

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1862  
Wednesday, November 20, 1991, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Ballard	Gardner	Linker, Legal
Doherty, 1st Vice Chairman	Harris	Hester	Counsel
Draughon	Horner	Stump	
Midget, Mayor's Designee		Wilmoth	
Neely, 2nd Vice Chairman			
Parmeale, Chairman			
Wilson, Secretary			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, November 19, 1991 at 1:23 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:32 p.m.

**Minutes:**

Approval of the minutes of Wednesday, November 6, 1991, Meeting No. 1860:

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-1** (Carnes, Doherty, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; Draughon "abstaining"; Ballard, Harris, Horner, Midget "absent") to **APPROVE** the minutes of the meeting of November 6, 1991 Meeting No. 1860.

**REPORTS:**

Chairman's Report

Chairman Parmele announced Councilor Hogue has asked the Planning Commission to undertake a study of significant subsidence land settling inside the Tulsa city limits. Staff has advised this information is readily available through the soil conservation office and we can give Councilor Hogue the maps from the Soil Conservation Office.

Mr. Doherty reported that according to Councilor Hogue, this request was triggered by insurance studies in the Tupelo Creek area. There were claims for blasting damage that had conflicting engineering studies. Councilor Hogue is investigating CDBG funding to repair damage in subsidence and is interested in discovering if there are other areas in the city suffering damage. He is prepared

to go to the City Council to ask that this be put on their agenda as a formal request to the Planning Commission.

### Committee Reports

#### Comprehensive Plan Committee

Mr. Neely announced the Committee has a meeting scheduled on December 11, for District 26 update.

#### Rules and Regulations Committee

Mr. Doherty advised the Committee met in work session last week and worked on a number of issues not yet ready to present. He met with City Council Committees working with Recreational Vehicles and Antennas and both are progressing. He added that Recreational Vehicles are on the City Council Agenda for action.

#### Budget and Work Program Committee

Ms. Wilson reported the Committee met in work session last week and are on target for overall projects and will not meet again until next quarter. However, monthly reports are submitted to the City Council, which is basically a summary of what is submitted quarterly, and an officer of the Planning Commission is present to answer questions at the monthly meetings.

#### Director's Report

Mr. Gardner advised the Antenna Ordinance will be on the City Council agenda on November 26, which is a Tuesday meeting due to the Thanksgiving holiday.

Ms. Wilson inquired regarding the proposed change the City Council Committee is recommending as to the number of antennas which will be allowed on a single structure.

Mr. Gardner disclosed that the City Council Antenna Committee's decision was to limit the number of antennas to three in AG, R, or OL District unless approved by the Board of Adjustment.

### Subdivisions

#### Preliminary Plat

Trinity Park (3304) (PD-16) (CD-6)

(IL)

Northeast corner of I-244 and N. 129th E. Avenue

#### Staff Recommendation

This plat has a sketch plat approval by TAC on 5/7/91. A copy of the minutes of that date were provided with staff comments in the margin.

The Staff presented the plat with the applicant represented by E. C. Summers.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of *Trinity Park*, subject to the following conditions:

1. All conditions of BOA case #15738 applicable to the plat shall be met prior to release of final plat.
2. Applicant should verify exact locations of the interior lot lines relative to the uses shown on the church master plan. The driveway between Lots 1 & 2 north of the office building may need to be adjusted as the lot line as presently shown encroaches on the tennis courts and ball park.
3. Although not part of the plat requirement at this time, applicant should determine if individual uses on each lot will be in compliance with the approvals requested and/or approved by the Board of Adjustment. (#1 above should cover any conditions imposed by the BOA.)
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. *A restricted easement will be required for the gas line. (Show 75' or as agreed upon with ONG.)*
5. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants.
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. DPW is urging the owners to consider dedication of the areas within the floodplain to the City. At a minimum, easements will be required. If dedicated, the method would be worked out prior to final plat.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
10. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic).

11. Add to covenants:

THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE.

Also add language regarding prohibition of structures on easements.

12. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations. (OK RECEIVED)

13. All Subdivision Regulations shall be met prior to release of final plat.

**TMAPC Action; 8 members present:**

On MOTION of WILSON the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") to APPROVE the Preliminary Plat of Trinity Park, subject to staff conditions.

