

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1897
Wednesday, August 26, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Buerge	Gardner	Jackere, Legal
Broussard	Selph	Hester	Counsel
Secretary		Stump	Linker, Legal
Carnes			Counsel
Doherty, Chairman			
Horner			
Midget, Mayor's			
Designee			
Neely			
Parmele, 1st Vice			
Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, August 25, 1992 at 1:11 p.m., as well as in the Reception Area of the INCOG offices.

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

REPORTS:

Chairman's Report

Chairman Doherty reported, as the District 2 liaison, having met with the Brady Heights Neighborhood, with staff, to discuss blanket zoning.

ZONING PUBLIC HEARING

Application No.:	Z-6367	Present Zoning:	AG
Applicant:	David V. Dopp	Proposed Zoning:	OL
Location:	East of the Southeast Corner of East 91st Street South and South Harvard Avenue		
Date of Hearing:	August 26, 1992		

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 -- no specific land use.

According to the Zoning Matrix the requested OL District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2.8 acres in size and is located east of the southeast corner of East 91st Street South and South Harvard Avenue. It is partially wooded, flat, contains a structure and is part of an existing cemetery and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by an elementary school zoned AG, on the east, west, and south by a cemetery zoned AG.

Zoning and BOA Historical Summary: The Board of Adjustment approved cemetery use for the existing portion and future expansion in 1980.

Conclusion:

Based on the Comprehensive Plan and existing development in the area, staff is supportive of the requested OL zoning and the proposed funeral home.

Therefore, Staff recommends **APPROVAL** of OL zoning for Z-6367 as requested.

TMAPC Comments

There was discussion as to boundaries of the proposed project and it was noted the project is contained within the cemetery and not on the property's boundary.

There were no interested parties present.

TMAPC Action; 8 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Selph "absent") to recommend **APPROVAL** of OL zoning for Z-6367.

LEGAL DESCRIPTION

A tract of land that is part of the NW/4 of Section 21, T-18-N, R-13-E, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the Northwest corner of the NW/4 of said Section 21,; thence S 89°49'50" E along the Northerly line of Section 21 for 996.82' to the "Point of Beginning" of said tract of land, thence continuing S 89°49'50" E along the Northerly line of Section 21 for 258.09'; thence S 00°10'10" W for 326.00'; thence S 71°40'03" W for 378.59'; thence N 04°07'14" E for 127.66' to a point of curve; thence Northerly and Northeasterly along a curve to the right with a central angle of 29°56'25" and a radius of 550.00' for 287.41'; thence N 00°10'10" E for 50.00' to the "Point of Beginning" of said tract of land containing 2.7962 acres.

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ZONING PUBLIC HEARING

Application No.: PUD 493
Applicant: Charles Norman
Location: 1957 East 41st Street South
Date of Hearing: August 26, 1992
Presentation to TMAPC: Charles Norman

Present Zoning: RS-1
Proposed Zoning: RS-1/PUD

The applicant is proposing a private street subdivision on a seven acre tract zoned RS-1. The subject tract contains an existing dwelling which is proposed to be retained. Also the site is heavily treed and the PUD is designed to preserve as many trees as possible while providing eight new home sites. Access to the private street will be controlled by electronic gates and construction of a 6' high stone wall along the 41st Street frontage. Minimum lot size is proposed to be 22,500 SF which is significantly larger than the existing RS-1 zoning requires and would meet the RE district requirements.

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 493 to be: (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, Staff recommends **APPROVAL** of PUD 493 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:**

Land Area (Gross):	312,056 SF
Permitted Uses:	Use Unit 6 and customary accessory uses.
Maximum Number of Dwelling Units:	9
Minimum Lot Size:	22,500 SF
Maximum Building Height:	35 SF
Minimum Livability Space per Lot	12,000 SF

Minimum Required Yards

Front*:	25'
Side:	10'
Rear**:	25'
From Centerline of 41st Street:	85'

Minimum off-street parking per dwelling unit: 4

*Measured from the private street easement.

