to the aesthetic value was subject to personal opinion, and he believed this proposal would be compatible with the neighborhood considering the quality of the development. Therefore, he would be voting in favor of the motion.

TMAPC ACTION: 8 members present

On MOTION of DOHERTY, the TMAPC voted 5-3-0 (Coutant, Doherty, Kempe, Parmele, Woodard, "aye"; Carnes, Draughon, Selph, "nay"; no "abstentions"; Crawford, Harris, Paddock, Wilson, "absent") to APPROVE PUD 436 Norman (Lashley), as recommended by Staff, with the following modifications:

- (a) Permit 14 lots, as presented on the amended Outline Development Plan; and
- (b) 5' side yards; provided there shall be a minimum separation between structures of 20', except that the building separation between Lots 1 and 2, and Lots 13 and 14 may be 15'.

Legal Description:

Lot 6, Block 6, VILLA GROVE PARK ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

There being no further business, the Chairman declared the meeting adjourned at 3:40 p.m.

Date Approved April 20, 1988

Cherry Kempe
Chairman

ATTEST:

Stonie C. Coutant
Secretary