\* \* \* \* \*

S & S Bus Sales (394) (PD-17) (CD-6) (IL)  
15805 E. Admiral Place

Staff Recommendation

This tract is being replatted to satisfy the requirements of Z-6332 (Section 213 of the Zoning Code) and to show additional right-of-way dedication and access limitations.

The Staff presented the plat with the applicant represented by David Sanders.

On MOTION of MILLER, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the PRELIMINARY plat of S & S Bus Sales, subject to the following conditions:

- 1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. Provide 15' x 15' utility easement in the southeast corner to connect to adjacent platted easement.

2. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
3. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
4. Limits of Access or (LNA) as applicable shall be approved by the Department of Public Works (Traffic).
5. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
6. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
7. All Subdivision Regulations shall be met prior to release of final plat.

**TMAPC Action; 8 members present:**

On **MOTION** of **DRAUGHON** the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") to **APPROVE** the Preliminary Plat of S & S Bus Sales, subject to staff conditions.

\* \* \* \* \*

Southern Grace (574) (PD-19) (County) (AG-R)  
E. 127th Street and S. 129th E. Avenue

**Staff Recommendation**

This plat has a sketch plat approval by TAC (6/11/91) and was reviewed for preliminary approval on 7/30/91, but was not forwarded to the Planning Commission because the zoning application was still in process. There were numerous requirements on the preliminary plat that had to be met prior to transmission to the Commission for approval. Specific easements were required for the septic systems on each lot and a drainage easement to be shown along the northerly boundary. This has been done and the plat is resubmitted as recommended by TAC.

The Staff presented the plat with the applicant represented by Charles Proctor, Engineer and David Steveson, developer.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of *Southern Grace*, subject to the following conditions:

1. The cul-de-sac as shown is over-length. However, due to the low density and no available stub streets to connect, Staff sees no objection to a waiver of the 500' maximum. TAC concurred and waiver is recommended. (Stub streets not required to the north due to drainageway.)
2. Identify drainage easement on face of plat.
3. Show a tie dimension to section corner at 131st and 129th E. Avenue. Also assure that bearings and distances abutting Willow Springs Estates and Willow Springs Plaza agree with this plat.
4. Covenants:
  - (a) First paragraph, third line: Provide a "metes and bounds" description of the property being subdivided. Include to centerline of 129th E. Avenue.
  - (b) Access limitation: Revise to read: "... and no vehicular ingress shall be permitted over, through or across any property or area designated on the attached plat as LNA (Limits of No Access), which may be modified, amended, or revised with the approval of the TMAPC or its successors, or as otherwise provided by the statutes and laws of the State of Oklahoma pertaining thereto."
  - (c) Item 9: Omit. This is covered elsewhere.
  - (d) Item 11: The last line probably should go with Item 2. It doesn't apply here.
  - (e) Item 12: Not a condition for approval of plat. However, applicant should be sure that the term "venered building" is used properly. (Most residential construction is a frame construction with an exterior masonry veneer.)
  - (f) Item 18: Suggest that reference be made to a Homeowners Association, but do not include all the details in the plat. File by separate instrument. This avoids amending the plat in the event amendments, changes in assessments, etc. are made that do not have anything to do with the Public or TMAPC.  
(Now 19)
  - (g) Add to dedication paragraph:  
"NO BUILDING, STRUCTURE, OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT WILL INTERFERE WITH THE PURPOSES AFORESAID, WILL BE PLACED, ERECTED, INSTALLED OR PERMITTED UPON THE EASEMENTS OR RIGHTS-OF-WAY AS SHOWN".

5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (Front easements are needed due to the depth of the lots. Show front easements of at least 10' on all interior lots. Include standard utility grants in the covenants, including the provisions for landscape and paving repair within the easement areas. Include language regarding the drainageway, easements, and maintenance thereof. (See applicable agencies for details.)
6. Water plans shall be approved by the City of Broken Arrow prior to release of final plat. Include language for Water and Sewer facilities in covenants. (Waterline must be a minimum of 15' from nearest septic system lateral.)
7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
8. Paving and/or drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable), subject to criteria approved by the County Commission. Provide plan, profile and drain towards west end with an easement to the creek. (Also see condition #2).
9. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. It is recommended that the developer coordinate with County Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
12. Street lighting in this Subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval.