**Rear yard for existing dwelling is 20'.

3. The Department of Public Works 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.
4. 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.
5. All private roadways shall be a minimum of 20' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb or edge-to-edge of paving if center drained streets area used. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent. The minimum street right-of-way width shall be 24'.
6. No Building Permit shall be issued until the requirements of Section 1107E 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.
7. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.
8. Minimum required yards may be modified by TMAPC as a minor amendment.

Applicant's Comments

Mr. Charles Norman, attorney representing the applicants, gave a detailed description of the property, noting that it is isolated from surrounding properties in that there are no streets stubbed out to it except for a private street immediately to the west. He reiterated the intent of the developer to preserve as many trees as possible. Mr. Norman advised the developer is proposing a private street, which has been approved by TAC with their recommendation of

the 20' width, and approved by the Fire Department with several technical changes for modification of the plat. Mr. Norman described special considerations taken into account in constructing the road to avoid having to remove trees on the property. Mr. Norman addressed the drainage requirements in association with the property development. He conveyed concerns residents expressed in meetings with them and explained in detail the proposed detention facility to be constructed.

Mr. Norman noted that TAC required that, should a gatehouse be installed, there are plans for an automatic barrier with a card access into the property, and that it be placed 30' north of the new property line. The developer will then be required to dedicate an additional 22' from the present curb and the applicant's proposal is to have a small gatehouse, about which Traffic Engineering expressed concerns regarding stacking distance for cars turning from 41st Street. Mr. Norman noted that there is a 48" oak tree at this location, and if required to move the small entryway as far north as suggested by TAC, the oak tree would need to be removed. He noted that it could be moved 15' north which would provide a stacking area of over 25' from the existing curb plus the 15' being proposed. Mr. Norman asked that this requirement be modified. The second issue is a statement by the Director of Public Works that in the future, any trees within right-of-way dedicated to the public as part of the plat process will have to be removed by the developer. Mr. Norman noted there is a 50' oak by the curb on 41st Street and other major trees within that proposed right-of-way that would have to be removed immediately under the statement found in the minutes of the TAC. Mr. Norman asked that this be deleted so all trees within the city right-of-way can remain until and unless there is some reason to widen what is already a four-lane street. Mr. Norman noted that 41st Street carries a very low-level of traffic from Lewis to Peoria and is unlikely to be widened beyond its present 4-lanes.

There was much discussion among the Planning Commissioners over moving the gatehouse north of the oak tree and the amount of stacking distance needed.

Interested Parties

David Page

2210 E 39th Street 74105

Mr. Page, property owner on the northwest corner of the project, expressed approval of the project; however, he voiced concerns over increased stormwater run-off to the north and northwest. Mr. Page urged consideration of the drainage issue as the PUD is developed so no additional stormwater will be diverted to the northwest corner. In response to a question from Mr. Doherty, Mr. Page advised that at present he has no flooding problem, but with a heavy rain there is flow which collects in a pool area that captures rainwater and drains into the street.

Ms. Wilson urged Mr. Page to contact Jack Page, Stormwater Management, to keep abreast of what will be done in the area to meet stormwater requirements.

Mr. Page voiced concern over rear yard setbacks. He proposed the rear yard for Lot 6 be along the west and north sides.

Mr. Jackere advised that there is only one rear yard, the yard furthest from and most parallel to the street. He noted the designation of rear yard may come from the owner's choice of where the front yard is going to be and how the house will be situated.

Mr. Stump suggested requiring a minimum yard of 25' on the east, west, and north sides of the PUD.

Mr. Page addressed screening and fencing. He noted that currently fencing around the property is a split rail. Mr. Page requested a restriction be placed on the PUD to make the screening as compatible as possible with the current use of the property, as little screening as possible to preserve the open character of the property.

R. Kip Leikam

2034 E. 38th Street 74105

Mr. Leikem's property adjoins the proposed project to the west, Lot 6 of Royal Oak Heights, and expressed his excitement over the proposed project. Mr. Leikem also expressed concerns over stormwater runoff.

