

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1981

Wednesday, July 6, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Carnes, 2nd Vice
Chairman
Doherty
Harris
Horner
Midget, Mayor's
Designee
Neely, 1st Vice
Chairman
Pace
Parmele
Chairman

Members Absent

Ballard
Broussard
Wilson

Staff Present

Gardner
Hester
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, July 5, 1994 at 1:30 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.

Steve Schuller

1111 ParkCentre, 525 S Main Mall 74103-4522

Mr. Steve Schuller, attorney for the protestant regarding Z-6448/PUD 513, expressed concern that the minutes of the July 15, 1994 meeting may not accurately reflect the zoning and PUD Development Standards that the Planning Commission intended. He was concerned about the flexibility of development and detailed the items he believed were inconsistent.

The Planning Commission responded to Mr. Schuller's concerns and deemed that no changes in the minutes were necessary.

Minutes:

Approval of the minutes of June 15, 1994, Meeting No. 1979:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Carnes, Doherty, Harris Horner, Midget, Pace, Parmele, "aye"; no "nays"; Neely "abstaining"; Ballard, Broussard, Wilson "absent") to **APPROVE** the minutes of the meeting of June , 1994 Meeting No. 1979.

Minutes:

Approval of the minutes of June 22, 1994, Meeting No. 1980:

On **MOTION** of, **CARNES** the TMAPC voted **5-0-2** (Carnes, Harris Horner, Pace, Parmele, "aye"; no "nays"; Doherty, Neely "abstaining"; Ballard, Broussard, Midget, Wilson "absent") to **APPROVE** the minutes of the meeting of June 22, 1994 Meeting No. 1980.

SUBDIVISIONS:

Keesee Center (PUD-306)(2083)

(PD-26)(CD-2)

Northeast corner of East 101st Street South and South Delaware Avenue.

Dixon stated that no access would be permitted to South Delaware Avenue.

Pierce recommended that a fire hydrant may be required along East 101st Street South.

Dixon stated that Traffic Engineering would not approve the westernmost access to East 101st Street.

Cyganovich requested an additional 5' dedication from the angle intersection.

Dixon stated that if needed, he supported a waiver of the Subdivision Regulations for the right-turn lane.

Fields stated that a sewer extension would be needed.

Keesee Center is a two-lot commercial subdivision that contains 5.19 acres and is part of PUD-306. No Site Plan was submitted with the plat and since the property is located within a PUD, it is subject to Detail Site Plan approval by the TMAPC.

Staff would offer the following comments and/or recommendations:

1. All conditions of PUD-306 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. This plat has been referred to Jenks 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.
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 **CYGANOVICH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **KEESEE CENTER**, subject to all conditions listed above.

Staff Comments

Mr. Jones advised that Ted Sack, representative of the property owner, was present should the Planning Commission have any questions. He noted that Mr. Dixon's recommendation of no access to South Delaware Avenue is being addressed by Mr. Sack who is working with Traffic Engineering to arrange for this access. Mr. Sack asked that the condition be amended so that all access points for this subdivision plat be approved by Traffic Engineering. Mr. Jones informed that Traffic Engineering has agreed to this.

Mr. Jones noted that South Delaware Avenue is not designated as an arterial street, although it acts as an arterial street. He informed that technically there is no right turn lane requirement which would require additional right-of-way. Traffic Engineering has indicated no problem with waiving that or not requiring the additional right-of-way. All right-of-way shown on the subdivision plat will meet Traffic Engineering standards.

Mr. Jones informed that Staff recommends approval of the Preliminary Plat based on the above-stated modifications.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Wilson "absent") to **APPROVE** the **PRELIMINARY PLAT** of Keesee Center as amended and subject to conditions recommended by Staff.

Heater Specialists (2103)

(PD-2)(CD-3)

North of the northwest corner of North Toledo Avenue and the Gilcrease Expressway

Jones presented the plat with Dwayne Wilkerson in attendance at the TAC meeting.

Miller recommended that the book and page be shown for an existing ONG easement.

Penquite stated that an additional fire hydrant and vehicle access may be required.

Dixon supported a waiver of the Subdivision Regulations which require an industrial street of 80'.

Heater Specialists is a one-lot, 2.97-acre industrial subdivision plat. The property was rezoned by application Z-5071 and is now subject to the platting requirements. No Site Plan was submitted for review.

