

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 1978

Wednesday, June 8, 1994, 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, 2nd Vice Chairman	Ballard	Gardner	Linker
Doherty	Broussard	Hester	Legal Counsel
Horner	Harris	Jones	
Midget, Mayor's Designee	Wilson	Stump	
Neely, 1st Vice Chairman			
Pace			
Parmele Chairman			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, June 7, 1994 at 1:01 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 1:35 p.m.

**Minutes:**

Approval of the minutes of May 25, 1994, Meeting No. 1976:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** the minutes of the meeting of May 25, 1994 Meeting No. 1976.

\*\*\*\*\*

**REPORTS:**

Director's Report:

Mr. Gardner reminded the Planning Commission of regularly scheduled work sessions scheduled for Wednesday June 15, after the regularly scheduled Planning Commission meeting.

**COMPREHENSIVE PLAN PUBLIC HEARING:**

Tulsa Development Authority - Resolution finding the Kendall-Whittier Redevelopment Plan (maps & text) in accord with the Kendall-Whittier Neighborhood Master Plan, the University of Tulsa Master Plan and the District 4 Plan, all parts of the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Comments

Ms. Matthews explained that this is a redevelopment area plan which has been in progress approximately one year and is a plan from Tulsa Development Authority (TDA). She reminded the Planning Commission that their role is to certify whether or not it is in accord with the Comprehensive Plan. Ms. Matthews informed that Staff has actively participated in the development of the Plan and finds it to be in accord with the Comprehensive Plan.

**Brenda Miller, TDA**

Ms. Miller explained changes made to the acquisition map from the last presentation, one is a property which was omitted and the other change is to acquire an entire property owned by the Islamic Society rather than in portions as previously presented.

Interested Parties

**Robert Edmiston**

**111 West 5th Street #300 74103**

Mr. Edmiston, representative of the Kendall Neighborhood Homeowners and Tenant Association, distributed proposed amendments to the Plan. He pointed out a scrivener's error in the legal description referring to *West* Fifth Place rather than *East* Fifth Place. A copy of the requested changes to the amendments are attached to the end of these minutes. Mr. Edmiston urged that before the Plan is approved, all agreements, commitments and contracts be finalized.

The below-listed individuals urged the Planning Commission to not approve the Plan until all agreements, etc., are finalized.

**Captola Thomas**

**3016 East 2nd Street 74104**

Co-Chair of the Kendall Homeowners

**W.F. Cary**

**1147 South Evanston Avenue 74104**

**Bruce Blake**

**2723 East 10th Street 74104**

Mr. Blake presented photographs of his house depicting a well-maintained home. He questioned why his home was included in the acquisition area.

**Dr. Sandra K. Rana**

**2526 West 68th Place 74132**

Dr. Rana, representative for the Islamic Society of Tulsa, 431 South Birmingham, informed that the Society had urged that their property be considered as one unit since it is utilized as one unit. She informed that it has now been agreed that the properties be considered as one parcel for acquisition. Dr. Rana expressed her appreciation to TDA for doing so.

**Charles Norman**

**2900 Mid Continent Tower 74103**

Mr. Norman, Chairman of the Board of Trustees of the University of Tulsa, requested that the Planning Commission find the proposed Urban Renewal Project Plan in accord for District 4 and with the University of Tulsa Master Plan and Kendall-Whittier Neighborhood Plan as recommended by Staff. He informed of working with the Kendall-Whittier Neighborhood and various public agencies involved in the process and believes this to be a major step in the revitalization of this part of the City.

TMAPC Review

Mr. Carnes reported that the Comprehensive Plan Committee met June 1, although a quorum was not present, and received input regarding this redevelopment Plan.

Chairman Parmele instructed that the scrivener's error in the legal description be corrected.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **FIND** the Kendall-Whittier Redevelopment Plan in accord with the Kendall-Whittier Neighborhood Master Plan, the University of Tulsa Master Plan and the District 4 Plan, all parts of the Comprehensive Plan for the Tulsa Metropolitan Area, as recommended by Staff.

\* \* \* \* \*

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

**Helmerich Estates (PUD-511)(1893)** (PD-6)(CD-9)  
East of the northeast corner of East 31st Street South and South Peoria Avenue

Jones presented the plat with Adrian Smith and Charles Norman in attendance at the TAC meeting.

Herbert stated that the drainage easement should be designated as a Reserve Area and dedicated to the City.

French noted that a waiver of the Subdivision Regulations would be required for the proposed 40' dedication on East 31st Street South.

French also noted that "LNA" should be along East 31st Street South.

Pierce stated that provisions for overhead pole lines should be made along the north and west sides of the property.

Herbert noted that the City has future drainage plans that involve the area but are not finalized.

French pointed out that the street running along the north side of the property from Rockford was not improved and the right-of-way did not exist.

Helmerich Estates is a five-lot (with reserve area), residential single-family subdivision which contains 10 acres. The PUD is scheduled to be heard before the TMAPC on May 4th and the plat will not be transmitted until the ordinance has been published.

Staff would offer the following comments and/or recommendations:

1. All conditions of PUD-511 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. 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.

3. Water and sanitary sewer 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.
4. 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).
5. 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.
6. 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.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering).
11. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
12. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
13. It is recommended that the developer coordinate with the Department of Public Works (Traffic) 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.)
14. 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.
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.
18. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.

19. The Zoning Application PUD-511 shall be approved and the ordinance or resolution therefore published before the Preliminary Plat is forwarded to the TMAPC. Plat shall conform to the applicable zoning approved.
20. 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.
21. All (other) Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **HELMERICH ESTATES** and **DENIAL** of the **WAIVER OF SUBDIVISION REGULATIONS**.

Staff Comments

Mr. Jones displayed a map depicting a cul-de-sac more than 500' in length. He informed that the TAC did not address this issue since it is a private street within a PUD. Regarding the dedication of 40' of right-of-way rather than the required 50' on East 31st Street South, Mr. Jones noted that the abutting subdivision, Glade Brook II Amended, has a full 50' of dedication. He noted that the entire mile on the north side of the street is the only area with 50' of dedication. The TAC deemed that this sets a precedent, and the subject tract is a 10 acre tract with sufficient room to dedicate the additional 10'; therefore, they recommended denial of the waiver of Subdivision Regulations.

There was discussion among the Planning Commission of the need for the additional 10' of right-of-way, and it was their consensus that the street will never be widened.

Applicant's Comments

Charles Norman, attorney representing the applicant, informed that the subject street was never opened. He noted that the PUD specifies no access to 31st Street except for emergency and maintenance services.

There was discussion among the Planning Commission over emergency access and its location.

Regarding right-of-way, Mr. Norman informed that this property currently has 24.75' of right-of-way, and from Riverside Drive to Lewis, there are only two places which have 50' of right-of-way, with the remainder having 40' or less.

There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** the **PRELIMINARY PLAT** of Helmerich Estates and **APPROVAL** of the **WAIVER** of Subdivision Regulations regarding right-of-way to 40' and the condition that emergency access be shown on the final plat and subject to conditions recommended by Staff.

\*\*\*\*\*

**PLAT WAIVER REQUEST: SECTION 213:**

**PUD-508 (Woodward Park) (793)**

**(PD-6)(CD-4)**

Northwest corner of East 21st Street South and South Yorktown Avenue.

Jones presented the request and informed the TAC that this was both a Plat Waiver and PUD Review at the TAC meeting. Charles Norman was in attendance representing the request.

Norman advised the TAC that a Plat Waiver was recommended for approval by them approximately two years ago on this property, but the PUD was denied by the City Council.

Cotner stated that the right turn lane will require a PFPI.

Canahl stated that all drainage must go to Yorktown Avenue or East 21st Street South.

French recommended the condition that right-of-way dedication meet the approval of Traffic Engineering.

Norman recommended an additional 5' of dedication for a total of 35'. He agreed to work with Traffic Engineering on the right-of-way issue.

The subject tract contains two CS zoned lots and one RS-3 zoned lot. The applicant has requested a Planned Unit Development for the property which includes an eight-lane drive-in bank facility. In addition, the applicant is requesting a waiver of the subdivision regulation which requires 50' of right-of-way on the north side of East 21st Street South (30' existing). Since the property is platted and less than 2.5 acres in size, Staff would recommend APPROVAL of the Plat Waiver for PUD-508, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Access control agreement, if required by Department of Public Works (Traffic Engineering).
3. Utility extensions and/or easements if needed.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the Plat Waiver for PUD 508 and DENIAL of the Waiver of Subdivision Regulations which requires 50' of row.

**Applicant's Comments**

Mr. Norman informed that 35' of right-of-way is comparable with the area and will provide the same amount of right-of-way to Lewis. Mr. Norman informed of visiting with Mr. Steinmetz, the new president of Yorktown Homeowners Association, who had indicated no concern with this aspect of the project.

There were no interested parties in attendance.

**ZONING PUBLIC HEARING:**

Application No.: **Z-6448/PUD-513**

Applicant: Kevin Coutant

Location: South side of East 51st Street South, west of South Harvard Avenue.

Date of Hearing: June 8, 1994

Presentation to TMAPC: Kevin Coutant

Present Zoning: RS-2

Proposed Zoning: PUD/CS/RM-1

**Applicant's Comments**

Mr. Coutant gave a detailed description of the proposed development, an office project with frontage along 51st Street and a self-storage facility on the rear of the property. He referred to a booklet distributed containing photographs of the area surrounding the subject tract and depicting a variety of uses in the area. Mr. Coutant suggested that planning needs here are not well represented by the Comprehensive Plan for this area. He declared that the only CS use will be for self-storage use. Mr. Coutant disclosed a national trend recognizing that self-storage use is not really a commercial or retail use, and belongs in a classification which permits construction by exception and control on development standards in multifamily and residential areas.

**Interested Parties**

**Judith McCormick**

**2850 East 51st Street 74105**

Ms. McCormick, who resides directly west of the proposed site, informed that the applicant failed to acknowledge the existence of her home in describing the surrounding area. She noted that the applicant is proposing a solid wall with no setback along her property line, ignoring the existing sewer easement which goes 5' into both her and the applicant's property. Ms. McCormick expressed concern that drainage to those west of the proposed property will suffer from increased runoff. She feels the zoning change will have a negative impact on her quality of life and value of her property. Ms. McCormick declared that the applicant's proposal ignores her residence and requested that the Planning Commission deny the applicant's proposal.

Mr. Carnes suggested that Ms. McCormick meet with the applicant to reach an agreeable resolution. Both Ms. McCormick and Mr. Coutant expressed agreement with the suggestion.

**Applicant's Rebuttal**

Mr. Coutant explained that his client was in negotiation to purchase Ms. McCormick's property when this application was initiated and apologized for the oversight. Regarding setback, he assumed that some type of screening would be desired by the Planning Commission along the common property line. Mr. Coutant informed that drainage and easement will be addressed in platting.

There was discussion among the Planning Commission over underlying zoning and the proper method in which to proceed to allow Staff sufficient time to write a recommendation.

Mr. Carnes suggested that the Chairman exercise his prerogative to place this item on the agenda in one week with the applicant's PUD proposal to be mailed out later in the week. The Planning Commission was in agreement.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **CONTINUE** Z-6448/PUD 513 to June 15, 1994.

\* \* \* \* \*

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** the PLAT WAIVER for PUD 508 as recommended by Staff and **APPROVAL** of the WAIVER of Subdivision Regulations regarding right-of-way of 35'.

\* \* \* \* \*

**CBOA-1256 (Unplatted)(2090)**

**(PD-23)(County)**

Northwest corner of West Coyote Trail and South 255th West Avenue

The Tulsa County Board of Adjustment approved a special exception to approve a volunteer fire station at this location, which then made the property subject to the platting requirements. Based on the tract size and use, Staff can support the requested waiver. The County Board of Adjustment approved the use per a specific site plan which will assure orderly development.

Staff recommends **APPROVAL** of the Plat Waiver for CBOA-1256 subject to the following conditions:

1. Grading and/or drainage plan approval by the Tulsa County Engineer in the permit process.
2. Access control agreement, if required by County Engineering.
3. Utility extensions and/or easements if needed.
4. Dedication of additional right-of-way for West Coyote Trail, if needed.

**Staff Comments**

Mr. Jones informed that Staff recommends approval based on conditions and based on dedication of additional 50' of right-of-way.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** the PLAT WAIVER of CBOA-1256 as recommended by Staff.

\* \* \* \* \*

Application No.: CZ-212

Applicant: Sherry L. Durhee

Location: North of the Northwest Corner 193rd West Avenue and West Keystone Expressway

Present Zoning: AG

Proposed Zoning: RS

Date of Hearing: June 8, 1994

Presentation to TMAPC:

Relationship to the Comprehensive Plan:

The City of Sand Springs Comprehensive Plan designates the subject property as Low Intensity - Single-Family Residential.

According to the Sand Springs Comprehensive Plan the requested RS District is in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject tract is approximately 15 acres in size and is located north of the northwest corner of 193rd West Avenue and West Keystone Expressway. It is wooded, steeply sloping, and has a single-family home on it.

**Surrounding Area Analysis:** The tract is abutted by vacant property to the northwest and a single-family dwelling to the northeast, zoned AG; to the west by vacant land, in the City Limits of Sand Springs, zoned RS-2; to the south and east by vacant land, zoned AG.

**Zoning and BOA Historical Summary:** There has not been any rezoning activity in this immediate area.

**Conclusions:** RS zoning for this tract appears to be appropriate and compatible with the existing residential uses in the area. Therefore, Staff recommends **APPROVAL** of RS zoning for CZ-212.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to recommend **APPROVAL** of RS zoning for CZ 212 as recommended by Staff.

LEGAL DESCRIPTION

The South Half of the North Half of the Northeast Quarter of the Southeast Quarter and the South Half of the Northeast Quarter of the Southeast Quarter, less and except a tract described as: Beginning 1,643.3' North of the Southeast corner of Section 2, T-19-N, R-10-E; thence Southwest 335.5'; thence Southwest 102'; thence Southwest 750'; thence Northwest 143'; thence North 257.9'; thence East 1,322.8'; thence South 169.6' and Less 7.78 acres for Highway, all in Section 2, Township 19 North, Range 10 East, Tulsa County, State of Oklahoma, and located north of the northwest corner of 193rd West Avenue and Keystone Expressway.

\*\*\*\*\*

Application No.: **PUD 514**  
 Applicant: James G. Saied  
 Location: Northeast corner of East 33rd Street South and South Yale Avenue.  
 Date of Hearing: June 8, 1994  
 Presentation to TMAPC: Murrel Wilmoth

The Saied Music Company is proposing a PUD which includes their current store on Yale Avenue, a vacant restaurant building to the north and a residential area to the east. The objective of the PUD is to provide sufficient new parking area to allow an 8,000 SF expansion of the music store and a possible 3,000 SF expansion of the restaurant building if it is converted to retail uses. An existing single-family dwelling on 33rd Street would be removed and replaced with a parking lot. A vacant residentially-zoned tract to the east of the restaurant is also proposed to be a parking lot. The east and southeast sides of the PUD are abutted by single-family dwellings and the northeast portion abuts duplexes. CS zoning extends 250' east from the centerline of Yale Avenue with the remainder of the PUD zoned RS-2. The CS zoned portion is designated Medium Intensity - Commercial and the remainder is designated Low Intensity - Residential.

Staff can support the PUD with modifications to ensure that only appropriate uses are allowed and adequate buffering is provided to protect the residential areas.

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-514 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-514 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): 159,500 SF

**DEVELOPMENT AREA A:**

Permitted Uses:	Use Units 10, 11, 13 & 14
Maximum Building Floor Area:	24,000 SF
Minimum Building Setbacks for New Construction	
From centerline of Yale Ave.:	110'
From R district:	100'
From centerline of 33rd St.:	50'
Minimum Landscaped Open Space (Net):	10%
Minimum Width of Landscaped Areas	
Abutting residential lot on 33rd St.:	10'
Abutting residential lots on Braden Ave.:	40'
On east 75' of PUD fronting 33rd St.:	25'
Maximum Building Height:	25'
Minimum Lot Frontage on Yale Ave.:	150'
Maximum Signage Allowed	

**Ground Signs** - One ground sign on Yale Avenue not to exceed 25' in height nor 150 SF of display surface area.

**Wall Signs** - As provided in Section 1103.B.2, except no wall signs are permitted on any east facing wall nor any south facing wall more than 150' from the centerline of Yale Avenue.

**DEVELOPMENT AREA B:**

Permitted Uses:	Use Units 10, 11, 12*, 13 & 14 (including drive-in bank facility)
Maximum Building Floor Area: (except Use Unit 12 uses which are limited to 5,100 SF)	8,100 SF
Minimum Building Setbacks for New Construction	
From centerline of Yale Ave.:	110'
From east boundary:	200'
Minimum Landscaped Open Space (Net):	10%
Minimum Width of Landscaped Area	
Abutting residential lots on Braden Ave.:	40'
Abutting duplexes on Allegheny Ave.:	8'
Maximum Building Height:	15'
Minimum Lot Frontage on Yale Ave.:	150'
Maximum Signage Allowed	

**Ground Signs** - One ground sign on Yale Avenue not to exceed 25' in height nor 150 SF of display surface area.

**Wall Signs** - As provided in Section 1103.B.2, except no wall signs are permitted on any east facing wall.

\*No 12a uses, Adult Entertainment.

3. Screening shall be provided along the PUD boundaries in common with any R district in the form of a 6' screening wall with masonry columns or vegetative buffer as is approved by the TMAPC in the Detail Landscape Plan. Also, the south 25' of the east 75' of Development Area A fronting 33rd Street shall be sufficiently landscaped to screen parked vehicles from view.
4. Joint access to parking areas and street access points shall be provided between Development Areas A and B.
5. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan for each development area 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 for that development area 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.

7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level. No trash area shall be within 75' of an R district.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet.
10. 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 serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
11. 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.
12. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.
13. East 40' or portion therefore could be split off and attached to single-family to the east by minor amendment.

---

#### Applicant's Comment

##### **Murrel Wilmoth**

**2980 East 161st Street South, Bixby 74008**

Mr. Wilmoth, representative for the applicant, distributed copies of a revised detail site plan and highlighted changes expressing agreement with Staff recommendation. Mr. Wilmoth reported of meeting with area homeowners, noting their concerns over traffic, access, landscaping, setbacks, etc. He informed that the loading dock will accommodate only small vehicles, not eighteen-wheelers. Mr. Wilmoth explained that a design is still being configured regarding turn movements and stacking of vehicles. He disclosed conversation with Traffic Engineering and noted that they were not encouraging in regard to installing median cuts.

#### Interested Parties

##### **Pam Deatherage, District 6 Planning Team Chair**

**1516 East 36th Street**

Ms. Deatherage recommended that a solid masonry wall be installed in the northeast portion of the property rather than a fence. She noted that a wall will help eliminate noise and lights from the residential area. Ms. Deatherage suggested eliminating access from 33rd Street except for residential traffic, with the exception of the entrance on the southwest corner which presently exists. She encouraged elimination of all center medians in this area and installation of a fifth turn lane, which would solve much of the traffic congestion on Yale. She informed that residents expressed concern over vehicles entering a residential street which is narrower than standard and has no curbs or gutters. Ms. Deatherage encouraged dumpster trash pick up be allowed on only the CS portion of the property. She discouraged location of the loading dock from being directly across the street from the residence.

Ms. Pace informed of speaking with Ms. Bradley, who was unable to attend today's meeting, who voiced concerns Ms. Deatherage mentioned. Ms. Pace questioned whether 33rd Street could be closed to incoming traffic accessing the business and for exiting traffic only to force traffic to circulate around the building. Ms. Pace perceives the major concern is routing traffic off Yale in an expedient manner.

Ms. Deatherage deems the entrance into the parking lot intrudes into the neighborhood. She foresees that the new entrance farther to the east will encourage overflow parking into the neighborhood.

**Jim Clark**  
(Owns property at 3232 South Braden)  
**Carol McLearan**  
**Neal Deardeuff**

**6470 East 64th Place South**  
**3236 South Braden**  
**3312 South Allegheny**

The above-listed individuals made the following comments:

Rather than a privacy fence where the green is located, area residents prefer a solid wall at least 8' high, set back 10' with landscaping rather than set back 40'.

Concern was expressed over increased traffic adding to an already-existing problem of vehicles cutting through the neighborhood to access parking. Residents cited problems they are currently experiencing and are concerned that the expansion of the existing business will compound the problem.

It was suggested that security lighting be installed in the rear parking lot.

Residents reported that presently the business owner does not maintain the existing fence and landscaping, and they are concerned over future maintenance.

Residents are opposed to continued intrusion into their neighborhood.

Residents suggested that the addition be located to the north of the existing building.

**Diane Gustafson**

**3364 South Allegheny**

**Representative for the Highland Park Homeowners Association**

Ms. Gustafson informed that residents closest to the subject property are opposed to the PUD; however, the majority who attended the May 31 neighborhood meeting were not against the basic concept of the PUD. She requested that residents be allowed to continue to have input in the detail landscape and sign plans. Ms. Gustafson informed that residents want to ensure that the fence and landscaping are done well. Residents want to ensure that the finished side of the privacy fence and the landscaping faces the neighborhood, the fence be continued to 33rd Street and that perimeter landscaping is maintained landscaping within the PUD site. There are to be no commercial signs on 33rd Street and parking and directional signs are to be made of wood. they are to be no more than 3-4' from the ground. Ms. Gustafson informed that residents oppose the loading dock facing RS-2 property. She addressed the issue of water drainage and urged that it be toward Yale. Ms. Gustafson cited existing traffic problems accessing and egressing the existing business, and expressed support of removing the center medians. An alternative would be to prohibit access into the front parking lot from 33rd Street. She requested the HOA receive notification of meetings for the detail sign and landscape plans and that the appropriate departments of the City review the traffic situation.

**Mike & Susan Little**

**3360 South Allegheny 74135**

(Unable to attend , but wrote a letter citing the following:)

- 1) Not opposed to the proposed PUD 514.
- 2) In consideration of neighbors across 33rd Street from the proposed parking area, request a 6' screening fence with landscaping be required on the south side of the new proposed parking area.
- 3) Request that the farthest west parking lot (immediately in front of the existing building - with parking spaces angled for cars coming in from the south) be closed to traffic trying to turn in from the south off 33rd Street.

It was noted that if the west parking lot is not closed off, there will be three entrances into the Saied establishment within approximately a 75' area, all of which intrude into the nonarterial residential street, 33rd Street.

Applicant's Rebuttal

Mr. Wilmoth noted that this is only a conceptual plan and conceded that the owner is aware of drainage requirements onto Yale.

Chairman Parmele asked Mr. Wilmoth to comment on suggestions of restricted access to 33rd Street to only the easternmost access and that the loading dock not be permitted with access facing 33rd Street.

Mr. Wilmoth informed that the loading dock has more to do with store operation and asked Bob Saied to address this.

**Bob Saied**

**68 East 55th Street**

Mr. Saied perceives that the application will not add to existing traffic problems. In considering options to solve problems of the entrance to the front parking lot, the possibility of widening the drive has been considered. He is of the opinion that access and egress to 33rd Street is imperative.

Ms. Pace suggested closing the front and back entrances from 33rd Street and relocating the entrance where the loading dock is proposed.

Mr. Saied replied that he had not reviewed this possibility.

Mr. Wilmoth noted that the addition is still in the design stages and will be constructed of the same materials as the existing structure.

Mr. Doherty urged that as the design develops to consider not backing into the loading dock from 33rd Street.

TMAPC Review Session

Ms. Pace perceives that the applicant has ample space for a drive-through on the south side of the property. She does not feel traffic should enter at the easternmost entrance creating further intrusion into the neighborhood. Ms. Pace believes that it is imperative to have a midway entrance, located on the south side of the building, where there is existing parking and the loading dock is proposed. She stressed the importance of moving traffic into the parking areas without stacking on Yale and intruding farther into RS zoned property.

Mr. Carnes recommends eliminating the westernmost entrance, eliminating the center entrance on 33rd Street, using the easternmost entrance on 33rd Street and relocating the loading dock away from 33rd Street.

Mr. Neely expressed concern that the Planning Commission is addressing a detail site plan, he discerns that this PUD is attempting to solve existing problems and is increasing the intensity. He made a motion for a two week continuance to allow all parties to design a more appropriate conceptual plan for consideration. Ms. Pace seconded the motion.

There was considerable discussion among the Planning Commission over the benefit of a continuance.

**TMAPC Action; 7 members present:**

On **MOTION** of, the TMAPC voted **3-4-0** (Midget, Neely, Pace "aye"; Carnes, Doherty, Horner, Parmele "nay"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **CONTINUE** PUD 514 to June 22, 1994.

**MOTION FAILED.**

Mr. Doherty then made a motion to approve the concept plan with the following stipulation: screening fence versus masonry fence and height on the easternmost boundary be determined at detail site plan review, size and location of the 40' landscaped area adjacent to the easternmost boundary be given the flexibility of relocation during the detail site plan review, and limit customer access to 33rd Street to one point. The motion was seconded by Mr. Carnes.

Mr. Carnes perceives the loading dock on 33rd Street a cause of major conflict and asked that the motion be amended to exclude it.

Mr. Doherty asked that it be addressed at detail site plan.

Ms. Pace amended the motion to strike the wording "*one customer access*" to "*one point of access on 33rd Street*". Mr. Carnes seconded the motion.

**TMAPC Action; 7 members present:**

On **MOTION** of **PACE**, the TMAPC voted **4-3-0** (Carnes, Midget, Pace, Parmele "aye"; Doherty, Horner, Neely "nay"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **AMEND** the motion to read, "*one point of access on 33rd Street.*"

**MOTION TO AMEND CARRIED.**

Mr. Parmele clarified that the amendment eliminates the point of access for the loading dock from 33rd Street.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **5-2-0** (Carnes, Doherty, Horner, Midget, Parmele "aye"; Neely, Pace "nay"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** PUD 514 with the following conditions:

- 1) screening fence versus masonry fence and height on the easternmost boundary be determined at detail site plan review;
- 2) size and location of the 40' landscaped area adjacent to the easternmost boundary be given the flexibility of relocation during the detail site plan review;
- 3) vehicular access on 33rd Street be limited to one point.

Chairman Parmele instructed Staff to keep all interested parties notified regarding future meetings involving this development.

**LEGAL DESCRIPTION**

The west 400' of Lot 1, and the west 300' of Lot 2, Block 2, Yorkshire Estates, an Addition in the City and County of Tulsa, Oklahoma, according to the recorded Plat thereof, and being located at 3259 South Yale.

\* \* \* \* \*

Application No.: **Z-6450**

Present Zoning: RM-O

Applicant: Jeanette Mattingly

Proposed Zoning: RM-2

Location: Northwest corner of 193rd East Avenue and E. 51st Street South.

Date of Hearing: June 8, 1994

Presentation to TMAPC:

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - No Specific Land Use within 660' of the intersection of 51st Street and 193rd East Avenue, Low Intensity - No Specific Land Use on the west 107' of the subject tract and Low Intensity - Consideration Area in the north 107' of the east 660'.

According to the Zoning Matrix the requested RM-2 zoning is in accordance with the Plan Map for the 5 acres within the 10-acre node at the corner of 51st Street and 193rd East Avenue, but is not in accordance with the Plan Map on the remaining 3.35 acres.

**Staff Comments:**

**Site Analysis:** The subject property contains approximately 8.35 acres. The property is non-wooded, flat and vacant.

**Surrounding Area Analysis:** The subject tract is abutted on the north by vacant land, zoned RS-3; to the west by a private non-conforming airstrip and airplane repair business, zoned AG; to the east by vacant farm land in Wagoner County; and to the south is vacant land and a single-family dwelling that are in the Broken Arrow City Limits.

**Zoning and BOA Historical Summary:** The only past zoning action in this area established the existing zoning of the subject tract, and the existing residential multifamily zoning was approved at that time as a wraparound buffer from the commercial zoning to residential zoning on the north and the AG zoning on the west. The amount of RM-2 requested is not compatible with the Comprehensive Plan. There has been no change in the physical facts in the area since the land was originally zoned RM-O in 1983. Staff can see no justification for changing that zoning. Therefore staff recommends **DENIAL** of RM-2 for Z-6450.

Applicant's Comments

Ms. Mattingly, representing owners of the property, requested continuance of this item since the prospective buyer is out of town and she does not have a plan to present.

Interested Parties

**Jim Dixon**  
**Kenneth Grider**  
**Penny Hestoroff**

**Rt. 3, Box 171, Broken Arrow 74012**  
**5817 S 72nd East Avenue 74145**  
**8210 East 71st Street 74012**

Mr. Dixon, whose residence is on the southwest corner from the subject property, expressed opposition to the request for continuance.

Ms. Mattingly explained that the prospective buyer wants to place more units per acre, 1,700 SF for two bedrooms, 40% two bedroom, 40% three bedroom and 20% one bedroom units.

Mr. Gardner explained that this proposal would be a difference of approximately 180 dwelling units.

Ms. Mattingly requested that she be allowed to return with a PUD.

It was the consensus of the Planning Commission that the number of units per acre was excessive and if the applicant so desires, she may file a PUD.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Parmele, Wilson "absent") to **DENY** RM-2 zoning for Z-6450 as recommended by Staff.

**LEGAL DESCRIPTION**

The South 767' of the East 758.95' of the East 758.95' of the Southeast Quarter of the Southeast Quarter of Section 25, T-19-N, R-14-E, Tulsa County, State of Oklahoma, less: The South 467' of the East 467' of Section 25, T-19-N, R-14-E, Tulsa County, State of Oklahoma; being more particularly described as: Beginning at a point on the east line of said Section 467' North of the Southeast corner, and thence North on said line a distance of 300' to a point 767' North of said corner; thence West along a line parallel to the South line of said Section 25 a distance of 758.95' to a point; thence South along a line parallel to the East line of said Section 25 a distance of 767' to a point on the South line of said Section 25; thence East along said South line a distance of 291.95'; thence North along a line parallel to the East line of said Section 25 a distance of 567' to a point; thence East along a line parallel to the South line of said Section a distance of 567' to the point of beginning, according to the U.S. Government

Survey thereof, and containing 9.35 acres more or less and being located north and west of the northwest corner of 193rd East Avenue and E. 51st Street South, Tulsa, Oklahoma.

\* \* \* \* \*

Application No.: **PUD-351-A**

Applicant: Michael Dwyer

Location: North of the northwest corner of East 45th Street South and South Harvard Avenue

Date of Hearing: June 8, 1994

Presentation to TMAPC: Mike Dwyer

Minor Amendment to eliminate screening requirement and to allow first floor window on east and south sides

The applicant is requesting to amend the screening requirement on the east property line and the east 85' of the south property line. Both of these areas abut single-family lots zoned *RS-1*. Currently, there is a PUD requirement that screening/buffering be worked out with the surrounding residents. Staff can see no reason why this requirement should be deleted since without a PUD the proposed use would be required to provide screening. Therefore, Staff recommends **DENIAL** of this portion of the requested amendment.

The second request is to permit windows on the first floor of the building on the east and south sides. There may be some confusion from the minutes, but it is Staff's opinion that the original action of TMAPC permitted windows on the first floor of the east and south sides. Therefore, no amendment is needed.

---

There was no vote regarding the minor amendment since no amendment was needed.

\* \* \* \* \*

**OTHER BUSINESS:**

**PUD 351:** Detail Site, Sign and Landscape Plans - north of the northeast corner of East 45th Street South and South Harvard Avenue

The Site Plan is for a 5,385 SF medical clinic one story high. The Site Plan complies with the PUD conditions with the following exceptions:

- 1) The parking area on the east side of the building is not at least 5' from the property line.
- 2) The east side of the dumpster area is not screened from public view.
- 3) No evidence has been provided that the screening fence shown was acceptable to the surrounding residents.
- 4) No evidence has been provided to demonstrate that their engineer has worked out an acceptable storm drainage plan with Public Works and the surrounding residents.

Because of the shortcomings, Staff would recommend **DENIAL** of the Detail Site Plan.

Staff Comments

Mr. Stump informed that he has recently learned that the applicant has met with area residents regarding screening and buffering. He also informed that the applicant has met with the Department of Public Works, which has advised that drainage is acceptable. Therefore, Staff can recommend **APPROVAL**.

**LANDSCAPE PLAN:**

If the Site Plan is approved, Staff recommends **APPROVAL** of the Detail Landscape Plan.

**DETAIL SIGN PLAN:**

The applicant is proposing a 4' high, 32 SF monument sign on Yale Avenue 30' from the north property line. The sign complies with the PUD conditions; therefore, Staff recommends **APPROVAL**.

Applicant's Comments

Mr. Dwyer, architect representing the owners, explained that the proposal is to construct a structure to accommodate two doctors' offices. He informed that this lot, along with residences to the east and south, receives considerable water runoff from the north. Mr. Dwyer explained how this runoff will be accommodated. He informed that an 8' privacy fence will be erected on the east and south sides of the structure, along the residential neighborhood. Mr. Dwyer informed of having met with area residents, who have expressed no objection to the type of fence which will be erected. He informed that the window on the second floor of the south elevation has been eliminated and moved to the north side. He expressed agreement with Staff recommendation.

Interested Parties

**Kathy Bogart**

**3331 East 45th Street**

Ms. Bogart, whose residence abuts the rear of the subject property, expressed support of the application. She referred to drainage problems experienced in the area due to the Harvard Medical Arts Building.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Parmele, Wilson "absent") to **APPROVE** PUD 351 Sign, Site and Landscape Plan as recommended by Staff.

\* \* \* \* \*

**PUD-196:** Detail Site and Sign Plans - south of the southwest corner of East 71st Street South and South Memorial Drive

The INCAHOOT's bar and dance hall is requesting approval of a conversion of the previous Yucatan Liquor Stand bar with addition of a 14'4" X 29'8" storage building on the southeast corner of the building. The Board of Adjustment approved a variance to allow a dance hall within 300' of a residential area, but Staff feels that without proper safeguards, the outdoor areas of the facility will now have music loud enough to disturb the residential area immediately to the south. Also, if additional areas are allowed for seating or are covered by a roof, there will be insufficient parking available. Therefore, Staff recommends **APPROVAL** of the revised Site Plan subject to the following conditions:

1. No additional outdoor seating or bar areas beyond what the previous bar had are allowed.
2. The area, formerly the sand volley-ball area, shall not be covered by a roof.
3. No music speakers or dance areas are allowed outside the present area which is heated and air-conditioned.
4. All doors on the east and south sides of the building shall be kept closed.
5. No music shall be audible from a surrounding residential area.

**DETAIL SIGN PLAN:**

The applicant is proposing two wall signs on the north wall of the building. The one on the east side is 4' X 21' 3 1/2" and the one on the west side is 2' X 22'6". The wall to which they are affixed is 115' long; therefore, they comply with the PUD conditions and Staff recommends **APPROVAL**.

**Applicant's Comments**

**Don Grimmit**

**3141 NW 63rd, Suite 4, Oklahoma City**

Mr. Grimmit, one of the owners of the business, assured the Planning Commission that they have no plans to roof the volley-ball area or play music so loudly that it becomes a nuisance. He informed that the volley-ball court has been removed and slabbed over. There are no plans for dancing in the outside area. He explained that it has been converted to a seating area with bench-type seating and there are plans to place a large-screen television in the area and show old western movies.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Parmele, Wilson "absent") to **APPROVE** PUD 196 **DETAIL SITE AND SIGN PLANS** subject to the conditions recommended by Staff.

\* \* \* \* \*

**PUD-235-A:** Detail Site Plan - Development Area A - north side of East 71st Street South at South 92nd East Avenue (Lot 3)

The applicant is proposing a 49,781 SF retail store (Media Play) on what will soon be Lot 3 of Development Area A. A Minor Amendment to allocate building floor area to each new lot has been filed and is to be heard by TMAPC on June 22, 1994. The Site Plan for the Media Play store complies with the current standards; therefore, Staff recommends **APPROVAL** for Lot 3 in PUD-235-A.

Staff would note for the record that the wall signs shown on the south elevation of the building do not comply with the PUD conditions. At this time, however, no Sign Plan approval was requested.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Parmele, Wilson "absent") to **APPROVE** PUD 235-A DETAIL SITE PLAN as recommended by Staff.

\*\*\*\*\*

There being no further business, the Vice-Chairman declared the meeting adjourned at 4:25 p.m.

Date Approved: 6-22-94

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary



**REQUESTED AMENDMENTS  
TO  
THE URBAN RENEWAL PLAN FOR THE KENDALL-WHITTIER NEIGHBORHOOD  
TULSA, OKLAHOMA**

**TO: TMAPC**

**FROM: Kendall Neighborhood Homeowners and Tenant Association**

**DATE: June 8, 1994**

**1. Page 5, Legal Description. The Plan currently says:**

" . . . thence north along the projected west line of said Lot 2, Block 5 and Lots 27 and 2, Block 4, Hillcrest Addition to the north line of East Fifth Place; thence west along the north line of West Fifth Place . . . "

**CHANGE TO CORRECT LEGAL DESCRIPTION:**

" . . . thence north along the projected west line of said Lot 2, Block 5 and Lots 27 and 2, Block 4, Hillcrest Addition to the north line of East Fifth Place; thence west along the north line of East Fifth Place . . . "

**2. Page 12, Paragraph 2. The Plan currently says:**

"The complexity of the implementation of the Plan requires all entities -- the Authority, Tulsa Public Schools, the University of Tulsa, and the City -- to work in close coordination . . . The Tulsa Public School Board has adopted a resolution of intent to build the new school and has agreed to include the construction costs of the new school in a bond issue scheduled for the Fall. Construction cost are estimated to be between five and seven million dollars."

**CHANGE BY DELETING THE ABOVE PARAGRAPH AND IN ITS PLACE INSERT THE FOLLOWING:**

"The complexity of the implementation of the Plan requires all entities -- the Authority, Tulsa Public Schools and the City -- to work in close coordination and cooperation to ensure maximum benefits from the Plan.

"A. Public School: The existing Kendall Elementary Public School will remain under ownership of the Independent School District No. 1 until such time as a new public elementary school is built in the public area between Birmingham Avenue and Atlanta Avenue. This existing Kendall Elementary School will be operated in the same manner as every other public elementary school in the City of Tulsa.