Bill Grimm

4008 S Yorktown 74137

Mr. Grimm, owner of Lot 4, Blk. 1, Yorktown Estates, also voiced concern over drainage and advised that the existing detention facility is inadequate. He cited instances where the unrestricted flow of water into the detention facility has overflowed at least three times. Mr. Grimm expressed support of the project and wants to ensure it is completed as proposed so that stormwater will be taken off Yorktown Estates properties.

Applicant Rebuttal

Mr. Norman declared that the applicant will work with the interested parties through Stormwater Management. Mr. Norman advised that he had no objections to a 25' perimeter setback on all sides except 41st Street. As to internal screening, Mr. Norman advised that with this type of project and the quality it represents, it will not create an incompatible situation and reaffirmed that the developer wishes to preserve all the trees to the north and west corners. Ultimately the screening decision and internal design rests largely with the purchasers of the lot and the developer will do as much as possible to make certain that those are compatible, but there is no specific design for the internal screening as yet.

TMAPC Review Session

It was the consensus of the Planning Commission to not impose any requirement as to screening and allow the homeowner to erect screening within the code as he sees fit. The Planning Commission also concurred with Mr. Norman's suggestion of a 25' setback on the east, west, and north portion of the PUD for perimeter setback, excluding the 41st Street frontage. The drainage will be taken care of under separate process through Stormwater Management. The Planning Commission agreed with staff recommendation except for the TAC recommendation referring to removal of trees within the right-of-way. The Planning Commission wished to omit the TAC recommendation and supported the reduction of the gatehouse setback from 30' to 15'.

Ms. Wilson voiced concern over changing TAC's recommendation from 30' to 15'. Ms. Wilson expressed concern over sufficient stacking accessing 41st Street.

Mr. Stump advised that with the low number of houses, except for special occasions, it is not perceived that there would be the frequency of traffic to require a great deal of stacking. However, he noted it would be safer to have a larger stacking distance.

Chairman Doherty advised it is common practice, in developments of this nature, for the gate to remain open during special occasions.

Ms. Wilson expressed concern over servicing the homes such as when trucks may be needed for landscaping, etc., totally filling up that 15' with perhaps one vehicle and others sitting on 41st Street waiting access. Ms. Wilson feels the logic of having a larger area is to keep 41st Street a public street.

Mr. Parmele noted that an additional 15' is only one small car. He was more concerned over where the gatehouse will be located and saving the existing large trees.

Ms. Wilson moved to amend the motion to approve PUD 493 to require the additional 15' of setback as recommended by TAC, seconded by Mr. Midget.

Mr. Midget urged the applicant to consider a design to meet the spirit of TAC's concern.

Extensive discussion ensued over relocation of the gate.

Mr. Norman noted that 30' would make it difficult to preserve that tree. Mr. Norman suggested approving the gatehouse at 15' and the gate barrier at a greater distance that might be possible to design, or return to the Planning Commission should that not work.

Ms. Wilson expressed agreement with the gatehouse being set at 15' and the gate barrier at 30'.

Chairman Doherty added that, should that design not be workable, the applicant would then be allowed, by minor amendment, to move the gate forward.

Ms. Wilson expressed agreement and withdrew her motion to amend.

Mr. Parmele amended his original motion to reflect the above-listed changes.

Chairman Doherty reiterated the Planning Commission is asking the developer to work in good faith to set the gate as far back to give the most stacking distance possible and if not possible to do at 30', by minor amendment the Planning Commission will move it back out.

TMAPC Action; 8 members present:

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Selph "absent") to recommend APPROVAL of PUD 493 per the staff recommendation with the following amendments.

1. Eliminate the TAC recommendation for removal of trees within right-of-way of 41st Street.
2. Provide a 25' minimum building setback on the perimeter excluding the 41st Street frontage.
3. The minimum setback of the gatehouse shall be 65' and the gate at 80' from the centerline of 41st Street with the ability by minor amendment to move the gate closer to 41st Street should the design not work.