Staff would recommend **APPROVAL** of the **PRELIMINARY PLAT** 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.
2. 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.
3. 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).
4. 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.
5. 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.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
7. Street names shall be approved by the Department of Public Works and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.

9. 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).
10. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
11. 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.
12. 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.)
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. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
15. The key or location map shall be complete.
16. 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.
17. 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.
18. 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.
19. All (other) Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **COTNER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **HEATER SPECIALISTS**, and to **WAIVE** the **SUBDIVISION REGULATIONS** for an industrial street with 80' of right-of-way, subject to all conditions listed above.

Staff Comments

Mr. Jones informed that Dwayne Wilkerson was in attendance representing White Surveying.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Wilson "absent") to **APPROVE** the **PRELIMINARY PLAT** of Heater Specialists and **WAIVE** the **SUBDIVISION REGULATIONS** for an industrial street with 80' of right-of-way, subject to conditions recommended by Staff.

9300 Sheridan Center (PUD-206)(2283)

(PD-18)(CD-8)

South of the southwest corner of South Sheridan Road and East 91st Street South.

Jones presented the plat with Lansford and Dunham in attendance at the TAC meeting.

French requested the book and page be shown on the plat for the mutual access from Food Lion to the north.

French stated that the south access point should line up with East 93rd Street South and that two access points may not be permitted.

Jones requested the mutual access to the rear lot be shown on the plat. Also, release letters from the pipeline companies with easements on the tract would be required.

Herbert stated a PFPI to include a drainage box from Food Lion would be required and no runoff can go to the abutting residential property.

Edwards recommended a water line extension to serve Lot 2 since the lot does not abut a water main.

9300 Sheridan Center is a two-lot, 2.016-acre subdivision that constitutes the balance of Development Area A of PUD-206. At the time of writing, no Site Plan had been submitted to indicate uses or building locations.

Staff would offer the following comments and/or recommendations:

1. All conditions of PUD-206 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. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. 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).
12. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
13. 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.
14. 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.)
15. 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.

16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
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. 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.
20. This plat has been referred to Jenks and Bixby 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.
21. 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.
22. All (other) Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **RAINS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **9300 SHERIDAN CENTER**, subject to all conditions listed above.

Staff Comments

Mr. Jones pointed out that when the plat was initially reviewed it was believed that there would be a mutual access point through Lot 1 to South Sheridan, since the back lot has no access. He informed that there will be a 22' mutual access point running north and south between Lots 1 and 2 leading into the vacant Food Lion store.

Mr. Doherty expressed concern over mutual access being accross vacant property with no maintenance.

Mr. Midget informed of the possibility that the vacant Food Lion store may be used as a Post Office sub-station.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Wilson "absent") to **APPROVE** the **PRELIMINARY PLAT** of 9300 Sheridan Center subject to conditions recommended by Staff.

FINAL APPROVAL AND RELEASE:

Cloverdale (1193)

(PD-5)(CD-4)

East 15th Street South at South 78th East Avenue.

Staff Comments

Mr. Jones informed that all release letters have been received and recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Wilson "absent") to **APPROVE** the Final Plat of Cloverdale and **RELEASE** same as having met all conditions of approval as recommended by Staff.

PLAT WAIVER REQUEST: SECTION 213:

Z-6445 (Moran Addition)(3194)

(PD-18)(CD-5)

9999 East 59th Street South

Jones presented the application with no representative in attendance at the TAC meeting.

Dixon stated his concern that industrial traffic not be permitted to use 99th East Avenue or 100th East Avenue since they are still residential.

This 78' X 5' strip was not rezoned to *IL* by the original rezoning application to prohibit access to the abutting residential district to the south. The property is now being rezoned to provide access and will be subject to the platting requirements.

Staff is supportive of the requested Plat Waiver based on the size and since the property is platted. In addition, no structures are planned for this strip. Staff recommends **APPROVAL** of the **PLAT WAIVER** for **Z-6445** subject to any conditions required by the TAC.

On the **MOTION** of **DIXON**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **Z-6445**.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Wilson "absent") t **APPROVE** the PLAT WAIVER for Z-6445 as recommended by Staff.

Z-6078 (Union Gardens)(684) (PD-18)(CD-8)
North of the NW/c of East 66th Street South and South 129th East Avenue.