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size, and general location. This information is to be included in the restrictive covenants on plat. (Also see #16 and #17)
16. Special language will be required by the Health Department regarding the septic systems and locations within each lot. (See Health Department for detail.) The basic language is in Appendix A of the Subdivision Regulations.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
19. Zoning approved for AGR by County Commission on 10-31-91. Resolution must be published prior to final approval of plat. (CZ-193).
20. Omit requirement for front fence to be 5' from property line. (May conflict with septic system easements.)
21. This plat has been referred to Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
22. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
23. All (other) Subdivision Regulations shall be met prior to release of final plat.

**TMAPC Action; 8 members present:**

On MOTION of DOHERTY the TMAPC voted 7-0-1 (Carnes, Doherty, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; Draughon "abstaining"; Ballard, Harris, Horner, "absent") to **APPROVE** the Preliminary Plat of Souther Grace with waiver of cul-de-sac length and subject to conditions as recommended by staff.

\* \* \* \* \*

**Final Approval and Release**

Springer Park (1613) (PD-15) (County) (CS)  
Southeast corner of East 106th Street North & U.S. Highway 75

**Staff Recommendation**

Mr. Wilmoth advised that all releases have been received and staff was recommending approval.

**TMAPC Action; 8 members present:**

On MOTION of CARNES the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") for FINAL APPROVAL AND RELEASE of Springer Park.

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**Extension of Approval**

Gilcrease Hills Village II. Blk. 26 (2702) (PD-11) (CD-1) (RM-1)  
West Queen and North Tacoma Avenue

**Staff Recommendation**

Mr. Wilmoth advised this was the second request for extension of approval. All fees have been paid and staff is recommending approval.

**TMAPC Action; 8 members present:**

On MOTION of NEELY the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") for a one year EXTENSION OF APPROVAL of Gilcrease Hills Village II, Blk. 26.

\* \* \* \* \*

**Reinstatement of Preliminary Approval**

Heidinger Addition (Z-6174-SP-1) (784) (PD-18) (CD-8) (CO)  
10505 East 81st Street

**Staff Recommendation**

Mr. Wilmoth advised the applicant has not paid the required fees.

Chairman Parmele announced this item will be struck from the agenda and will be put back on the agenda when fees are paid if there are no objections. There were none.

Waiver Request Section 260

CZ-139 Unplatted (2874)(County) (PD-20)  
13701 East 171st Street S.

(CG, CS)

Staff Recommendation

This is a follow-up on a previous partial waiver approved by TAC and the TMAPC on 3/5/86. At that time, the underlying land was platted as Wealaka, I.T. and all the descriptions were based upon the original plat filed in 1906. The lot split off at that time was for Bixby Telephone (Citizens Security Bank) and the approval limited to only that tract since the use was not known on the remainder. The requirements included dedication of an additional 5' of right-of-way on 171st to total 30' from centerline and an Access Agreement providing "No Access" provision along US 64. Health Department approval was required for a septic system.

A suggestion was made at that time by Staff to urge the owners to vacate the old plat of Wealaka since none of the streets had ever been opened or used. This has been done, and now this current application is based upon an unplatted tract with a metes and bound description. (For reference, All of Blocks 27, 28, 30 and 31 lying south of US 64, and Lots 1 & 2, Block 29, Wealaka were vacated by District Court, as recorded in Book 4968, at Page 1633, 9/9/86)

The remainder of the zoning application covered by CZ-139 has been sold and is the part included in the proposed lot-split and this plat waiver. Therefore, the same requirements applicable to the previous application shall apply as follows:

- (a) Provide a total of 30' of right-of-way from centerline on 171st Street to provide a standard County road. (Previous dedication only included that part in front of the Bixby Telephone tract.)
- (b) Health Department approval of existing septic system on the middle tract and approval for the two adjacent tracts.
- (c) Provide an Access Agreement for "Limits of No Access" along US 64.
- (d) Any grading and/or drainage plans or driveway tile installation shall be approved by County Engineer.

(Note: Not a condition for approval of this plat waiver or the lot-split, but applicant will need to seek approval of the County Board of Adjustment for an exception to permit single-family (Use Unit #6) in a commercial district.)

The applicant was not represented. (Staff advised applicant agreed with conditions.)