Legal Description

Lots 3, 4, and 5, Royal Oak Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded Plat thereof.

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ZONING PUBLIC HEARING

Application No.:	Z-6368/PUD 494	Present Zoning:	AG
Applicant:	Hammond Engineering	Proposed Zoning:	RS-2/PUD
Location:	North side of 11th Street S. at Fulton Avenue		
Date of Hearing:	August 26, 1992		
Presentation to TMAPC:	Roy Johnsen		

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 -- Sump Area.

According to the Comprehensive Plan the requested RS-2 District may be found in accordance with the Plan Map with an accompanying PUD.

Staff Recommendation:

Site Analysis: The subject tract is approximately 40 acres in size and is located on the north side of 111th Street South at Fulton Avenue. It is partially wooded, flat, contains a single-family dwelling and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by single-family lots and vacant land zoned RS-1 and AG; on the east by vacant land zoned AG; on the south across 111th Street by single-family dwelling zoned RS-1; and on the west by vacant land zoned RS-1 and PUD 447.

Zoning and BOA Historical Summary: Only RS-1 zoning has been approved adjacent to the subject tract. However, immediately west of this tract a PUD was approved for similar lot sizes as proposed by this tract's accompanying PUD.

Conclusion:

RS-2 zoning with the accompanying PUD will produce a development density similar to that which has been approved immediately west of the subject tract.

Therefore, Staff recommends **APPROVAL** of RS-2 with accompanying PUD 494.

and

STAFF RECOMMENDATION

PUD 494 North side of 111th Street South and Fulton Avenue

The applicant is proposing a standard single-family subdivision with a minimum lot width of 75'. The PUD application is also accompanied by a rezoning request (Z-6368) from AG to RS-2. Minimum side yards would be 6'.

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 494 to be: (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, Staff recommends **APPROVAL** of PUD 494 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:**

Land Area (Gross)	41.73 acres
(Net)	40.21 acres
Permitted Use:	Use Unit 6 and customary accessory uses.
Maximum Number of Dwelling Units	125
Minimum Lot Area	9,400 SF
Minimum Lot Width	75'
Minimum Yards	
Front	30'*
Other yards abutting a street	
Abutting an arterial street	35'
Abutting a residential collector	20'
Abutting other residential streets*	15'
Side (interior)	6'
Rear (not abutting a street)	25'

*Yards providing access to a garage shall be at least 20'.

Customary detached accessory building
minimum setback from lot lines**

Minimum Livability Space 5,000 SF

**Allowed only in the rear or side yards.

3. All attached garages built on corner lots shall be accessed from minor residential streets.

No lots abutting 111th Street shall have direct access to that street.
4. All corner lots shall have a minimum lot width of 85'.
5. The Department of Public Works 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.
6. 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.
7. No Building Permit shall be issued until the requirements of Section 1107E 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.

8. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Applicant's Comments

Mr. Johnsen expressed agreement with staff recommendation.

Staff Comments

Mr. Gardner informed the Planning Commission there is a 60' collector street beginning on East 111th Street South, turning east and then north to 109th Street where it goes to 50'. It does not stub out as a 60' collector. Mr. Gardner noted that subdivision regulations require that collector be stubbed. Staff is recommending this layout since it is consistent with Planning Commission action and with the subdivision regulations amendment being revised. However, Staff is not advocating fronting houses on 60' collectors, but since they are fronting those houses on the east side of this street, they have come in with the 60' right-of-way, 36' pavement.

Mr. Johnsen pointed out this street pattern was agreed upon by staff, the applicant, and TAC.

There were no interested parties present.

TMAPC Action; 8 members present:

On MOTION of WILSON, the TMAPC voted 7-1-0 (Ballard, Broussard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; Neely "nay"; no "abstentions"; Buerge, Midget, Selph "absent") to recommend APPROVAL of RS-2 zoning for Z-6368 and APPROVAL of PUD 494 as recommended by staff.

Legal Description Z-6368 and PUD 494

The Southeast Quarter of the Southwest Quarter of Section 27, Township 18 North, Range 13 East.