Chairman Parmele informed that this item has been withdrawn.

CHANGE OF ACCESS :

Unplatted (2083) (PD-18)(CD-8)
South of the SE/c of East 91st Street South & South Delaware Avenue.

Staff Comments

Mr. Jones informed that there are presently no limits of access existing along the unplatted tract. He advised that this request is as a result of additional taking by the Turnpike Authority and their right-of-way which will extend on Delaware Avenue. Mr. Jones informed that the proposed access points have been approved by Traffic Engineering and Staff is confident that they can be incorporated into the plat; therefore, Staff recommends approval of these access points as shown on the diagram.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Wilson "absent") to **APPROVE** the **CHANGE OF ACCESS**.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-17838 Milton Berry (3693)</u>	(PD-18)(CD-7)
5114 S. Mingo Rd.	CS
<u>L-17896 Steve Ragland (1282)</u>	(PD-8)(CD-2)
7373 S. Elwood Ave.	AG
<u>L-17913 Nordam (3413)</u>	(PD-15)(County)
N. of 66th St. N. on Lakewood Ave.	IL
<u>L-17915 Augustus C. Oliver, Jr. (3503)</u>	(PD-16)(CD-3)
1413 N. 71st E. Ave.	RS-3
<u>L-17916 TDA (2502)</u>	(PD-2)(CD-1)
N. Greenwood Ave.	RS-4
<u>L-17917 John C. Harrold (3124)</u>	(PD-14)(County)
10104 E. 136th St. N.	AG
<u>L-17918 Warren American Oil Company (1793)</u>	(PD-6)(CD-9)
2436 E. 30th St. S.	RS-2
<u>L-17919 Ronald Keith Montgomery (793)</u>	(PD-6)(CD-4)
2105 E. 15th St. S.	OM/RS-3

Staff Recommendation

Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Wilson "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

CONTINUED ZONING PUBLIC HEARING:

<u>Z-6078-SP-1 Steve Olsen</u>	(PD-18)(CD-8)
North of the NW/c of East 66th Street South & South 101st East Avenue.	
Corridor Site Plan	

Chairman Parmele announced that this item has been withdrawn by the applicant.

ZONING PUBLIC HEARING:

Application No.: **Z-6449**

Applicant: TMAPC

Location: South of 36th Street, north of 39th Street, between Atlanta Avenue and Delaware Avenue.

Date of Hearing: July 6, 1994

Presentation to TMAPC: Jay Stump

Present Zoning: RS-1 & RS-2

Proposed Zoning: RE

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

According to the Zoning Matrix the requested RE is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property contains approximately 56 acres. The property is partially wooded, rolling, and contains single-family dwellings. Most of the area has been developed on septic systems. Several lot-splits have been denied due to an inability to meet the Health Department requirements for septic tanks.

Surrounding Area Analysis: The subject tract is surrounded on all sides by single-family dwellings zoned RS-2 and RS-1.

Zoning and BOA Historical Summary: The area under consideration was originally zoned RS-2; then in 1982, the majority of it was rezoned to RS-1.

Conclusion: Based on the findings Staff, without question, can support RS-1 zoning on the seven lots that are presently zoned RS-2 (Exhibit A). Had these lots been zoned RS-1 in 1982, some of the problems that are now being experienced by the neighborhood may not have come about.

Staff can also support RE zoning in an area where the majority of the lots are platted or divided into 1/2 acre or larger size lots (Exhibit B). Some of these lots do not meet the 150 foot average width requirement. This situation would not present a problem, unless an owner wanted to build onto an existing house and could not meet the RE 15 foot side yard requirement. This situation would require approval of a variance by the Board of Adjustment. All recorded lots which do not meet RE bulk and area requirements would become nonconforming in this situation. Those smaller lots which now contain a home built across a lot line would permit two homes to be built (regardless whether they are zoned RS-1 or RE) in the future, if the existing home was removed for any reason.

The third scenario is the one requested by the neighborhood (Exhibit C). This proposal disregards how the lots are platted and emphasizes land ownership. The proposal contains 7 recorded lots which are less than the 1/2 acre minimum requirement. The two northern lots could be left in their present RS-1 zoning category without any negative effect to the rezoning proposal. The other 5 lots would become nonconforming as to lot area and lot width except for the southeast corner of 37th Street and Birmingham Avenue, which meets the average width requirement. The northeast corner of 38th and Atlanta Place, however, is in the process of being platted into 5 lots, which would not be permitted if zoned RE, but would be permitted if zoned RS-1.