On MOTION of RAINS, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the waiver of plat on the

remainder of CZ-139, including L-17472, subject to the conditions outlined by Staff.

**TMAPC Action; 8 members present:**

On MOTION of WOODARD the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") to APPROVE the waiver of plat on the remainder of CZ-139, including L-17472, subject to staff recommendations.

\* \* \* \* \*

**Waiver Request Section 213**

Greenwood Addition (3602) (PD-2) (CD-1)  
514 East Pine Street (RS-3)

**Staff Recommendation**

This a request to waive plat on Lots 7-10 including, Block 2, of the above named subdivision. The north 20' has been dedicated for R/W on Pine. The applicant in this case was the Tulsa Development Authority. The Board of Adjustment approved a Day Care Center for these lots on 11/12/91. Since all controls have been established by the Board of Adjustment and nothing would be gained by replatting the existing lots. It is recommended this request by APPROVED noting that the provisions of Section 213 have been met by the existing platted lots.

**TMAPC Action; 8 members present:**

On MOTION of WOODARD the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") to APPROVE the waiver of plat on BOA 15884

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**Lot Splits for Ratification of Prior Approval**

L-17463 Inbody (1773) (PD-8) 3108 E. 141st St. S.  
L-17474 Norwood (2814) (PD-15) 7650 N. 137th E. Ave.  
L-17475 Beasley ( 692) (PD-10) 243 S. 72nd W. Ave.  
L-17479 Johansen (1193) (PD-5) (CD-5) East of 1803 S. 77th E. Ave.

**TMAPC Action; 8 members present:**

On MOTION of CARNES the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") to RATIFY the above listed lot splits having received prior approval.



The requested RS-4 District is not in accordance with the Comprehensive Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 7.7 acres in size and is located west of the northwest corner of South Peoria Avenue and East 15th Street. It is partially wooded, gently sloping, vacant, contains a vacant office building and is zoned OL and OMH.

**Surrounding Area Analysis:** The tract is abutted on the north by Interdispersal loop zoned RS-3; on the east by restaurants and commercial businesses zoned CH; on the south by commercial businesses and single-family dwellings zoned CS, OL and RS-3; and on the west by single-family dwellings zoned OL.

**Zoning and BOA Historical Summary:** In 1985 the tract was rezoned to OL and OMH under PUD 394 for a large office complex which was never built.

**Conclusion:** Even though the Comprehensive Plan envisions office and commercial development on this tract and it is bordered primarily by non-residential uses, staff feels the zoning would be appropriate with the buffering proposed in the accompanying PUD 478.

Therefore, Staff recommends **APPROVAL** of Z-6339 for RS-4.

**NOTE:** The Plan Map should be amended to reflect the lower intensity land use.

**PUD 478** West of the northwest corner of South Peoria Avenue and East 15th Street

Staff Recommendation

The applicant is proposing to abandon PUD 394, which was for a large office complex, and rezone the property from OL and OMH to RS-4 so that a private residential development can be constructed. The PUD proposes to use the existing 50' wide lots created by the original platting of the area and use the existing streets and utilities. The streets would be private; however, access would be through an entrance on Owasso Avenue controlled by a private security guard. To isolate the residences from the surrounding commercial and office uses and to provide added security, the entire development will be enclosed by an 8' high perimeter enclosure. This enclosure will be a masonry wall where required for privacy, as well as a safety and wrought iron fence where views are attractive. A homeowner's association will be created to pay for the cost of the security guards and the maintenance of common areas. A large common area containing a pool and cabana are to be planned adjacent to the expressway right-of-way. Each home is to have a two car garage which is to be accessed from an alley at the rear of the lots, thereby improving the appearance of the fronts of

the homes. Guest parking is to be provided immediately south of the large common area.

