

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1989
Wednesday, September 7, 1994, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present

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

Members Absent

Ballard
Harris

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, September 6, 1994 at 8:19 a.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 1:31 p.m.

Minutes:

Approval of the minutes of August 17, 1994, Meeting No. 1987 and August 24, 1994 Meeting No. 1988:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes Doherty, Gray, Horner, Pace, Parmele, Wilson "aye"; no "nays"; "abstaining"; Ballard, Harris, Midget, Neely "absent") to **APPROVE** the minutes of the meetings of, August 17, 1994 Meeting No. 1987 and August 24, 1994 Meeting No. 1988.

REPORTS:

Chairman's Report

Chairman Parmele reported on the City Council meeting of August 25.

Rules and Regulations Committee

Mr. Doherty reported that the Rules and Regulations Committee met at 11:30 a.m. to receive a briefing on the impact on churches and other nonconforming uses due to the recent changes of moving churches to Use Unit 2. Zoning Clearance Officer Paula Hubbard informed that the bulk of the problem had been resolved with a ruling from the Legal Department that accessory uses, such as the use of a tent are not expansions and not to be referred to the Board of Adjustment. Also discussed were possible amendments to the Subdivision Regulations regarding lot shape and width. Mr. Doherty informed that it was the consensus of the Rules and Regulations Committee to set this item for public hearing.

After conferring with Staff as to an appropriate date for public hearing the Chairman instructed Staff to set the public hearing for October 12.

Mr. Doherty reported that the Rules and Regulations Committee also discussed amending the Zoning Code and TMAPC Rules of Procedure to provide for greater Staff authority to review and approve sign plans, landscape plans and minor changes in approved PUD site plans. This proposed amendment is set for public hearing for September 14.

Mr. Doherty acknowledged Ms. Wilson's celebrating 10 years of continuous service on the Planning Commission.

SUBDIVISIONS:

CONTINUED PRELIMINARY PLAT:

College Parke Second (PUD-306)(2083)

(PD-18)(CD-2)

East 95th Street South at South College Place

Jones presented the plat with Clayton Morris, Rick Ellison and Don Walker in attendance at the TAC meeting.

After considerable discussion, it was determined that all street widths must meet the approval of the Tulsa Fire Department.

Miller asked if an underground meeting would be held and Morris stated there would be.

Miller recommended that Lots 65 and 66 could be utilized as utility easements and that language for such was to be added in the deed of dedication.

Edwards recommended that Section 1.5 of the deed of dedication include language for water and sewer service.

College Parke Second is a 15.65-acre residential single-family subdivision which proposes 66 lots. The property is part of Development Areas "C" and "D" of PUD-306. There is a

pending Minor Amendment before the TMAPC (to be heard August 24, 1994) to change the use in this portion of Development Area "D" from multifamily to single-family and to establish development standards. The internal circulation is provided by private streets.

Staff would offer the following comments and/or recommendations:

1. Minor Amendment PUD-306-11 approved by the TMAPC.
2. If the private street system is determined to be a cul-de-sac, a waiver of the Subdivision Regulations (maximum length of 500 feet) is needed.
3. Bearings shall be shown on all interior lot lines.
4. Approval from the Tulsa Fire Department that adequate access and turn-around areas exist for fire protection service.
5. 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.
6. 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 shall be tied to or related to property line and/or lot lines.
7. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
8. 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 owner(s) of the lot(s).
9. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
10. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
11. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
12. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
13. Street names shall be approved by the Department of Public Works/County Engineer and shown on plat.

14. All curve data, including corner radii, shall be shown on final plat as applicable.
15. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
16. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
17. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
18. 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 plat release.)
19. 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.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
24. 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.
25. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
26. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** for **COLLEGE PARKE SECOND**, subject to all conditions listed above.

Staff Comments

Mr. Jones reminded the Planning Commission that the Minor Amendment to PUD 306 relating to this item is scheduled for hearing September 21. He noted that there was discussion at a previous TMAPC meeting over the possibility of hearing the subdivision plat and conditioning approval subject to approval of the Minor Amendment.

Mr. Walker was present representing the applicant and informed that the PUD is to request downzoning for a portion of the tract from existing multifamily to single-family.

Chairman Parmele suggested hearing the preliminary plat and condition approval subject to approval of the Minor Amendment, thereby allowing the applicant to proceed with development plans and final engineering.

Mr. Jones informed that this plat is a continuation of College Parke, which was the first phase of development and abuts the subject tract to the north. He informed that the west half is the area presently designated multifamily in the PUD. Mr. Jones disclosed that at the TAC meeting there was considerable discussion over whether or not the street system is a cul-de-sac. He presented a revised plat supplied by the engineer identifying two emergency access areas to East 95th Street South. Mr. Jones informed that Traffic Engineering recommended that with those access points the street system does not constitute a cul-de-sac. Also a matter of contention was the paving width of some driveways where paving is reduced to 16'. He explained that Traffic Engineering does not consider 16' to be a street, but acting as more of an extended driveway to provide access to three to four lots. Mr. Jones disclosed that the Fire Department has expressed that the 16' street width is adequate for access

Mr. Jones answered questions from the Planning Commission explaining why the TAC did not consider the street layout to be a cul-de-sac. He informed that access easements will be maintained by the Homeowners Association.