Mr. Stump presented overlays indicating existing lots which are in conformance with the lot area requirements for RE zoning. He noted that, especially on the western edge of the tract of land, there are a number of houses constructed across side-lot lines comprising two lots of single ownership. Mr. Stump pointed out that on these lots, if existing houses were razed, two separate houses could be constructed on the existing lots. He then displayed an overlay depicting platted lots which do not meet the 150' average lot width requirement of RE zoning. Lastly, he displayed an overlay indicating ownership of lot areas.

Chairman Parmele inquired as to the number of lots which could be realized if the 2½ acre lot on the east side of Atlanta Place were to be subdivided in compliance with RE.

Mr. Stump informed that four lots could be obtained.

Mr. Gardner disclosed that areas presently zoned RS-2 present problems and should be zoned RS-1.

Mr. Doherty asked if the 2½ acre tract, which is pending application for PUD, would be recommended for RE rezoning, rather than RS-1, if an application were not pending.

Mr. Gardner answered in the affirmative, plus the fact that it is surrounded by other smaller lots.

Mr. Doherty pointed out that the tract is abutted at the rear by three large lots, and that the logical development pattern would be to match these at the rear and break zoning at the street, if not for the pending application.

Mr. Gardner agreed, noting that the entire area, as being requested by the neighborhood, could be zoned RE and would affect the pending application. He recounted that other lots have houses built over the lot line and chances of those houses being removed in the near future are slim.

Interested Parties in Opposition

Jeffrey Levinson

35 East 18th Street 74119

Mr. Levinson, attorney for the Oak View Terrace Partnership, informed that Ron Spencer, president and one of the principals, was present. He expressed opposition to changes in the zoning of his client's property (the northeast corner of 38th Street

and South Atlanta currently zoned RS-2) where the PUD application is pending. However, he informed having no objection to the remainder of the area being rezoned for RE. Mr. Levinson gave background of the property under application and the dispute surrounding it. He informed that the PUD application has been revised to accommodate a five-lot development. Mr. Levinson advised that this application for RE zoning was initiated after his PUD application was filed and believes the request was to prevent the PUD tract from being developed.

Chairman Parmele asked Mr. Levinson to comment on Staff's recommendation that the PUD tract be zoned RS-1.

Mr. Levinson acknowledged that the current five-lot proposal would comply with RS-1 standards; however he noted that there may be a problem with front setback being approximately 5' greater in RS-1 than RS-2.

Cindy Mildred Dotson **3701 South Atlanta Place 74105**
Ms. Dotson gave a history of her property and surrounding area and requested that her zoning not be changed. However, she was not opposed to the other tracts in the neighborhood being rezoned to RE.

Mr. Carnes suggested considering RE zoning as requested excluding the 2½ acre tract under application for PUD and rezone it to RS-1.

Interested Parties in Support of RE Zoning

Harrison Townes	2685 East 38th Street 74105
President of the Greater Oak View Estates Homeowners Association	
Libby Adams	2686 East 38th Street 74105
Dr. Barry VonHartitsch	2532 East 38th Street 74105
Dr. James Cash	2672 East 38th Street 74105
Dianne Smith	2677 East 38th Street 74105
Robert Hensley	2672 East 37th Street 74105
Lloyd Prueitt	3710 South Atlanta Place 74105
Richard Sevenoaks	2648 East 38th Street 74105
Gerald Swanson	2546 East 38th Street 74105
Rodger Erker	3607 South Lewis Place 74105
Becky Ellsworth	2621 East 38th Street 74105
Nancy Sevenoaks	2648 East 38th Street 74105

The above-listed individuals expressed unconditional support of RE zoning for the entire area under application with no exceptions, and made the following comments:

Residents are opposed to spot zoning within their neighborhood.

Regarding the tract under PUD application, interested parties informed that the applicant of that tract has made no effort to meet with them regarding the proposed development.

Concerns were expressed regarding the proposed PUD over increased density adding to existing problems with stormwater runoff.

Residents want to preserve the character of the neighborhood, with large homes on large lots, and oppose breaking down the area into smaller lots with smaller homes.