The Comprehensive Plan envisions this tract being developed as originally proposed by PUD 394, i.e. offices/commercial. The proposed residential would not be in accordance with the plan, but would be compatible with the residential development on the south side of 15th Street. The perimeter wall should also buffer the residences from abutting commercial uses.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 478 to be: (1) consistent with the Comprehensive Plan, if amended; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends APPROVAL of PUD 478 subject to the following conditions:

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

2. **Development Standards:**

<b>Land Area (Gross)</b>	7.34 acres
<b>Permitted Uses</b>	Single-family dwellings and customary accessory uses
<b>Maximum Number of Dwelling Units</b>	24
<b>Minimum Side Yard Abutting an Arterial Street</b>	10'*
<b>Minimum Side Yard Abutting a Private Street</b>	10'
<b>All Other Bulk and Area Requirements</b>	As required in the RS-4 district
<b>Minimum Common Open Space</b>	25,000 SF

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the

zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. The Department of Stormwater Management or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
7. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any stormwater detention areas within the PUD.
8. No Building Permit shall be issued until the requirements of Section 1107 E 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 beneficiary to said Covenants.
9. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.
- \*10. The building setback from the centerline of 15th Street receive a variance from the Board of Adjustment.

#### Applicant's Comments

The applicant expressed agreement with staff recommendation.

#### Comments and Discussion

Ms. Wilson announced the Maple Ridge Association submitted a letter advising they are in favor of the abandonment of PUD 394 and are in favor of the proposed residential zoning. Ms. Wilson read a statement from the letter. *The Association would therefore ask the Commission and the developer to ensure that sufficient landscaping be done on 15th Street by the planting of appropriate trees and ground cover along with a sprinkler system.* She stated that apparently this is of concern to the Association since the Association's boundaries start on the south side of 15th Street. Ms. Wilson inquired of the developer if he envisioned complying with this request.

Mr. Westervelt replied the PUD already includes adequate landscaping for their intended use.

Chairman Parmele pointed out that the developer will appear before the Planning Commission with a Detail Landscape Plan.

Ms. Wilson added that this was obviously a concern the developer has discussed with the Maple Ridge Association. Maple Ridge is supportive of the proposal and wants to ensure the Commission does not impose anything less than the landscaping requested.

Mr. Midget expressed appreciation to the developers for working closely with the Maple Ridge Association and with the homeowners near this project and addressing their particular concerns. He noted that Maple Ridge was one of the premier neighborhoods in Tulsa, and they serve as a model for other neighborhood associations and communities.

Ms. Wilson requested that the Maple Ridge Association be notified when the landscape plan comes before TMAPC.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY** the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") to **APPROVE** RS-4 zoning for Z-6339 and PUD 478 subject to the staff recommendation and approval of early transmittal.

**Legal Description for Z-6339**

Part of Blocks 9, 10, 14, 15, 16, Broadmoor Addition to the City and County of Tulsa, Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at the SW/c of Lot 5, Block 14, thence N 01°08'56" W along the west line of Lots 3, 4 and 5, Block 14, distance of 161.39' to the NW/c of said Lot 3; thence S 88°55'32" W along the south line of said Lot 9 a distance of 125.00' to the SW/c of said Lot 9; thence N1°08'56" W along the west line of Lots 9 and 10 of Block 14, a distance of 73.36'; thence N 70°15'42" E a distance of 268.77'; thence N 61°15'28" E a distance of 312.50'; thence N56°14'15" E a distance of 128.17'; thence N77°29'18" E a distance of 315.62'; thence S 03°29'16" E a distance of 105.76'; thence N 88°59'31" E a distance of 0.35'; thence S 03°17'06" E a distance of 146.05'; thence S 28°52'18" W a distance of 17.38' to a point on the south line of Lot 5, of said Block 9; thence S 88°59'51" W along the south line of said Lot 5 a distance of 130.80' to the SW/c of said Lot 5; thence S 01°47'25" E along the east line of Lots 7, 8, 9 and 10 of said Block 16 a distance of 270.19' to the SE/c of Lot 7; thence S 88°55'32" W along the south line of said Lot 7 a distance of 180.00' to a point on the centerline of a dedicated public way known as Owasso Avenue; thence S 01°49'34" E along said centerline a distance of 61.00' to a point on the south line of said Blocks 15 and 16; thence S 88°55'32" W along the said south line of said Block 14 and 15

a distance of 518.46' to the SW/c of said Lot 5, Block 14 to POB, Less Lots 1-5, Block 9, Braodmoor Addition.

Legal Description for PUD 478

Lots 2-8, Block 9; Lot 5, Block 10; Lots 1-5, Block 14; Lots 1-10, block 15; Lots 7-10, block 16, all in Broadmoor Addition.