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SUBDIVISIONS

WAIVER REQUEST; Section 213: or Section 260:

Brookside Storage (PUD-491)(2493) (PD-6)(CD-9)
3902 South Peoria Avenue

(CH, RS-3)

This PUD covers Lots 1 & 2 and 7-12, Block 1 of the AMENDED Plat for Roberts Subdivision and includes uses for a mini-storage and single-family residences. The residential uses are on Lots 7 & 8.

The original plat (#1260 filed 5/17/46) shows a 12" HP gas line running diagonally through the property. Staff called this to the applicant's attention and also referred same to ONG for further information. If this line has been abandoned, proof should be provided to the Planning Commission and TAC that supports this information.

There also may be some changes in the layout by moving the mini-storage buildings outward to use the walls for fencing with landscaping outside. This was not available at the time of writing this review.

Since the property is already platted, applicant will probably ask for a plat waiver. Staff has no objection to a waiver, but a formal application should be made with the changes in site plan included. The customary requirements on a plat waiver would include:

1. Grading and drainage plan approval through the permit process, including storm water detention and/or fees. (Fee may be paid in lieu of detention).
2. Access control agreements, subject to the approval by the Department of Public Works (Traffic).
3. Utility easements and/or extensions if needed, including provisions for fire hydrants, if required.
4. Documentation of abandonment of gas line and right-of-way.
5. PUD documentation to be filed by separate instrument.
6. Dedicate an additional 5' of right-of-way on 39th Street to provide 25' from centerline in accordance with Street Plan.

The applicant was not represented. A formal application for waiver of plat will be necessary.

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STAFF UP-DATE:

Applicant has made a formal application for waiver of plat as recommended above by TAC. The above 6 conditions apply. Map/drawings are elsewhere in the agenda with a minor amendment to the PUD. 8/21/92

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Selph "absent") to APPROVE the Waiver Request for Brookside Storage (PUD 491) as subject to the conditions as recommended by staff.

* * * * *

PUD 491-1 Minor Amendment to transfer floor area and reduce setbacks - Southwest corner of East 39th Street South and South Peoria Avenue

The applicant is requesting to reallocate the mini-storage building floor area in Development Area C to Area A or A and B. Staff can support this request if it is understood that any non-residential use in Area C must still be screened from the residents to the north as originally provided in the PUD. Therefore Staff recommends APPROVAL of the reallocation of all of the floor area in Area C to Areas A and B as follows:

Maximum Building Floor Area	
Areas A and B	19,285 SF
Area C	0

The applicant is also requesting to reduce the building setback along Owasso Avenue by 2', from 10' to 8'. Staff feels the 10' setback is a minimum and should not be reduced.

TMAPC Discussion

Chairman Doherty noted the agenda indicates this item is a minor amendment to transfer building floor area and the posted agenda item makes no mention of setback. He asked legal counsel if the Planning Commission could consider an amendment to the setback since it was not posted.

Mr. Linker advised that they could not.

Mr. Stump disclosed the planning staff tends to mention the most prominent change of a multifaceted minor amendment. He advised that notice was sent out to property owners within 300' of this

Mr. Brogren noted that he does not want this house to have a 0' lot line next to his home.

Mr. Stump reported there must be 10' of spacing between buildings. The applicant has a 5' easement on the south side of his lot. The house to the north is within 5' of the property line, so in order to have 10', there must be at least a 5' setback there. In effect, under current conditions, the applicant must have one side yard 7', and without a waiver it will make the proposed structure 33' rather than 35' wide.

Applicant's Comments

David Barnes

7512 East 89th Place

Mr. Barnes advised that he has maintained the spirit of the original PUD requirement to maintain the 10' spacing between structures. Mr. Barnes noted that Mr. Brogren's house is 5' off the property line so the zero line then has to move 5' off into his lot line. Mr. Barnes noted that there is a 5' utility easement on that side and a 10' utility easement on the north side of the lot to the south. If the 5' utility easement were not on the subject lot, the applicant could go to the 0' yard and stay 7' off the north side.