One individual addressed the disparity of property rights for those on septic tanks opposed to those on city sewer. RE zoning will ensure that all the rights of all property owners are the same.

RE zoning will eliminate spot zoning, maintain the continuity of the area, reduce drainage problems and preserve the integrity of the neighborhood.

Concern was expressed that the construction of smaller houses in the area will cause property values to decline.

Ms. Pace asked if in the foreseeable future, there would be a time when areas such as this will be required to have sewers at the owners' expense.

Mr. Gardner responded that if no health problem was posed, there would be no need to require sewer.

Mr. Sevenoaks, Utility Authority member, explained that sanitary sewer improvement districts are being set up and money is being set aside to address unsewered areas. In response to inquiry from Ms. Pace, Mr. Sevenoaks informed that funding is through the City.

Pam Deatherage

1516 East 36 th Street 74105

Planning District 6 Chair

Ms. Deatherage disclosed that area residents have continually contested lot-splits in this neighborhood. In an effort to solve this problem, the residents are requesting RE zoning for the entire area. She informed that area residents have attempted to contact the developer of the tract under PUD application to negotiate a compromise for the proposed development. However, she declared that the developer has failed to respond to these attempts. Ms. Deatherage urged that the two groups meet to settle any differences. She addressed drainage issues and discerns that further development will increase drainage problems. Ms. Deatherage addressed the expense of connecting to city sewer. She suggested that the developer of the PUD include extension of the storm sewer to meet the needs of this area's drainage.

TMAPC Comments

Chairman Parmele inquired of Mr. Linker if the Planning Commission could approve a portion of the application while continuing another part and withhold transmittal until all issues are resolved.

Mr. Linker informed that action and transmittal would have to be delayed on the portion approved until a determination is made on the balance.

It was the consensus of the Planning Commission that since there is a PUD pending it would be unwise to act to change the zoning on that tract prior to evaluating the PUD proposed.

Mr. Carnes made a motion to approve RE zoning for the entire area, withholding transmittal to the City Council until after the PUD is heard. The motion was seconded by Mr. Doherty.

Ms. Pace noted that if this is a 2½ acre lot and minimum lot size is ½ acre, that would allow for five lots. She deemed that by approving the entire area RE it would send the message to the developer that the Planning Commission wants the area to remain as it is. She asked Mr. Gardner how many lots the applicant can place on the parcel with RE zoning.

Mr. Gardner informed that four lots would be possible.

Mr. Levinson informed the Planning Commission of a recent case from the Oklahoma Supreme Court in which a change of zoning was overturned in the middle of an application process because a particular project was targeted. He perceives this is the case with his application. Mr. Levinson asked for assurances that his PUD application will be forwarded to the City Council prior to transmittal of this zoning recommendation for RE zoning.

Chairman Parmele assured him that was the intent of the Planning Commission by holding transmittal.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Wilson "absent") to recommend **APPROVAL** of Z-6449 for RE zoning of the entire area under application and withhold transmittal to the City Council until September 7, 1994, after the PUD application is heard.

LEGAL DESCRIPTION

Lot 1, less N 264'; Lot 2, less N 225.3'; Lot 3, less N 245'; Lot 4, less N 223'; Lot 5, less N 256'; Lot 6, less N 339'; Lot 7, less N 284.3'; Lot 8, less N 284', all in Block 1; All of Block 2; and Lots 5 & 6, Block 3, Oakview Estates Addition; and All of West Oak Addition; and Lot 5, Block 2 and Lots 4 & 5, Block 1 of "Amended Plat of Block 7; Lot 9, Block 1, Oakview Estates"; and the North 279.45' of W/2, NW/4, SE/4, SW/4 and the E/2, W/2, N/2, NE/4, SW/4, SW/4 and the E/2, N/2, NE/4, SW/4, SW/4 all in Section 20, T-19-N, R-13-E; and a parcel beginning at the NE corner of SE/4, SW/4 of Section 20, T-19-N, R-13-E thence South 330'; thence West 438.77'; thence North 24'; thence West 219.33'; thence North 32.07'; thence West 305'; thence North 274.08'; thence East 963.1' to the Point of Beginning, all Parcels in the City of Tulsa, Tulsa County, Oklahoma, and located south of 36th Street, north of 39th Street, between Atlanta Avenue and Delaware Avenue.

Application No.: **PUD 467-2**
Applicant: Tanner Engineering
Location: North side of 51st Street Southeast of Marion Avenue.
Date of Hearing: July 6, 1994

Minor Amendment

The applicant is requesting to increase the maximum building height for Lot 2, Block 1, Dickens Commons from 22' to 26'. Staff recommends **APPROVAL**. Also, the applicant wishes to redefine development areas within the PUD and reallocate building floor area without increasing total floor area permitted. Development Area 1 remains unchanged. Development Area 2 is divided into two development areas and the east 97.46' of Development Area 2 is combined with Development Area 3 (Picadilly Cafeteria). The new building floor area allocations would be as follows:

<u>Develop Area</u>	<u>Land Area</u>	<u>Building Floor Area</u>
1	unchanged	unchanged
2A	1.78 acres	23,134 SF
2B	1.35 acres	17,563 SF
2C & 3	2.40 acres	25,903 SF

Since the total floor area is not increased, Staff recommends **APPROVAL**.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of Doherty, the TMAPC voted **7-0-0** (Carnes, Doherty, Harris, Horner, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Wilson "absent") to **APPROVE** PUD 467-2 **MINOR AMENDMENT** as recommended by Staff.

OTHER BUSINESS

PUD 405-C Detail Site Plan - Southwest corner of 92nd Street South and Memorial Drive.

The applicant is requesting to move the existing ground sign for the South Pointe GM Dealer from the lot containing the dealership to a vacant lot across 92nd Street in order to place it closer to Memorial Drive. The sign is 25' high and contains 140 SF of display surface area. Since the vacant lot where the sign is to be placed is in the PUD, approved for auto sales and owned by the South Pointe GM dealer, Staff can support the relocation. Therefore, Staff recommends **APPROVAL** subject to:

1. No additional signs at the original location;
2. Remaining out of the right-of-way of Memorial Drive; and
3. Approval of the location by utilities having easements in the area.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Harris, Horner, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Wilson "absent") to **APPROVE** PUD 405-C DETAIL SITE PLAN as recommended by Staff.

PUD 379 - Detail Sign Plan - 6808 South Memorial Drive.

The applicant is proposing 192 SF of wall sign for Sun & Ski over the entrance to the former Beall's store. The building wall configuration at this entrance makes it difficult to determine what should be counted as Sun & Ski's building wall. If the most liberal interpretation is made there would be 140' of building wall to which the signs are attached. The signs would then comply with the PUD standard of 1 1/2 SF of sign per linear foot of building wall to which it is attached. If the Planning Commission agrees with this measurement, Staff recommends **APPROVAL** of the Detail Sign Plan.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Harris, Horner, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Wilson "absent") to **APPROVE** PUD 379 DETAIL SIGN PLAN as recommended by Staff.

PUD 196 Detail Sign Plan (Tippin's Wall Signs) - 7828 East 71st Street South.

The Tippin's restaurant is replacing three existing wall signs on their north, south and east walls and adding a fourth sign on their west wall. All of the new signs comply with the PUD standards; therefore, Staff recommends **APPROVAL**.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **NEELY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Harris, Horner, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Wilson "absent") to **APPROVE** PUD 196 DETAIL SIGN PLAN as recommended by Staff.

PUD 128-E Detail Landscape Plan - Development Area FG Northern Half - West side of Riverside Drive at 77th Street.

The proposed Landscape Plan for Phase I at the 7700 Riverside Park Apartments complies with the PUD conditions and the Landscape Chapter of the Zoning Code. Therefore, Staff recommends **APPROVAL**.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **Neely**, the TMAPC voted **7-0-0** (Carnes, Doherty, Harris, Horner, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Wilson "absent") to **APPROVE** PUD 128-E DETAIL LANDSCAPE PLAN as recommended by Staff.

PUD 388-B - Detail Sign Plan -6834 South Trenton Avenue.

The applicant is requesting approval of a 17' 10" high ground sign containing 100 SF of display surface area. The sign meets the PUD requirements of setback 20' from the west right-of-way line of Trenton Avenue. Therefore, Staff recommends **APPROVAL** conditioned upon the proper setback.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Doherty, Harris, Horner, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Wilson "absent") to **APPROVE** PUD 388 DETAIL SIGN PLAN as recommend by Staff.

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

Date Approved: 7/20/94


Chairman

ATTEST:


Secretary