\* \* \* \* \*

Application No.: Z-6340/PUD-479 Present Zoning: AG & PK  
Applicant: Homart Development Company Proposed Zoning: CS  
Location: North side of 71st Street South and southeast of Woodland Hills Mall  
Date of Hearing: November 20, 1991

Chairman Parmele announced the applicant requested a continuance to December 18, 1991.

TMAPC Action; 8 members present:

On MOTION of WILSON the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") to CONTINUE Z-6340/PUD-479 to December 18, 1991.

\* \* \* \* \*

Application No.: Z-6341 Present Zoning: CO & CS  
Applicant: Hibdon Proposed Zoning: CG  
Location: West of the northwest corner of East 51st Street & South Lewis Avenue  
Date of Hearing: November 20, 1991

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity, No Specific Land Use and Corridor. According to the Zoning Matrix the requested CG District may be found in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 1.3 acres in size and is located west of the northwest corner of South Lewis Avenue and East 51st Street. It is partially wooded, flat, vacant, and is zoned CO and CS.

**Surrounding Area Analysis:** The tract is abutted on the north by Interstate 44 zoned RS-2; on the east by commercial

buildings zoned CS; on the south by apartments zoned CS; and on the west by commercial buildings zoned CS.

**Zoning and BOA Historical Summary:** CS zoning has been established all along the 51st Street frontage with the exception of the front of this tract which is CO.

**Conclusion:** Staff cannot support CG zoning in the middle of a CS zoned area. The existing CO zoning provided the protection of a corridor site plan to assure compatibility with surrounding uses. CG zoning would not provide this protection.

Therefore, Staff recommends **DENIAL** of CG zoning and **APPROVAL** of CS zoning on the CO zoned portion of Z-6341.

There were none present wishing to speak.

Comments and Discussion

Mr. Doherty asked staff what the applicant gained from CS zoning that is not covered in CO.

Mr. Gardner and Mr. Stump gave an explanation of what was allowed in the two types of zoning and that the applicant did not have to file a corridor site plan if the area were all zoned CS.

Chairman Parmele mentioned to the applicant that this is the proposed location for the new Lewis Interchange on I-44 when I-44 is widened to six lanes. He advised this is the location for the proposed on and off ramp for east bound traffic.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES** the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, "absent") to **APPROVE** CS zoning on the CO zoned portion of Z-6341

Legal Description

A tract of land in the S/2 SE/4 SE/4, Section 30, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the south line of said Section 30, said point being 660' westerly of the SE/c thereof; thence northerly and parallel to the east line of said Section 30 a distance of 240' to a point on the southerly ROW line of the 51st Street By-Pass; thence westerly along the southerly ROW line of the 51st Street By-Pass a distance of 130.33' to a point; thence southwesterly along the southeasterly ROW line of the 51st Street ByPass a distance of 56.41' to a point; thence southerly and parallel to the east line of said Section 30 a distance of 227.22' to a point on the south line thereof; thence easterly along the south line

of said Section 30 a distance of 185' to the POB, les and except the south 35' for street purposes.

\* \* \* \* \*

Application No.: Z-6342/PUD 477 Present Zoning: RS-1  
Applicant: Dr. Steven A. Berklacy Proposed Zoning: OL  
Location: West of the Northwest Corner of East 71st Street and  
South Birmingham Place  
Date of Hearing: November 20, 1991

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential. According to the Zoning Matrix the requested OL District is not in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 1.2 acres in size and is located west of the northwest corner of S. Birmingham Place and East 71st Street. It is partially wooded, gently sloping, contains a single-family dwelling and is zoned RS-1.

**Surrounding Area Analysis:** The tract is abutted on the north, east and west by single-family dwellings zoned RS-1; and on the south across 71st Street by a church zoned RS-1.

**Zoning and BOA Historical Summary:** A number of rezoning and Board of Adjustment requests have been made to convert this tract to nonresidential uses. All have been denied.

**Conclusion:** Staff cannot support an office use in this location. It is surrounded by RS-1 zoned properties which on the north side of 71st Street are all developed as single-family homes. It is also in conflict with the Comprehensive Plan for this area.

Therefore, Staff recommends **DENIAL** of Z-6342.

**PUD 477** West of the northwest corner of South Birmingham Place and East 71st Street

Since staff cannot support the proposed change in the underlying zoning (Z-6342) and the proposal is contrary to the Comprehensive Plan, staff recommends **DENIAL** OF PUD 477.