TMAPC Comments

Mr. Doherty declared that the definition of a cul-de-sac needs to be included in the Subdivision Regulations. He disclosed that in researching this, all references to a cul-de-sac are defined as a dead-end street. Mr. Doherty made a motion that this subdivision plat does present a cul-de-sac in excess of 500'.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstaining"; Ballard, Harris, Midget "absent") to **FIND** that the street system in College Parke Second constitutes an over-length cul-de-sac.

MOTION PASSED.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-1-0** (Carnes, Doherty, Gray, Horner, Pace, Parmele, Wilson "aye"; Neely "nay"; no "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** the **PRELIMINARY PLAT** of College Parke Second as recommended by Staff, **WAIVE** the Subdivision Regulations requiring the maximum length of a cul-de-sac of 500' and conditioned upon **APPROVAL** of PUD 306-11 Minor Amendment.

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PRELIMINARY PLAT:

Sherwood Estates (2792)

(PD-9)(CD-2)

East side of South 25th West Avenue at West 46th Street South

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

After considerable discussion, it was determined to dedicate 30' of right-of-way for South 25th West Avenue and to provide an abutting 10' roadway and general utility easement.

Somdecerff pointed out a typo in the legal description and key map.

French recommended that the radius for Reserve "A" be shown.

Sherwood Estates is a 16-lot residential single-family subdivision which contains a total of 6.15 acres. The plat has an underlying zoning of *RS-3* and proposes a public cul-de-sac to serve the lots.

Staff would offer the following comments and/or conditions:

1. Dedication of right-of-way for South 25th West Avenue shall meet the approval of Traffic Engineering.
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 shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S 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 owner(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 & Sewer) prior to release of final plat.

6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater 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).
8. Street names shall be approved by the Department of Public Works/County Engineer and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings. or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
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 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 plat release.)
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, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
19. This plat has been referred to Sand Springs 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 provided prior to release of final plat. (Including documents required under 3.6.5 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 **SHERWOOD ESTATES**, subject to all conditions listed above.

TMAPC Action; 8 members present:

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

FINAL APPROVAL AND RELEASE:

Meadow Brook Village (1884)

(PD-18)(CD-8)

Southeast corner of East 81st Street South & South Mingo Road.

Staff Comments

Mr. Jones advised that all releases have been received and Staff was recommending approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** the **FINAL PLAT** of Meadow Brook Village and **RELEASE** same as having met all conditions of approval as recommended by Staff.

Yale Cleaners 41 (3094)
Southeast corner of East 41st Street South & South 109th East Avenue.

(PD-17)(CD-5)

Staff Comments

Mr. Jones advised that all releases have been received and Staff was recommending approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** the FINAL PLAT of Yale Cleaners 41 and **RELEASE** same as having met all conditions of approval as recommended by Staff.

Yale Cleaners 101 (PUD-364-B)(1984)
North of the northeast corner of East 101st Street South & South Mingo Road.

(PD-18)(CD-8)

Staff Comments

Mr. Jones advised that all releases have been received and Staff was recommending approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** the FINAL PLAT of Yale Cleaners 101 Meadow Brook Village and **RELEASE** same as having met all conditions of approval as recommended by Staff.

Albertson's #2237 (PUD-512)(784)
Southwest corner of East 71st Street South & South Garnett Road.

(PD-18)(CD-8)

Staff Comments

Mr. Jones advised that all releases have been received and Staff was recommending approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** the FINAL PLAT of Albertson's #2237 and **RELEASE** same as having met all conditions of approval as recommended by Staff.

Southern Park Estates (2783)

(PD-26)(CD-8)

Southwest corner of East 106th Street South & South Irvington Avenue.

Staff Comments

Mr. Jones advised that all releases have been received and Staff was recommending approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** the FINAL PLAT of Southern Park Estates and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-17934 James L. King (2383)</u> 6916 E. 95th St. S.	(PD-18)(CD-8) RS-3
<u>L-17935 Emmanuel Assembly of God (Violet Williams)(894)</u> 12000 E. 14th St. S.	(PD-17)(CD-5) RS-2
<u>L-17936 Ann Domin (3691)</u> at 9200 W. 51st St. S.	(PD-23)(County) AG
<u>L-17937 Willie/Jeanette Yarbrough (D. Wilkerson) (803)</u> 2418 E. 51st St. N.	(PD-25)(CD-1) RS-3
<u>L-17939 Wanda Ward (Orville Bryant) (1913)</u> 9624 N. Lewis Ave.	(PD-12)(County) AG
<u>L-17942 Hilda Laughlin (Pauline O'Dell) (592)</u> 6120 W. 4th Pl. S.	(PD-10)(County) RS
<u>L-17944 Frances R. Campbell (1793)</u> 2407 E. 30th St. S.	(PD-6)(CD-9) RS-2
<u>L-17945 Jarboe Sales Company (John Jarboe) (2603)</u> 6929 E. Reading Pl.	(PD-16)(CD-3) IL
<u>L-17946 Drucilla V. Blakey (1123)</u> East of 6920 E. 176th St. N.	(PD-14)(County) AG
<u>L-17947 Victor & Ernestine McClellan (TDA) (2502)</u> Ute Pl., East of Elgin Ave.	(PD-2)(CD-1) RS-3
<u>L-17950 Gayle & Doris Ballard (Stephen Oakley) (3612)</u> North of the northwest corner of E. 66th St. N. & N. Peoria Ave.	(PD-24)(County) RS

Staff Comments

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

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CONTINUED ZONING PUBLIC HEARING:

Amendment to the Tulsa City and Tulsa County Zoning Codes
to require that all motorized vehicles offered for sale
which are designed for travel upon public streets
be parked, stored, or displayed on an all-weather surface.