Ms. Wilson asked the amount of square footage the house would have.

Mr. Barnes advised if the entire available space could be utilized, noting there is a 17 1/2' easement on the rear of the lot, and the front setback is 18', that gives a footprint of 2,128 SF. After a garage that would leave 1,728 SF. The covenant requires a minimum of 1,700 SF. Mr. Barnes added the house to the south of the property is approximately this same size. Mr. Barnes acknowledged there are other homes in the area that are much larger, and he feels residents are concerned about the possibility of a smaller home in the neighborhood affecting them in an adverse way.

Interested Parties

Steve Tollette

9215 South Erie 74137

Mr. Tollette advised the notice received was to amend side yards and he does not believe that to be the issue. Mr. Tollette reported the PUD requires a minimum 5' setback per yard on each side. Mr. Tollette feels the applicant is asking for a changing of the easement, not a setback line.

Mr. Tollette advised the Certificate of Dedication requires that any amendment to the setbacks requires 3/4 of the homeowners' approval in addition to Planning Commission approval.

Mr. Linker advised that Mr. Tollette is referring to a PUD covenant. He pointed out that an easement cannot be changed.

Mr. Gardner noted that the applicant can at present construct a home of only 33' width. The applicant would like to build it 35' wide. He must maintain 10' between structures and one yard is 7' and one yard is 0', but he must also maintain 10' between

structures. In order to maintain 10' between structures he must have a 7' yard on the south side and a 5' yard on the north, which means a 33' wide structure. The applicant can construct a 33' wide house on this lot without any relief.

Chairman Doherty explained the issue is do the residents want a 33' or 35' house on the lot.

Mr. Tollette questioned whether all the procedures been followed correctly as set out in the PUD.

Chairman Doherty advised that Staff and Legal Counsel have advised that all procedures have been correctly followed.

Mr. Linker advised the next step is to acquire the proper signatures and if the applicant is unable to obtain those signatures, then it doesn't matter what the PUD amendment is.

Mr. Tollette voiced concern over setting a precedent which will make it easier for changes to be made without interested parties' input. Mr. Tollette expressed opposition to any change in the Certificate of Dedication without proper procedure.

Mr. Gardner explained this did not affect any other lot in the subdivision, only this lot.

Mr. Tollette advised that he would prefer a 35' house on this lot.

Jennifer McCafferty

9213 S Hudson 74137

Ms. McCafferty lives on the south side of the lot in question and voiced opposition to the 35' house. Ms. McCafferty expressed concern that any house built on the narrow lot will not be compatible with neighborhood standards.

Dan Brogren

Mr. Brogren expressed concern over the size of home which could be built on the lot.

David Leger

9207 S Erie 74137

Mr. Leger advised the PUD he reviewed indicated a minimum setback of front yards to be 18', side yards 5', and the rear yard 17'.

After review of the document presented, Mr. Gardner advised Staff is unsure if the document is official, since there are no signatures on it. Staff did not find any minor amendment during initial research. Mr. Gardner advised this may be an agreement residents executed with the developer, but without a record of Planning Commission approval of such a document, then it is worthless.

Mr. Leger voiced concern over setting precedent which may allow additional changes to the covenants, deeds, or restrictions of all kind that would allow for substandard homes to be built on the remaining 43 undeveloped lots.

Chairman Doherty explained the Planning Commission is not setting precedents and will not alter covenants.

Chairman Doherty advised the original PUD 350 provided, in the terms of side yards only, that one side yard could be as little as 0' and the other must be as little as 7' as long as there is 10' between dwellings. There have been subsequent amendments to the PUD, but none of them altered this condition.

Mr. Gardner advised that staff was not able to locate such an amendment, but will research it further, and if it has already been approved the by the Planning Commission and by the Homeowners Association, then there is nothing to deter the applicant from constructing a house.

Chairman Doherty suggested taking action on the applicant's request and should subsequent amendments be found that allow this, then this motion will be moot.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Selph "absent") to APPROVE Minor Amendment PUD 350-5.

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PUD 481-2 Northeast corner of East 71st Street South and the Mingo Valley Expressway

The applicant is requesting that the Best Buy Store be allowed to occupy their building prior to completing the installation of landscaping on Lot 3, Block 1 of Mingo Marketplace. Staff recommends APPROVAL of the minor amendment with the condition that no other buildings in Lot 3 be issued occupancy permits prior to completing installation of landscaping.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Selph "absent") to APPROVE Minor Amendment PUD 481-2.

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PUD 179 C-11: Minor Amendment To Increase Permitted Display Surface Area for Wall Signs -- Lot 2, Block 1, El Paseo -- 7201 S. Memorial Drive

At their August 25, 1992 meeting the Board of Adjustment **denied** the companion request #16107 for a variance of the PUD Chapter sign limitations, therefore the requested minor amendment cannot be approved by TMAPC.

Chairman Doherty struck this item from the agenda.

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PUD 481 Detail Sign Plan for Best Buy Store in Lot 3, Block 1 Mingo Market Place

Staff has reviewed the proposed wall signs for the Best Buy Store and find them to be in conformance with the PUD standards. Therefore, staff recommends **APPROVAL** of the Detail Sign Plan for Best Buy.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Selph "absent") to **APPROVE** The Detail Sign Plan for Best Buy in Lot 3, Blk. 1, of PUD 481.

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PUD 384-A Detail Site and Landscape Plans for mini-storage -- east of the southeast corner 71st Street South and Elwood Avenue

Detail Site Plan

The applicant is requesting approval of a mini-storage development on the east 200' of PUD 384-A. It will contain 58,373 SF of building floor area. Staff has reviewed the site plan and finds it to be in conformance with the PUD standards.

Therefore, Staff recommends **APPROVAL** of the Detail Site Plan for the east 200' of PUD 384.

NOTE: A wall sign is shown on the manager's quarters which exceeds the signage permitted in the PUD. Since Detail Sign Plan approval was not requested, staff's

recommendation for approval does not include any sign shown.

Detail Landscape Plan

The landscape plan is also for the mini-storage development. The tract contains 17,874 SF of landscaped open space or 12.6% of the tract. Generally, the proposal complies with the PUD standards with the exception that no landscape materials are shown on the south 15' of the tract.

Staff recommends **APPROVAL** of the Landscape Plan contingent upon the south 15' of the tract being planted with Bradford Pear trees at the same spacing as on the west side of the tract.

Applicant's Comments

The applicant questioned the need to plant trees on the south side of the development since it faces the City of Tulsa sludge beds.

Chairman Doherty questioned the public purpose served by requiring trees on the south side.

Mr. Stump advised the area to the south is treed at present; however, development at a later date would be the only reason for needing trees in the future.

The applicant advised that he anticipates no future development so near the sludge pond. He commented that Bradford pear trees do not have a long life span and anticipates they would be dead and gone before any development takes place.

Ms. Wilson asked staff if there was discussion about the need for landscaping when the PUD was first developed.

Mr. Stump stated that the PUD specifically requires a 15' landscaped area on the south and west sides.

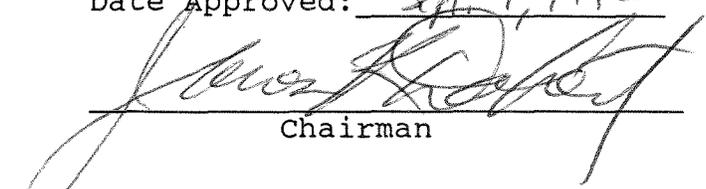
TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Selph "absent") to **APPROVE** the Detail Site Plan as per staff recommendation and to **APPROVE** the Detail Landscape Plan as submitted by applicant with no plantings on the south side of the development.

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There being no further business, the Chairman declared the meeting adjourned at 3:17 p.m.

Date Approved: Sept 9, 1992



Chairman

ATTEST:



Secretary