Applicant's Comments

Mr. Rick Brazelton, Architect, 1933 South Boston, presented a design of the proposed building and surrounding area. He pointed out the style fits in with the character of the neighborhood.

Dr. Berklacy, the applicant, gave a description of the property and the surrounding properties. He expressed his intention to construct a dental office, for his own private practice, which would be conducive with the neighborhood and landscape and surroundings. Dr. Berklacy gave a detailed description of the proposed building. He noted there would be minimal parking at the back of the structure, approximately 20 spaces, for his staff and patients. Dr. Berklacy expressed his intention to leave approximately 1/3 of an acre at the rear of the property as a greenbelt. He then made a video tape presentation of a tour of his property and depicting other dental and business offices, such as he is proposing, with surrounding residential properties.

Interested Parties

The following list of individuals spoke in opposition of Z-6342 and PUD 477:

Terry Kelley	2538 East 69th Street
Ardis A. Manning	2529 E. 70th Street
Dr. Frank S. Manning	2529 E. 70th Street
Clinton Riggs	2530 E. 70th Street
Ed Hurst	7010 S. Atlanta
Roger Rowe	6791 S. Atlanta
Karen Nally*	6904 S Birmingham Ave.
Mike Schnake*	2530 E. 71st Street East
Mr. & Mrs. James H. Degnan*	7000 S. Atlanta
Eugene Gervind*	2520 E. 70th Street
Charlotte Rowe*	6791 S. Atlanta Ave.
Rand & Judy Philipps*	6914 S. Birmingham
Teb Blackwell*	2528 E. 69th Street

\*Individuals not wishing to speak, but are in opposition of the proposed zoning change and wish to be notified of any future action concerning this property.

The concerns voiced were:

The amount of area which would be covered with structure and parking would increase an already existent water run-off problem.

Integrity and safety of neighborhood.

Drainage impact on nearby creek which provides storm water drainage collection and protection.

Safety and protection of homes surrounding this property.

Increased noise from vehicle activity would subject area residents to additional annoyances.

Increased flooding danger.

Ruining the natural beauty of the ravine that serves as a wildlife refuge.

Proposed parking lot would invite crime.

Does not want a business section dropped into the residential section.

Decrease property values.

Dr. Frank Manning presented a petition of 34 signatures opposing the rezoning of this property.

Mrs. John Berklacy, of 71st Street Homeowners Association, expressed her concern of this property not being utilized in a constructive way. Successful dental offices have been constructed on 51st Street, Lewis, and Peoria in situations such as this and were not detrimental to the neighborhood.

#### Discussion and Comments

There was discussion in regard to the number of proposed parking spaces allowed. The applicant's Outline Development Plan indicates 10,000 SF of structure. Mr. Brazelton declared the applicant would not be interested in this large a structure. The applicant acknowledged he is amending the application to request 5,000 SF of structure and 20 parking spaces.

#### Applicant's Rebuttal

Mr. Brazelton addressed the drainage issue. He pointed out that a commercial development would be no more detrimental to drainage than dividing this lot into 3 residential developments, which could be done under current zoning, and would probably cover up less of the area. Mr. Brazelton feels the proposed development of this property exceeds all PUD requirements.

In response to a question from Mr. Doherty Mr. Brazelton replied on-site detention would be located in the green belt area. There was a lengthy discussion as to location and construction of on-site detention and meeting Stormwater Management's requirements.

Dr. Berklacy expressed his desire to construct a dental office at this location. He went on to describe what his practice would contain in the 5,000 SF structure. Dr. Berklacy addressed concerns of the additional parking lot. He advised parking would be required for approximately 4 employees and 4 patients. Dr. Berklacy declared his intent of leaving the ravine area as it is. He stated that if there is a Stormwater Management problem he agrees that it should be addressed. He advised his office hours would be 8:00 a.m. to 5:00 p.m. thereby not producing excessive noise to residents during evening hours. He also noted that there would be security lights. Dr. Berklacy pointed out this would not be typical commercial style usage of the property. He declared it

is not his intention to construct a dental facility, but a one dentist office where he alone will practice. Dr. Berklacy expressed his long term commitment to Tulsa and willingness to work with the neighbors in addressing their concerns and do what is required to make this proposal work for all concerned.