All motorized vehicles which are designed for travel upon public streets and which are being parked, stored or displayed for sale shall be parked, stored or displayed on an all-weather material as defined in Section 1800. Definitions. Does not include vehicles located within junk and salvage yards.

The Board of Adjustment may, as a special exception, permit the parking, storage and/or display of motorized vehicles for sale if located behind the building setback line on a surface other than one consisting of an all-weather material.

TMAPC Comments

Chairman Parmele announced that this item is continued from August 24, to allow Staff time to research the effect this would have on salvage yards and at the request of Thomas Marsh, Attorney and Executive Director of the Tulsa Automobile Dealers Association, an interested party at the August 24 public hearing, that a committee meeting be set for further discussion. Chairman Parmele reported that the Rules and Regulations Committee met today and Mr. Marsh did not attend.

Mr. Doherty announced that the Rules and Regulations Committee met today at 11:30 to review the revised recommendation excluding vehicles located within salvage and junk yards. He disclosed that there was discussion at the Rules and Regulations Committee regarding establishment of a time frame to come into conformity within 90 days from the date of publication. He reported that the Rules and Regulations Committee unanimously voted to recommend adoption of the language.

There was discussion among the Planning Commission as to why a 90-day period was needed to allow businesses, etc., to come into compliance.

Mr. Gardner explained that there should be reference made regarding a reasonable period of time to come into compliance with the new ordinance. This would allow Code Enforcement to do their job and if a property owner wanted to seek relief through the Board of Adjustment they could do so within the 90-day period.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstaining"; Ballard, Harris, Midget "absent") to recommend **APPROVAL** of the above-stated amendment providing for an effective date of January 1, 1995 for compliance.

Application No.: **Z-6452**

Applicant: Jack C. Cox

Location: Northwest corner of East 121st Street South & South Yale Avenue.

Date of Hearing: September 7, 1994

Present Zoning: *RS-1*

Proposed Zoning: *CS, RM-0*

Chairman Parmele announced that the applicant has requested a continuance to October 26 to file a PUD.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **CONTINUE** Z-6452 to October 26, 1994.

Application No.: **Z-6453**

Applicant: Jack C. Cox

Location: Northeast corner of East 121st Street South & South Yale Avenue.

Date of Hearing: September 7, 1994

Present Zoning: *RS-1*

Proposed Zoning: *CS, RM-0*

Chairman Parmele announced that the applicant has requested a continuance to October 26 to file a PUD.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **CONTINUE** Z-6453 to October 26, 1994.

Application No.: Z-6454

Applicant: Jack C. Cox

Location: Southwest corner of East 121st Street South & South Yale Avenue.

Date of Hearing: September 7, 1994

Present Zoning: RS-1

Proposed Zoning: CS, RM-0

Chairman Parmele announced that the applicant has requested a continuance to October 26 to file a PUD.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **CONTINUE** Z-6454 to October 26, 1994.

Application No.: **PUD-306-C**

Applicant: Roy Johnsen

Location: East of the northeast corner of East 101st Street South & South Delaware Avenue.

Date of Hearing: September 7, 1994

Applicant's Comments

Mr. Johnsen requested a four week continuance for this item.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Harris, Midget "absent") to **CONTINUE** PUD 306-C to October 5, 1994.

Application No.: **PUD-518**

Present Zoning: *RS-2, RS-3, RM-1*

Applicant: Roy Johnsen

Proposed Zoning: PUD

Location: North and west of the northwest corner of East 91st Street South & South Sheridan Road.

Date of Hearing: September 9, 1994

Presentation to TMAPC: Roy Johnsen

PUD-518: West and north of the northwest corner of East 91st Street South and South Sheridan Road.

The applicant is proposing a predominantly residential PUD which contains three lots for single-story office use. One of the office lots fronts 91st Street, one fronts Sheridan Road, and the other has no frontage and is immediately west of the lot on Sheridan. The residential development is proposed to be of two types. The first is detached single-family dwellings on 45 lots which meet *RS-2* standards. The other is detached single-family dwellings on 12 lots meeting *RS-4* standards. Both residential areas are proposed to be served by private streets.

Staff can generally support the uses and intensities of uses proposed but cannot support a private street system for the *RS-2* area (Block 1). If this area is developed without connecting to the public street that is stubbed out on the west side of the PUD, this new residential area and the existing subdivision to the west will only have one point of access. In addition, both subdivisions would then contain over-length cul-de-sacs. This would be contrary to the subdivision regulations. A street connection to 90th Street should be made which is open to the public and Maplewood Avenue from 90th Street to 91st Street should open to the public.

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-518 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-518 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 (Net):

17.32 acres

DEVELOPMENT AREA A:

Land Area (Net):	17,200 SF
Permitted Uses:	Use Units 10 and 11
Maximum Floor Area:	4,200 SF
Maximum Building Height:	one story
Minimum Building Setbacks	
from centerline of 91st Street:	100'
from west lot line:	20'
from north lot line:	25'
from east lot line:	25'
Minimum Landscaped Open Space:	15% of lot
Minimum Parking Space Setback	
from all lot lines:	5'
Minimum Frontage on 91st Street:	75'

DEVELOPMENT AREA B:

Land Area (Net):	***594,840 SF
Permitted Uses:	Use Unit 6
Maximum Dwelling Units:	45
Minimum Bulk & Area Requirements:	as provided within an <i>RS-2</i> district except as provided below
Dwelling Required Front Yard Setback, if Two-Car Garage Provided:	***40'*
Front Yard Setback without Two-Car Garage:	***45'*

DEVELOPMENT AREA C:

Land Area (Net):	***108,122 SF
Permitted Uses:	Use Unit 6
Maximum Dwelling Units:	***14
Minimum Required Side Yards:	3'***
Minimum Front Yard Setback for Garage	***40'*
Minimum Front Yard Setback for House	***35'*
Other Bulk & Area Requirements:	as provided within an <i>RS-4</i> district

*Measured from the centerline of the street

**Separation between dwellings shall be at least 10' and the combined side yards shall be at least 10'.

***Changes made at TMAPC meeting.

DEVELOPMENT AREA D:

Land Area (Net):	34,890 SF
Permitted Uses:	Use Units 10 and 11
Maximum Floor Area Ratio Per Lot:	0.30
Maximum Building Height:	one story
Minimum Building Setbacks	
from centerline of Sheridan Road:	100'
from south boundary of development area:	30'
from north boundary of development area:	20'
from another building in development area:	10'
Minimum Landscaped Open Space:	15% of lot
Minimum Parking Space Setback From Dev. Area Boundaries:	5'

3. A street accessible to the public shall be provided from the stubbed-out portion of 90th Street to 91st Street. Other streets in the PUD may be exclusively private.
4. No parking spaces accessory to a non-residential use shall be accessed directly from a public or private street.
5. Lots in Development Area D which front on Sheridan Road shall have a minimum frontage of 75'. Lots in Development Area D are permitted with non-public street frontage so long as an acceptable mutual access way is provided. Within Development Area D only one access point onto Sheridan Road is permitted. This access shall be shared by all lots in the Development Area.
6. Screening walls or fences shall be provided along lot lines of non-residential developments where they abut residential lots.

7. One business sign per lot is permitted for all non-residential lots which front an arterial street. It shall comply with the sign regulations for the *OL* district. Non-residential lots not fronting an arterial street are not allowed to have business signs on the lot.
8. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for each non-residential 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.
9. A Detail Landscape Plan for each non-residential 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.

10. 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.
 11. All trash, mechanical and equipment areas in non-residential development areas shall be screened from public view by persons standing at ground level.
 12. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 8 feet.
 13. 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 for non-residential development.
 14. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas including any stormwater detention areas, and all private streets within the PUD.
 15. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 15%. Private street cul-de-sacs shall comply with turn-around designs acceptable to the City of Tulsa Public Works Department and Fire Department.
-
16. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have 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 and making the City beneficiary to said covenants.
 17. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

Staff Comments

Mr. Stump noted that a dominant feature of this area is a steep hill, with the peak being close to the north property line and steep terrain along the northern portion of the project.

Mr. Gardner informed that the cul-de-sac streets may be at 16% grade and Staff would find this acceptable, so long as it satisfies the City Public Works and Fire Department requirements. Mr. Gardner commented on the condition relating to streets and noted that this is similar to the street pattern at 83rd and South Yale, Signal Hill, where dedicated streets open on to a private street.

Applicant's Comments

Mr. Johnsen presented a background of the application and gave a detailed description of the subject property and surrounding area. He explained the importance of maintaining a private street system in order to preserve existing trees and the difficulty encountered in working with the steep grades. Mr. Johnsen pointed out that with one exception, all grades are 15% and one cul-de-sac, at the northeast corner of the property that is on the edge of extremely steep topography, which may be at 16% grade. Mr. Johnsen expressed agreement with Staff recommendation except for the following:

DEVELOPMENT AREA B:

Land Area (Net): 615,679 SF

DEVELOPMENT AREA C:

Land Area (Net): 87,283 SF

Mr. Johnsen noted that in redesigning this project, Development Area B was reduced to 594,840 SF, and was transferred to Development Area C making the land area 108,122 SF.

Regarding Development Areas B and C, Mr. Johnsen addressed the issue of front yards proposing private street right-of-way of 30' and 26' of surfacing. Staff wanted enough distance from the street paving to a garage opening so two cars can park in the driveway. He expressed disagreement with this concept. To accommodate a request from residents in Woodhill Hollow, Mr. Johnsen disclosed that the west rear lots abutting that subdivision are larger than the others. Mr. Johnsen asked that the setback from centerline be 40', including the garage setback.

Mr. Stump explained that an RS-2 subdivision building at the minimum building setback line is 55' from the center of the street to the closest point of the building, which produces 42' of driveway. He noted that Staff agreed to 45' for the structure rather than 55', which moves the houses 10' closer to the street, allows 5' closer with the garage, and reduces the driveway minimum length from 42' to 37'. Staff believes that with 37' two cars in tandem can be accommodated.

Mr. Johnsen disclosed that there is available parking on the street if needed for additional parking. He informed that on corner lots under RS-3, 15' is allowed and 20' for a garage opening. Mr. Johnsen requested 35' on the corner and 40' if there is a garage opening. Mr. Johnsen asked for clarification in Development Area C regarding the smaller lot single-family portion's frontage.

Mr. Stump informed that since no relief was requested, Staff assumed that RS-4 requirements would be met, 25' plus 20' of setback, totaling 45' from centerline.

Mr. Johnsen requested 35' from centerline, in an attempt to achieve 20' from the right-of-way line in Development Area "C".

In Development Area "D", the portion requested for office use, the concept was initially for two office tracts; however, Staff determined that the floor area ratio within each tract should be 0.30. He now believes there is the possibility that the tract may develop as one tract. He

pointed out that what may develop is that most of the building may be on the front, with parking in the rear and there may not be an absolute balance on each of the two lots.

Mr. Johnsen answered questions from the Planning Commission regarding access to the properties located in Development Area "D".

Mr. Carnes questioned whether it was anticipated earlier that there would be a connection of 90th Street to Sheridan.

Mr. Gardner informed that the street could not go east, but Staff wanted a second point of access to go south. It was originally anticipated that a public street would access this development and then stub back to the west. Staff has agreed that it can be a private street, provided it meets the same standards as public streets, 26' wide, curb and gutter, no barriers, etc.

Mr. Neely inquired why a stub was not required to the undeveloped property to the north.

Mr. Gardner replied that topography was an issue and plans for the subject property were originally for multifamily development.

Mr. Johnsen informed that issue was considered in developing the subdivision to the west, Woodhill Hollow, and there was discussion over whether it should stub to the north. It was determined that due to the topography and the manner in which the properties were configured that they were not going to tie up to the north which is why it was developed as a cul-de-sac.

Mr. Doherty asked if Mr. Johnsen would consider it inappropriate to provide a 40' setback where a two-car garage is provided and otherwise require the full setback provided in Subdivision Regulations.

Mr. Johnsen agreed to 40' from centerline where a two-car garage is provided, and Staff recommendation would be appropriate if it is not.

Ms. Pace asked if the private streets would be gated.

Mr. Johnsen informed that the smaller lot subdivision off 91st Street, Area "C", may be gated, but the remaining would not.

Mr. Johnsen answered questions from the Planning Commission regarding access to gated streets, and disclosed that his client is agreeable to regular curbs throughout the development. This met with Planning Commission approval.

Interested Parties

Wayne Saterback

9019 South Lakewood Court 74137

Mr. Saterback's property abuts the subject property. He informed of meetings with the developer and expressed support of the development. Mr. Saterback disclosed that area residents would prefer public streets, but were glad to see that 90th Street will allow access to the public.

David Dryer**2448 East 81st Street**

Mr. Dryer, attorney representing the property owner of the 40-acre tract to the north of the subject tract, informed of his client's opposition to the proposed development. Mr. Dryer asked for the following modifications to the proposal regarding the northern border: the installation of a green belt on the north property line to deter noise and nuisance coming from the subdivision, expansion of the lot size to lessen the density of the units and installation of a privacy wall to the north and west to inhibit migration of individuals from the subject area to adjoining properties. Mr. Dryer expressed concern over the increase of traffic inhibiting his client's ability to access his property.

In response to inquiry from Ms. Wilson, Mr. Gardner informed that the property was previously zoned for townhouses. He noted that there are stub streets from the west into that 40 acres, and should it ever develop there will be more than two points of access.

Mr. Saterback informed that at approximately 87th Street there is a stub going to Sheridan from Woodhill Estates.

Mr. Doherty expressed concern that there will be no access to that tract from 91st Street.

Tom Winters**2448 East 81st Street, Suite 5900**

Mr. Winters, representing Gene Dillard, owner of 10 acres north of the northern 40-acre tract from the subject property, expressed concern over the small lots and asked that a privacy fence be erected.

Applicant's Rebuttal

Mr. Johnsen informed that there is a stub street on properties west of the subject property; however, north of the property there is also a street stubbing into the 40-acre street which will provide access to 91st Street through Woodhill Estates.

TMAPC Review Session

Mr. Stump informed that if it were platted as one lot and later, if there are two owners splitting the lot it then would be no problem.

After discussion as to how to proceed with Development Area D, Mr. Johnsen agreed that if it is the Planning Commission's wish they would leave it as it is and plat it as one lot, then lot-split it in the future.

Mr. Johnsen noted that as a result of redesigning the layout, the maximum dwelling units in Development Area "C" needs to be increased to 14. Staff concurred.

Mr. Neely expressed concern for lack of a stub street to the north because of proximity to the intersection and desiring to promote good traffic flow through residential areas.

Mr. Johnsen explained that his client is opposed to a stub street to the north, noting that as tracts develop to the north of the subject property there will be opportunity to secure sufficient access. He pointed out that this development is not at the collector street location, which is north of the subject property. Mr. Johnsen disclosed that although the land is level at the north end of the subject tract, it becomes steep again, dropping off to the north, and would be a poor location for a through-street connection.

Mr. Neely was concerned that it appears to be a meandering cul-de-sac.

Mr. Stump informed that there are grade problems; however, if grade were not an issue, Staff would not want a loop which promotes avoiding the traffic light and allows drivers to cut through the neighborhood.

Mr. Carnes made a motion to approve Staff recommendation with the amendments as discussed above: setback of 40' if there is a 2-car garage and Staff recommendation for additional setback if there is not, Development Area "C" maximum dwelling units of 14, reallocation of RS-4 land area to 35', secondary front yards on Area B 35' for the house and 40' for the garage, and provision of step curbs. Ms. Wilson seconded the motion.

Mr. Neely amended the motion to provide for a stub street to the north 40 acres. Mr. Doherty seconded the motion.

Chairman Parmele remarked that there has been sufficient reasons from Staff that the stub street is not required in this development, and that there is adequate access to the 40-acre tract from the east, west and north should it develop.

Ms. Wilson commented that if a stub street were installed, it would be so close to Sheridan that it would be another route to avoid the traffic light.

Ms. Pace expressed agreement with the amended motion supporting ways for residents to get from one neighborhood to the next.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **4-5-0** (Doherty, Midget, Neely, Pace, "aye"; Carnes, Gray, Horner, Parmele, Wilson "nays"; "abstentions"; none Ballard, Harris, Midget "absent") to **REQUIRE** a stub street to the north of the development.

MOTION FAILED.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; none Ballard, Harris, "absent") to **APPROVE** PUD 518 as amended..

Legal Description PUD 518

A part of the SE/4, Section 15, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at the southeast corner of Section 15, T-18-N, R-13-E, Tulsa County, State of Oklahoma; thence N 89°57'54" W along the south line of the SE/4 of Section 15 a distance of 737.00' to the Point of Beginning; thence continuing N 89°57'54" W along the south line of the SE/4 of Section 15 a distance of 301.50'; thence N 00°00'00" E a distance of 1,319.49'; thence S 89°59'35" E a distance of 989.40'; thence S 00°00'00" W a distance of 169.91'; thence N 89°59'52" W a distance of 93.01'; thence N 81°00'07" E

a distance of 108.32'; thence S 90°00'00" W a distance of 32.26'; thence S 49°20'12" W a distance of 280.79'; thence S 40°39'48" E a distance of 106.04'; thence S 49°20'12" W a distance of 180.28'; thence S 40°39'48" W a distance of 111.90'; thence S 00°00'00" W a distance of 116.29'; thence N 90°00'00" E a distance of 12.00'; thence S 00°00'00" E a distance of 299.54'; thence N 89°57'54" W a distance of 135.00'; thence S 00°00'00" E a distance of 200.00'; thence N 89°57'54" W a distance of 85.00'; thence S 00°00'00" E a distance of 50.00'; thence N 89°57'54" W a distance of 302.12' to the Point of Beginning, and being located on the northwest corner of 91st Street South and South Sheridan Road.

Application No.: **Z-5444-SP-2**

Applicant: Dewayne Wilkerson/Yale Cleaners

Location: Southeast corner of East 41st Street South and South 109th East Avenue.

Date of Hearing: September 7, 1994

Presentation to TMAPC: Dewayne Wilkerson

Corridor Site Plan

The applicant is proposing a dry cleaning establishment (Yale Cleaners) containing 4,250 SF of floor area on a 70,070 SF tract at the southeast corner of East 41st Street South and South 109th East Avenue. The tract is bordered on the north and west by commercial development zoned *CS*, on the east by a hotel zoned *CO* and on the south by apartments zoned *RM-2*. Access to the tract is from 109th East Avenue. The Board of Adjustment, in case BOA-16711, granted a variance of the Use Unit 3,000 SF limitation on dry cleaners and increased it to 4,250 SF subject to approval of the Corridor Site Plan. Staff is supportive of the use and of the site plan. Therefore, Staff recommends **APPROVAL** of Z-5444-SP-2.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes Doherty, Gray, Horner, Midget Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; none Ballard, Harris, "absent") to recommend **APPROVAL** of Z-5444-SP-2 **CORRIDOR SITE PLAN** as recommended by Staff.

LEGAL DESCRIPTION

A tract of land in the NE/4 of Section 30, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, and being more particularly described as follows to-wit: Commencing at the NE corner of said NE/4, thence N 89°56'28" W, along the North line of said NE/4, a distance of 1,332.02', thence S 0°03'32" W, perpendicular to the North line of said NE/4, a distance of 50.00' to the Point of Beginning; thence continuing S 0°03'32" W, perpendicular to the North line of said NE/4, a distance of 20.00' to a point of curvature, said point also being on the East line of Towne Centre II, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3797; thence along the East line of said Towne Centre II, on a tangent curve to the right having a radius of 211.21' and a central angle of 51°24'19", a distance of 189.49'; thence S 55°23'25" W, continuing along the East line of said Towne Centre II, non-tangent to the previously described curve, a distance of 219.64'; thence S 51°27'51" W, continuing along the East line of said Towne Centre II, a distance of 0.00' to a point of curvature;

thence continuing along the East line of said Towne Centre II, on a curve to the left having a radius of 115.70' and a central angle of 51°19'22", a distance of 103.64' to the NW corner of Lot 2, Block 1, of said Towne Centre II; thence S 89°57'04"E, along the North line of said Lot 2, a distance of 350.00' to the NE corner thereof, said point also being on the West line of Lot 1, Block 1, Atria One, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 4237; thence N 0°08'29" E along the West line of said Lot 1, a distance of 400.22' to the NW corner thereof; thence N 89°56'28" W parallel to and 50.00' South of the North line of said Northeast Quarter, a distance of 46.95' to the Point of Beginning, and located on the southeast corner of E. 41st Street and S. 109th East Avenue.

Application No. : **PUD-405-11**

Applicant: Barry Moydell/South Pointe Chevrolet

Location: Lot 5, Block 2, 9100 Memorial Addition - 9146 South Memorial Drive.

Date of Hearing: September 16, 1994

Presentation to TMAPC: Dewayne Wilkerson

Minor Amendment to increase maximum area of wall signage

The applicant, Chalmer's South Pointe, is requesting approval for an increase to the maximum area allowed in a wall sign. The current PUD standards allow 1.5 SF per linear foot of wall to which the sign is attached. The applicant requests 2.25 SF per linear foot. The PUD chapter of the Zoning Code allows 2.0 SF per linear foot.

On July 26, 1994, the applicant presented a request for a variance to the Board of Adjustment to allow signage greater than that allowed in the Code. The Board of Adjustment approved the request 4-0-0, finding that the request did not "violate the spirit and intent of the Code".

Staff has reviewed the request and finds that previous TMAPC signage approvals in this PUD have complied with existing standards. A request for increase to maximum area for a wall sign (405.4a, 05/17/89) and a request for increase to maximum height for a ground sign (405.9, 03/23/94) have been denied.

After review, Staff is of the opinion that the proposed signage is not within the intent of PUD-405 nor the PUD section of the Zoning Code. However, in the spirit of cooperation with the Board, Staff will support the finding of the Board, which recommended **APPROVAL**, subject to the following:

1. Wall signage is prohibited on any wall surface or canopy visible from Memorial Drive. These surfaces include those facing the north, east or south.
2. This approval shall not be regarded as precedent-setting in the determination of allowable wall sign size. The PUD standards clearly state that the area of the proposed sign is directly related to the wall (not canopy) to which it will be attached. Staff definition of a "wall" includes only the directly affected parallel plane and does not include adjacent planes, even though attached.

Mr. Stump informed that there is an illegal sign on the structure which has been painted on the canopy; however, this is not the sign which is being proposed.

Applicant's Comments

Mr. Moydell, representative for Oil Capitol Neon, acknowledged the existence of a temporary sign and conceded that no other signs will be on the building except for along one wall. He displayed a rendering of the sign depicting a national program logo which is larger than allowed. Mr. Moydell informed that the intent is to paint the entire building, covering any temporary signs. He explained how all signage would be concentrated in one sign, thereby reducing clutter.

TMAPC Comments

Chairman Parmele commented on the Planning Commission's scrutiny of PUDs with restrictions on the size and height of signs, and expressed disagreement with the Board of Adjustment's finding. He explained that approving this application would set a precedent in the PUD.

There was discussion among the Planning Commission over how the sign could be redesigned to be in conformance.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-1-0** (Carnes, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; Doherty "nay"; "abstentions"; Ballard, Harris, Midget "absent") to **DENY PUD 405-11 MINOR AMENDMENT**.

Application No.: **PUD-166-8**

Applicant: James L. King

Location: Lot 19, Block 6, Heatherridge Addition - 6916 East 95th Street South.

Date of Hearing: September 7, 1994

Minor Amendment

The applicant requests an Amendment to the development standards of the PUD, increasing the number of single-family dwelling units allowed from 118 to 119. Staff has reviewed the request and finds that: the underlying zoning (*RS-3*) will support the increase in density; the proposed lots will be in keeping with the character of the area and the minimum bulk and area requirements; a previous request (09-02-92) for an increase from 117 to 118 lots which created lots less buildable than those of the current request was approved. Staff also notes that the larger size of the existing lot is due to the presence of a 40' easement in favor of Gulf Oil. It is Staff's understanding that the easement will be vacated prior to the proposed split. Based on the above, Staff recommends **APPROVAL** subject to the following:

1. Documentation of easement vacation prior to processing of the proposed lot-split.

Mr. Stump informed of receiving a letter from the Williams Company stating that the easement has been abandoned.

TMAPC Action; 8 members present:

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; none Ballard, Harris, Midget "absent") to **APPROVE** PUD 166-8 MINOR AMENDMENT as recommended by Staff.

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OTHER BUSINESS:

PUD-405: Minor Amendment to increase maximum area of wall signage - Lot 5, Block 2, 9100 Memorial Addition - 9146 South Memorial Drive

Chairman Parmele declared this item stricken from the agenda.

Z-6449 TMAPC

Oakview Estates Area

Transmittal of TMAPC recommendation to City Council

Interested Parties

Jeff Levinson

35 East 18th Street 74119

Mr. Levinson informed that the City Council approved the PUD he made application for on the subject tract. He expressed support of Staff recommendation to transmit Z-6449, deleting reference to the PUD portion.

Mr. Stump informed that Staff recommends the PUD portion be withheld from transmittal because of legal interpretation of the Ordinance which indicates that if the lots did not exist at the time of adoption of the Zoning Ordinance they may not have a right to nonconformity.

Mr. Doherty discerned that the Planning Commission should go on record as intending at a future date to transmit the recommendation to the City Council to zone this PUD RE.

Mr. Parmele asked Mr. Linker for clarification.

Mr. Linker informed that if the PUD portion does not proceed with construction, thereby creating a nonconforming use, it could create a problem.

Harrison Townes

2685 East 38th Street 74105

President of the Greater Oak View Estates Homeowners Association

Mr. Townes urged that the RE-zoning portion be transmitted to the City Council as soon as possible to avoid other possible problems. He requested that the PUD portion be zoned RE in the future, should the proposed homes be removed before others could be reconstructed.

Mr. Gardner suggested an amendment to the section on nonconforming lots to specifically prevent similar situations from occurring.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY** , the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **TRANSMIT** the RE zoning recommendation to the City Council for Z-6449 less and except that portion covered in PUD 517, and express the intent of the Planning Commission to forward the balance at the appropriate time.

LEGAL DESCRIPTION Z-6449

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, less and except a tract of land described as: A Resubdivision of Lot 6 and a part of Lot 7, Block 3, Oakview Estates, Tulsa, Tulsa County, State of Oklahoma 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.

PUD-468: Detail Site Plan Review - Lot 3, Block 1, Sam's Center - 7002 South Mingo Road

The applicant requests approval for expansion to B and B Liquor, from 6,175 SF to 7,435 SF. Staff has reviewed the request and notes that the previously approved site plan (July 7, 1993) included a "Phase I" expansion to 7,435 SF and that sufficient parking has been provided; therefore, Staff recommends **APPROVAL**.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** PUD 468 DETAIL SITE PLAN as recommended by Staff.

PUD-190: Detail Sign Plan - Lot 1, Block 1, Summit Square - southwest corner of East 71st Street South and South Sheridan Road

The applicant is requesting approval for a wall sign for "Novel Ideas Cafe Gifts and Cards." The proposed sign will be approximately 58.1 SF in area and will be placed on a wall 51 feet in length. The proposed sign will include less area than the maximum allowed by the PUD (1½ SF per linear foot of wall); therefore, Staff recommends **APPROVAL**.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** PUD 190 DETAIL SIGN PLAN as recommended by Staff.

* * * * *

PUD 512 Detail Site Plan - Lot 2 of PUD 512 - southeast corner of East 71st Street South and South Garnett Road.

The applicant, Albertson's Inc., requests approval of a site plan for Lot 2. Staff has reviewed the plan and recommends **APPROVAL** subject to the following:

1. The proposed access locations shall be approved by the City Engineer.
2. Potential access to adjacent parcels shall be shown on the plan.
3. Storm water detention and/or drainage shall be approved by the Public Works Department as sufficient for this site.
4. Truck and trash screening shall be accomplished as shown per the site plan.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** PUD 512 DETAIL SITE PLAN as recommended by Staff.

* * * * *

PUD-467: Detail Site Plan Review - Lot 2, Block 1, Dickens Commons - 3915 East 51st Street South

The applicant, Lone Star Steak House, is requesting approval for the placement of three (3) wall signs and one (1) ground sign. Each of the three wall signs conforms to the PUD standard of 1.5 SF of display surface area for each linear foot of wall to which the sign is attached. The ground sign conforms to the maximum size (175 SF) and height (25 feet) limitations.

Therefore, Staff recommends **APPROVAL**.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** PUD 467 DETAIL SIGN PLAN as recommended by Staff.

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PUD-159: Detail Site Plan - Lot 61, Block 4, West Highlands II - East of South 33rd West Avenue, South of East 61st Street South

The applicant, Overlook Limited Partnership, requests approval of a 20' X 20' landscape maintenance building. Staff has reviewed the request and finds this accessory use to fit within the setback and open space requirements. Therefore, Staff recommends **APPROVAL**.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Carnes Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstentions"; Ballard, Harris, Midget "absent") to **APPROVE** PUD 159 REVISED SITE PLAN as recommended by Staff.

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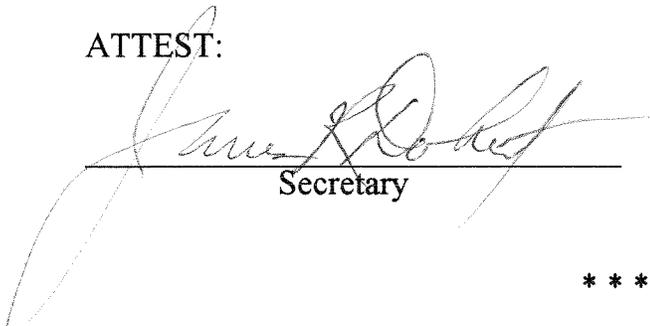
There being no further business, the Chairman declared the meeting adjourned at 3:24 p.m.

Date Approved: 9-14-94



Chairman

ATTEST:



Secretary