Chairman Parmele asked Dr. Berklacy if it was imperative to have 5,000 SF of floor space.

Dr. Berklacy replied it was not. He stressed the proposed drawing is to express architectural style. Dr. Berklacy expressed willingness to meet any particulars regarding size, fencing, etc. to be agreeable with all concerned. He noted that regardless of today's outcome the vacant house that currently occupies the property will be removed.

#### Review Session

Mr. Carnes addressed interested parties and pointed out that this is a perfect example of when a PUD should be used. He pointed out the PUD would maintain the wildlife areas.

Chairman Parmele stated this appears to be a quality PUD and there may be a way to impose enough controls and restrictions on the property that it may be an attribute to the neighborhood. He expressed his opinion that this site is unlikely to redevelop for single-family development considering its location.

Mr. Doherty stated that given 71st Street was going to be a 6 lane primary arterial, he holds out no hope that any builder will build a house at this location or that any financing institution would finance it. He expressed that should sufficient conditions and restrictions are imposed we might come up with a development that will be of minimal impact. He added that he would consider, for discussion sake restrictions on square footage. If it were to be limited to 2,500 footprint and restrict second floor to 1,500 this would be a 4,000 square foot office and this would require only 16 parking spaces. This cuts impervious surface down. Once on-site detention is put in the downstream residents may witness less run off. Hours of operation would be a reasonable restriction, 7:00 a.m. to 6:00 p.m., for purposes of discussion. Restricting to one practicing dentist would also be appropriate. Mr. Doherty expressed concern that this opens up, further east, some non residential use.

In response to a question from Mr. Doherty, Mr. Linker cautioned this can always be used as precedent in other locations where there is a similar situation.

Ms. Wilson stated she does not feel that in putting an office in here that will be compatible with surrounding zoning. It is in no way similar to an RS-3 area where occasionally the Planning Commission allows office zoning. She does not feel it would be good zoning or good planning to push this type of zoning in the

middle of an all RS-1 zoned area. She voiced support of staff's recommendation for denial.

Chairman Parmele stated in regard to the PUD he believes with enough restrictions on the site plan, landscape, buffering, screening, review of architectural facade, this might be a good solution for the neighborhood and this particular piece of property.

Chairman Parmele advised that he would be voting against denial because he feels this is an opportunity to use an innovative land development to come up with a solution for the tract of land to provide a use for it and also to give some protection to the neighborhood.

**TMAPC Action; 6 members present:**

On MOTION of WOODARD the TMAPC voted 3-3-0 (Neely, Wilson, Woodard, "aye"; Carnes, Doherty, Parmele "nays"; no "abstentions"; Ballard, Draughon, Harris, Horner, Midget "absent") to DENY OL zoning of Z-6342 and to DENY PUD 477.

Motion failed; therefore, the application is transmitted to the City Council with no recommendation.

**Legal Description**

A tract of land beginning at the SE/c of the SE/4 SW/4 SW/4 Section 5, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma according to the U.S. Government Survey thereof; thence north on the east boundary of said SW/4 SW/4 396' to a point; thence west 150.58' to a point; thence south 396' to a point on the south boundary of said Section 5 thence east 150.65' to the POB, except public roadway easement.

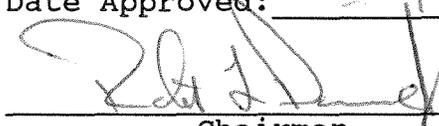
Mr. Doherty cautioned that if this is sent forward without recommendation the Planning Commission is losing any chance they have of shaping the PUD, should the City Council approve it.

Chairman Parmele stated that if this is forwarded to the City Council with no recommendation they can choose to deny the application or they can approve it or they can refer it back to the Planning Commission for conditions.

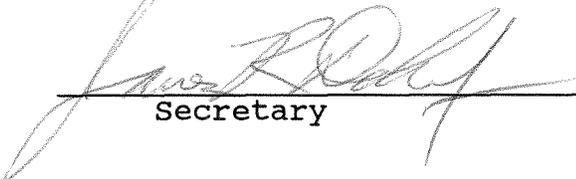
The consensus of the Planning Commission was that should the City Council approve this request that it be referred back to the Planning Commission for conditions.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 3:45 p.m.

Date Approved: 5-4-91  
  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary